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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Liaison Officer, Office of the Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations), is excepted under Schedule C.

Effective on January 31, 1974, § 213.-3305(a)(14) is added as set out below.

§ 213.3305 Treasury Department.

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

(14) One Liaison Officer, Office of the Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations).

* * * * *

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

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

[FR Doc.74–2631 Filed 1–30–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

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

Effective on January 31, 1974, § 213.-3316(c)(8) is added as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(c) *Office of Education.* * * *

(8) One Confidential Assistant to the Commissioner of Education.

* * * * *

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

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

[FR Doc.74–2634 Filed 1–30–74;8:45 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that three additional positions of Special Assistant to the Administrator are excepted under Schedule C.

Effective on January 31, 1974, § 213.3318(a)(1) is amended as set out below.

§ 213.3318 Environmental Protection Agency.

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

* * * * *

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

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

[FR Doc.74–2630 Filed 1–30–74;8:45 am]

PART 213—EXCEPTED SERVICE

National Aeronautics and Space Administration

Section 213.3348 is amended to show that one position of Staff Assistant to the Special Assistant to the Assistant Administrator for Institutional Management (Executive Recruiting) is excepted under Schedule C.

Effective on January 31, 1974, § 213.3348(k) is added as set out below.

§ 213.3348 National Aeronautics and Space Administration.

* * * * *

(k) One Staff Assistant to the Special Assistant to the Assistant Administrator for Institutional Management (Executive Recruiting).

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

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

[FR Doc.74–2632 Filed 1–30–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to reflect the following title change: from Program Assistant for interdepartmental activities to Public Information Specialist, Office of the Assistant to the Secretary for Public Affairs.

Effective on January 31, 1974, §§ 213.-3384(a)(29) and (47) are amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

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

(29) Three Program Assistants for interdepartmental activities.

* * * * *

(47) Four Public Information Specialists, Office of the Assistant to the Secretary for Public Affairs.

* * * * *

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

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

[FR Doc.74–2633 Filed 1–30–74;8:45 am]

Title 12—Banks and Banking

CHAPTER I—BUREAU OF THE COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 7—INTERPRETIVE RULINGS

Miscellaneous Amendments

This part is a codified body of interpretive rulings which interpret and apply the laws and regulations relating to national banks and general principles of prudent banking, and is issued under R. S. 324, et seq., as amended; 12 U.S.C. 1 et seq. No public procedures or delayed effectiveness is required for interpretive rulings or for amendments thereto.

Part 7 of 12 CFR Ch. I is amended as follows:

1. Section 7.1130 by adding a cross reference.

2. Section 7.1570(a) by adding a new subparagraph (4) relating to inspection and appraisal reports for livestock loans.

3. Section 7.2145(e) by correcting a cross reference.

4. Section 7.6025 by revising the fourth sentence of paragraph (c) to clarify the prohibition against disclosure of reports of examination.

5. By adding a new § 7.7365 relating to federal funds transactions between affiliates.

6. By adding a new § 7.7370 ruling that a national bank may not maintain an interest-bearing deposit account for an affiliate.

Changes in the text are as follows:

1. Section 7.1130 is amended as follows:

§ 7.1130 Sale of Federal Reserve funds to another bank.

When a bank purchases Federal Reserve funds from another bank, the transaction ordinarily takes the form of a transfer from a seller's account in a

Federal Reserve Bank to the buyer's account therein, payment to be made by the purchaser, usually with a specified fee. The transaction does not create on the part of the buyer an obligation subject to 12 U.S.C. 84 or a borrowing subject to 12 U.S.C. 82, but is to be considered a purchase and sale of such funds. But see § 7.7365 for federal funds transactions between affiliates.

2. Section 7.1570 is amended by adding paragraph (a) (4) as follows:

§ 7.1570 Exception 7: Loans secured by livestock and dairy cattle.

(a) *Loans secured by livestock* * * *

(4) *Inspection and appraisal report.* For compliance with exception 7, the bank will be required to maintain in its files documentation in the form of an inspection and appraisal report on the livestock pledged as collateral. The inspection and appraisal report shall be made as frequently as is deemed prudent, but not less often than annually.

* * * * *

3. Section 7.2145(e) is amended as follows:

§ 7.2145 Real estate loans insured or guaranteed.

* * * * *

(e) *Leasehold loans.* For applicability of above rulings to loans secured by leaseholds, see § 7.2200(b).

* * * * *

4. Section 7.6025 is amended as follows:

§ 7.6025 Books and records of national banks.

* * * * *

(c) *Reports of examination.* The report of examination made by an examiner selected by the Comptroller of the Currency is designated for use in the supervision of the bank. The bank's copy of the report is the property of the Comptroller of the Currency and is furnished to the bank solely for its confidential use. The bank's directors, in keeping with their responsibilities both to depositors and to stockholders, should thoroughly review the report. However, under no circumstances shall the bank, or any of its directors, officers, or employees disclose or make public in any manner, the report or any portion thereof to any person or organization not officially connected with the bank as officer, director, employee, attorney, auditor, or independent auditor. Accordingly, such report shall not be made available to other banking institutions in connection with proposed transactions such as mergers and consolidations. Similarly, such report shall not be made available to a clearing house association. However, this Office has no objection to the voluntary disclosure by a bank of information concerning its affairs to such association where such disclosure is through reports prepared by the bank or by others at the request of the bank. See § 4.18 of this chapter.

5. Sections 7.7365 and 7.7370 are added as follows:

§ 7.7365 Federal funds transactions between affiliates.

The limitations contained in 12 U.S.C. 371c apply to the sale of federal funds by a national bank to an affiliate of such bank.

6. Section 7.7370 is added as follows:

§ 7.7370 Interest-bearing deposits in affiliated national banks.

12 U.S.C. 371c implies that interest-bearing deposits in an affiliate would be considered loans or extensions of credit requiring collateral. Case law, however, indicates that national banks have no authority to pledge assets to secure private deposits. Since the collateral requirements cannot be met in the case of interest-bearing deposits made in a national bank by an affiliate, such accounts cannot be maintained.

Dated: January 28, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74-2617 Filed 1-30-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 68-CE-18-AD; Amdt. 39-1776]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 95, 95-55, and 55 Airplanes

Amendment 39-702 (34 FR 8, 9), as amended by Amendments 39-712 (34 FR 1008, 1009, 39-1040 (35 FR 11897, 11898), and 39-1469 (37 FR 12380), AD 68-26-6, is an Airworthiness Directive (AD) applicable to Beech Model 95, B95, 95-55, 95-A55, B95A, D95A, E95, 95-B55, 95-B55A, 95-B55B, 95-C55, 95-C55A, D55, and D55A airplanes, which requires addition of certain placarding and revision of the Flight Manuals in these model aircraft to prevent engine power loss during takeoff. Subsequent to the issuance of AD 68-26-6 as amended, it has been found that Beech Models 95 and B95 airplanes are not susceptible to the type of malfunctions contemplated by the AD. Accordingly, the applicability statement is being amended to delete these models. Action is taken herein to effect this change.

Since the action contemplated herein is relieving in nature, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations, Amendments 39-702 (34 FR 8, 9), as amended by Amendments 39-712 (34 FR 1008, 1009), 39-1040 (35 FR 11897, 11898), and 39-1469 (37 FR 12380), AD 68-26-6 is amended as follows:

1. In the applicability statement delete the following: Model 95 and B95 Airplanes.

2. Beneath the applicability statement add the following note:

NOTE: Amendment 39-1776, effective February 5, 1974, removed the Model 95 and B95 airplanes from the applicability block of this AD. Placard and Flight Manual revisions previously required to be installed in these model airplanes by this AD may be removed.

This amendment becomes effective February 5, 1974.

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

Issued in Kansas City, Missouri, on January 21, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-2500 Filed 1-30-74;8:45 am]

[Docket No. 74-CE-1-AD; Amdt. 39-1777]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 33, 35, 36, 55, 58, and 95 Series Airplanes

Amendment 39-1679, Airworthiness Directive, AD 73-14-3, published in the FEDERAL REGISTER on June 29, 1973, is an AD applicable to certain Beech Models 33, 35, 36, 55, 58 and 95 series airplanes, requiring a one time hardness check of the landing gear shock strut pistons and replacement thereof as necessary. Subsequent to the issuance of AD 73-14-3, the manufacturer discovered that additional landing gear shock strut pistons were under-strength and had been installed in the nose and main landing gears in other serial numbers of these series aircraft which were not covered by AD 73-14-3. This condition if not corrected could result in malfunction of the landing gear. The manufacturer has advised its domestic and internal distributors and all domestic owners of record of the problem. Factory representatives have been inspecting landing gears on the subject lot of airplanes, but not all airplanes have been checked.

Since the conditions described herein exist in some airplanes of the same type design and AD is being issued requiring on certain Beech Models 33, 35, 36, 55, 58 and 95 series airplanes a one time hardness check of the landing gear shock strut pistons and replacement thereof as necessary. Accomplishment of Beechcraft Service Instructions 0612-200 and proper airplane maintenance record entry thereof eliminates the requirement to comply with this AD.

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

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

BEECH. Applies to Model F33A (Serial Numbers CE-436 thru CE-463 except CE-439 and CE-462); Model V35B (Serial Numbers D-9469 thru D-9536 except D-9481, D-9532 and D-9533); Model A36 (Serial Numbers E-425 thru E-475 except E-431); Models 95-B55 and 95-B55A (Serial Numbers TC-1552 thru TC-1607 except TC-1557, TC-1558, TC-1599 and TC-1604); Models E55 and E55A (Serial Numbers TC-914 thru TC-940 except TC-919, TE-920 and TE-938); and Models 58 and 58A (Serial Numbers TH-325 thru TH-383 except TH-336, TH-337, TH-363 and TH-382) airplanes.

Compliance: Required as indicated, unless already accomplished per Beechcraft Service Instructions 0612-200 or later FAA-approved revisions.

To check landing gear shock strut pistons for proper hardness, within the next 100 hours' time in service after the effective date of this AD, accomplish the following.

(A) Using a portable hardness tester, measure the hardness of the nose gear shock strut piston in an area from 1 inch to 4 inches above the nose wheel fork. The allowable hardness range is from Rockwell Scale C38 to C46½. If during the hardness measuring process a reading appears unreliable, make additional measurements at other spots but within the 1 inch to 4 inch area specified herein until an accurate measurement is obtained.

(B) Using a portable hardness tester, measure the hardness of both main gear shock strut pistons in an area 1 inch to 4 inches above the axle socket. The allowable hardness range is from Rockwell Scale C43½ to C50½. If during the hardness measuring process a reading appears unreliable, make additional measurements at other spots but within the 1 inch to 4 inch area specified herein until an accurate measurement is obtained.

(C) If a hardness measurement is outside of the hardness range specified in Paragraphs A and/or B of this AD, prior to further flight, replace any defective landing gear shock strut piston with an airworthy piston, except that the airplane may be flown in accordance with FAR 21.197 to a base where the replacement can be performed, provided the landing gear remains down and locked.

This amendment becomes effective February 5, 1974.

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

Issued in Kansas City, Missouri, on January 21, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-2499 Filed 1-30-74;8:45 am]

[Airspace Docket No. 73-SW-72]

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

Alteration of Federal Airways

On November 29, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 32945) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation regulations that would establish an east alternate to V-187 between Albuquerque, N. Mex., and Farmington, N. Mex., and realign V-19W, V-68S, and V-190S in the vicinity of Albuquerque.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No objections were received.

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

Section 71.123 (39 FR 307) is amended as follows:

a. In V-19 "INT Albuquerque 011° and Santa Fe 268° radials;" is deleted and "INT Albuquerque 019° and Santa Fe 268° radials;" is substituted therefor.

b. In V-68 "INT Albuquerque 160° and Corona 269° radials;" is deleted and "INT Albuquerque 160° and Corona 278° radials;" is substituted therefor.

c. In V-187 "From Albuquerque, N. Mex., via Farmington, N. Mex.;" is deleted and "From Albuquerque, N. Mex., via Farmington, N. Mex.; including an E alternate via INT Albuquerque 345° and Farmington 138° radials;" is substituted therefor.

d. In V-190 "INT St. Johns 092° and Albuquerque 238° radials;" is deleted and "INT St. Johns 085° and Albuquerque 229° radials;" is substituted therefor.

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

Issued in Washington, D.C., on January 25, 1974.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-2504 Filed 1-30-74;8:45 am]

[Airspace Docket No. 74-SO-5]

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

Alteration of Federal Airways

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to make a small alteration in the alignment of VOR Federal Airway Nos. V-7 and V-115 between Montgomery, Ala., and Birmingham, Ala.

V-7 and V-115 are presently codesignated in part from Montgomery via the intersection of Montgomery 308°T (305° M) and Birmingham 180°T (178°M) radials to Birmingham, and the airway width is reduced to 3 miles west of centerline between Birmingham and a point 38 miles south of Birmingham. This alignment and width reduction provide the minimum required spacing between the airway and the adjacent Craig Intensive Student Jet Training Area (ISJTA) No. 1. Nonrule-making action is being taken effective March 28, 1974, to reconfigure Craig ISJTA No. 1, so that a small portion on the northern edge will be deleted, and a small segment from one to two miles wide will be added on the eastern edge. The enlargement on the eastern edge requires that V-7/V-115 be realigned three degrees counterclockwise to permit simultaneous operation within the ISJTA and the airway. Such action is taken herein. The revised alignment will not require airway width reduction south of Birmingham.

Since the airway is being altered by only three degrees, this amendment is a minor matter on which the public has no particular desire to comment. Therefore, notice and public procedure thereon are not required. However, in order to allow sufficient time for the changes to be depicted on appropriate aeronautical charts, this amendment will become effective more than 30 days after publication in the FEDERAL REGISTER.

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

Section 71.123 (39 FR 307) is amended as follows:

In V-7 and V-115 "INT Montgomery 308° and Birmingham, Ala., 180° radials; 7 miles wide (4 miles on E, 3 miles on W and within 4.5° of the centerline) Birmingham;" is deleted, and "INT Montgomery 308° and Birmingham, Ala., 177° radials; Birmingham;" is substituted therefor.

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

Issued in Washington, D.C., on January 25, 1974.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-2503 Filed 1-30-74;8:45 am]

[Airspace Docket No. 73-SW-82]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to alter controlled airspace in the Del Rio, Tex., terminal area.

On December 17, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 34670) stating the Federal Aviation Administration proposed to alter the Del Rio, Tex., control zone and transition area.

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

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

(1) In § 71.171 (39 FR 354), the Del Rio, Tex., control zone is amended to read:

DEL RIO, TEX.

Within a 5-mile radius of Laughlin AFB (latitude 29°21'35" N, longitude 100°46'35"

W); within 3 miles each side of the Laughlin VORTAC 305° radial extending from the 5-mile radius zone to 7 miles northwest of the VORTAC; within 3 miles each side of the Laughlin VORTAC 315° radial extending from the 5-mile radius zone to 14 miles northwest of the VORTAC; within 3 miles each side of the Laughlin VORTAC 148° radial extending from the 5-mile radius zone to 12 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (39 FR 440), the Del Rio, Tex., transition area is amended to read:

DEL RIO, TEX.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 29°23'00" N, longitude 100°-50'15" W, and within 4.5 miles west and 9.5 miles east of the Laughlin VORTAC 148° radial extending from the 12-mile radius area to 22 miles southeast of the VORTAC and within 3 miles west and 6.5 miles east of the Laughlin VORTAC 315° radial extending from the 12-mile radius area to 18 miles northwest of the VORTAC, excluding the portion outside the United States.

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

Issued in Fort Worth, Tex., on January 24, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-2501 Filed 1-30-74;8:45 am]

[Airspace Docket No. 73-RM-31]

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

Alteration of Transition Area

On December 7, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 33774) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation regulations that would alter the transition area at Kalispell, Mont.

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

In § 71.181 (39 FR 440) the description of the 1,200-foot transition area at Kalispell, Mont., is amended to read:

That airspace extending upward from 1200 feet above the surface within 5.5 miles east and 15.5 miles west of the Kalispell VOR 166° radial extending from the 700-foot transition area to 18.5 miles south of the VOR; within 5.5 miles southeast and 9.5 miles southwest of the 035° and 215° bearings from the Smith Lake NDB extending from 7.5 miles northeast of the NDB to 18.5 miles southwest of the NDB excluding the 700-foot transition area.

Effective date. This amendment shall be effective 0901 G.m.T., March 28, 1974.

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

Issued in Aurora, Colorado, on January 23, 1974.

I. H. HOOVER,
Acting Director, Rocky Mountain Region.

[FR Doc.74-2506 Filed 1-30-74;8:45 am]

[Airspace Docket No. 73-GL-56]

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

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to revoke the St. Clairsville, Ohio transition area.

The Alderman Field, St. Clairsville, Ohio, has been closed and the instrument approach cancelled. Consequently, controlled airspace for the protection of IFR air traffic into and out of St. Clairsville, Ohio is no longer required. Since this revocation cancels designated controlled airspace in the St. Clairsville, Ohio, terminal area, it imposes no additional burden on any person, therefore notice and public procedure hereon are unnecessary.

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

In § 71.181 (39 FR 440), the following transition area is revoked: St. Clairsville, Ohio.

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

Issued in Des Plaines, Illinois on January 2, 1974.

LOUIS N. MILLION, JR.,
Acting Director, Great Lakes Region.

[FR Doc.74-2502 Filed 1-30-74;8:45 am]

[Airspace Docket No. 73-WE-3]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Jet Route

On November 13, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 31316) stating that the Federal Aviation amendment to Part 75 of the Federal Aviation Regulations that would establish a jet route from the United States/Mexican border via Julian, Calif., to Ontario, Calif.

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

In consideration of the foregoing, Part 75 of the Federal Aviation regulations is amended, effective 0901 G.m.t., March 28, 1974, as hereinafter set forth.

Section 75.100 (39 FR 699) is amended by adding:

Jet Route No. 93 From the INT of the United States/Mexican border and the Julian, Calif., 136° radial via Julian; to Ontario, Calif.

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

Issued in Washington, D.C., on January 25, 1974.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 74-2506 Filed 1-30-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8875-o]

PART 13—PROHIBITED TRADE PRACTICES

Certified Building Products, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.105 *Individual's special selection or situation;* § 13.155 *Prices;* 13.155-70 Percentage savings; 13.155-93 Special or test offers; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. 13.155-100 Usual as reduced, special, etc.; § 13.170 *Qualities or properties of product or service;* 13.170-30 Durability of permanence § 13.175 *Quality of product or service;* § 13.240 *Special or limited offers.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act; § 13.1647 *Guarantees;* § 13.1663 *Individual's special selection or situation;* § 13.1710 *Qualities or properties;* § 13.1715 Quality; § 13.1747 *Special or limited offers;* —Prices: § 13.1823 *Terms and conditions;* § 13.1823-20 Truth in Lending Act; § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act § 13.1857 *Instrument's sale to finance companies;* § 13.1876 *Notice of third party sale of contract;* § 13.1882 *Prices;* § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Certified Building Products, Inc., et al., Denver, Colo., Docket 8875, Oct. 5, 1973]

In the Matter of Certified Building Products, Inc., A Corporation, and Certified Improvements Company, A Corporation, and Michael P. Thiret, and Jack Bitman, Individually and As Officers of Said Corporations, and Claude Thiret, Individually and As General Manager of Said Corporations.

Order requiring two Denver, Colo., sellers, distributors and installers of residential siding materials, among other things to cease representing that offers of

products are limited, prices are special or reduced, customers can receive percentage savings; misrepresenting its guarantees; failing to make material disclosures to customers regarding the sale of instruments of indebtedness to third parties; and failing to disclose to consumers, in connection with the extension of consumer credit, information as required to maintain adequate records to substantiate any representations or statements as to savings in price claims, claims regarding comparative values, etc. Further, the order closes the matter as to one of the individual respondents, Mr. Jack Bitman.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondents, Certified Building Products, Inc., a corporation, and its officers; Certified Improvements Company, a corporation, and its officers; and Michael P. Thiret and Claude Thiret, individually and as officers of said corporations; trading under said corporate names or under any trade name or names; and respondents' agents, representatives and employees, successors and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, distribution or installation of residential siding materials or other home improvement products or services or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, orally or in writing, or by any other means that:

1. Respondents' offer of products and/or services is limited as to time, or is limited in any other manner.

2. Any price for home improvements or other products and/or services is a special or reduced price from the price respondents normally charge, unless respondents can affirmatively show that such price constitutes a significant reduction from the price at which respondents have sold or installed substantially similar home improvements or other products or services for a reasonably substantial period of time in the recent regular course of their business.

3. Purchasers of respondents' residential siding materials and/or services will realize any specific percentage or amount of savings, or that substantial savings can be had generally in their air-conditioning or heating bills.

4. Residential siding materials and/or services sold by respondents will never require repairing; or misrepresenting, in any manner, the durability, performance, or quality of respondents' products.

5. Any of respondents' products or installations are guaranteed, unless the nature, extent, and duration of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in writing to the purchaser before the transaction is consummated, and unless the guarantor will, in fact, perform as stated in the disclosed guarantee.

6. The home of any of respondents' customers or prospective customers has been specially selected as a model home to be used or will be used as a model home, or otherwise, for advertising, demonstration or sales purposes, or that such customers will thereby be granted any allowance, discount, or commission.

7. Purchasers will receive compensation in any form, including but not limited to commission and/or discounts from referrals which will permit the purchase of respondents' products or services at little or no cost.

B. Failing to disclose, orally prior to the time of sale and in writing on any trade acceptance, conditional sales contract, promissory note, or other instrument of indebtedness executed by the purchaser, with such conspicuousness and clarity as is likely to be observed and read by such purchaser:

1. The disclosures, if any, required by federal law or the law of the state in which the instrument is executed;

2. Where negotiation of the instrument to a third party is not prohibited by the law of the state in which the instrument is executed, that the trade acceptance, conditional sales contract, promissory note or other instrument may, at the option of the seller and without notice to the purchaser, be negotiated or assigned to a finance company or other third party; and

3. Where the law of the state in which the instrument is executed does not preserve as against any holder of the instrument all the legal and equitable defenses the purchaser may assert against the seller, that in the event the instrument is negotiated or assigned to a finance company or other third party, the purchaser may have to pay such finance company or other third party the full amount due under his contract whether or not he has claims against the seller's merchandise as defective; the seller refuses to service the merchandise; or the seller is no longer in business, or other like claims.

II. *It is further ordered,* That respondents, Certified Building Products, Inc., a corporation, and its officers; Certified Improvements Company, a corporation, and its officers; and Michael P. Thiret and Claude Thiret, individually and as officers of said corporations; trading under said corporate names or trading or doing business under any other name or names; and respondents' representatives, agents, and employees, successors and assigns, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth-in-Lending Act (P.L. 90–321, 15 U.S.C. 1601 et seq.), forthwith cease and desist from:

A. Failing to disclose the date on which the finance charge begins to accrue when that date is different from the date of the transaction, as required by § 226.8 (b)(1) of Regulation Z.

B. Failing to disclose the due dates or period of payments scheduled to repay the indebtedness, and the sum of such payments, using the term "total of payments," as required by § 226.8(b)(3) of Regulation Z.

C. Failing to disclose a clear identification of the property to which any security interest relates or if such property is not identifiable, an explanation of the manner in which the creditor retains or may acquire a security interest in such property which the creditor is unable to identify, as required by § 226.8 (b)(5) of Regulation Z.

D. Failing to use terms "cash downpayment," and "total downpayment;" and failing to disclose the corresponding information with these terms, as required by § 226.8(c)(2) of Regulation Z.

E. Failing to use the term "amount financed" and failing to give the corresponding disclosures with that term, as required by § 226.8(c)(7) of Regulation Z.

F. Failing to use the term "deferred payment price" and failing to give the corresponding disclosures with that term, as required by § 226.8(c)(8)(ii) of Regulation Z.

G. Failing to provide the "Notice of Opportunity to Rescind," to the customer, on one side of a separate statement which identifies the transaction to which it relates, as required by § 226.9(b) of Regulation Z.

H. Failing to set out the "Effect of Rescission," § 226.9(d) of Regulation Z, in the manner and form as required by § 226.9(b) of Regulation Z.

I. Failing to furnish two copies of the above referred to notices to the customer as required by § 226.9(b) of Regulation Z.

J. Failing to give notice to the customer of his right to rescind the transaction, as required by § 226.9(b) of Regulation Z, when all of the security interests in the customer's principal residence which have been or will be retained or acquired, have not been effectively waived.

K. Entering into any other type or means of contractual relationship with a customer which results in an evasion of Regulation Z.

L. Representing, directly or by implication, on retail installment contracts, promissory notes, or on any written document or orally, that customers will or may be liable for damages, penalties, or any other charges for exercising their right to rescind that is provided by § 226.9 of Regulation Z.

M. Supplying any additional information, contract clause, or other statement about the customer's liability or obligations in the event that the customer exercises his right to rescind except that information furnished in accordance with § 226.9 of Regulation Z.

N. Supplying any additional information, contract clause, or other statement pertaining to a transaction generally;

unless such additional information, contract clause, or other statement is provided in a fashion which complies with Section 226.6(c) of Regulation Z.

O. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen and/or persons engaged in the sale of respondents' products and/or services, and to all present and future personnel of respondents, engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising of that consumer credit, and shall secure from each such salesman and/or other person a signed statement acknowledging receipt of said order.

It is further ordered, That with respect to Jack Bitman the matter be, and it hereby is, closed, without prejudice to the right of the Commission to take such further action as future events may warrant.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents maintain adequate records which disclose the factual basis for any representations or statements as to any type of savings claims, including reduced price claims and comparative value claims, and as to any similar representations or statements of the type disclosed in the various paragraphs of this order; and from which the validity of the aforesaid representations or statements can be determined.

It is further ordered, That respondents herein shall, within sixty (60) days after service on them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By direction of the Commission, Commissioner Jones dissenting.[1]

Issued: October 5, 1973.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-2573 Filed 1-30-74; 8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-10610]

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS HEREUNDER

Trading in Securities Issued or Guaranteed by the Governments of Bulgaria, Hungary, and Romania

On December 8, 1941, following the attack on Pearl Harbor, registered national securities exchanges suspended trading in securities issued or guaranteed by the Axis countries including, among others, Germany, Italy, Japan, Bulgaria, Romania, and Hungary. The Commission, having consulted with the State and Treasury Departments, requested the cooperation of brokers and dealers in refraining from effecting transactions in all securities of such origin. Trading was restored in Italian securities in December 1947, in Japanese securities in November 1950, in West German securities in January 1954 and in Austrian securities in September 1957. However, this non-trading request is still in effect with respect to Bulgarian, Hungarian and Romanian issues.

The Commission recently has received requests to permit resumption of trading in securities issued by the governments of the latter three countries, including the dollar bonds of each country. Accordingly, this matter has been discussed with the Department of State and the Foreign Bondholders Protective Council, Inc. ("the Council"), a private organization created in 1933 under the auspicies of the United States Government to act on behalf of the holders of publicly offered dollar bonds of foreign governments. Both the Department of State and the Council have indicated they have no objection to the Commission's recision of its non-trading request. Furthermore, the United States Government has concluded claims agreements with each of these countries and negotiations are proceeding with Romanian and Hungarian officials looking towards ultimate settlement of outstanding defaulted dollar denominated bonds issued or guaranteed by their governments.

Under these circumstances, the Commission now believes it appropriate in the public interest to withdraw, effective January 28, 1974, its earlier request that brokers and dealers refrain from effecting transactions in securities issued or guaranteed by the governments of Bulgaria, Hungary, and Romania. The Commission has considered the fact that these bonds are in default as to payments of principal and interest but, historically, the Commission has not usually considered this factor alone as a basis for barring trading in bond issues of foreign governments. The Commission notes, however, that its action today is subject to the Johnson Act (18 U.S.C. § 955) which prohibits trading in bonds issued after April 13, 1934 by foreign governments in default of obligations to the United States unless the foreign government is a member of both the International Monetary Fund and the International Bank for Reconstruction and Development. The Commission is informed by the staff at the Department of State that, of the three countries involved here, only Romania is a member of both organizations. Also, the Commission has been advised that Bulgaria is not in default on bonds issued after April 13, 1934. Accordingly, it appears that, at this time, the Johnson Act may restrict trading in bonds issued by Hungary but not in those issued by Romania or Bulgaria. Of course, inquiries concerning the existing or continuing status of these countries under the Johnson Act should be directed to the United States Department of State.

Brokers and dealers who resume trading in these securities should not overlook their responsibilities under the Federal securities laws, including the antifraud provisions. In this connection, brokers and dealers, when making recommendations to purchase or sell these bonds should assure that full disclosure concerning the status of these bonds is made to the investor. More particularly, the Commission notes that the provisions of Rule 15c2-11 (17 CFR 240.15c2-11), under the Securities Exchange Act impose many requirements on broker-dealers who are engaged in making a market in a particular security. Among other things, that Rule requires such broker-dealers to maintain in their records current information relating to the issuer.

The foregoing action, of course, should not be construed to mean that the Commission has in any way passed upon the merits of any of the securities to be involved.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

JANUARY 22, 1974.

[FR Doc.74-2535 Filed 1-30-74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-49]

PART 25—CUSTOMS BONDS

Filing Time of Certain Term Bonds

Part 25 of the Customs Regulations was amended by T.D. 73-197 (38 FR

[1] Dissenting statement of Commissioner Jones filed as part of the original document.

19361; July 20, 1973), by adding a new § 25.2 and by amending subparagraphs (16), (19), (25) of § 25.4(a) to permit the establishment of an Automated Bond Information System. The automated procedure requires that each of 5 specified term bonds (Customs Forms 7553, 7563–A, 7569, 7595, and 7599), together with a Bond Transcript (Customs Form 53), be filed with the district director of Customs at least 60 days before the bond is to become effective. This 60-day advance requirement, however, has proved to be an unforeseen and exceptional burden on importers who urgently need to use the Immediate Delivery and Consumption Entry Term Bond (Customs Form 7553) but who have not previously obtained such a bond and are therefore unable to effect coverage without a delay of 60 days. It is therefore considered desirable to provide an exception to the 60-day adavnce requirement in the case of importers who have not previously obtained a consumption entry term bond.

Accordingly, § 25.2(a) of the Customs Regulations is amended to read as follows:

§ 25.2 Bond transcript.

(a) There shall be furnished to the district director with each bond on Customs Forms 7553, 7563–A, 7569, 7595, and 7599 a completed Bond Transcript on Customs Form 53, in triplicate. The bond and bond transcript shall be furnished at least 60 days before the date on which the bond shows it is to become effective, except that a bond on Customs Form 7553 and the related bond transcript may be accepted on, or at any time before, the effective date of the bond, from an importer who has not previously had such a bond. It shall be the responsibility of the importer or his agent to execute the bond transcript.

* * * * *

(R.S. 251, as amended, secs. 623, 624, 46 Stat. 759, as amended; (19 U.S.C. 66, 1623, 1624))

Because this amendment merely relaxes a present requirement and requires no public initiative, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment will be effective as to those bonds on Customs Form 7553 which are to begin their term on or after January 16, 1974.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: January 23, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74–2572 Filed 1–30–74;8:45 am]

Title 20—Employees' Benefits

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

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Premiums for Supplementary Medical Insurance Benefits

On September 24, 1973, there was published in the FEDERAL REGISTER (38 FR 26616) a notice of proposed rule making with proposed amendment to Subpart I of Regulations No. 5 of the Social Security Administration. The proposed amendment reflects Section 203 of the Social Security Amendments of 1972 (Pub. L. 92–603) which limits any increase in the supplementary medical insurance premium rate for a 12-month period beginning July of any year to the percentage by which cash benefits under title II were increased during the preceding 12 months. The actual computation process (as promulgated by Pub. Law 92–603) is not included since the computation process and all actuarial assumptions are published in the FEDERAL REGISTER whenever there is a premium increase. A cross-reference to section 1839 of the Act, as amended (that section stating the computation process), has been included. The premium rates and the dates for which they are effective through June 1973 are set forth below.

Interested persons were given the opportunity to submit within 30 days, data, views, or arguments with regard to the proposed amendment. No comments have been received and the proposed amendment is adopted without change.

Effective date. The amendment shall be effective January 31, 1974.

(Secs. 1102, 1839, and 1871, 49 Stat. 647 as amended, 79 Stat. 306, as amended; 79 Stat. 331; 42 U.S.C. 1302, 1395r, 1395hh.)

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

Dated: December 27, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 25, 1974.

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

Part 405 of 20 CFR Ch. III is amended as follows:

Paragraph (a) of § 405.902 is revised to read as follows:

§ 405.902 Amount of premiums.

(a) *Enrollment in initial enrollment period.* Where an individual enrolls during his initial or deemed initial enrollment period (see § 405.212) or under the "good cause" provisions discussed in § 405.224, his monthly premiums under the supplementary medical insurance program will be the standard premium as determined under subparagraph (1) or (2) of this paragraph.

(1) The standard monthly premium under the supplementary medical insurance program is $3 for each month of coverage (see § 405.220) from July 1966 through March 1968; $4 for each month of coverage from April 1968 through June 1970; $5.30 for each month from July 1970 through June 1971; $5.60 for each month from July 1971 through June 1972; $5.80 for each month from July 1972 through June 1973.

(2) During December 1972, and each December thereafter, the Secretary shall determine and promulgate (setting forth the actuarial assumptions and bases employed by him) the standard premium which shall be applicable for the 12-month period commencing July 1 in the succeeding year. Such standard premium shall be determined as prescribed in section 1839 of the Act, as amended.

* * * * *

[FR Doc.74–2608 Filed 1–30–74;8:45 am]

[Reg. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Certification and Recertification; Requests for Payment

On June 27, 1973, there was published in the FEDERAL REGISTER (38 FR 16912) a notice of proposed rule making with proposed amendments to Subpart P of Regulations No. 5. The proposed amendments to the regulations reflect and implement the amendments to the Social Security Act made by section 236 of the Social Security Amendments of 1972 (Pub. Law 92–603) enacted October 30, 1972. The proposed amendments to the regulations provide that assigned benefits payable on the basis of reasonable charges for medical or other health services covered under the supplementary medical insurance plan may be paid only to the physician or other person who furnished the services, except that payment may be made under specified conditions set forth in the proposed amendments, to (1) the employer of the person who furnished the service, or (2) the hospital or other facility in which the service was provided, or (3) a foundation, plan, or similar organization which furnishes health care through an organized health care delivery system. Interested parties were given the opportunity to submit within 30 days data, views, or arguments with regard to the proposed amendments.

A comment has been received recommending that § 405.1680(a)(3) (which provides for payment to a foundation, plan, or similar organization which furnishes health care through an organized health care delivery system) be modified to make it more flexible in accomplishing its intent. As a result, the wording of § 405.1680(a)(3) has been modified

slightly for purposes of clarity and flexibility.

The one other comment received was inconsistent with the law and not germane to the change in the law reflected by the amended regulations. Accordingly, the amendments as proposed are hereby adopted, subject to the following change:

In paragraph (a)(3) of § 405.1680 the words "or receives payment" are added after the words "the organization bills."

(Secs. 1102, 1842, and 1871, 49 Stat. 647, as amended, 79 Stat. 309, as amended; 42 U.S.C. 1302, 1395u, 1395hh)

Effective date. The proposed amendments are to be effective on January 31, 1974, with respect to claims for benefits filed after October 30, 1972.

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

Dated: January 8, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 25, 1974.

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

Subpart P of regulations No. 5 is amended as set forth below.

1. Section 405.1675 is amended by revising paragraph (a)(1) to read as follows:

§ 405.1675 Assignment of right to receive payment under the supplementary medical insurance benefits plan.

(a)(1) When an individual is furnished covered medical or other health services (other than physicians' and ambulance services furnished outside the United States and emergency outpatient services) for which he may receive direct payment of supplementary medical insurance benefits on the basis of reasonable charges (see § 405.1672(b)), he may assign the right to such payment to the physician or other person who furnished the services. (See § 405.1680 concerning payment of assigned benefits to an employer, facility, or health care delivery system with which the physician or other person furnishing the service has a contractual arrangement.) The claim must be completed in accordance with the instructions prescribed by the Social Security Administration (see § 405.1678). In accepting the assignment, the physician or other person who furnished the services agrees that the reasonable charge, as determined by the carrier or the Social Security Administration, as appropriate, shall be his full charge for the service and, aside from the benefit payment, he will not charge or collect from the individual or any other source an amount in excess of the applicable unmet deductible (see §§ 405.245 and 405.246) applied to the reasonable charge and 20 percent of the remaining reasonable charge.

* * * * *

2. Section 405.1680 is amended to read as follows:

§ 405.1680 Payment of assigned benefits.

(a) *General.*—Benefits payable under § 405.1675 or § 405.1684 may be paid only to the physician or other person who furnished the service, except that, subject to the conditions set forth in § 405.1675 or § 405.1684, as appropriate, payment may be made to the following:

(1) The employer of the person who furnished the service, if such person is required as a condition of his employment to turn over to his employer his fees for his services;

(2) The facility in which the service is provided if there is a contractual arrangement between the facility and the person furnishing the service under which the facility bills for such person's services; or

(3) A foundation, plan, or similar organization which furnishes health care through an organized health care delivery system if there is a contractual arrangement between the organization and the person furnishing the service under which the organization bills or receives payment for such persons services.

(b) *Meaning of terms.*—For purposes of this section, a facility is a hospital or other institution which makes provision for furnishing health care services to inpatients. A health care delivery system includes, but is not limited to, an organized medical group clinic and a group practice prepayment plan.

(c) *Effective date.*—The provisions of this section are effective with respect to claims for benefits filed after October 30, 1972.

[FR Doc.74-2607 Filed 1-30-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

KAOLIN-MODIFIED

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1B2689) filed by Freeport Kaolin Co., Gordon, GA 31031, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of kaolin modified by reaction with fatty acid titanates as a component of articles intended for use in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in Subpart F by adding the following new section:

§ 121.2624 Kaolin-modified.

Kaolin-modified, as identified in this section, may be safely used in olefin polymers as articles or components of articles intended for use in contact with food, subject to the provisions of this section.

(a) Kaolin-modified is produced by treating kaolin with a reaction product of isopropyl titanate and oleic acid in which 1 mole of isopropyl titanate is reacted with 1 to 2 moles of oleic acid. The reaction product will not exceed 8 percent of the modified kaolin. The oleic acid used shall meet the requirements specified in § 121.1070.

(b) The additive is used as a pigment, colorant, or opacifier in olefin polymers complying with § 121.2501 at levels not to exceed 40 percent by weight of the olefin polymer.

Any person who will be adversely affected by the foregoing order may at any time on or before March 4, 1974 file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective January 31, 1974.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1).)

Dated: January 24, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-2678 Filed 1-30-74;8:45 am]

SUBCHAPTER C—DRUGS

ANIMAL FEEDS

Revocation of Provisions for Use of Streptomycin Sulfate Medicated Premix

Based upon a notice of drug deemed adulterated (Docket No. FDC-D-657) appearing elsewhere in this issue of the FEDERAL REGISTER, certain corresponding regulations regarding the use of streptomycin and streptomycin in specified combinations are revoked since no applications are approved for use of the drug in said regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463, as

amended, 82 Stat. 343–351; 21 U.S.C. 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121, 135e, and 144 are amended as follows:

PART 121—FOOD ADDITIVES

§ 121.210 [Amended]

1. In § 121.210 *Amprolium*, by deleting items 1.1d, 2.11d, 3.3d, and 4.3d in Table 1 in paragraph (c).

§ 121.213 [Amended]

2. In § 121.213 *Hygromycin B*, by deleting item 1f in Table 1 in paragraph (d).

§ 121.220 [Amended]

3. In § 121.220 *Nystatin*, by deleting items 1d, 3d, 4d, and 6d in Table 1 in paragraph (d).

§ 121.225 [Amended]

4. In § 121.225 *Antibiotics for growth promotion and feed efficiency*, by deleting subdivision (i) from paragraph (e)(3).

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 135e.10 [Amended]

5. In § 135e.10 *Tylosin*, by deleting item 5 in the table in paragraph (f)(1).

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

§ 144.26 [Amended]

6. In § 144.26 *Animal feeds bearing or containing new animal drugs subject to the provisions of section 512(n) of the act*, by deleting the word "streptomycin" from the first sentence in the introductory paragraph and substituting therefor the words "streptomycin in combination with penicillin," and by revoking paragraph (b)(58).

Any person who will be adversely affected by the foregoing order may at any time on or before March 4, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall be effective on March 12, 1974.

(Secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343–351; 21 U.S.C. 357, 360b)

Dated: January 21, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-2495 Filed 1-30-74;8:45 am]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Anhydrotetracyclines and 4-epianhydrotetracycline

A notice was published in the FEDERAL REGISTER of July 25, 1969 (34 FR 12286), proposing to establish a maximum limit for 4-epianhydrotetracycline in tetracycline, tetracycline hydrochloride, and tetracycline phosphate complex bulks, and in all oral and injectable dosage forms containing these tetracyclines. The proposal included a screening procedure for total anhydrotetracyclines and a determination of anhydrotetracyclines and 4-epianhydrotetracycline content. The notice afforded interested persons an opportunity to submit written comments on the proposal. Comments were received from two antibiotic drug manufacturers. These comments were concerned primarily with technical details of the procedures proposed.

1. One comment contained a request for an industry-wide collaborative study. This request was considered appropriate, and a collaborative study was undertaken with five manufacturers, including the two manufacturers that commented on the proposal. As a result of that study, all the objections pertaining to technical details have been resolved, and the test for determining the anhydrotetracyclines and 4-epianhydrotetracycline content of tetracyclines has been revised to incorporate the conclusions of the study.

2. One issue raised by a respondent was that the test should be performed at the time of expiration since 4-epianhydrotetracycline is a degradation product and therefore a function of time and examination of fresh material would only guard against the possibility of an error in the manufacturing process. The Commissioner agrees that 4-epianhydrotetracycline is a product of tetracycline degradation and that such degradation may occur in fresh material as a result of poor manufacturing practices or within the expiration period if the antibiotic drug has been subjected to improper storage and handling. If the test were performed on products only at the time of expiration, products could be marketed that exceed the limits for 4-epianhydrotetracycline content. Studies have shown that if the 4-epianhydrotetracycline content is within specified limits at the time of certification of the antibiotic drug product, and there is proper handling and storage of the product, then the 4-epianhydrotetracycline content will remain within the limits through the shelf life of the product. Therefore, the Commissioner concludes that it is in the best interests of the public to require this testing at the time of certification.

3. One manufacturer recommended the use of a thin layer chromatography test in lieu of the column chromatographic method specified in § 141.580(b). The Commissioner has no objections to the use of this method as long as the results obtained are equivalent to those obtained with the official method.

4. One comment requested a provision for determining the total anhydrotetracyclines content and 4-epianhydrotetracycline content by automated procedures. Since the proposal was published, the regulations have been amended to provide for determinations by automated techniques (§ 141.1a).

5. Comments from both manufacturers stated that the proposed tests were not suitable for several preparations; i.e., formulations containing phenazopyridine, and certain pharyngets, troches, and nasal suspensions. As a result of the implementation of the conclusions based on the recommendations of the National Academy of Sciences—National Research Council (NAS-NRC), Drug Efficacy Study Group, these products are no longer being marketed. Therefore, these comments are no longer of practical significance.

In addition to minor editorial and technical revisions, proposed § 141.580 (a) and (b) has been revised to include the 4-epianhydrotetracycline limits.

Since many of the antibiotic monographs are subject to change as a result of the Drug Efficacy Study (DESI), the individual regulation sections pertaining to tetracycline monographs are not being amended, at this time, to include the 4-epianhydrotetracycline limit. When that part of the Drug Efficacy Study dealing with the tetracyclines is completed, all the affected sections will be revised to establish this limit. In the meantime, the test is performed in our laboratories as part of the certification format.

After considering the comments and the results of the collaborative study, the Commissioner concludes that the antibiotic drug regulations should be amended as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 141 is amended by adding a new section as follows:

§ 141.580 Anhydrotetracyclines and 4-epianhydrotetracycline.

Determination of 4-epianhydrotetracycline and anhydrotetracyclines in tetracycline, tetracycline hydrochloride, tetracycline phosphate, and in dosage forms thereof is as follows:

(a) *Screening procedure for total anhydrotetracycline content*—(1) *Sample solution preparation*—(i) *Bulk packaged for repacking or for use in the manufacture of another drug.* Accurately weigh approximately 50 milligrams of the sample into a 50-milliliter volumetric flask and add 10 milliliters of 0.1*N* hydrochloric acid. Shake until sample is completely dissolved, and then dilute to volume with water.

(ii) *Sterile dispensing containers.* Proceed as directed in paragraph (a) (1) (i) of this section.

(iii) *Capsules.* Transfer a representative quantity of capsule contents equivalent to 250 milligrams of tetracycline hydrochloride to a 250-milliliter volumetric flask. Add 50 milliliters of 0.1*N* hydrochloric acid and shake on a mechanical shaker for 5 minutes. Dilute to volume with water and filter through a fluted filter paper. Discard the first 20 milliliters of filtrate and collect the next 20 milliliters.

(iv) *Tablets.* Grind a representative number of tablets to a fine powder. Transfer an amount of the powder equivalent to 250 milligrams of tetracycline hydrochloride to a 250-milliliter volumetric flask. Add 50 milliliters of 0.1*N* hydrochloric acid and shake on a mechanical shaker for 5 minutes. Dilute to volume with water and filter through a fluted filter paper. Discard the first 20 milliliters of filtrate and collect the next 20 milliliters.

(v) *Oral powders and suspensions.* Proceed as described in paragraph (b) of this section.

(2) *Test procedure.* Using a suitable spectrophotometer, determine the absorbance of the sample solution prepared as directed in subparagraph (1) of this paragraph at 430 millimicrons using 0.02*N* hydrochloric acid as a blank. Then accurately dilute 1.0 milliliter of the sample solution to 100 milliliters with 0.02*N* hydrochloric acid and determine the absorbance of this solution at 356 millimicrons, using 0.02*N* hydrochloric acid as a blank.

(3) *Calculations.*

$$\text{Percent anhydrotetracyclines} = \frac{[a430 - (a356 \times 0.0019)] \times 100}{180}$$

where:

$a430$ = Absorptivity (1%, 1 cm.) of sample at 430 millimicrons;

$$\text{For bulk, absorptivity} = \frac{\text{Absorbance} \times 50 \times 10;}{\text{Milligrams of sample}}$$

For sterile dispensing containers, capsules, and tablets; absorptivity = Absorbance × 10;

$a356$ = Absorptivity (1%, 1 cm.) of sample at 356 millimicrons;

$$\text{For bulk, absorptivity} = \frac{\text{Absorbance} \times 50 \times 1000;}{\text{Milligrams of sample}}$$

For sterile dispensing containers, capsules and tablets; absorptivity = Absorbance × 1,000;

0.0019 = Absorbance ratio ($A430/A356$) observed with tetracycline;

180 = Absorptivity (1%, 1 cm.) of anhydrotetracycline hydrochloride at 430 millimicrons.

(4) *Evaluation.* If the total anhydrotetracyclines content determined by the screening procedure described in paragraph (a) of this section exceeds 2 percent for bulks and 3 percent for injectables, tablets, and capsules, perform the determination for anhydrotetracyclines and 4-epianhydrotetracycline described in paragraph (b) of this section. If the results of the test described in paragraph (a) of this section for total anhydrotetracyclines content are within the required limits in the case of bulks, injectables, tablets, and capsules, these results may be submitted in lieu of the results of the test for 4-epianhydrotetracycline and that test as described in paragraph (b) of this section need not be performed.

(b) *Determination of anhydrotetracyclines content and 4-epianhydrotetracycline content*—(1) *Apparatus and reagents*—(i) Chromatographic tubes (15 millimeters ID x 170 millimeters long having an outlet tube 4 millimeters ID x 50 millimeters long).

(ii) pH meter standardized at pH 7.0 and at pH 10.0.

(iii) Diatomaceous earth, acid-washed (Celite 545 or equivalent).

(iv) EDTA buffer: Dissolve 0.1 mole ethylenediaminetetraacetic acid disodium salt in 800 milliliters of water. Adjust to pH 7.8 with ammonium hydroxide, reagent grade, and dilute to 1 liter with water.

(v) Chloroform, spectrophotometric grade.

(vi) Diluted ammonium hydroxide: Mix 1 volume of ammonium hydroxide, reagent grade, with 9 volumes of distilled water.

(vii) 0.1*N* hydrochloric acid.

(viii) 1.0*N* hydrochloric acid.

(2) *Preparation of support phase.* Add 5 milliliters of EDTA buffer to 10 grams of diatomaceous earth and mix until the diatomaceous earth is uniformly moistened. It will no longer be free-flowing.

(3) *Preparation of sample solutions.* Prepare the sample solutions as follows:

(i) *Tetracycline, tetracycline phosphate complex, and tetracycline hydrochloride bulk packaged for repacking or for use in the manufacture of another drug.* Place an amount of sample equivalent to 250 milligrams of tetracycline hydrochloride into a 50-milliliter beaker and dissolve in 10 milliliters of 0.1*N* hydrochloric acid. Immediately adjust the pH to 7.8 with the diluted ammonium hydroxide, and if necessary, with 1.0*N* hydrochloric acid and 0.1*N* hydrochloric acid. Quantitatively transfer this solution to a 50-milliliter volumetric flask by rinsing the beaker with EDTA buffer, fill to volume with EDTA buffer and shake well. Use this solution without delay to prepare a column as directed in subparagraph (4) of this paragraph.

(ii) *Capsules.* Proceed as directed in subparagraph (3) (i) of this paragraph, except pool the contents of a representative number of capsules and use an amount of the pooled capsule contents equivalent to 250 milligrams of tetracycline hydrochloride.

(iii) *Tablets.* Proceed as directed in subparagraph (3) (i) of this paragraph, except grind tablets to a powder in a small mortar and use an amount of powder equivalent to 250 milligrams of tetracycline hydrochloride.

(iv) *Oral suspension and pediatric drops.* Place 5 milliliters of oral suspension equivalent to 125 milligrams of tetracycline hydrochloride or 2 milliliters of pediatric drops equivalent to 200 milligrams of tetracycline hydrochloride into a 50-milliliter beaker and add sufficient 0.1*N* hydrochloric acid to make 10 milliliters. Quickly adjust the pH to 7.8 with the diluted ammonium hydroxide, and if necessary, with 1*N* hydrochloric acid and 0.1*N* hydrochloric acid. Quantitatively transfer this solution to a 25-milliliter flask by rinsing the beaker with EDTA buffer, fill to volume with EDTA buffer, and shake well. Use this solution without delay to prepare a column as directed in paragraph (b) (4) of this section.

(v) *Oral powders.* Reconstitute as directed in the labeling and proceed as directed in paragraph (b) (3) (iv) of this section.

(vi) *Sterile dispensing containers.* Proceed as directed in paragraph (b) (3) (i) of this section.

(4) *Column preparation.* Pack support phase into the chromatographic tube by increments and firmly tamp down each increment. Do not use any glass wool in the column outlet. Add enough support phase to the column to reach a height of 9 to 11 centimeters; then add 1 milliliter of sample solution to 1 gram of diatomaceous earth in a small beaker, and mix thoroughly. Pack the sample: diatomaceous earth mixture on top of the column. Dry wash the beaker with support phase and pack an additional 1-centimeter layer of support phase on top of the sample layer.

(5) *Column elution and fraction collection.* Within 30 minutes after preparing the column, elute with chloroform. Collect 5 successive fractions of 5 milliliters, 5 milliliters, 10 milliliters, 10 milliliters, and 5 milliliters. During elution, two clear separate yellow bands will appear on the column. The first band is anhydrotetracyclines and will almost always elute in the first 5-milliliter fraction, but occasionally in the first and second 5-milliliter fractions. The second band is 4-epianhydrotetracycline and will elute in the remaining fractions. Label the fraction or fractions containing the first yellow band anhydrotetracyclines. Label the fractions after the first yellow band 4-epianhydrotetracycline. Determine the absorbance of each fraction at a wavelength of 438 nanometers using a suitable spectrophotometer equipped with a 1.0-centimeter cell and chloroform as the blank. If necessary, make appropriate dilutions with choloroform to obtain a readable value.

(6) *Calculations*—(i) *Percent anhydrotetracyclines.* Calculate the percent anhydrotetracyclines as follows:

$$\text{Number of milligrams of anhydrotetracyclines in each fraction containing anhydrotetracyclines} = \frac{A \times b \times c}{20.28}$$

where:

A = Absorbance of the sample solution at 438 nanometers;
b = Volume of fraction in milliliters;
c = Dilution factor of the fraction (for example, if 2 milliliters of the fraction are diluted to 10 milliliters for reading, c will be 5).
20.28 = Absorptivity (1 milligram per milliliter, 1 centimeter) of anhydrotetracyclines in chloroform at 438 nanometers.

$$\text{Total weight of anhydrotetracyclines in the sample} = \text{Sum of weights of anhydrotetracyclines in the fractions labeled anhydrotetracyclines} \times \text{Number of milliliters in the sample solution}$$

$$\text{Percent anhydrotetracyclines in tetracycline, tetracycline hydrochloride, tetracycline phosphate complex bulk packaged for repacking or for use in the manufacture of another drug} = 100 \times \frac{\text{Total weight of anhydrotetracyclines in the sample}}{\text{Weight of the sample}}$$

$$\text{Percent anhydrotetracyclines in dosage forms} = 100 \times \frac{\text{Total weight of anhydrotetracyclines in the sample}}{\text{Labeled tetracycline content of the sample}}$$

(ii) *Percent 4-epianhydrotetracycline.* Calculate the percent 4-epianhydrotetracycline as follows:

$$\text{Number of milligrams of 4-epianhydrotetracycline in each fraction labeled 4-epianhydrotetracycline} = \frac{A \times b \times c}{20.08}$$

where:

A = Absorbance of the sample solution at 438 nanometers;
b = Volume of the fraction in milliliters;
c = Dilution factor of the fraction (for example, if 2 milliliters of the fraction are diluted to 10 milliliters for reading, c will be 5);
20.08 = Absorptivity (1 milligram per milliliter, 1 centimeter) of 4-epianhydrotetracycline in chloroform at 438 nanometers.

$$\text{Total weight of 4-epianhydrotetracycline in the sample} = \text{Sum of weights of 4-epianhydrotetracycline in the fractions labeled 4-epianhydrotetracycline} \times \text{Number of milliliters in the sample solution}$$

$$\text{Percent 4-epianhydrotetracycline in tetracycline, tetracycline hydrochloride, tetracycline phosphate complex bulk packaged for repacking or for use in the manufacture of another drug} = 100 \times \frac{\text{Total weight of 4-epianhydrotetracycline in the sample}}{\text{Weight of the sample}}$$

$$\text{Percent 4-epianhydrotetracycline in dosage forms} = 100 \times \frac{\text{Total weight of 4-epianhydrotetracycline in the sample}}{\text{Labeled tetracycline content of the sample}}$$

(7) *Limits for 4-epianhydrotetracycline.* The 4-epianhydrotetracycline content of tetracycline, tetracycline hydrochloride, and tetracycline phosphate complex bulk drugs and all oral and injectable dosage forms containing these tetracyclines shall not exceed 2 percent for bulk drugs, 3 percent for injectables, tablets, capsules and oral powders and 5 percent for oral suspension.

Effective date. This order shall become effective on March 4, 1974.

(Sec. 507, 59 Stat. 463; 21 U.S.C. 357.)

Dated: January 22, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-2417 Filed 1-30-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 658—SPEED LIMITS

The Federal Highway Administrator is amending 23 CFR Ch. I by adding a new Part 658. The new Part 658 implements section 2 of the Emergency Highway Energy Conservation Act, Pub. Law 93-239. Section 2 of the Act, which was enacted on January 2, 1974, requires the States to take certain actions with respect to their highway speed limits and prohibits the approval of any Federal-aid highway project in any State which has not taken the requisite action by the March 3, 1974 statutory deadline.

The most significant action required by the Act is the establishment of a national maximum speed limit of 55 miles per hour. The new rules require each State to furnish the Federal Highway Administration with a statement setting forth the actions it has taken to change its speed limit laws so that they comply with the statutory mandate. In addition, the State must change its speed limit signs to reflect the modifications of the speed limits. The Act specifies that a State shall be deemed to have complied with its provisions when the Governor or other appropriate official has taken lawful administrative action to bring the speed limits into compliance with the Federal requirements.

The Act also provides for the use of Federal-aid highway funds apportioned to the States to pay the entire cost of modifications of speed limit signs on Federal-aid highway systems which are made after November 1, 1973 in order to carry out the fuel-conservation purposes of the Act. Because of the short time frame within which States must act, the Administrator is authorizing simplified procedures for submission and approval of projects for sign modifications.

In consideration of the foregoing, 23 CFR Ch. I is amended by adding a new Part 658, reading as set forth below.

Since this amendment involves the administration of a program of public grants-in-aid, notice and public procedure thereon are unnecessary, and it is effective on the date of issuance set forth below.

This amendment is issued under the authority of section 2 of the Emergency Highway Energy Conservation Act, Pub. Law 93-239, 23 U.S.C. 315, and the delegation of authority by the Secretary of Transportation.

Issued on January 25, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Sec.
658.1 Scope and purpose of the rules in this part.
658.3 Definitions.
658.5 Exceptions.
658.9 Statement of compliance.
658.11 Federal reimbursement for sign modifications.
658.13 Procedures for obtaining reimbursement for sign modification costs.
658.15 Termination of the rules in this part.

AUTHORITY: Sec. 2, Emergency Highway Energy Conservation Act, 87 Stat. 1046, 23 U.S.C. 315, delegation of authority by the Secretary of Transportation.

§ 658.1 Scope and purpose of the rules in this part.

(a) *Scope.* The rules in this part implement section 2 of the Emergency Highway Energy Conservation Act, Pub. Law 93-239, enacted January 2, 1974. Section 2 of the Act requires States to take certain actions with respect to their highway speed limits as a condition to participation in the Federal-aid highway program.

(b) *Purpose.* The purpose of the rules in this part is to conserve fuel during periods of fuel shortage through establishment of national maximum speed limits.

§ 658.3 Definitions.

(a) *Act.* The term "Act" means section 2 of the Emergency Highway Energy Conservation Act, Pub. Law 93-239.

(b) *Highway.* The term "highway" includes all streets, roads, or parkways under the jurisdiction of a State or any of its political subdivisions and open for use by the general public. The term "highway" includes toll roads.

(c) *Motor vehicle.* The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

(d) *State.* The term "State" means any one of the fifty States, the District of Columbia, and Puerto Rico.

§ 658.5 Compliance with the Act.

Except as provided in § 658.7, a State is in compliance with the Act if it has achieved the following objectives:

(a) The maximum speed limit on any highway in the State must be 55 miles per hour or less.

(b) The speed limit for all types of motor vehicles must be 55 miles per hour on any portion of a highway in the State which—

(1) has four or more traffic lanes; and

(2) has a physical barrier, other than pavement stripes or other markings, separating opposing lanes of traffic; and

(3) on November 1, 1973 had a speed limit of 55 miles per hour or more applicable to all types of motor vehicles.

If the speed limit on that portion of the highway for any type of vehicle or for all vehicles was less than 55 miles per hour on November 1, 1973, the speed limit may remain at that lower figure at the State's discretion.

(c) The speed limit on any portion of a highway in the State must be uniformly applicable to all types of motor vehicles if on November 1, 1973 that portion of a highway had a speed limit uniformly applicable to all types of motor vehicles. Nonuniform speed limits in existence on November 1, 1973 may remain in effect at the State's discretion so long as the maximum does not exceed 55 miles per hour.

§ 658.7 Exemptions.

(a) *Special permit vehicles.* Notwithstanding the provisions of paragraphs (a), (b), and (c) of § 658.5, a lower speed limit may be established for a motor vehicle operating under a special permit because of the weight or dimensions of the motor vehicle, including any load thereon.

(b) *Temporary hazardous conditions.* The rules in paragraphs (b) and (c) of § 658.5 do not apply to a portion of a highway during a time when the condition of the highway, weather, an accident, or other conditions (including construction or maintenance operations) create a temporary hazard to traffic safety.

(c) *Reduction of speed limits for safety.* After it has modified its speed limits in compliance with the rules in this part, a State may find that accident frequency or potential requires reduction of the speed limit on a specific section of a highway subject to the rules in § 658.5(b). The State may reduce the speed limit on that section of the highway if it submits its justification and recommendation for the change to the Federal Highway Administration Division Engineer and receives his written approval of the reduction.

(d) *Emergency and police vehicles.* The rules in § 658.5 do not prevent a State from authorizing the operation of emergency and police motor vehicles at a rate of speed higher than the speed limit for other motor vehicles when that operation is necessary to protect health or safety.

§ 658.9 Statement of compliance.

(a) *Contents of certificate.* Each State shall furnish the Federal Highway Administration Division Engineer with a statement that it has complied with the Act. The statement shall include—

(1) A description of the action taken by the Governor, State legislature, or other appropriate official or agency to implement the Act;

(2) an opinion of the State's legal counsel that the action taken is lawful in cases where the action is not based on a specific, cited provision of State statute or the State's constitution (such as the State's assent law); and

(3) a statement that speed limit signs have been changed when necessary to reflect modifications in speed limits required by the Act.

(b) *Effect of stated action.* Administrative action lawfully taken by a Governor or other appropriate State official in compliance with the Act and as specified in the State's statement shall be deemed to place the State in compliance with the Act.

(c) *Effect of failure to furnish statement.* After March 3, 1974, a Federal Highway Administration Division Engineer shall not approve plans, specifications, and estimates submitted by a State or authorize the State to advertise for bids for construction if the State has not furnished him with a statement that conforms to the rules in paragraph (a) of this section.

§ 658.11 Federal reimbursement for sign modifications.

(a) *Availability of funds.* Federal-aid highway funds apportioned to a State under 23 U.S.C. 104 are available to pay 100% of the eligible cost of modifying the signing on Federal-aid highway systems to carry out the intent of the Act.

(b) *Eligible costs.* Any costs incurred by a State after November 1, 1973 for modifying speed limit signs are eligible for participation even though the project was not programmed before the work was done. Eligible costs will normally be limited to the costs of changing the numerals on speed limit signs to reflect a new speed limit.

§ 658.13 Procedures for obtaining reimbursement for sign modification costs.

To simplify and expedite payment of the cost of modifying signs to carry out the Act, the following procedures for obtaining Federal-aid highway funds are authorized:

(a) States should submit a single statewide project for each Federal-aid system. The Federal Highway Administrator has found that it is in the public interest to permit sign modification work to carry out the Act to be performed by force account.

(b) A complete PS&E submission is not required. Each State must prepare and submit a cost estimate to permit the development of a project agreement.

(c) The Federal Highway Administration will accept simplified cost records. The development and use of an average cost-per-sign figure will be acceptable for cost reimbursement purposes.

§ 658.15 Termination of the rules in this part.

The rules in this part cease to be in effect on and after the date the President declares that there is no fuel shortage requiring the application of the Act or on and after June 30, 1975, whichever date first occurs.

[FR Doc.74-2574 Filed 1-30-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 1—GENERAL PROVISIONS

Schedule of Fees for Copies of Records and Papers

On page 34746 of the FEDERAL REGISTER of December 18, 1973, there was published a notice of proposed regulatory development to amend § 1.526 to update the schedule of fees established for copying, certification, and search of records which are furnished the public. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed amendment.

One comment was received. It is not considered pertinent as the correspondent erroneously assumed that the Veterans Administration is proposing to require veterans and their dependents to pay for copies of records from Veterans Administration files needed to obtain benefits to which they may be entitled.

Effective date. This VA Regulation is effective January 25, 1974.

Approved: January 25, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

In § 1.526, paragraphs (g) and (i) (2), (4) and (6) (i) are amended to read as follows:

§ 1.526 Copies of records and papers.

* * * * *

(g) In those cases where it is determined that a fee shall be charged, the applicant will be advised to deposit the amount of the lawful charge for the copy desired. The amount of such charge will be determined in accordance with the schedule of fees prescribed in paragraph (i) of this section. The desired copy will not be delivered, except under court subpoena, until the full amount of the lawful charge is deposited. Any excess deposit of $1 or more over the lawful charge will be returned to the applicant. Excess deposits of less than $1 will be returned upon request. When a deposit is received with an application, such a deposit will be returned to the applicant should the application be denied.

* * * * *

(i) Schedule of fees:

* * * * *

(2) Photocopy reproductions from all types of copying processes.

(i) First reproduction image	$0.25
(ii) Each additional reproduction image	.10

* * * * *

(4) Searching, per hour (minimum charge one-half hour)	4.00

* * * * *

(6) Office handling of files under court subpoena.

(i) When the file is in the office served with the subpoena	5.00

* * * * *

[FR Doc. 74-2571 Filed 1-30-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT

Experimental Use of Sodium Cyanide in a Spring-Loaded Ejector Mechanism for Predator Control

Pursuant to the provisions of section 5 and 25(a) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (86 Stat. 938, 997), the following regulation relating to experimental use permits for the use of certain sodium cyanide products for predator control is hereby promulgated.

On March 9, 1972, this Agency suspended and canceled all registrations of pesticides containing sodium cyanide for use as predator controls (37 FR 5718). These pesticides involved the use of sodium cyanide in the form of shells in an explosive device triggered by an animal pulling at it. Sodium cyanide is not presently registered for use in any form for the purpose of predator control.

Since the time of the 1972 Order, this Agency has received several requests for the registration or use of sodium cyanide in a spring-loaded ejector unit. Although the active ingredient in this spring-loaded unit remains sodium cyanide, the delivery system differs significantly from the sodium cyanide delivery system in use prior to March 1972. Specifically, the human hazard associated with the spring-loaded mechanism appears to be signficantly less than that of the explosive type. Additionally, the spring-loaded sodium cyanide ejector unit, when properly placed and used by a trained applicator, appears to be more selective in targeting on coyotes than other chemical predator methods used prior to the 1972 Order.

The apparently improved characteristics of the spring-loaded ejector mechanism do not alter the fact stated in the 1972 Order, that cyanide has a very high potential human health and environmental risk. Also, as stated in the 1972 Opinion and order, "the burden of proof rests on the poison." The knowledge which would permit satisfactory evaluation of the sodium cyanide used in the spring loaded unit as a candidate for registration or for any widespread use is not yet available. There still exists a lack of reliable data, as there did in early 1972, in particular (insofar as the M-44 is concerned):

(1) Insufficient data on the amount of coyote control which can be achieved by the M-44 without causing unreasonable adverse effect on the environment;

(2) Insufficient data on the correlation between the number of sheep lost without the use of the M-44;

(3) Insufficnt data comparing the effectiveness and cost of the M-44 with non-chemical coyote control alternatives, including denning, shooting, trapping, and protective measures applied directly to sheep and lambs.

Data to resolve the above questions can be generated only under controlled field use. Accordingly, the Administrator has determined to give expedited, favorable consideration to applications for experimental use of the spring-loaded ejector device.

Under the FIFRA, experimental use may proceed so that the applicant can accumulate the field information necessary for registration. The Administrator will specify the terms and conditions under which use may be made and may limit the period of time for use. Permits may be revoked at any time either for violation of the provisions of the permits or to avoid deleterious effects on the environment. Experimental, controlled field use of the sodium cyanide spring-loaded ejector unit under a variety of conditions should lead to the acquisition of much of the data indicated as lacking in the 1972 Order. Specifically, data collection requirements should yield good efficacy and effects data upon which to base future decisions on registration or emergency exemptions.

Under normal procedures, this Agency would allow a thirty day comment period on a regulation of this type. However, because the lambing season has already begun in certain areas of the United States, a time when coyotes are allegedly very active as predators, the generation of meaningful data on the effects and efficacy of the spring-loaded unit requires that the experimental programs be initiated as soon as possible. Therefore, this Agency finds for good cause that it is impracticable and contrary to the public interest to follow normal notice and public procedure or to delay the effective date of the regulation for thirty days following publication.

The regulation which follows provides a mechanism for issuance of experimental permits for use of sodium cyanide in a spring-loaded unit. Although the regulation will be made effective February 1, 1974, public comment will be solicited upon the terms of any permit issued thereunder. Public notice of the issuance of any permit and a description of its terms and conditions will be published in the FEDERAL REGISTER at the time of issuance. Any permit issued will also be available for public inspection and copying at the Office of the Hearing Clerk, Environmental Protection Agency, Waterside Mall, Washington, D.C. 20460.

Effective on February 1, 1974, a new § 162.19 of the regulations for the enforcement of the Federal Insecticide, Fungicide and Rodenticide Act is promulgated to read as follows:

§ 162.19 Sodium cyanide products for use in a spring-loaded ejector device for predator control—experimental use program.

All persons who wish to undertake an experimental use program involving the use of sodium cyanide in a spring-loaded ejector unit as a predator control are required to apply for an experimental use permit pursuant to section 5 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (86 Stat. 983). Said permit will be issued only upon a determination that the applicant needs such permit in order to accumulate information necessary to support registration and will agree to the terms of the permit.

Dated: January 29, 1974.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.74-2740 Filed 1-30-74;8:53 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 21—COMMISSIONED OFFICERS

The present regulation provides for payment of up to $650 for burial expenses of an officer who dies while on active duty. This is less than would be paid by the Veterans Administration if his death occurs after separation from a service-connected disability. The amendment will provide for payment in the same amount allowed by the VA under Pub. Law 93-43. Public participation in this change was not solicited since the change involves only internal administration of the Commissioned Corps personnel system.

1. Section 21.331 of 42 CFR Part 21 is amended to read as follows:

§ 21.331 Commissioned officers.

Upon the death of a commissioned officer, the Secretary or his designee may pay the necessary expenses for those items enumerated in 10 U.S.C. 1482, in accordance with and subject to those limitations prescribed in said sections. Not more than the amount authorized to be paid under section 8134(a) of title 5 in the case of a Federal employee whose death occurs as the result of an injury sustained in the performance of duty shall be paid for the following:

(a) Preparation of remains for burial (including cremation of remains upon request of the person recognized as the one to direct the disposition of the remains);

(b) Casket or urn, with outside box;

(c) Hearse service; and

(d) Funeral director's services.

In addition, an amount not to exceed $150 shall be paid for the interment of the remains when the interment is in a cemetery other than a national cemetery.

§§ 21.332 and 21.333 [Amended]

2. Sections 21.332 and 21.333 of such part are amended to delete the reference to the "Surgeon General" and inserting in lieu thereof the "Secretary."

Effective date. These amendments shall be effective January 31, 1974.

Approved: January 25, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74-2609 Filed 1-30-74;8:45 am]

Title 43—Public Lands: Interior

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5407]

[Arizona 7131]

ARIZONA

Correction of Public Land Order No. 5354

Public Land Order No. 5354 of July 23, 1973, appearing in 38 FR 20081 of the issue of July 27, 1973, withdrawing national forest land for the Chevelon Ranger Station Administrative Site, so far as it described lands in T. 13 N., R. 13 E., Sec. 1, N½SE¼SE¼SE¼ is hereby corrected to read "N½SE¼, SE¼SE¼."

A correction notice appearing in 38 FR 22002 of the issue of August 15, 1973, failed to correct the erroneous land description and should be disregarded.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 25, 1974.

[FR Doc.74-2538 Filed 1-30-74;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Bombay Hook National Wildlife Refuge

The following special regulation is issued and is effective during the period February 1, 1974 through December 31, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Travel by motor vehicle, bicycle, or on foot, is permitted from sunrise to sunset on designated routes unless prohibited by posting, for the purpose of nature study, photography, hiking, and sight-seeing. Pets are permitted if on a leash not over 10 feet in length.

The refuge area comprising 15.1111 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1974.

WILLARD M. SPAULDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 24, 1974.

[FR Doc.74-2541 Filed 1-30-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Prime Hook National Wildlife Refuge

The following special regulation is issued and is effective during the period February 1, 1974 through December 31, 1974.

§ 28.28 Special regulations: recreation; for the individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Travel by motor vehicle, bicycle, or on foot, is permitted from sunrise to sunset on designated routes unless prohibited by posting, for the purpose of nature study, photography, hiking and sight-seeing. Pets are permitted if on a leash not exceeding ten feet in length. Hunting and fishing are permitted under special regulations.

The refuge area, comprising 6,875 acres, is delineated on maps available at refuge headquarters or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1974.

WILLARD M. SPAULDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1974.

[FR Doc.74-2551 Filed 1-30-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Blackwater National Wildlife Refuge

The following special regulations are issued and are effective during the period February 1, 1974 through December 31, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MARYLAND

BLACKWATER NATIONAL WILDLIFE REFUGE

Entry by foot or motor vehicle is permitted during daylight hours on designated travel routes for the purposes of nature study, photography, hiking, and sight-seeing. Two-wheel motor vehicles (motorcycles, motorbikes, trail bikes, and mini-bikes) are not permitted on the auto drive. Visitors must remain in their vehicles while on the auto drive. Bicycles are permitted on a designated portion of the auto drive.

Pets are permitted on a leash not exceeding 10 feet in length in designated parking areas only.

Fires are prohibited for any purpose in the public use areas.

The refuge, comprising approximately 11,627 acres, is delineated on a map available from the Refuge Manager, Blackwater National Wildlife Refuge, Route 1, Box 121, Cambridge, Maryland 21613 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1974.

JANUARY 24, 1974.

WILLARD M. SPAULDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74-2540 Filed 1-30-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Eastern Neck National Wildlife Refuge

The following special regulation is issued and is effective during the period February 1, 1974 through December 31, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Entrance into the refuge and use of parking areas and facilities is permitted during daylight hours for photography, hiking, nature study, bicycling, and access to fin fishing, shell fishing, and crabbing.

Boat access is permitted at Bogle's Wharf for commercial and sport fin and shell fishing and crabbing in accordance with Federal and State regulations.

The Ingleside Recreation Area is open from May 1, 1974 through September 30, 1974 and from November 23, 1974 through December 1, 1974. Boats may be launched at the launching site from May 1, 1974 through September 30, 1974.

Pets are permitted if on a leash not exceeding 10 feet in length. Camping is not permitted.

The following activities are not permitted at the Eastern Neck Narrows during the period May 1 through September 30. Stopping or parking vehicles, standing on or fishing and crabbing from

the roadside or shoreline, and launching or removing boats.

Designated nature trails, boardwalks, and recreation sites are open for use. All other areas are closed.

Registered motor vehicles are permitted on refuge roads and in designated parking areas only. Parking and leaving vehicles unattended along the refuge roads is not permitted.

The refuge, comprising approximately 2,286 acres, is delineated on a map available from the Refuge Manager, Eastern Neck National Wildlife Refuge, Route 2, Box 225, Rock Hall, Maryland 21661 or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1974.

WILLARD M. SPAULDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1974.

[FR Doc.74-2544 Filed 1-30-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Parker River National Wildlife Refuge

The following special regulations are issued and are effective during the period February 1, 1974 through December 31, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Entrance into those portions of the refuge not posted as closed is permitted for certain uses specified herein during the hours that are designated at the entrance gate (generally dawn to dusk). Sightseeing, nature study, photography, hiking, snowshoeing, and cross-country skiing are encouraged.

Boating is permitted on navigable tidal waters which lie within the refuge, but boats may be landed only at the Knobbs, Grape Island, and Stage Island, and only for nature study.

The entire refuge beach has no lifeguards. Swimming will be at the visitor's own risk.

A limit of one-half bushel of plums and cranberries per family may be picked from August 25 through October 31.

Access to clam flats for clamming is permitted across refuge marshes. Permits are required and may be obtained at the refuge.

Small cooking fires are permitted only on the ocean beach. No other fires are permitted at other locations on the refuge.

Alcoholic beverages, camping, tents, camping trailers, floating devices, and nudity in any form, are not permitted on the refuge.

Pets may not enter the refuge from April 1 through October 20, but are allowed on the refuge from October 21 through March 31 when under full control on a leash not exceeding 10 feet in length.

Organized group activities must be confined to the northern one-quarter mile of beach east of Lots 1 and 2.

The possession of any drugs or substances, or immediate precursors, identified in Schedules I, II, III, IV, or V of Part B of the Controlled Substances Act, 21 U.S.C. 812, or any drugs or substances added to these schedules pursuant to the terms of the Act is prohibited on the refuge, unless such drugs or substances were obtained in accordance with the law. Presence in the refuge when under the influence of a controlled substance to a degree that may endanger oneself, or another person, or property, or may cause interference with another person's enjoyment of the refuge is prohibited.

Bicycles and registered motor vehicles are permitted on the main refuge road and in numbered parking areas only. Snowmobiles, air-cushion, all-terrain, or other similar vehicles deemed improper by refuge agents are not permitted on the refuge.

SURF FISHING (Walk-in Fisherman)

Entire year
Day only
No permit required
May 1 through October 15 [1]
Day and night
Night permit required [2]

SURF FISHING (Over-the-sand surf fishing vehicles)

May 1 through October 15 only [1]
Permit required [2]
May 1 through May 29
Day and night
May 30 through September 4
Night (6 p.m. to 8 a.m.) only: No vehicle shall be operated on the beach between the hours of 8 a.m. to 6 p.m. During these hours all vehicles shall remain in the designated surf fishing vehicle parking area at the east end of beach access trail #2, or exit from the beach area.
September 5 to October 15
Day and night

Night permittees may enter the refuge only until 10 p.m. After 10 p.m., night permittees may remain on the refuge, or may exit through a one-way gate at any time.

Vehicles with the special permit may be on the ocean beach only when the occupants are actively engaged in surf fishing.

All vehicle permits must be affixed to the vehicles as instructed at the time of issuance.

Motorcycles, or any vehicle deemed improper by refuge agents, may not receive the permit.

[1] No fishing is permitted on the northern one-quarter mile of beach east of Lots 1 and 2 from 8 a.m. to 6 p.m.

[2] Permit requirements.

Over-the-sand surf-fishing vehicles must be equipped with spare tire, shovel, jack, tow rope or chain, board or similar support for jack, and low-pressure tire gauge.

Vehicles, under the terms of an over-the-sand surf-fishing permit, may drive only on designated beach access routes and on the beach east of the line formed by the base of the dunes.

No vehicle is permitted on the northern one-quarter mile of beach east of Lots 1 and 2 at any time.

Ruts or holes resulting from freeing a stuck vehicle shall be promptly filled by the operator.

Riding on fenders, tailgates, roof, or any other position outside of the vehicle is prohibited.

Failure to comply with any regulations shall be grounds for immediate cancellaton of all permits.

A map of the refuge is available from the Refuge Manager, Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Massachusetts 01950, or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1974.

WILLARD M. SPAULDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 24, 1974.

[FR Doc.74-2547 Filed 1-30-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Great Swamp National Wildlife Refuge

The following special regulation is issued and is effective during the period February 1, 1974, through December 31, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

NEW JERSEY

GREAT SWAMP NATIONAL WILDLIFE REFUGE

Entry by motor vehicle is permitted only during daylight hours to public parking areas designated as open by signs. Access through the refuge on Pleasant Plains Road is permitted daily from 8 a.m. to dusk.

Entry on foot is permitted during daylight hours on designated routes and trails for the purpose of nature study, photography, hiking, and sightseeing. A permit, obtainable at refuge headquarters, is required for any bus using the public parking areas. Possession of alcoholic beverages is prohibited. Smoking is permitted only in parking areas. Pets on a leash not exceeding 10 feet in length are permitted in parking areas only. The

use of unregistered motor vehicles, snowmobiles, boats, bicycles, canoes, air cushion, and all terrain vehicles is prohibited.

The refuge area, comprising 5,836 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1974.

WILLARD M. SPAULDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1974.

[FR Doc.74-2548 Filed 1-30-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Iroquois National Wildlife Refuge

The following special regulation is issued and is effective from February 1, 1974 through December 31, 1974.

§ 28.28 Special regulations; recreation; for the individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Travel on foot or by motor vehicle is permitted on designated travel routes, for the purpose of nature study, photography, hiking and sight-seeing during daylight hours. Pets on a leash not over 10 feet in length are permitted. Fishing and hunting may be permitted under special regulations.

The refuge area, comprising 10,818 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack P.O. & Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1974.

WILLARD M. SPAULDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1974.

[FR Doc.74-2545 Filed 1-30-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Montezuma National Wildlife Refuge

The following special regulation is issued and is effective during the period February 1, 1974 through December 31, 1974.

§ 28.28 Special regulations; recreation; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes for the purpose of nature study, photography, and sightseeing during daylight hours. Pets are permitted if on a leash not over 10 feet in length. Fishing and hunting under special regulations may be permitted on parts of the refuge.

The refuge area, comprising 6,344 acres, is delineated on maps available from the Refuge Manager, Montezuma National Wildlife Refuge, R.D. #1, Box 232, Seneca Falls, New York 13148 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1974.

WILLARD M. SPAULDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1974.

[FR Doc.74-2549 Filed 1-30-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Erie National Wildlife Refuge

The following special regulation is issued and is effective during the period February 1, 1974 through December 31, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle is permitted on designated travel routes for the purpose of nature study, photography, and sightseeing during daylight hours. Pets are permitted if on a leash not over 10 feet in length. Use of the picnic area is permitted on Saturdays and Sundays from 6:00 a.m. to 9:30 p.m. May 30 through October 15 and on weekdays by reservation.

The refuge area, comprising 7,761 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in 50 CFR, Part 28, and are effective through December 31, 1974.

WILLARD M. SPAULDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 24, 1974.

[FR Doc.74-2542 Filed 1-30-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Mason Neck National Wildlife Refuge

The following special regulations are issued and are effective during the period February 1, 1974 through December 31, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

VIRGINIA

MASON NECK NATIONAL WILDLIFE REFUGE

Entry on foot is permitted from April 1 through November 30, during daylight hours only on roads and trails, as posted, for nature study, photography, and sightseeing. Advance appointments for environmental education trips must be made with the refuge manager.

The refuge, comprising 950 acres, and those portions open to public access are delineated on maps available at refuge headquarters or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

This special regulation supplements the regulations governing recreation on wildlife refuge areas generally, as set forth in 50 CFR Part 28 and is effective through December 31, 1974.

WILLARD M. SPAULDING,
Acting Regional Director, Bureau of Sport Fisheries & Wildlife.

JANUARY 23, 1974.

[FR Doc.74-2546 Filed 1-30-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Presquile National Wildlife Refuge

The following special regulations are issued and are effective during the period February 1, 1974 through December 31, 1974.

§ 28.28 Special regulations; recreation; for individual wildlife refuge areas.

VIRGINIA

PRESQUILE NATIONAL WILDLIFE REFUGE

Entry by foot is permitted for the purposes of wildlife trail use, nature study, wildlife observation, and photography. Access is gained by Government-owned and operated ferry only. Visitation is limited to organized groups such as school, civic, and church groups between

the hours of 7:30 a.m. and 4 p.m. Monday through Friday except holidays. Vehicles may not be used by groups except when specifically authorized by the refuge manager. Pets, alcoholic beverages, overnight camping, and littering are not permitted.

Students and teachers engaged in scientific studies, under special use permit, may enter the refuge either by ferry or by boat and may visit the refuge as necessary providing that prior notice is given to the refuge manager.

Information about the refuge, comprising 1,329 acres, is available from the Refuge Manager, Presquile National Wildlife Refuge, Post Office Box 620, Hopewell, Virginia 23860, office located in 202 Tartan Building, 320 East Broadway, Hopewell, Virginia or the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1974.

WILLARD M. SPAULDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1974.

[FR Doc.74-2550 Filed 1-30-74;8:45 am]

PART 33—SPORT FISHING

Bombay Hook National Wildlife Refuge

The following special regulation is issued and is effective during the period February 1, 1974 through December 31, 1974.

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

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Sport fishing on the Bombay Hook National Wildlife Refuge, Smyrna, Delaware, is permitted in tidal waters. These open areas are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing from boats only is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas, generally, which are set forth in 50 CFR Part 33, and are effective through December 31, 1974.

WILLARD M. SPAULDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1974.

[FR Doc.74-2543 Filed 1-30-74;8:45 am]

PART 33—SPORT FISHING

Upper Souris National Wildlife Refuge

The following special regulation is issued and is effective January 31, 1974.

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

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas comprise 7,000 acres and are delineated on maps available at refuge headquarters and from the office of the Area Manager, Bureau of Sport Fisheries and Wildlife, P.O. Box 1897, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State laws and regulations subject to the following special conditions:

(1) Refuge areas shall be closed to the taking of fish from March 25, 1974, thru May 3, 1974. Refuge areas shall be open to the taking of fish from May 4, 1974, thru March 23, 1975. Boat fishing shall be permitted only from May 4, 1974, thru September 30, 1974.

(2) The use of once frozen smelt, perch eyes and commercially pickled minnows is permitted.

(3) One outboard motor of not more than 10 horsepower may be attached to any boat or floating craft and is to be used for fishing purposes only. Speed limit on the Souris River above the Mouse River Park not to exceed five miles per hour.

(4) Fish houses and vehicles will not be permitted on river areas below the Lake Darling dam.

(5) Operation of snowmobiles within the refuge boundaries is prohibited.

(6) Refuge is open to public use between the hours of 5:00 a.m. to 10:00 p.m. daily.

(7) Fish houses must be removed from the refuge no later than February 28.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in 50 CFR Part 33, and are effective through March 23, 1975.

DON R. PERKUCHIN,
Refuge Manager, Upper Souris National Wildlife Refuge, Foxholm, North Dakota.

JANUARY 23, 1974.

[FR Doc.74-2552 Filed 1-30-74;8:45 am]

PART 33—SPORT FISHING

Hagerman National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on January 31, 1974.

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

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel, pole, and line(s), including frog gigging on the Hagerman National Wildlife Refuge, Sherman, Texas, is permitted from April 1 through September 30, 1974, inclusive, but only on the areas designated by signs as open to fishing. These open areas, comprising 2,900 acres, are delineated on maps available at refuge headquarters, 6 miles west of Pottsboro, Texas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing is not permitted from Harris Creek Bridge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in 50 CFR Part 33, and are effective through September 30, 1974.

BERT M. ANDUSS,
Refuge Manager, Hagerman National Wildlife Refuge, Sherman, Texas.

JANUARY 8, 1974.

[FR Doc.74-2554 Filed 1-30-74;8:45 am]

Title 7—Agriculture

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

PART 26—GRAIN STANDARDS

United States Standards for Grain Sorghum

Pursuant to section 4 of the United States Grain Standards Act, as amended (82 Stat. 762, 7 U.S.C. 76) a notice was published in the FEDERAL REGISTER (38 FR 23955) on September 5, 1973, according to the administrative procedure provisions of Section 553 of Title 5, United States Code; concerning a proposed revision of the United States Standards for Grain Sorghum (7 CFR 26.551 et seq.). A correction to the notice was published on September 12, 1973 (38 FR 25186).

On January 8, 1974, rulemaking was published in the Federal Register (39 FR 1350) which changed the designation of all official grain standards. "Official Grain Standards of the United States for Grain Sorghum" was changed to read "United States Standards for Grain Sorghum."

Statement of considerations.—The United States Grain Standards Act provides for official U.S. standards to designate the levels of quality of grain for voluntary use by producers, merchandisers, and consumers in the domestic marketing of grain and for mandatory use in the export marketing of grain. Official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Approximately 700 reprints of the notice of proposed rulemaking were sent to individuals, firms, and associations interested in the production, marketing, and use of sorghum. Interested parties were given until October 23, 1973, to

submit data, views, or recommendations concerning the proposed revisions.

In response to the notice, 11 written comments were received. Generally, they all favored the proposed changes. The following suggestions were made which have been incorporated into the final rulemaking. These changes do not substantively alter the nature of the amendments from that of the original proposal:

1. Add a definition for the term "pericarp" and substitute the term "pericarp" for the term "seedcoats"—to give a more accurate description of the outer coating of the sorghum grain.

2. Include abbreviated descriptions of sieves, which are specified in the proposal and change the description of the sieves in §§ 26.552(e) and 26.553—to promote objectivity in application of the standards.

3. Add a statement requiring that grain inspectors, upon request, show on the inspection certificate the grade under both the "old" and "new" standards—to provide for grading of lots contracted on the basis of the "old" standards.

4. Show only the definition for sorghum in § 26.551. Show all other definitions under "Definitions of other terms" in § 26.552. Redesignate all subsequent sections, footnotes, and paragraphs as needed.

5. Revise § 26.554 "Temporary adjustments in equipment and procedures"—to show that the adjustments shall be nonsubstantive, that adjustments shall not be made in interpretations, and that prompt notice of the temporary adjustment shall be made.

6. Add a statement in § 26.559(b) to show that the meaning of "infested" is defined in the Grain Inspection Manual.

7. Add "an aggregate" to the definition for Sample grade, § 26.557—to clarify the definition.

8. Make other minor changes for purposes of clarity.

Accordingly, the United States Standards for Grain Sorghum (7 CFR 26.551—26.560) are revised to read as follows:

UNITED STATES STANDARDS FOR SORGHUM[1]

TERMS DEFINED

§ 26.551 Definition of sorghum.

Grain which, before the removal of dockage, consists of 50 percent or more of whole kernels of sorghum (*Sorghum vulgare*) excluding nongrain sorghum and which contains not more than 10.0 percent of other grains for which standards have been established under the United States Grain Standards Act. Whole kernels, for purposes of this determination, shall be sorghum with ¼ or less of the kernel removed.

§ 26.552 Definitions of other terms.

For the purposes of these standards the following terms shall have the meanings stated below:

(a) *Broken kernels, foreign material, and other grains.*—All material, including whole kernels of sorghum and pieces of kernels of sorghum (except dockage) which may be removed from a test portion of the original sample by use of an approved device, and by handpicking a portion of the sample, in accordance with procedures prescribed in the Grain Inspection Manual.[2] For the purpose of this paragraph "approved device" shall include the Carter Dockage Tester and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(b) *Classes.*—The following four classes:

(1) *Brown sorghum.*—Sorghum with brown pericarps or brown subcoats which contains not more than 10.0 percent of sorghum of other colors.

(2) *White sorghum.*—Sorghum with white pericarps which contains not more than 2.0 percent of sorghum with pericarps or subcoats of other colors.

(3) *Yellow sorghum.*—Sorghum with yellow, salmon-pink, red, or white pericarps, or white but spotted pericarps, which contains not more than 10.0 percent of sorghum with brown pericarps or subcoats and which does not meet the requirements for the class White Sorghum.

(4) *Mixed sorghum.*—Sorghum which does not meet the requirements for any of the classes Brown Sorghum, Yellow Sorghum, or White Sorghum.

(c) *Damaged kernels (total).*—Kernels and pieces of kernels of sorghum and other grains which are heat-damaged, sprout-damaged, frost-damaged, badly ground-damaged, badly weather-damaged, mold-damaged, diseased, insect-bored, or otherwise materially damaged.

(d) *Distinctly low quality.*—Sorghum which is obviously of inferior quality because it contains foreign substances or because it is in an unusual state or condition, and which cannot be graded by use of the other grading factors provided in the standards.

(e) *Dockage.*—Material that will pass through a 2 1/2/64 inch round-hole sieve (see paragraph (k) of this section), including pieces of sorghum, which may be removed from a test portion of the original sample by use of an approved device in accordance with procedures prescribed in the Grain Inspection Manual.[2] For this purpose of this paragraph "approved device" shall include the Carter Dockage Tester and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(f) *Heat-damaged kernels.*—Kernels and pieces of kernels of sorghum and other grains which are materially discolored and damaged as a result of heating.

(g) *Moisture.*—Water content in sorghum as determined by an approved device in accordance with procedures prescribed in the Grain Inspection Manual.[2] For the purpose of this paragraph "approved device" shall include the Motomco Moisture Meter and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(h) *Nongrain sorghum.*—Seeds of broomcorn, johnsongrass, sorghum almum, sorghum-sudangrass hybrids, sorgrass, sudangrass, and sweet sorghum (sorgo).

(i) *Other grains.*—Barley, corn, cultivated buckwheat, einkorn, emmer, flaxseed, hull-less barley, nongrain sorghum, oats, Polish wheat, popcorn, poulard wheat, rice, rye, soybeans, spelt, sweet corn, triticale, wheat, and wild oats.

(j) *Pericarp.* The pericarp is the outer layers of the sorghum grain and is fused to the seedcoat.

(k) *Sieves*—(1) *5/64 triangular-hole sieve.* A metal sieve 0.032 inch thick with equilateral triangular perforations the inscribed circles of which are 0.0781 (5/64) inch in diameter.[3]

(2) *2 1/2/64 round-hole sieve.* A metal sieve 0.032 inch thick with round holes 2 1/2/64 inch in diameter.[3]

(l) *Stones.* Concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

(m) *Test weight per bushel.*—Test weight per bushel shall be the weight per Winchester bushel (2,150.42 cubic inch capacity) as determined on a test portion of the original sample by an approved device in accordance with instructions in the Grain Inspection Manual.[2] For the purpose of this paragraph, "approved device" shall include the Fairbanks-Morse or Ohaus Test Weight Per Bushel Apparatus and any other equipment that is approved by the Administrator as giving equivalent results.[3] Test weight per bushel shall be stated in terms of whole and half pounds; a fraction of a pound when equal to or greater than one-half shall be stated as one-half and when less than one-half shall be disregarded; e.g., 51.1 through 51.4 shall be 51.0, and 51.5 through 51.9 shall be 51.5.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 26.553 Basis of determination.

Each determination of "broken kernels, foreign material, and other grains" shall be determined on a test portion of the grain sample when free from "dockage." Each determination of "class," "damaged kernels," "heat-damaged kernels," and "stones" shall be determined on a test portion of the grain sample when free from "dockage," and that part of the "broken kernels, foreign material, and other grains" which will pass through a 5/64 inch triangular-hole sieve (see paragraph (k) of this section). All

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

[2] Grain Inspection Manual, GR Instruction 918-6, revised August 28, 1972. Copies may be obtained from the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782.

[3] Requests for information concerning approved devices and procedures, criteria for approved devices, and request for approval of devices should be directed to the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782.

other determinations shall be on a test portion of the original sample.

§ 26.554 Temporary adjustments in equipment and procedures.

The equipment and procedures referred to in the sorghum standards are applicable to sorghum produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvest of sorghum may require temporary, nonsubstantive adjustments in the procedures or equipment to obtain results expected under normal conditions. Adjustments in interpretations (i.e., identity, class, quality, and condition) are excluded and shall not be made. When these adjustments are necessary, Grain Division Field Offices, Official Inspection Agencies and interested parties in the grain trade will be notified promptly in writing of the change.

§ 26.555 Percentages.

(a) Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(1) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure, e.g., 0.46, report as 0.5.

(2) When the figure to be rounded is followed by a figure less than 5, round to the next lowest figure, e.g., 0.54, report as 0.5.

(3) When the figure to be rounded is even and it is followed by the figure 5, retain the even figure. When the figure to be rounded is odd and it is followed by 5, round the figure to the next highest number, e.g., 0.45, report as 0.4; 0.55, report as 0.6.

Percentages, except for dockage shall be stated in whole and tenth percent to the nearest tenth percent. The percentage of dockage when equal to one percent or more shall be stated as a whole percent; a fraction of a percent shall be disregarded.

(b) The percentage of "broken kernels, foreign material, and other grains" shall be the sum of the percentage determined for the mechanically separated portion and the percentage determined for the handpicked portion in accordance with instructions in the Grain Inspection Manual.[1]

§ 26.556 [Reserved]

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 26.557 Grades and grade requirements for all classes of sorghum. (See also § 26.559.)

Grade	Minimum test weight per bushel	Maximum limits of—			
		Moisture	Damaged kernels		Broken kernels, foreign material, and other grains
			Total	Heat-damaged kernels	
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	57.0	13.0	2.0	0.2	4.0
U.S. No. 2	55.0	14.0	5.0	0.5	8.0
U.S. No. 3 [1]	53.0	15.0	10.0	1.0	12.0
U.S. No. 4	51.0	18.0	15.0	3.0	15.0
U.S. Sample grade.	U.S. Sample grade shall be sorghum which— (a) Does not meet the requirements for the grades U.S. Nos. 1, 2, 3, or 4, (b) Contains more than 7 stones which have an aggregate weight in excess of 0.2 percent of the sample weight or more than 2 crotalaria seeds (*Crotalaria* spp.) per 1,000 grams of sorghum, (c) Has a musty, sour, or commercially objectionable foreign odor (except smut odor), or (d) Is badly weathered, heating, or distinctly low quality (see § 26.552 (d)).				

[1] Sorghum which is distinctly discolored shall not be graded higher than U.S. No. 3.

§ 26.558 Grade designations.

The grade designations for sorghum shall include in the following order: (a) The letters "U.S.," (b) the number of the grade or the words "Sample grade," (c) the class, (d) each applicable special grade (see § 26.560), and (e) when applicable, the word "dockage" together with the percentage thereof. The grade designation for the class "Mixed Sorghum" shall include, following the words "Mixed Sorghum," the approximate percentages of each class of sorghum in the mixture in the order of predominance.

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 26.559 Special grades and special grade requirements.

A special grade, when applicable, is supplemental to the grade assigned under § 26.557. Such special grades are established and determined as follows:

(a) *Smutty sorghum.* Sorghum which is covered with smut spores or which contains 20 or more smut masses in 100 grams of sorghum.

(b) *Weevily sorghum.* Sorghum which is infested with live weevils or other live insects injurious to stored grain. As applied to sorghum the meaning of the term "infested" is set forth in chapter IX of the Grain Inspection Manual.[2]

§ 26.560 Special grade designations.

The grade designation for smutty or weevily sorghum shall include, following the class, the word(s) "Smutty" or "Weevily," as warranted, and all other information prescribed in § 26.558.

Comments. The United States Grain Standards Act, as amended, requires that public notice shall be given on any amendment of the standards and that no changes shall become effective less than 1 year after promulgation thereof, unless, in the judgment of the Secretary, the public health, interest, or safety require that they become effective sooner.

It is desirable that new standards become effective before the beginning of harvest to minimize possible disruption of normal marketing procedures. Producers of white sorghum need relief from the present system of classification which downgrades lots of white sorghum into the mixed sorghum category. A limited pole of members of the trade and Federal agencies indicate no objection to an effective date of June 1, 1974. Accordingly, under the administrative procedure provisions of section 553 of Title 5, United States Code, it is found upon good cause that further notice and other public procedure with respect to these amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 1 year after publication in the FEDERAL REGISTER.

For a period of 6 months after adoption of these amendments grain inspectors shall, upon request, show on inspection certificates the grade under both the "old" and "new" standards.

Effective date. The foregoing standards supersede the Official Grain Standards of the United States for Grain Sorghum as amended effective February 28, 1970, and shall become effective June 1, 1974.

Done at Washington, D.C., on January 28, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-2622 Filed 1-30-74;8:45 am]

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, quotas, and quota deficits for 1974

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended; 7 U.S.C. 1101), hereinafter referred to as the "Act." The purpose of this amendment to Sugar Regulation 811 is to revise the determination of sugar requirements for the calendar year 1974, establish quotas and prorations consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201(a) of the Act requires a determination of the amount of sugar needed to meet the requirements of consumers in the continental United States whenever necessary to attain the price objective set forth in section 201(b) of the Act.

Section 202(g)(3) of the Act, which sets forth the procedure to use in attaining such price objective, provides that whenever the simple average of prices of raw sugar for 7 consecutive market days during the period November 1 through February 28, is 3 percent or more above or below the average price objective for the preceding 2 calendar months, the determination of requirements of consumers shall be adjusted to the extent necessary to attain such price objective.

Since November 1 when the price corridor narrowed from 4 percent to 3 percent above or below the price objective, the average New York spot price has exceeded 3 percent of the price objective except for one day on December 7. During this time the 1973 sugar requirements were increased by 100,000 tons twice on a first-come, first-served basis and the 1974 requirements were increased 200,000 tons. Early arrival of sugar is lagging, however, and the prompt marketing of domestically produced sugar in Florida, Louisiana and the Texas area is less than anticipated due to weather conditions. The domestic market continues to labor under the influence of a very strong world market and the domestic price on January 11 of 12.05 cents per pound exceeded the price objective on that date by 1.11 cents per pound. In light of this a strong positive action is necessary by the Department of Agriculture in an attempt to bring the market price closer the price objective. Accordingly, total sugar requirements for the calendar year 1974 are hereby increased by 500,000 short tons, raw value, to a total of 12.5 million short tons, raw value.

Section 204(a) of the Sugar Act of 1948, as amended, provides in part that "The Secretary shall * * * as the facts are ascertainable by him but in any event not less frequently than each 60 days after the beginning of each calendar year, determine whether, * * * any area or country will not market the quota for such area or country."

It was previously determined in Sugar Regulation 811 that the Domestic Beet Sugar Area would be unable to market in excess of 3,300,000 short tons, raw value, of sugar in 1974. Accordingly, deficits were determined in the quota for the Beet Area of 487,333 tons representing the amount its quota exceeded 3,300,000 tons. Since this amendment increases the quota for that area by 238,334 tons, the deficit previously determined in the 1974 quota for the Domestic Beet Sugar Area is increased by 238,334 short tons, raw value, to 725,667 tons. If production exceeds the present estimates for the Domestic Beet Area, the marketing opportunities for that area within the total quota for that area will not be limited as a result of the deficit determination and proration provided herein.

It is hereby determined that quota deficits previously declared and that declared herein constitute all deficits ascertainable from information currently available to the Department.

The world price of raw sugar of 14.50 cents per pound on January 11 was several cents per pound above the domestic price and has caused several U.S. quota countries to ship sugar to the world market. Additional sugar is apparently needed to attain the price objective. Since very little additional sugar is available from quota countries other than that presently scheduled for delivery, it has become necessary to open the quota to other foreign countries. Therefore, pursuant to section 202(d)(2)(A) of the Act, it is hereby found that it is not practicable to obtain in a timely manner the quantity of sugar needed from foreign countries to meet the requirements of consumers under section 201 by apportionment of the foreign requirements increase to countries pursuant to sec. 202 (b), (c) and (d)(1) of the Act and that limited sugar supplies and increases in prices have created an emergency situation significantly interfering with the orderly movement of foreign raw sugar to the United States. The Secretary has also found that foreign quota countries cannot fill in a timely manner all of the additional deficits if allocated and prorated to them pursuant to section 204(a) of the Act. Therefore, to obtain additional sugar the 175,000 short tons, raw value, increase in foreign requirements by this amendment and additional deficits of 238,334 short tons, raw value, will be permitted to be imported on a first-come, first-served basis from any sugar producing country other than Cuba and Southern Rhodesia subject to the conditions in paragraph (d)(2) of § 811.33.

In view of the need to import the sugar permitted for importation by this amendment as soon as possible, it is impractical to develop meaningful agreements with countries to purchase for dollars additional quantities of U.S. agricultural products.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.30, 811.31, 811.32, and 811.33 as follows:

1. Section 811.30 is amended to read as follows:

§ 811.30 Sugar requirements, 1974.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1974 is hereby determined to be 12,500,000 short tons, raw value.

2. Section 811.31 is amended by amending paragraph (a) to read as follows:

§ 811.31 Quotas for domestic areas.

(a)(1) For the calendar year 1974 domestic area quota limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas	Direct-consumption limits
	(1)	(2)
	(Short tons, raw value)	
Domestic beet sugar	4,025,667	No limit
Mainland cane sugar	1,764,333	No limit
Texas cane area	100,000	No limit
Hawaii	1,110,000	40,356
Puerto Rico	855,000	160,000

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1974 the Domestic Beet Sugar Area and Puerto Rico will be unable by 725,667 and 700,000 short tons, raw value, respectively, to fill the quotas established for such areas in paragraph (a)(1) of this section. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in paragraph (a)(1) of this section.

* * * * *

3. Section 811.32 is amended by amending paragraph (a) to read as follows:

§ 811.32 Proration and allocation of deficits in quotas.

(a) The total deficits determined in quotas established under section 202 of the Act in short tons, raw value, are as follows: Domestic Beet Sugar Area 725,667 and Puerto Rico 700,000. The deficits for the domestic areas totaling 1,425,667 short tons, raw value, are reallocated by (1) allocating 357,150 tons to the Republic of the Philippines; (2) prorating 830,183 tons to Western Hemisphere countries with quotas in effect in accordance with section 204(a) of the Act and (3) assigning 238,334 tons to foreign countries on a first-come, first-served basis pursuant to paragraph (d)(2) of § 811.33 as set forth in Amendment 2 of this Part.

* * * * *

4. Section 811.33 is amended by amending paragraph (c), redesignating paragraph (d) as paragraph (d)(1) and adding a new paragraph (d)(2) to read as follows:

§ 811.33 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1974, the prior prorations to individual foreign countries (other than to the Republic of the Philippines pursuant to section 202 of the Act) and a quantity to be allocated on a first-come, first-served basis are shown in columns (1) and (2) of the following table. Deficit prorations previously established in § 811.33 are shown in column (3). A deficit determination and the deficit quantity of 238,334 tons to be allocated to foreign countries on a first-come, first-served basis as herein established are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202(d) [1]	Previous deficit prorations	New deficits	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
	Short tons, raw value				
Dominican Republic	427,345	184,419	174,977	0	786,741
Mexico	377,933	163,097	154,745	0	695,775
Brazil	368,585	159,064	150,918	0	678,564
Peru	254,228	87,224	107,994	0	449,446
West Indies	4,048	1,387	56,321	0	61,756
Ecuador	54,420	23,484	22,282	0	100,186
Argentina	51,081	22,044	20,915	0	94,040
Costa Rica	46,073	19,883	18,865	0	84,821
Colombia	45,405	19,595	18,591	0	83,591
Panama	43,068	18,585	17,634	0	79,287
Nicaragua	43,068	18,585	17,634	0	79,287
Venezuela	34,790	11,936	16,814	0	63,540
Guatemala	39,396	17,001	16,131	0	72,528
El Salvador	28,712	12,391	11,756	0	52,859
British Honduras	22,708	9,797	9,296	0	41,796
Haiti	20,699	8,934	8,475	0	38,108
Honduras	8,013	3,457	3,281	0	14,751
Bolivia	4,340	1,873	1,777	0	7,990
Paraguay	4,340	1,873	1,777	0	7,990
Australia	167,509	45,026	0	0	212,625
Republic of China	69,777	18,747	0	0	88,524
India	67,106	18,028	0	0	85,134
South Africa	47,408	12,736	0	0	60,144
Fiji Islands	36,725	9,867	0	0	46,592
Mauritius	24,706	6,638	0	0	31,344
Swaziland	24,706	6,638	0	0	31,344
Thailand	15,358	4,125	0	0	19,483
Malawi	12,353	3,318	0	0	15,671
Malagasy Republic	10,016	2,691	0	0	12,707
Ireland	5,351	0	0	0	5,351
To be allotted [2]	131,572	43,428	0	238,334	413,334
Total	2,490,924	955,868	830,183	238,334	4,515,309

[1] Proration of the quotas withheld from Cuba, Southern Rhodesia, Bahamas, Uganda, West Indies, Peru, and Venezuela.

[2] Will be allotted to foreign countries pursuant to paragraph (d)(2) of this section. The figures in columns 1 and 2 of this line represent what the basic and temporary quotas would have been if this increase had been prorated in the normal manner.

(d) * * *

(2) The quantity of sugar in column (5) of the table in paragraph (c) of this section designated as "To be allocated" amounting to 413,334 short tons, raw value of raw sugar, may be authorized for importation from sugar producing countries other than Cuba and Southern Rhodesia. Authorizations for the importation of such sugar shall be made on the basis of applications for Sugar Quota Clearance on Form SU-3 or applications for Set-Aside of Quota on Form SU-8A in accordance with provisions of Part 817 of this chapter, except that (i) if two or more applications on Forms SU-3, or on SU-8A, become eligible for authorization at the same time, first priority shall be given to the earliest arrival date and second priority to earliest departure date stated therein, (ii) applications for Set-Aside of Quota on Form SU-8A to be eligible for authorization must show an arrival date of the shipment on or before March 15, 1974 and (iii) each application for Set-Aside of Quota must show the anticipated dates of departure and arrival of the sugar (in lieu of a 3-month period as shown on the form).

* * * * *

(Sec. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action increases quotas for the calendar year 1974 by 500,000 tons, determines additional deficits of 238,334 tons and makes available for importation from foreign quota countries on a first-come, first-served basis the additional deficits of 238,334 tons plus the 175,000 tons foreign quota increase. In order to promote orderly marketings, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective on January 28, 1974.

Signed at Washington, D.C., on January 25, 1974.

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

[FR Doc.74-2513 Filed 1-28-74;11:23 am]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Regulation 310]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period February 1-7, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.610 Navel Orange Regulation 310.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continue good. Prices f.o.b. averaged $3.68 a carton on a reported sales volume of 1,021 carlots last week, compared with an average f.o.b. price $3.64 per carton and sales of 998 carlots a week earlier. Track and rolling supplies at 532 cars were up 15 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon

which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation for regulation together with its supporting information has been submitted by the committee, however, the Secretary has modified the recommendation to provide for the shipment of a greater quantity of Navel oranges, retaining the same effective date, and such information is being disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 29, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 1, 1974 through February 7, 1974, are hereby fixed as follows:

(i) District 1: 1,350,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement.

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

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

Dated: January 30, 1974.

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

[FR Doc.74–2778 Filed 1–30–74;11:28 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 440.5]

PART 1812—LOAN CHECKS, NOTES, AND INSURANCE ENDORSEMENT FOR INSURED LOANS MADE BY LOCAL LENDERS, EXCEPT CERTAIN INSURED LOANS TO PUBLIC BODIES

Deletion of Part

Notice is hereby given that 7 CFR Part 1812, Loan Checks, Notes, and Insurance Endorsement for Insured Loans Made by Local Lenders, Except Certain Insured Loans to Public Bodies, (32 FR 8366) is deleted. The sale of individual insured notes is being replaced by the sale of certificates of beneficial ownership.

The proposal to sell certificates of beneficial ownership in place of individual insured notes was published in the proposed rule section of the FEDERAL REGISTER on November 9, 1973, 38 FR 31012–31016, under 7 CFR Part 1873, Certificate of Beneficial Ownership and Insured Notes. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation. No written objections having been received to that proposal it has been determined that the deletion of Part 1812 does not need to be published for comment as a proposal.

(7 U.S.C. 1989; 42 U.S.C. 1480; Delegation of Authority by the Secretary of Agriculture, 38 FR 14944, 14948, 7 CFR 2.23; Delegation of Authority by the Assistant Secretary for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70)

Effective date. This deletion will become effective January 31, 1974.

Dated: January 25, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–2515 Filed 1–30–74;8:45 am]

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATION

[FHA Instruction 471.1]

PART 1873—CERTIFICATE OF BENEFICIAL OWNERSHIP AND INSURED NOTES

On pages 31012–31016 of the FEDERAL REGISTER of November 9, 1973, there was published a notice of proposed regulations for issuance, transfer, and redemption of Certificates of Beneficial Ownership issued by the Farmers Home Administration Finance Office, and the servicing of existing insured notes that have been sold. The revision of Part 1873 will terminate the sale of individual insured notes by the Farmers Home Administration. Certificates of Beneficial Ownership in a trust of FHA insured loans will be sold to the investing public. The sale of Certificates of Beneficial Ownership will enable FHA to offer an investment instrument that will have even denominations, a fixed principal amount until maturity, and will allow denominational exchanges.

Part 1873 also sets out regulations for servicing existing insured notes that have been sold. It incorporates regulations pertaining to lost, stolen, mutilated or defaced insured notes, insurance contracts, and Certificates of Beneficial Ownership.

The reference to delegation of authority in § 1873.41 and § 1873.52 has been corrected to read, "the Director, or the Insured Loan Officer, of the Finance Office * * *"

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation. No written objections were received and the proposed regulations are hereby adopted without change, and are set forth below.

Effective date. These regulations are effective January 31, 1974.

Dated: January 25, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

Subparts A and C of Part 1873 are revised to read as set forth below. Subpart B, Book-entry procedure for FHA securities; issuance and redemption by Reserve Bank, was published on December 6, 1973, at 38 FR 33586.

Subpart A—Certificates of Beneficial Ownership in Farmers Home Administration Loans

Sec.
1873.1 Definitions.
1873.2 Special trusts of loans.
1873.3 Certificates of beneficial ownership.
1873.4 Issue date and maturity of certificates.

* * * * *

Subpart C—Certificates Issued by the Finance Office of the Farmers Home Administration

1873.21 Order and payments.
1873.22 [Reserved]
1873.23 Registration.
1873.24 Errors in registration.
1873.25 [Reserved]
1873.26 Transfers and exchanges of certificates—closed periods.
1873.27 [Reserved]
1873.28 Redemption or payment.
1873.29 [Reserved]
1873.30 Assignments.
1873.31 Death of certificate holder.
1873.32 Replacement of certificates.

Subpart D—Servicing of Insured Notes Outstanding With Investors

1873.41 Delegations of authority.
1873.42 General policies.
1873.43 Procedure for sale of insured notes by private holders to private lenders.
1873.44 Procedure for assignment of insured notes to Farmers Home Administration.
1873.45 Replacement of called or fully paid notes.
1873.46 Procedure to be followed upon the death of a holder of an insured note.

Subpart E—Loss Theft, Destruction, Mutilation or Defacement of Insured Notes, Insurance Contracts, and Certificates of Beneficial Ownership

1873.51 General.
1873.52 Authorization.
1873.53 Policies.

AUTHORITY: 7 U.S.C. 1989, 42 U.S.C. 1480, delegation of authority by the Secretary of Agriculture, 38 FR 14944, 1498, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.

Subpart A—Certificates of Beneficial Ownership in Farmers Home Administration Loans

§ 1873.1 Definitions.

As used in Subparts A, C, D, and E, of this part, the following definitions will apply:

(a) "Announcement of sale" shall mean any notice of terms and conditions respecting a sale of certificates.

(b) "Certificate" shall mean a Certificate of Beneficial Ownership issued by

Farmers Home Administration under this part.

(c) "Director, Finance Office" is the Director or the Insured Loan Officer of the Finance Office of FHA.

(d) "FHA" is the United States acting through the Farmers Home Administration.

(e) "Finance office" is the office which maintains the FHA finance records. It is located at 1520 Market Street, St. Louis, Missouri 63103. (Phone: 314–622–4400)

(f) "Fixed period" is any time interval (preceding an option period) during which the insured holder is not entitled to require FHA to purchase the insured note, as specified in the insurance agreement.

(g) "Insurance agreement" is the entire contract evidencing and setting forth the terms and conditions of FHA insurance of the payment for the insured note. The insurance agreement with respect to any particular loan may be evidenced by Form FHA 440–5, "Insurance Endorsement (Insured Loan)," Form FHA 440–30, "Insurance Endorsement (Insured Loans)," Form FHA 471–6, "Reinsurance and Repurchase Agreement (Automatic Renewal)," or any other form or forms prescribed by the National Office and executed by an authorized official of FHA. It may include such provisions as, for example, an agreement of FHA to purchase or repurchase the loan, or to make supplementary payments from the insurance fund.

(h) "Insurance fund" is the Agricultural Credit Insurance Fund authorized by section 309 of the Consolidated Farm and Rural Development Act, the Rural Development Insurance Fund authorized by section 309A of the Consolidated Farm and Rural Development Act, or the Rural Housing Insurance Fund authorized by section 517 of Title V of the Housing Act of 1949.

(i) "Insured holder" is the current owner of an insured note other than FHA, according to the records of FHA as insurer of the note.

(j) "Insured note" is any promissory note or bond evidencing an insured loan regardless of whether it is held by FHA in the insurance fund, by a private holder, or by FHA as Trustee.

(k) "Loans" shall mean loans made and held in the Agricultural Credit Insurance Fund, Rural Development Insurance Fund, or the Rural Housing Insurance Fund.

(l) "National office" is the Administrator or other authorized officer of the FHA in Washington, D.C.

(m) "Option period" is any period during which the insured holder has the optional right to require the FHA to purchase the insured note, as specified in the insurance agreement.

(n) "Par value" is the total amount to which the insured holder is entitled under the terms of the insurance agreement.

(o) "Private buyer" is a buyer of an insured note other than FHA.

(p) "Private holder" is an insured holder other than FHA.

(q) "Repurchase agreement" is a provision in the insurance agreement obligating FHA to buy the insured note at the option of the holders.

(r) "Sale," or "seller," and "buyer" are respectively, the transfer of ownership (including possession or the right of possession), the transferor, and the transferee.

(s) "State director" is the State Director of FHA for the State in which is located the real estate improved, purchased, or refinanced with the loan evidenced by the insured note.

§ 1873.2 Special trusts of loans.

(a) *Establishment of special trusts.* From time to time FHA will place in special trusts unmature loans evidenced by notes or other instruments. Loans may be placed into or removed from a special trust, but there will always be maintained in such trusts loans on which the unpaid amount is at least equal to the face value of the outstanding unmature certificates evidencing beneficial ownership in such special trust as provided in paragraph (b) of this section.

(b) *Beneficial ownership of special trusts.* To permit interested persons to acquire a beneficial ownership of loans comprising a special trust established under paragraph (a) of this section, FHA will sell certificates which will evidence beneficial ownership of an interest in the special trust to the extent of the face value of such certificates. FHA will own an interest in special trusts equal to the amount by which the unpaid principal amount of loans comprising the trusts exceeds the face value of all outstanding certificates evidencing beneficial ownership in such trusts.

§ 1873.3 Certificates of beneficial ownership.

(a) *Sale of certificates.* Certificates will be offered for sale from time to time by FHA. Such sales will be made on such terms and conditions as FHA may deem appropriate.

(b) *Form of certificates.* The certificates may be interest-bearing or non-interest-bearing. The certificates may be made payable to the bearer or registered holder thereof, and will be negotiable. The certificates will be issued in denominations specified in the invitations for bid or other announcement of sale. For sales made from and issued by the National Finance Office, the terms of the sales shall be announced from time to time in the FEDERAL REGISTER.

§ 1873.4 Issue date and maturity date of certificates.

The certificates will be issued on such dates and mature on such dates as specified in the invitation for bid or other announcement of sale. Such dates will appear on the face of the certificates.

* * * * *

Subpart C—Certificates Issued by the Finance Office of the Farmers Home Administration

§ 1873.21 Orders and payment procedure.

Orders for investment in certificates may be placed with the Finance Office by mail, telephone, or in person. Payment for purchase of certificates may be made by a wire transfer to the Federal Reserve Bank of St. Louis for credit to the Farmers Home Administration, by a certified check, or bank draft payable to the Farmers Home Administration. The rate of interest paid on the certificate will be the rate in effect on the date the payment is received by the Finance Office.

§ 1873.22 [Reserved]

§ 1873.23 Registration.

The registration used must express the actual ownership of a certificate and may not include any restriction on the authority of the owner to dispose of it in any manner. FHA reserves the right to treat the registration as conclusive ownership. Request for registration must be clear, accurate and complete, and include the appropriate taxpayer identifying number or social security number. The registration of all certificates owned by the same person, organization, or fiduciary, should be uniform with respect to the name of the owner and in case of fiduciary, the description of the fiduciary capacity. Individual owners should be designated by the names by which they are ordinarily known or under which they do business, preferably including at least one full given name. The name of an individual may be preceded by an applicable title, as for example, "Mrs." "Miss" "Ms." "Dr." or "Rev." or followed by a designation such as "M.D." "D.D." "Sr." or "Jr." Any other similar suffix should be included when ordinarily used or when necessary to distinguish the owner from a member of his family. The address should include, where appropriate, the name and street, route, or any other location feature, and zip code.

§ 1873.24 Errors in registration.

If an erroneously inscribed certificate is received, it should not be altered in any respect, but FHA should be furnished full particulars concerning the error and asked to furnish instructions.

§ 1873.25 [Reserved]

§ 1873.26 Transfers and exchanges of certificates—closed periods.

(a) *General.* Transfer of registered certificates should be made by assignment in accordance with this section. Registered securities are eligible for denominational exchange. Specific instructions for issuance and delivery of new certificates signed by the owner or his authorized representative must accompany the certificates presented. Certificates presented for transfer must be received by FHA not less than one full month before the date on which the certificates mature. Any certificates so

presented which are received too late to comply with this provision will be accepted for payment only.

(b) *Closing of transfer books.* The transfer books are closed for one full month preceding interest payment dates. If the date set for closing the transfer books falls on Saturday, Sunday, or a legal holiday, the books will be closed as of the close of business on the last business day preceding that date. The books are reopened on the first business day following the date on which interest falls due. Registered certificates which have not matured, or have been submitted for transfer, which are received during the period the books for that certificate are closed will be processed on or after the date such books are reopened. If certificates are received for transfer during the time the books are closed for payment of final interest at maturity, the following action will be taken in the absence of different instructions:

(1) Payment of final interest will be made to the registered owner of record on the date the books were closed.

(2) Payment of principal will be made to the assignee under a proper assignment of the certificate.

§ 1873.27 [Reserved]

§ 1873.28 Redemption or payment.

(a) *General.* Certificates are payable in regular course of business at maturity. FHA may provide for the exchange of maturing certificates. The registered certificates should be presented and surrendered for redemption to FHA at its Finance Office. No assignments or evidence in support of assignments will be required by or on behalf of the registered owner or assignee for redemption for his or its account, or for redemption-exchange if the new certificates are to be registered in exactly the same names and forms as appeared in the registrations or assignments of the certificates surrendered.

(b) *Redemption at maturity.* Registered certificates presented and surrendered for redemption at maturity need not be assigned unless the owner desires that payment be made to some other person in which case assignments should be made to the "Farmers Home Administration for redemption for the account of (inserting name and address of person to whom payment is to be made)." Specific instructions for the issuance and delivery of the redemption check signed by the owner or his authorized representative must accompany the certificates unless included in the assignment. Payment of the principal and interest will be made by a check drawn on the Treasurer of the United States to the order of the person entitled and mailed in accordance with the instructions received. If instructions are not received concerning interest, interest will be paid to the registered owner.

(c) *Interest.* The interest on FHA certificates accrues and is payable on an annual basis. A full interest period does not include the day on which the last preceding interest became due, but does include the day on which the next succeeding interest payment is due. Certificates will cease to bear interest on the date of their maturity. The interest on registered certificates is payable by checks drawn on the Treasurer of the United States to the order of the registered owners, except as otherwise provided herein. The interest checks are prepared by FHA in advance of the interest payment date and are ordinarily mailed in time to reach the addressees on that date. Interest on a registered certificate which has not matured and which is presented for any transaction during the period the books for that certificate are closed will be paid by check drawn to the order of the registered owner of record. Upon receipt of notice of the death or incompetency of an individual named as registered owner, a change in the name or in the status of a partnership, corporation, or unincorporated association, the removal, resignation, succession, or death of a fiduciary or trustee, delivery of interest checks will be withheld pending receipt and approval of evidence showing who is entitled to receive the interest checks. If the inscriptions on certificates do not clearly identify the owners, delivery of interest checks may be withheld pending reissue of the certificates in the correct registration, except as provided in this section. The final installment of interest will be paid by check drawn to the order of the registered owner of record upon presentation and surrender of the certificate for redemption. To assure timely delivery of interest checks, owners should promptly notify FHA of any change of address.

§ 1873.29 [Reserved]

§ 1873.30 Assignments.

Assignments of certificates should be executed by the owner or his authorized representative in the presence of an officer authorized to certify assignments. Assignments shall be made on back of the certificate. Registered certificates may be assigned to a specified transferee or to FHA for redemption or for exchange for other certificates offered at maturity. Assignments to "United States," "Farmers Home Administration," "Farmers Home Administration for Transfer," or "Farmers Home Administration for Exchange" will not be accepted unless supplemented by specific instructions by or in behalf of the owner. If an alteration or erasure has been made in an assignment, the assignor should be obtained. Otherwise, an affidavit of explanation by the person responsible for the alteration or erasure should be submitted for consideration.

§ 1873.31 Death of certificate holder.

The Finance Office should be notified of the death of the registered owner of a certificate. The following documents should be forwarded with the notice if available:

(a) A certified copy of the death certificate.

(b) A certified copy of the court order appointing the Administrator or Executor (include the mailing address of the Administrator or Executor). The Finance Office will notify the person submitting such notice and/or documentation if any other records or documents are needed. Legal opinions and advice will be obtained by the Finance Office as needed from the Regional Attorney.

§ 1873.32 Replacement of certificates.

Lost, stolen, destroyed, or mutilated certificates will be replaced by the Finance Office upon the registered owner's compliance with the requirements of Subpart E of this part.

Subpart D—Servicing of Insured Notes Outstanding With Investors

§ 1873.41 Delegations of authority.

The Director, or the insured loan officer of the Finance Office, is authorized in connection with the sale of any insured note to execute required documents on behalf of FHA and to take other appropriate action, including, but not limited to acknowledging notice of sale of an insured note, or requiring an insured holder to sell an insured note to FHA in connection with any voluntary conveyance or foreclosure, or transfer related to liquidation of the borrower's account or any other servicing action so related. Upon the recommendation by the State Director that purchase of an insured note is necessary for any servicing action not related to liquidation of the borrower's account authorization may be given by the National Office to request the Director, Finance Office to require a holder to sell an insured note to FHA.

§ 1873.42 General policies.

(a) *Effective date of assignment.* When an insured note is sold by a private holder to a private buyer, notice of such sale executed by the seller must be given to and acknowledged by FHA in order for the sale to be binding upon FHA; and, as to FHA, the effective date of the sale will be the acknowledgment date specified in the acknowledgment of notice executed by FHA.

(b) *Assignment to FHA at request of FHA.* At any time FHA deems it necessary for proper servicing of the loan, FHA may require in writing a private holder to sell an insured note to FHA.

(c) *Assignment to FHA at option of holder.* A private holder at any time during the option period may require in writing FHA to purchase an insured note.

(d) *Price.* Where FHA is the buyer of an insured note the price will be the par value as of the effective date of the sale. In other cases, the price will be determined by an agreement between the parties.

§ 1873.43 Procedure for sale of insured notes by private holders to private buyers.

(a) Upon receipt of notice from a private holder of intention to assign an insured note, the Director, Finance Office, will send the holder Form FHA 471–7, "Notice and Acknowledgment of Sale of

Insured Loan," a statement of the unpaid principal, and appropriate information on how to complete the assignment. If requested the Director, Finance Office, will furnish a statement of account instead of or in addition to a statement of the unpaid principal.

(b) If the Director, Finance Office, is informed that an insured note has been assigned and FHA is requested to recognize the assignment, the Director, Finance Office, will send the assignor Form FHA 471–7, with directions for its execution.

(c) Upon receipt of Form FHA 471–7 properly executed by the assignor, the Director, Finance Office, will complete and execute the acknowledgment section of the form. The Director, Finance Office, will retain the original of the form, have two facsimile copies made and send one to the assignor, and one to the assignee. For any correction or other change to be made in the record of the name or address of a private holder, or of a designated agent of a private holder, a request will be made to FHA in writing.

(d) As of the date of the acknowledgment executed by the Director, Finance Office, on Form FHA 471–7, the Director, Finance Office, will transfer the insured note from the assignor to the assignee as the insured holder on the records of FHA. The name and address of the assignee will be recorded by FHA exactly as they appear on Form FHA 471–7.

(e) Payments transmitted by FHA on or after the acknowledgment date shown on Form FHA 471–7 will be transmitted to the assignee. The Director, Finance Office, will give notice to the assignor and the assignee of any payments transmitted by FHA to the assignor before the acknowledgment date and after either the date of sale, or the date of the statement of account, whichever is earlier. However, FHA will not be liable for any failure to give such notice.

(f) The Federal National Mortgage Association has statutory authority to purchase, in its secondary market operations, loans insured under Title V of the Housing Act of 1949. In case of an assignment of an insured Labor Housing (LH), Rural Rental Housing (RRH), or Rural Housing (RH) note by a private holder to the Federal National Mortgage Association:

(1) The Director, Finance Office, will verify that the insured note covered by the notice and acknowledgment evidences an LH, RRH, or RH loan when he executes the acknowledgment and will have the following statement stamped or typed on Form FHA 471–7, "The payment of the note or bond covered by this notice and acknowledgment is insured pursuant to Title V of the Housing Act of 1949."

(2) A statement of account as of the acknowledgment date will accompany the copies of Form FHA 471–7 sent to the assignor and assignee respectively.

§ 1873.44 Procedure for assignment of insured notes to FHA.

(a) *Assignment at the request of the holder.* For assignment of an insured note to FHA during the option period at the request of the holder, the following procedure will apply:

(1) The holder will endorse the insured note as follows: "Pay to the order of the United States of America. Without recourse." The holder will then deliver the endorsed note, together with the insurance agreement, to the Director, Finance Office.

(2) Upon receipt of the endorsed note with the accompanying insurance agreement, the Director, Finance Office will:

(i) Acknowledge receipt of the note; and

(ii) Process payment to the assignor of the par value of the note as of the date of the Treasury check.

(b) *Assignment at the request of FHA.* The procedure for assigning an insured note at the request of FHA will be the same as that prescribed in paragraph (a) of this section, except that the Director, Finance Office, will send a written request to the holder requiring that the insured note be assigned to FHA and delivered to the Director, Finance Office, with the accompanying insurance agreement. The Director, Finance Office, will explain that the assignment is necessary to enable FHA to service the account properly and will give the holder all necessary information as to the manner of making the assignment and the amount to be paid by FHA.

§ 1873.45 Replacement of called or fully paid notes.

Certain insurance endorsements contain a clause or rider providing for a replacement note when the original note is paid in full, or is called by FHA. This provision applies to loans sold for a fixed period of 10 years or longer for loans sold on or after December 1, 1969, and a fixed period of 15 years or longer for loans sold before December 1, 1969. If a note is paid in full or called by the Government and the lender is entitled to a replacement note, the lender may obtain a certificate of beneficial ownership in lieu of the replacement note. The certificate will carry the rates and terms applicable to the replacement note.

§ 1873.46 Procedure to be followed upon the death of a holder of an insured note.

The Finance Office should be notified of the death of a holder of an insured note. The following documents should be forwarded with the notice if available:

(a) A certified copy of the death certificate.

(b) A certified copy of the court order appointing the Administrator or Executor (include the mailing address of the Administrator or Executor). The Finance Office will notify the person submitting the notice and/or documentation if any other records or documents are needed, and will provide any additional instructions that are needed. Legal opinions and advice will be obtained by the Finance Office as needed from the Regional Attorney.

Subpart E—Loss, Theft, Destruction, Mutilation or Defacement of Insured Notes, Insurance Contracts, and Certificates of Beneficial Ownership

§ 1873.51 General.

This subpart prescribes the authorities, policies, and procedures to be followed when an insured note, insurance contract, or certificates of beneficial ownership are lost, stolen, destroyed, mutilated, or defaced while owned by an insured investor.

§ 1873.52 Authorization.

(a) The Director, or the insured loan officer of the Finance Office, is authorized on behalf of the Government, in connection with insured notes or certificates of beneficial ownership sold through the Farmers Home Administration (FHA) Finance Office to require indemnity bonds from a note holder when a note or certificate is lost, stolen, destroyed, mutilated, or defaced while in the custody of the holder or his designee.

(b) The Deputy Administrator Comptroller, is authorized in connection with block sale insurance contracts to authorize the FHA's fiscal agent to establish requirements for issuance of a replacement insurance contract when the original issued by the Federal Reserve Bank of New York (FHA's fiscal agent) is lost, stolen, destroyed, mutilated, or defaced.

§ 1873.53 Policies.

(a) *Block sale insurance contracts.* When a block sale insurance contract is lost, stolen, or destroyed, a duplicate may be issued to the registered holder upon receipt of an acceptable certificate of loss and an indemnity bond without surety. The certificate of loss should include the legal name and present address of the owner and address when issued, if different from the present address; the capacity of person certifying, if other than owner; the identity of the insurance contract, including series number, contract number, denomination, issue date, and form of inscription of registry, and the full statement of circumstances of the loss. All available portions of an insurance contract that is mutilated, defaced, or partially destroyed should be submitted to the Federal Reserve Bank of New York (FHA's fiscal agent) for determination whether a duplicate insurance contract can be issued without a certificate of loss and posting of an indemnity bond. In the event the holder of a block sales insurance contract obtains possession of the underlying notes, the requirements of paragraph (b) of this section apply.

(b) *Notes and certificates of beneficial ownership sold by FHA County Office and Finance Office.* When a note or certificate of beneficial ownership is lost, stolen, or destroyed while in the custody of the holder or his designee, the following will apply:

(1) A certificate of loss should be filed with FHA Finance Office. The certificate should include:

(i) Legal name and present address of owner and address of owner when issued, if different from present address.

(ii) Capacity of person certifying, if other than the owner.

(iii) Identity of the note or certificate of beneficial ownership, including the name and FHA case number of the maker thereof, issue date, interest rate of obligation, face amount of note or certificate of beneficial ownership, and a full description of any assignment, endorsement, or any other writing.

(iv) A full statement of circumstances of the loss, theft, or destruction of the note.

(2) An indemnity bond in the amount of the unpaid principal and interest will be required except in the following instances:

(i) Substantially the entire note or certificate of beneficial ownership is presented and surrendered by the owner or holder, and the Director of the Finance Office is satisfied as to the identity of the instruments and that any missing portions are not sufficient to form the basis of a valid claim against the United States or the borrower; or

(ii) The owner or holder is the United States, a Federal Reserve Bank, a Federal Government Corporation, a state or territory, or the District of Columbia.

(3) An indemnity bond without surety will be provided in the following cases:

(i) Cases involving registered unassigned obligations held by banks, trust companies, savings and loan association, or companies holding certificates of authority from the Secretary of Treasury as acceptable sureties on Federal Bonds (companies listed on Treasury Circular 570) where the financial responsibilities of such claimants are well known or readily ascertainable.

(ii) Cases involving registered unassigned obligations where the evidence reasonably justifies a conclusion that the obligations were destroyed and the unpaid principal and interest amount does not exceed $1,000.

(4) An indemnity bond posted with a qualified surety is required in all cases involving registered unassigned obligations other than those cited in paragraphs (b)(2)(i), (b)(2)(ii), (b)(3)(i), (b)(3)(ii) of this section. A qualified surety is a company holding a certificate of authority from the Secretary of the Treasury as acceptable sureties on Federal Bonds, and listed on Treasury Circular 570.

(5) All indemnity bonds for notes must be payable to both the borrower and FHA. All indemnity bonds for certificates of beneficial ownership must be payable to FHA. The bond may be posted at the time the note or certificate of beneficial ownership becomes eligible for repurchase by FHA. If the Holder desires to continue to hold the note for the life of the note, an indemnity bond will not be required.

(6) An assignment of the note or certificate of beneficial ownership shall be made to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture. An acceptable form of assignment is available from the Director, Finance Office.

(c) *Other cases.* Cases involving bearer obligations and other cases not discussed in this section will be forwarded to the Director, Finance Office for requirements.

(d) *Replacement notes.* FHA will not attempt to obtain replacement notes from borrowers.

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Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 82, 29th Rev.]

PART 309—VALUES FOR WAR RISK INSURANCE

Miscellaneous Amendments

There follows the 29th Revision of General Order 82, listing vessel values for war risk insurance, as of July 1, 1973, approved by the Ship Valuation Committee. The list comprises 603 large vessels and 41 small craft insured as of July 1, 1973, under MA General Order 75, 2d Revision, as amended. A total of 1,100 vessels were covered by war risk hull interim insurance as of that date. The 29th Revision of General Order 82, amends the values of vessels for war risk insurance purposes under section 1209(a) of the Merchant Marine Act of 1936, as amended, computed in accordance with section 902 of said Act.

Sections 309.1–309.101 of this part are hereby revised to read as follows:

FINDINGS AND SCOPE

Sec.
309.1 Findings.
309.2 Scope.

BASIC VALUES

309.3 Vessels built during or after 1939.
309.4 Vessels built prior to 1939.

GENERAL PROVISIONS

309.5 Adjustments for condition, equipment, and other considerations.
309.6 Definitions.
309.7 Modifications.
309.8 Vessel data forms.

VALUES FOR INDIVIDUAL VESSELS

309.101 Values effective July 1, 1973.

AUTHORITY: Sections 309.1 through 309.101 issued under sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775, as amended, 70 Stat. 948; 46 U.S.C. 1114, 1289.

FINDINGS AND SCOPE

§ 309.1 Findings.

The Ship Valuation Committee, Maritime Administration, has found that the values provided in this part constitute just compensation for the vessels to which they apply, computed in accordance with subsection 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242), pursuant to section 1209(a), Merchant Marine Act, 1936, as amended (46 U.S.C. 1289(a)), and the authority delegated to the Assistant Secretary of Commerce for Maritime Affairs by the Secretary of Commerce in section 3 of (Commerce) Department Organization Order 10–8, 38 FR 19707, and redelegated to the Ship Valuation Committee.

§ 309.2 Scope.

(a) *Vessels included.* (1) This part establishes values for self-propelled oceangoing iron and steel vessels (other than vessels excluded pursuant to paragraph (b) of this section) for which war risk insurance is provided by the Maritime Administration pursuant to Title XII, Merchant Marine Act, 1936, as amended (46 U.S.C. 1281–1294). The values established by §§ 309.1–309.101 represent the maximum amounts for which the Maritime Administration will provide war risk hull insurance for damage to or actual or constructive total loss of the vessel and for which claims for damage to or actual or constructive total loss of such insured vessels may be adjusted, compromised, settled, adjudged, or paid by the Maritime Administration with respect to insurance attaching during the period July 1, 1973, to December 31, 1973, inclusive, under the standard forms or war risk hull insurance interim binder or policy prescribed by §§ 308.106 and 308.107 of this chapter (General Order 75, 2d Rev., as amended): *Provided, however,* That if there is a substantial change in market values during said period, the Maritime Administration reserves the right to revise the values provided for herein or determined pursuant hereto at any time during said period.

(2) It is contemplated that the next revised values will be published as soon as practicable after January 1, 1974, to be effective with respect to insurance attaching during the period January 1, 1974, to June 30, 1974, inclusive.

(b) *Vessels excluded.* The values established pursuant to §§ 309.3 through 309.5 do not apply to passenger vessels, lumber schooners, car ferries, seatrains, cable ships, bulk cement and ore carriers, vessels operated on the Great Lakes and inland waterways, fully refrigerated vessels, vessels of less than 1,500 gross tons, or any other vessels or class of vessels to which the Maritime Administration finds that the provisions of said sections would not be appropriate. Values for vessels excluded by this paragraph (b) shall be specifically determined by the Maritime Administration and set forth in § 309.101, revised, as provided therein.

(c) *Fuel, stores, and supplies.* Values for fuel, stores, and supplies shall be determined in accordance with §§ 309.201 through 309.204 (General Order 100, 29 FR 2944, Mar. 4, 1964; 29 FR 3706, Mar. 25, 1964).

BASIC VALUES

§ 309.3 Vessels built during or after 1939.

(a) *Basic values.* The values of vessels built during or after 1939 shall be determined in accordance with this section, subject to the applicable adjustments provided in § 309.5.

(b) *War-built vessels.* (1) The values of the standard types of war-built vessels under U.S. flag listed in this subparagraph (1) which have the lawful right to engage in the coastwide trade of the United States (which are the current

domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel:	Value
VC2-S-AP2	$380,000
C2-S-B1	415,000
C3-S-A2	560,000
T1-M-BT	100,000
T2-SE-A1	540,000
T3-S-A1	520,000

(2) The values of the standard subtypes of war-built vessels under U.S. flag listed in this subparagraph (2) which have the lawful right to engage in the coastwise trade of the United States shall be determined by multiplying the basic value of the standard type vessel listed in paragraph (b)(1) of this section by the factor shown opposite the subtype in the following table:

TABLE

Subtype:	Factor
VC2-S-AP3	100 percent—VC2-S-AP2.
C2-S-AJ1	100 percent—C2-S-B1.
C2-S-AJ5	100 percent—C2-S-B1.
C2-S-E1	102 percent—C2-S-B1.
C3	95 percent—C3-S-A2.
C3-S-A3	76 percent—C3-S-A2.
C3-S-A4	106 percent—C3-S-A2.
C3-S-BH1	100 percent—C3-S-A2.
C3-S-BH2	100 percent—C3-S-A2.
T1-M-BT2	100 percent—T1-M-BT.

(c) *Other vessels.* The value of a vessel built during or after 1939 which is not included in paragraph (b) of this section shall be the current domestic market value as determined by the Maritime Administration.

§ 309.4 Vessels built prior to 1939.

The values of vessels built prior to 1939 shall be specifically determined by the Maritime Administration and set forth in § 309.101.

GENERAL PROVISIONS

§ 309.5 Adjustments for condition, equipment, and other considerations.

The basic values provided in § 309.3 shall be adjusted for individual vessels to the extent provided in paragraphs (a) to (c) of this section.

(a) *Adjustment for a vessel of substandard condition.* If the Maritime Administration determined that a vessel is not in class or is in substandard condition for a vessel of her type or subtype and age, there will be subtracted from the basic value of such vessel, as determined pursuant to § 309.3, the amount estimated by the Maritime Administration as the cost of putting the vessel in class or the amount estimated by the Maritime Administration as the difference in value of the substandard vessel and a vessel in standard condition.

(b) *Special equipment.* For any special equipment of material utility in the handling of cargo or utilization of the vessel, not otherwise included in determining the basic value pursuant to § 309.3, if the depreciated reproduction cost less construction subsidy, if any, of all such special equipment is in excess of $50,000, an allowance in such amount as the Maritime Administration shall determine to be the fair and reasonable value of such equipment shall be added to the basic value.

(c) *Government installations.* The values provided by §§ 309.1–309.101 shall not include any allowance for any special installations or equipment to the extent that their cost was borne by the United States.

§ 309.6 Definitions.

(a) *Date vessel is built.* The date a vessel is built is the date upon which the vessel is delivered by the shipbuilder.

(b) *Deadweight tonnage.* The deadweight tonnage of a vessel means her deadweight capacity established in accordance with normal Summer Freeboard as assigned pursuant to the International Load Line Convention, 1966, and shall be her capacity (in tons of 2,240 pounds) for cargo, fuel, freshwater, spare parts, and stores, but exclusive of permanent ballast.

(c) *Speed of vessel.* The speed of a vessel means the speed determined in accordance with the formulae provided in Part 246 of this chapter (General Order 43, 3rd Rev.).

(d) *Passenger vessel.* A passenger vessel is a ship which carries more than 12 passengers.

(e) *Vessel.* The stated valuation of a vessel in this part applies to a vessel in Class A–1, American Bureau of Shipping or equivalent, with all required certificates, including, but not limited to, marine inspection certificates of the U.S. Coast Guard, Department of Transportation, with all outstanding requirements and recommendations necessary for retention of class accomplished, without regard to any grace period; and so far as due diligence can make her so, tight, staunch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and in all respects fit for service. A vessel in substandard condition is subject to § 309.5 (a). The stated valuation of a vessel provided in this part does not include vessel stores and supplies, which consist of (1) Consumable Stores, (2) Subsistence Stores, (3) Slop Chest, (4) Bar Stock, and (5) Fuel, as defined in Maritime Administration Inventory Manual, Vessel Inventories, Part I, and Maritime Administration Inventory Books Forms MA–4736, A through K, which will be valued separately.

§ 309.7 Modifications.

The Maritime Administration reserves the right to exempt specific vessels from the scope of this part, or to amend, modify, or terminate the provisions hereof.

§ 309.8 Vessel data forms.

(a) *To accompany application for insurance.* Each application for war risk hull insurance submitted in accordance with § 308.101 of this chapter (General Order 75, 2d Rev., as amended) shall be accompanied by information relating to the vessel for use by the Maritime Administration in determining the value pursuant to this part. The information shall be submitted in duplicate on the applicable form prescribed in this section, copies of which may be obtained from the American War Risk Agency, 99 John Street, New York, New York 10038, or the Chief, Office of Marine Insurance, Maritime Administration, Washington, D.C. 20230.

(b) *Vessels of 1,500 gross tons or more.* Vessel data for all vessels of 1,500 gross tons or more shall be submitted on Form MA–510.

(c) *Vessels under 1,500 gross tons.* Vessel data for all vessels under 1,500 gross tons shall be submitted on Form MA–511.

(d) *Modification to vessels.* Revised vessel data shall be submitted on the appropriate form prescribed above whenever a vessel undergoes a physical change which increases or decreases its value by five percent or more.

VALUES FOR INDIVIDUAL VESSELS

§ 309.101 Values effective July 1, 1973.

(a) *Vessels covered by §§ 309.3 through 309.5.* (1) The Maritime Administration has found that the values established in accordance with §§ 309.3–309.5 constitute just compensation for the vessel to which they apply, computed as provided in sections 902(a) and 1209(a), Merchant Marine Act, 1936, as amended; and pursuant thereto has determined the values of the vessels covered by interim binders for war risk hull insurance, Form MA–184, prescribed by Part 308 of this chapter.

(2) The interim binders listed below shall be deemed to have been amended as of July 1, 1973, by inserting in the space provided therefore or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Such stated valuation shall apply with respect to insurance attaching during the period July 1, 1973, to December 31, 1973, inclusive: *Provided, however,* That if there is a substantial change in market values during said period, the Maritime Administration reserves the right to revise the values provided for herein or determined pursuant hereto at any time during said periods: *And provided further,* That the Assured shall have the right within 60 days after date of publication of these §§ 309.1–309.101 or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2), Merchant Marine Act, 1936, as amended.

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
870	Achilles	281702	$7,880
1660	Adabelle Lykes	291609	2,375
2144	Afoundria	244018	1,500
1426	African Comet	289281	3,150
1683	African Dawn	291781	3,270
1558	African Mercury	290143	3,220
1508	African Meteor	289792	3,175
1607	African Neptune	290485	3,220
1656	African Sun	291026	3,270
1751	Aimee Lykes	292614	2,375
1032	Alaska Getty	1526	19,750
2501	Alaskan Mail	517120	6,360
2452	Albany	509957	905
1828	Allison Lykes	293817	2,375
2088	Almeria Lykes	536671	21,250
2764	America Sun	523846	23,130
567	American Accord	267275	6,850
572	American Ace	265143	6,850
568	American Alliance	266832	6,850
2812	American Apollo	529004	10,565
2869	American Aquarius	530999	10,565
571	American Archer	267444	6,850
566	American Argosy	266181	6,850
2583	American Astronaut	520694	9,600
1493	American Challenger	289699	3,220
1618	American Champion	290524	3,220
1557	American Charger	290089	3,220
1652	American Chieftain	291020	3,220
1972	American Condor	252347	560
1670	American Corsair	291629	3,220
1605	American Courier	290225	3,220
831	American Eagle	278327	5,830
2446	American Lancer	514261	9,600
2550	American Lark	518444	9,600
570	American Leader	266256	6,850
569	American Legacy	268243	6,850
547	American Legend	267033	6,850
2466	American Legion	515155	9,600
2485	American Liberty	516464	9,600
2518	American Lynx	517450	9,600
2740	American Mail	521866	6,360
1688	American Oriole	252304	560
1924	American Racer	267001	4,300
1989	American Ranger	298270	4,300
2039	American Reliance	299371	4,300
1679	American Robin	242941	560
2961	American Trader	244855	3,620
3011	American Victory	248815	485
2734	Amoco Baltimore	3234	14,850
2513	Amoco Brisbane	3046	13,395
2854	Amoco Connecticut	242851	1,865
2496	Amoco Cremona	2926	12,555
2944	Amoco Delaware	245058	7,585
2857	Amoco Virginia	243518	2,015
2620	Amoco Yorktown	3233	14,850
1040	A. N. Kemp	149	1,695
2025	Arco Colombia	2215	8,355
2900	Arco Prudhoe Bay	536496	23,250
2948	Arco Sag River	539313	23,880
2789	Arctic Tokyo	3372	30,150
678	Arizona	260534	1,700
2115	Arizpa	251507	1,500
1716	Ashley Lykes	292191	4,100
1039	Atholl McBean	141	1,680
232	Atlantic Communicator	268196	3,320
233	Atlantic Endeavor	277623	5,210
1004	Atlantic Enterprise	276911	5,155
1848	Atlantic Heritage	293299	11,585
1006	Atlantic Navigator	261423	2,875
1560	Atlantic Prestige	289972	7,215
2209	Atlantic Trader	248007	2,010
1435	Austin	247455	2,630
3034	Austral Ensign	544203	13,150
2986	Austral Envoy	541868	13,150
2631	Austral Patriot	500559	4,300
2632	Austral Pilot	297353	4,300
210	Avila	267181	990
2839	Azalea City	243436	1,500
2966	Baltimore Trader	270179	15,080
980	Barbara	248079	2,540
347	Barbara Jane	278103	5,800
1915	Beauregard	251508	1,500
2976	Beta Reserve	266365	2,910
607	Bethflor	256034	1,100
608	Bethtex	255539	1,100
2840	Bienville	243438	1,500
1272	Birch Coulie	269403	2,700
1816	Bradford Island	247640	7,585
1490	Brazos	247583	2,800
1414	Brinton Lykes	288699	4,100
2394	Buckeye	2758	6,890
353	Buckeye State	244577	560
1348	California	287232	3,510
19	Californian	243882	2,200
2981	Californian	249239	2,650
1949	Calmar	294756	2,700
1974	Canada Mail	297570	3,800
1370	Cantigny	247452	2,600
7	Carbide Seadrift	241851	1,865
8	Carbide Texas City	242532	1,865
2872	Carrier Dove	252478	560
596	Catawba Ford	245620	755
1600	C. E. Dant	290262	3,510
1931	Chancellorsville	244460	2,460
2141	Charles E. Spahr	2255	10,285
1753	Charlotte Lykes	292782	2,375
1582	Chevron Antwerp		1,565
2750	Chevron Frankfurt	2815	13,035
1579	Chevron Genoa		1,110
1584	Chevron Liege		1,610
1041	Chevron Transporter	132	1,650
1586	Chevron Venice		1,170
1408	China Bear	288604	3,810
2977	China Bear	530141	17,500
1788	Christopher Lykes	293220	2,375
1813	Cities Service Baltimore	271866	5,300
1814	Cities Service Miami	272077	5,025
1815	Cities Service Norfolk	272839	5,120
1050	Cities Service Valley Forge	401	3,025
2875	Citrus Packer	247321	560
2237	Colorado	245104	8,180
2478	Colorado	515976	5,675
2540	Columbia	247519	1,530
2227	Connecticut	277291	6,490
2762	Conoco Dubai	1650	2,265
2753	Conoco Libya	2114	8,190
2468	Cortland	244878	415
1305	Council Grove	247896	2,510
1051	Cradle of Liberty	467	3,080
2549	C. V. Lightning	518063	6,840
2626	C. V. Staghound	520743	6,840
2449	DaGama	249174	415
2705	David D. Irwin	242354	2,685
212	David E. Day	248880	2,190
2819	Defiance	519102	8,425
221	Delaware Getty	267997	3,150
1225	Del Oro	286185	2,885
324	Del Rio	284680	2,885
327	Del Sol	285171	2,885
2500	Delta Argentina	512953	3,680
2497	Delta Brasil	514758	3,680
2532	Delta Mexico	517540	3,680
2498	Delta Paraguay	515910	3,680
2499	Delta Uruguay	516600	3,680
2885	De Soto	245398	415
2317	Detroit Edison	269187	4,025
2939	Doctor Lykes	536500	21,250
2330	Dolly Truman	508378	4,010
2778	Eagle Charger	522864	13,140
700	Eager Courier	277561	5,250
2698	Eagle Leader	520839	12,885
699	Eagle Transporter	277710	5,540
697	Eagle Traveler	278442	6,220
698	Eagle Voyager	278624	6,250
2715	Ecipse	267144	2,910
2806	Edgar M. Queeny	528567	15,695
2086	Elizabeth Lykes	500702	3,855
1917	Elizabethport	297001	4,750
2870	Eric K. Holzer	530007	30,575
2451	Ericson	249283	415
830	Erna Elizabeth	280193	6,060
2048	Esso Australia	3877	2,190
2150	Esso Austria		10,250
2530	Esso Bangkok		5,655
2049	Esso Barcelona		9,840
1312	Esso Bogota		1,640
2563	Esso Bombay		5,775
3604	Esso Castellon		13,735
2732	Esso Goa		5,975
1958	Esso Honduras		3,710
2733	Esso Interamerica		6,000
2564	Esso Karachi		5,850
2533	Esso Kobe		5,725
2123	Esso Libya		16,155
2784	Esso Malacca		6,075
2785	Esso Nagasaki		6,025
1959	Esso Nicaragua		3,260
2633	Esso Penang		5,925
1960	Esso Philippines		9,250
2621	Esso Port Dickson		5,850
2117	Esso Spain		14,400
2623	Esso Yokohama		5,850
2050	Esso Zurich		9,315
842	Exbrook	249173	426
850	Executor	248747	426
853	Exford	249454	426
860	Export Adventurer	284024	2,280
861	Export Agent	283036	2,280
862	Export Aide	284516	2,280
863	Export Ambassador	283150	2,280
1296	Export Banner	286124	2,910
1354	Export Bay	280965	2,910
1372	Export Builder	287381	2,910
1401	Export Buyer	288076	2,910
1726	Export Challenger	292227	3,055
1771	Export Champion	292669	3,090
1712	Export Commerce	291731	3,045
1601	Export Courier	289947	2,985
2980	Export Freedom	541414	11,100
3016	Export Leader	545126	11,100
2593	Exxon Baltimore	282272	9,205
2594	Exxon Bangor	264791	3,180
2595	Exxon Boston	283784	9,37$_5$
2596	Exxon Chester	264445	3,00$_5$
2598	Exxon Florence	266855	3,20$_5$
2599	Exxon Gettysburg	273362	6,660
2601	Exxon Houston	297151	13,545
2602	Exxon Huntington	266329	3,300
2603	Exxon Jamestown	275519	6,950
2610	Exxon Lexington	276270	7,070
2605	Exxon Newark	264231	2,975
2606	Exxon New Orleans	298216	13,815
1898	Exxon Seattle	277935	5,750
2609	Exxon Washington	273896	6,750
2871	Ezra Sensibar	532555	8,050
2841	Fairland	242073	1,500
2901	Falcon Countess	536850	16,500
2902	Falcon Duchess	533611	16,500
2903	Falcon Lady	531154	16,500
2954	Falcon Princess	538811	16,500
584	Fort Fetterman	244935	2,010
1211	Fort Hoskins	248735	2,540
180	Fort Worth	247276	3,225
2300	Frederick Lykes	506812	4,010
962	F. S. Bryant	250827	515
1035	Gage Lund	217	1,800
585	Gaines Mill	244464	1,895
2842	Gateway City	251506	1,500
2421	Genevieve Lykes	513140	4,175
2895	Golden Bear	530138	17,500
2791	Golden Gate	526172	20,760
2820	Great Republic	521302	8,425
2408	Green Forest	508061	940
2711	Green Lake	248700	905
2409	Green Port	510015	940
2712	Green Ridge	247322	560
2406	Green Springs	248701	940
2407	Green Wave	508060	940
2994	Gulf Banker	295249	2,465
792	Gulfcrest	279334	5,480
793	Gulfdeer	245727	1,895
2995	Gulf Farmer	294626	2,465
795	Gulfking	275193	5,715
796	Gulfknight	277183	5,975
797	Gulflion	246990	1,900
2996	Gulf Merchant	297329	2,575
798	Gulfoil	283424	5,535
800	Gulfpride	279769	5,225
801	Gulfprince	276034	5,845
802	Gulfqueen	275583	5,770
805	Gulfseal	247557	2,015
2997	Gulf Shipper	296880	2,575
803	Gulfsolar	280223	5,290
806	Gulfspray	282848	5,485
1358	Gulfsupreme	287186	6,325
804	Gulftiger	247767	1,925
2998	Gulftrader	296404	2,575
2577	Hastings	246617	415
1421	Hawaii	289119	3,510
2982	Hawaiian	240353	2,650
2983	Hawaiian Citizen	252149	2,750
2763	Hawaiian Enterprise	524219	20,750
2803	Hawaiian Progress	528400	20,750
965	H. D. Collier	248737	540
634	Hess Bunker	243804	2,460
638	Hess Petrol	244735	2,460
1373	Hess Refiner	248244	2,505
639	Hess Trader	246104	2,430
1913	Hess Voyager	296863	11,140
961	Hillyer Brown	266233	1,000
2622	Hong Kong Mail	520392	6,360
176	Houston	242636	2,745
2387	Houston	245542	5,030
2116	Howard G. Vesper	2442	9,995
2306	Howell Lykes	507344	4,010
2472	Hurricane	257262	560
431	Iberville	264428	1,700
2534	Idaho	518434	5,675
968	Idaho Standard	245461	540
677	Illinois	264957	1,700
2526	Indian Mail	517717	6,360
1787	Inger	248011	2,170
2861	IOS 3301	531048	7,850
387	James Lykes	280564	4,775
2940	Japan Bear	530140	17,500
1418	Japan Mail	287976	7,100
1304	Jean Lykes	287103	4,775
2516	Jeff Davis	248742	560
2880	Jefferson City Victory	247345	380
2156	J. E. Gosline	2519	10,240
1965	J. Frank Drake	2116	7,240
973	J. H. Tuttle	242055	565
967	J. L. Hanna	248531	540
437	John B. Waterman	264652	1,700
2267	John Dykstra	265808	2,195
389	John Lykes	282772	4,775
433	John Penn	270296	1,885
435	John Tyler	264497	1,700
2801	Joseph D. Potts	526588	23,750
390	Joseph Lykes	281326	4,775
586	Julesburg	243523	2,130
2641	Keva Ideal	242039	900
598	Keystoner	266730	1,035
599	Keytanker	265644	1,020
600	Keytrader	267905	1,060
2054	K. H. Crandall	2274	7,525
434	Korea Bear	269668	1,885
2565	Korean Mail	518517	6,360
2876	Lafayette	252476	560
2754	Lamyra	1996	9,080

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
2838	La Salle	257231	560
2968	Lash Espana	530144	17,500
2864	Lash Italia	529255	17,500
2865	Lash Turkiye	530143	17,500
13	Leland I. Doan	284217	8,200
1352	Leslie Lykes	287416	4,775
2403	Letitia Lykes	512187	4,175
1052	Liberty Bell	519	3,105
2374	Lompoc	248653	540
267	Longview Victory	247077	380
1918	Los Angeles	241153	4,750
2062	Louise Lykes	299938	3,855
2023	Louisiana Brimstone	247757	5,550
2929	Louisiana Getty	246173	2,930
367	Louisiana Sulphur	242964	1,050
428	Lyman Hall	269028	1,885
2233	Mallory Lykes	504077	3,855
1356	Manhattan	287253	18,100
2881	Mankato Victory	248739	380
1809	Margaret Lykes	293555	2,375
2952	Marine Dow Chem	267278	5,190
1510	Marine Electric	245675	1,680
2133	Marine Floridian	246836	5,705
1812	Marine Texan	247563	5,395
93	Marine Victory	247680	880
1513	Marjorie Lykes	289873	4,100
2962	Maryland Trader	247178	2,020
1940	Marymar	294730	2,700
2260	Mason Lykes	505406	4,010
1027	Massachusetts Getty	1203	11,790
1789	Mayo Lykes	293224	2,375
1512	Meadowbrook	289879	2,660
2543	Merrimac	245673	1,640
2630	Michigan	521550	5,675
587	Mill Spring	244468	2,080
2033	Missouri	24885	1,150
1530	M. M. Dant	289547	3,510
2716	Mobil Aero	278471	5,465
2717	Mobil Fuel	274588	4,975
2718	Mobil Gas	271449	4,260
2483	Mobilian	246388	560
2719	Mobil Lube	275651	4,800
2442	Mobil Meridian	286479	9,160
2720	Mobiloil	279064	5,540
2721	Mobil Power	274966	4,990
2405	Mohawk	248913	885
2525	Monmouth	242426	7,240
2495	Montana	517617	5,675
2797	Monticello Victory	286819	9,190
2798	Montpelier Victory	289745	9,410
3074	Moon	251175	560
2664	Mormacaltair	298129	3,800
2667	Mormacargo	296216	3,800
2665	Mormacbay	283541	2,695
2666	Mormaccape	284185	2,750
2668	Mormaccove	286749	2,810
2670	Mormacdraco	299008	3,800
2673	Mormacglen	285283	2,750
2676	Mormaclake	284802	2,750
2678	Mormaclynx	296947	3,800
2683	Mormacpride	282295	2,670
2684	Mormacrigel	297384	3,800
2687	Mormacscan	285890	2,750
2688	Mormactrade	287900	2,875
2689	Mormacvega	296632	3,800
2546	Morning Light	240590	560
2799	Mount Vernon Victory	284178	8,810
2800	Mount Washington	293097	11,090
1243	Nancy Lykes	286650	4,775
1758	National Defender	279938	10,625
2034	Neches	244235	540
1445	Nevada Standard	248802	540
2038	New Yorker	283030	700
2930	New York Getty	267198	3,240
2877	Noonday	248844	560
2119	Northfield	243253	2,365
2614	Ogden Wabash	520728	12,885
2591	Ogden Willamette	518738	12,710
2545	Ogden Yukon	257115	2,365
1375	Oregon	287875	3,510
1947	Oregon Mail	296779	10,100
971	Oregon Standard	246773	540
1806	Oswego Defender	1588	5,625
1807	Oswego Freedom	1448	5,170
2385	Oswego Glory	2809	23,160
2402	Oswego Guardian	2869	23,710
2914	Oswego Independence	2345	7,245
2915	Oswego Liberty	2304	7,245
1808	Oswego Reliance	1522	5,410
2772	Oswego Venture	2545	7,560
2827	Overseas Alaska	529795	21,250
1827	Overseas Aleutian	266619	9,715
2465	Overseas Alice	514928	12,180
1905	Overseas Anchorage	281777	9,300
2862	Overseas Arctic	530877	21,250
2906	Overseas Bulker	297748	1,510
2344	Overseas Carrier	243503	1,425
2955	Overseas Evelyn	268078	3,030
1	Overseas Joyce	284049	9,185
2352	Overseas Progress	244888	1,505
2975	Overseas Rose	268288	3,045
2343	Overseas Traveler	289436	1,650
932	Overseas Ulla	280004	6,945
2506	Overseas Valdez	517186	12,410
2537	Overseas Vivian	518125	12,580
2907	Pacific Bear	530139	17,500
181	Pasadena	248894	2,890
1037	Paul Pigott	163	1,710
339	Penn Challenger	280318	6,105
2745	Penn Champion	523341	13,205
2837	Penn Leader	247468	1,640
1954	Pennmar	295108	2,700
2926	Pennsylvania Sun	280202	9,050
581	Perryville	244644	2,405
1367	Philippine Bear	287683	3,810
3036	Philippine Bear	530142	17,500
1419	Philippine Mail	288986	7,100
2289	Phillips Kansas	1813	13,220
2288	Phillips Louisiana	2026	16,445
2276	Phillips Oklahoma	1931	18,000
2277	Phillips Oregon	212123	17,700
2262	Phillips Texas	191596	6,410
1653	Pioneer Commander	290905	3,220
1750	Pioneer Contender	292572	3,220
1715	Pioneer Contractor	291968	3,220
1774	Pioneer Crusader	292030	3,220
1432	Pioneer Moon	289263	3,220
2844	Pittsburgh	247275	6,900
2122	Platte	248133	1,645
3049	Planet	249860	560
2770	Polar Alaska	3289	30,150
1999	Portmar	294731	2,700
1505	Potomac	248800	1,435
1390	Prairie Grove	246660	2,745
499	President Adams	266697	1,885
500	President Arthur	264704	1,885
501	President Buchanan	226017	1,885
503	President Coolidge	267733	1,885
2447	President Fillmore	513860	10,500
505	President Garfield	266092	1,885
2380	President Grant	511226	10,500
2148	President Harrison	502569	9,000
509	President Hayes	264446	1,885
511	President Jackson	266060	1,885
514	President Lincoln	285311	4,125
3041	President Madison	546725	13,150
2416	President McKinley	512593	10,500
2113	President Monroe	501712	9,000
3030	President Jefferson	544900	13,150
2084	President Polk	500484	9,000
2398	President Taft	511653	10,500
522	President Taylor	266927	1,885
1208	President Tyler	286232	4,125
2359	President Van Buren	509581	10,500
2931	Providence Getty	254689	100
2751	Prudential Oceanjet	504015	3,990
2752	Prudential Seajet	502726	3,990
2894	Puerto Rican	535000	25,000
2706	Pure Oil	248837	520
1964	Ralph B. Johnson	2161	9,490
1798	Ralph O. Rhoades	1879	6,490
2843	Raphael Semmes	242074	1,500
3831	Red Jacket	522650	8,425
2063	R. G. Follis	2312	9,755
2241	Richard C. Sauer	1914	10,470
2882	Robert E. Lee	523346	2,550
1038	Robert Watt Miller	172	1,710
2845	Rose City	246736	5,785
2162	Ruth Lykes	502928	3,855
2544	Sacramento	245497	1,485
177	San Antonio	248716	3,030
2074	Sandy Lake	247253	2,410
1919	San Francisco	241220	4,750
1920	San Juan	242653	4,750
2634	San Mateo	3260	3,135
2846	San Pedro	248238	6,900
2918	Sansinena II	535020	23,250
891	Santa Adela	242243	415
2370	Santa Barbara	509186	3,950
2296	Santa Clara	506249	3,950
2257	Santa Cruz	504681	3,950
2314	Santa Elena	507696	3,950
2376	Santa Isabel	510570	3,950
2155	Santa Lucia	502774	3,950
1574	Santa Magdalena	290270	5,015
1756	Santa Maria	292838	5,015
3027	Santa Maria	263781	905
1678	Santa Mariana	291811	4,695
1830	Santa Mercedes	293943	5,015
2917	Santa Paula	277703	12,475
1766	Sarah C. Getty	1812	15,885
2868	Sea-Land Economy	532410	2057, 0
2974	Sea-Land McLean	540413	52,000
2867	Sea-Land Venture	531478	20,750
1970	Seamar	294729	2,700
2794	Sea Star	517896	880
1610	Sheldon Lykes	290508	2,375
1428	Shirley Lykes	289283	4,100
1714	Sinclair Texas	291990	10,445
1266	Sister Katingo	277036	6,070
2722	Socony Vacuum	268801	3,345
2872	Sohio Intrepid	533270	25,000
2898	Sohio Resolute	535357	25,000
982	Solon Turman	285889	4,775
2489	Spirit of Liberty	516521	12,355
3059	Star	249351	560
1049	Statue of Liberty	420	3,050
1016	Steel Admiral	252403	560
439	Steel Advocate	245731	560
443	Steel Artisan	247833	560
447	Steel Executive	248843	560
450	Steel King	252499	560
451	Steel Maker	247221	560
456	Steel Seafarer	248738	560
458	Steel Traveler	247198	560
460	Steel Voyager	252501	560
2248	Stella Lykes	504982	4,010
2847	Tampa	201928	3,680
1415	Tampico	246344	2,745
1071	Texaco Arizona	404356	1,980
1593	Texaco Brighton	444559	4,990
1961	Texaco Colombia	3873-KJ	18,595
3051	Texaco Connecticut	266501	13,450
3052	Texaco Florida	271820	13,905
1867	Texaco Georgia	293819	6,650
469	Texaco Illinois	246993	2,430
471	Texaco Kansas	244230	2,310
1077	Texaco Kentucky	2439-50	1,495
1596	Texaco Maine	4500-50	4,770
1968	Texaco Maracaibo	3835-LI	18,900
1823	Texaco Maryland	292735	6,500
1824	Texaco Massachusetts	290306	6,275
475	Texaco Minnesota	243202	2,715
476	Texaco Mississippi	245082	2,715
1079	Texaco Missouri	414357	2,230
2038	Texaco Montana	298918	7,405
480	Texaco New Jersey	245831	2,170
1080	Texaco New Mexico	438258	2,645
3053	Texaco New York	265981	13,450
483	Texaco North Dakota	265006	1,260
1081	Texaco Ohio	2447-50	1,590
3038	Texaco Panama	5436	45,000
1083	Texaco Pennsylvania	2438-50	1,475
1899	Texaco Rhode Island	296380	6,850
1085	Texaco Texas	2448-50	1,485
1598	Texaco Trinidad	4336-58	4,755
1966	Texaco Venezuela	3879-HA	9,330
1087	Texaco Vermont	404456	2,140
1270	Texaco Wisconsin	277805	5,725
209	Texan	249352	945
2140	Texas Getty	2443	7,875
925	Thetis	279627	7,625
2096	Thomas A	260954	2,820
2890	Thomas E. Cuffe	530137	17,500
425	Thomas Jefferson	266977	1,700
2412	Thomas M	266338	2,775
2823	Thomas Q	261167	2,850
405	Thompson Lykes	283413	4,775
3028	Tillie Lykes	536672	21,250
1797	Timbo	1778	1,350
2418	Transcolorado	248806	5,750
231	Transeastern	279438	8,550
2738	Transoneida	510399	2,915
2739	Transontario	244545	2,755
2463	Transpanama	257381	2,320
1492	Trinity	246600	3,080
1886	Trinity Mariner	1079	2,975
2744	Trojan	247177	2,400
590	Tullahoma	246662	2,415
2635	Universe Iran	3267	57,420
2570	Universe Ireland	3044	55,055
2617	Universe Japan	3182	56,700
2636	Universe Korea	3266	56,700
2571	Universe Kuwait	3045	55,055
2618	Universe Portugal	3183	56,700
966	Utah Standard	251140	515
2270	Valley Forge	505786	11,170
2788	Vantage Horizon	247181	2,910
2354	Velma Lykes	509652	4,010
2964	Virginia Trader	244789	850
1786	Walter Rice	248203	2,170
1398	Washington	288603	3,510
2097	Washington Getty	2371	8,110
1349	Washington Mail	287238	7,100
974	Washington Standard	246208	540
2951	William J. Fields	248127	2,460
2053	William Larimer Mellon	1886	7,050
1795	William M. Allen	1880	9,735
2950	William T. Steele	246143	2,160
2932	Wilmington Getty	246557	2,940
2568	Wyoming	519937	5,675
2098	Yellowstone	248883	1,150
2030	Yorkmar	296261	2,700
2822	Young America	524416	8,425
411	Zoella Lykes	282126	4,775

(b) *Vessels of less than 1,500 gross tons—as of July 1, 1973.* (1) The Maritime Administration has determined for certain vessels of less than 1,500 gross tons the values which constitute just compensation for the vessels to which they apply, computed as provided in sections 902(a) and 1209(a), Merchant Marine Act, 1936, as amended; and pur-

suant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA–184, prescribed in Part 308 of this chapter.

(2) The interim binders listed below shall be deemed to have been amended as of July 1, 1973, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Such stated valuation shall apply with respect to insurance attaching during the period July 1, 1973, to December 31, 1973, inclusive; *Provided, however,* That if there is a substantial change in market values during said period, the Maritime Administration reserves the right to revise the values provided for herein or determined pursuant hereto at any time during said period: *And provided further,* That the Assured shall have the right within 60 days after date of publication of this section or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2), Merchant Marine Act, 1936, as amended.

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
2486	Alison C	513704	$817
2469	Apache	513045	805
1686	Atlantic	262007	120
1198	Barge 133		12
2045	Betty Moran	293323	717
2480	Blackhawk	515015	57
2331	Borinquen	506497	81
1153	Britton	119	14
2136	Cabo Rojo	297392	330
2934	Carole G. Ingram	538087	3,200
2137	Catano	298716	335
2413	Crown Bay	511779	188
2298	El Morro	503562	345
2132	E. Whitney Olson, Jr.	298925	515
2299	Fajardo	503563	345
2044	Gale B	292748	710
24	George S	282206	68
764	George Whitlock II	241390	83
1150	Habib	112	11
1151	Horne	115	12
1554	Lewis No. 8	244276	58
2473	Luquillo	299004	95
2873	Martha R. Ingram	533104	3,200
1702	Mohawk	254469	385
3047	New Haven	504920	345
742	Ocean Prince	276461	285
2703	Perth Amboy No. 1	171776	145
2704	Perth Amboy No. 2	171686	145
1719	Ponce De Leon	244296	54
744	Port Jefferson	274512	276
1878	Puerto Nuevo	294841	325
1176	Qatif 7		48
1148	Sandy	114	12
2476	Seminole	514243	815
1263	Spartan	273515	315
2130	Starcrescent	284000	453
2389	St. Croix	507216	176
1152	Swigart	118	12
2552	Theresa F	516158	870
763	W. A. Weber	251392	54
2766	Wisco Ranger	521069	740

NOTE: The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with 44 U.S.C. sections 3501–3511.

Dated: January 24, 1974.

DONALD E. FRYE,
Chairman,
Ship Valuation Committee.

[FR Doc.74–2482 Filed 1–30–74;8:45 am]

Proposed Rules

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 213]

[ER 405-2-151]

MINERAL ACQUISITION POLICY AND PRACTICES

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) to prescribe the policies and provide guidance on the acquisition or subordination of mineral rights in land being acquired by the United States Army Corps of Engineers for water resource projects. These policies will be incorporated in related regulations being drafted to furnish specific practices and procedures for Division and District Engineers to follow in the acquisition of real estate interests.

Prior to the promulgation of these detailed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN-REZ-A, on or before 18 March 1974.

Until final regulations are promulgated by the Secretary of the Army (acting through the Chief of Engineers) these proposed regulations will provide interim guidance to all Corps of Engineers installations.

For the Chief of Engineers.

Dated: January 18, 1974.

RUSSELL J. LAMP,
Colonel, Corps of Engineers, Executive.

Part 213 is proposed to read as follow:

PART 213—MINERAL ACQUISITION POLICIES AND PRACTICES

Subpart A—General

Sec.
213.1 Purpose.
213.2 Applicability.
213.3 Policy.
213.4 General.

Subpart B—Reservations

213.11 Reservation of Minerals.

Subpart C—Off-Project Activity

213.21 Off-Project Mineral Activity.

AUTHORITY: Sections 213.1 through 213.4, 213.11, and 213.21 are issued under 5 U.S.C. 301.

Subpart A—General

§ 213.1 Purpose.

This regulation prescribes the policies, and provides guidance on the acquisition or subordination of mineral rights in land being acquired by the United States Army Corps of Engineers for water resource projects.

§ 213.2 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having real estate responsibility.

§ 213.3 Policy.

The policy of the Corps of Engineers in acquiring the necessary land or interests therein to accommodate projects authorized by the Congress is to permit the reservation of the minerals in the land, unless the reservation is inimical to the operation of the project. In all cases wherein a reservation is permitted, the mineral interests are subordinated to the primary project purposes, including public access and preservation of environmental quality.

§ 213.4 General.

(a) The multiplicity of ownerships in mineral interests, the variety of minerals and the different methods of mineral exploration, recovery and production make it impossible to define in advance specific guidelines concerning the reservation of mineral interests and their subordination to primary project purposes in any given project. The initial planning documents, real estate, design memoranda, and master plans will fully discuss and consider the extent of acquisition and/or reservation of mineral interests.

(b) Generally, fee title to all subsurface interests will be acquired in areas required for all structures, are required for project operations and public use including access, and in areas where the value of the subsurface interests is nominal. Reservation of coal, oil, gas and other minerals will be permitted whenever any aspect of mineral development will not interfere with project purposes. The reservation of mineral rights will be predicated upon the Government's right to so regulate their development as to eliminate any interference with project purposes and to minimize any adverse impact on the environment including aesthetic values.

Subpart B—Reservations

§ 213.11 Reservation of Minerals.

(a) When it has been determined that the reservation of minerals will not interfere with the purposes of the project, the minerals will be subordinated in accordance with the following guidelines:

(1) The estate providing for the subordination will not be utilized unless approved by HQDA (DAEN-REA-P) WASH DC 20314.

(2) Any subordination agreement, together with additional regulations incorporated by reference, must clearly define:

(i) the rights and obligations of the Government and the mineral owner, operator, and/or lessee.

(ii) the control to be exercised over site development for mining purposes.

(iii) required land reclamation or restoration.

(iv) restrictions against pollution and degradation of project environment and aesthetics.

(v) provisions for compliance inspection by the Government of all site development and mining activities over which the Government has control under 213.4(b).

(b) After execution of a subordination agreement as provided above, the District Engineer will develop a program for the surveillance of mineral activities at each project.

(c) The representatives of the Division and District Engineers are to be fully informed concerning the rights and responsibilities of the Government and the mineral owner and/or operator, under the terms of the estates acquired for the subordination of minerals, and will periodically inspect all mining activity to insure compliance with the terms of the subordination agreement and any plan incorporated by reference into such agreement.

Subpart C—Off-Project Activity

§ 213.21 Off-Project Mineral Activity.

In connection with all drainage basins, where there is present or potential mineral activity upstream from a project or on nearby lands outside the project limits, the District Engineer will:

(a) Establish and maintain liaison with federal and state agencies having responsibility for the regulation of mineral activities and the control of the environment in order to prevent adverse effects of mining on the project.

(b) Institute a system for monitoring adverse effects on the project such as sedimentation and acid drainage.

(c) Take steps to insure Corps personnel in charge of the project are familiar with state and federal laws governing the control of mineral recovery and the environment, as well as the federal or state agencies responsible for the enforcement of such laws.

[FR Doc.74-2522 Filed 1-30-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 162]

PUBLIC HEARINGS ON ROAD PROJECTS

Revisions To Remove References to Environmental Matters and Other Miscellaneous Changes

JANUARY 23, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

Notice is hereby given that it is proposed to revise § 162.2 and §§ 162.10 through 162.19 and to revoke § 162.20 of Part 162, Subchapter O, Chapter I of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in the Act of May 26, 1928 (45 Stat. 750, 25 U.S.C. 318a).

The purpose of the revision is to separate the requirements of the Environmental Protection Act from the requirements for the planning and development of roads projects. The requirements for complying with the National Environmental Policy Act are contained in the Departmental Manual, Part 516, and are applicable to all road projects separate from the hearing requirements for road construction. This opportunity was also taken to improve the wording and to clarify the intent of certain sections.

Significant items are as follows:

1. The definition for the term "Superintendent" is added to § 162.2 to allow road decisions to be made by a person having the responsibility for the overall reservation. Without this revision, Superintendents could be making decisions on road construction without regard to continuity within the overall reservation.

2. Paragraph (a) of § 162.16 is revised to clarify the role and responsibilities of the person appointed to preside at the hearing.

3. Section 162.18 is revised to clarify the procedure and to provide that interested persons and groups will receive a copy of the hearing statement only upon request.

4. The second sentence of § 162.19 is revoked because regulations for finalizing decisions and for resolving appeals are contained in §§ 2.14 and 2.25 of Part 2 of this Title.

5. Section 162.20 is revoked because regulations for suspending the decision complained of are contained in §§ 2.10(b) and 2.22(b) of Part 2 of this Title.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed revision to the Commissioner, Bureau of Indian Affairs, Washington, D.C. 20245, no later than 30 days after the date of publication of this notice in the FEDERAL REGISTER.

A proposal to revise the first sentence of § 162.10 was published on Page 34813 of the December 19, 1973, FEDERAL REGISTER (38 FR 34813). The purpose of the proposed revision was to establish a starting date to begin conducting public hearings on roads projects. The public was given until January 18, 1974, to submit written comments, suggestions or objections regarding the proposed revision to the Commissioner, Bureau of Indian Affairs. The proposed revision of the first sentence of § 162.10 has been included in the proposed revision of § 162.10 given below. Therefore, the deadline for the public to submit written comments, suggestions or objections regarding the proposed revision of the first sentence of § 162.10 is extended to no later than March 4, 1974.

PART 162—ROADS OF THE BUREAU OF INDIAN AFFAIRS

1. It is proposed to add a paragraph (d) to § 162.2, to read as follows:

§ 162.2 Definitions.

* * * * *

(d) "Superintendent" means the Agency Superintendent at all locations with the exception that at the Navajo Reservation, this term shall mean the Area Director or his designated representative.

2. It is proposed to revise §§ 162.10 through 162.19 and to revoke § 162.20 so that the regulations for Public Hearings on Road Projects read as follows:

PUBLIC HEARINGS ON ROAD PROJECTS

Sec.

162.10 Purpose and objectives.
162.11 Criteria.
162.12 Need for public hearing determined.
162.13 Notice of road construction projects.
162.14 Notice of public hearing.
162.15 Record of hearing proceedings.
162.16 Conducting the public hearing.
162.17 Written statements.
162.18 Hearing statement.
162.19 Appeals.

AUTHORITY: 45 Stat. 750; 25 U.S.C. 318a. Interpret or apply Sec. 6, 49 Stat. 1521, as amended; 25 U.S.C. 318b.

PUBLIC HEARINGS ON ROAD PROJECTS

§ 162.10 Purpose and objectives.

The regulations in this subpart govern the calling and conducting of public hearings on Bureau of Indian Affairs road projects beginning with road projects scheduled to begin construction in Fiscal Year 1975, and thereafter. In order to promote coordination and comprehensive planning of construction activities on Indian reservations, the objectives for conducting public hearings on proposed road projects are to:

(a) Inform interested persons of the road proposals which affect them and allow such persons to express their views at those stages of a project's development when the flexibility to respond to these views still exists.

(b) Insure that road locations and designs are consistent with the reservations' objectives and with applicable Federal regulations.

§ 162.11 Criteria.

A public hearing shall be held for each project that:

(a) Is a new route being constructed,

(b) Would significantly change the layout or function of connecting or related roads or streets,

(c) Would have an adverse effect upon adjacent real property, or

(d) Is expected to be of a controversial nature.

§ 162.12 Need for public hearing determined.

The Superintendent will call a meeting of representatives from the tribe, the Bureau of Indian Affairs, and other appropriate agencies to determine for each road project if a public hearing is needed. The determination will be based on the criteria given in § 162.11. More than one public hearing may be held for a project if necessary.

§ 162.13 Notice of road construction projects.

When no public hearing is scheduled for a road construction project, notice of the road construction project must be given at least 90 days before the date construction is scheduled to begin. Such notice should give the project name and location, the type of improvement planned, the date construction is scheduled to start, and the name and address of the office where more information can be obtained. The notice should be posted or published as determined by the Superintendent.

§ 162.14 Notice of public hearing.

Notice will be given to inform the local public of the scheduled hearing. The notice should give the date, time, and place of the scheduled hearing; the project location; the proposed work to be done; the place where the preliminary plans may be reviewed; and the place where more information on the project can be obtained. The notice should be posted or published as determined by the Superintendent. Notice should be given at least 15 days before the scheduled date of the public hearing and again, at least 5 days before the hearing date.

§ 162.15 Record of hearing proceedings.

A record of the hearing shall be made. The record shall include written statements submitted at the hearing or within 5 days following the hearing.

§ 162.16 Conducting the public hearing.

(a) The Superintendent will appoint a tribal or Bureau of Indian Affairs official to preside at the public hearing and to maintain a medium for free and open discussion designed to reach early and amicable resolution of issues.

(b) The Superintendent shall be responsible for maintaining a record of the hearing and shall make arrangements for appropriate officials to be present at the hearing to be responsive to questions which may arise.

(c) The purpose of the hearing and an agenda of items to be discussed should be presented at the beginning of the

hearing. It should be made clear at the hearing that the tribal chairman or his designated roads committee are the officials responsible for setting reservation road priorities and considering the merits of one road project over another. Sufficient maps and project plans will be available at the hearing for public review. The public should be informed of the Bureau's road construction and right-of-way acquisition procedures on reservations. If the project will require relocating residences or businesses, information on relocation services and authorized payments will be given.

§ 162.17 Written statements.

Written statements may be submitted as well as oral statements made at the public hearing. Written statements may also be submitted during the 5 days following the hearing.

§ 162.18 Hearing statement.

If significant issues develop at the public hearing which remain unresolved, the Superintendent will issue a hearing statement summarizing the results of the public hearing and his determination as to the further action to be taken in connection with the proposed project. The hearing statement shall be issued within 20 days of the date of the public hearing. The hearing statement will be posted at the place where the hearing was held, and shall be sent to interested persons upon request. The hearing statement will outline procedures whereby the determination may be appealed.

§ 162.19 Appeals.

Any determination concerning the proposed road project may be appealed in accordance with the procedures set forth in Part 2 of this Title.

§ 162.20 [Removed]

LAFOLLETTE BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74-2537 Filed 1-30-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1049]

MILK IN THE INDIANA MARKETING AREA

Termination of Proceeding To Suspend Certain Provisions of the Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), notice of proposed rulemaking was issued by the Deputy Administrator, Regulatory Programs, on December 28, 1973, (39 FR 1276), with respect to a proposed suspension of certain provisions of the order regulating the handling of milk in the Indiana marketing area. Interested parties were invited to submit views, data and arguments to the Hearing Clerk not later than January 14, 1974, in connection with the proposed suspension.

The provisions proposed to be suspended were all of § 1049.50(b) except the following:

"(b) The Class II price shall be the basic formula price pursuant to § 1049.-51,".

The proposed suspension, requested by three cooperatives that represent about 80 percent of producers on the market, would result in establishing the Minnesota-Wisconsin manufacturing milk price as the Class II price in all months. The Class II price is now the lesser of such price or a butter-powder (nonfat dry milk) formula price. Because the Minnesota-Wisconsin price is currently exceeding the butter-powder price by substantially more than the usual differences between such prices, the proposed suspension would result in a significant increase in the Class II price.

The cooperatives requesting the suspension contend that an emergency exists because the present Class II pricing under the order (the lower of the Minnesota-Wisconsin price or a butter-powder formula) results in a grossly unrepresentative Class II price.

Views in opposition to the suspension were submitted by three cooperatives and two of the principal handlers in the market. They claim that the action sought by the suspension, which would increase substantially the price handlers must pay for Class II milk, should be considered only on the record evidence of a hearing; and, moreover, it should not be granted while there is presently before the Secretary a recommended decision awaiting his determination, which provides essentially for the relief requested in the proposed suspension. Their reference is to the revised recommended decision on classification and pricing issued August 27, 1973 (38 FR 28756), which adopts the Minnesota-Wisconsin price as the Class II price for the Indiana order.

In view of the foregoing, it is hereby found and determined that the proposed suspension should not be effectuated and that the proceeding begun in this matter on December 28, 1973, should be and is hereby terminated.

Signed at Washington, D.C., on January 25, 1974.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.74-2623 Filed 1-30-74;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 308, 381]

EQUIPMENT AND UTENSILS FOR USE IN OFFICIAL ESTABLISHMENTS

Evaluation Procedures

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Animal and Plant Health Inspection Service is considering amending § 308.5 of the meat inspection regulations (9 CFR 308.5) and § 381.53 of the poultry products inspection regulations (9 CFR 381.53), pursuant to the authority contained, respectively, in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), and the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.).

Statement of considerations. The proposed amendments would provide for a procedure under which the Administrator could evaluate equipment and utensils to be used in Federally inspected plants. Such evaluation is necessary to be sure equipment and utensils are made of acceptable materials and are constructed so that they can be readily cleaned and inspected.

As the meat and poultry industries become progressively more mechanized, the machinery used to process meat food products and poultry products is becoming more complicated. If such equipment and utensils are not made of proper materials and properly designed, significant sanitation problems can develop. Also, some metals and plastics proposed for use in equipment and utensil construction may have toxic or other objectionable properties. It is important that construction materials be evaluated prior to use to guard against possible adulteration of product.

The proposed procedure would appear to benefit affected industries by applying uniform criteria to the acceptance of equipment and utensils and affording greater confidence of its being of sanitary construction when delivered to the official plants. It would also appear to provide improved consumer protection.

Section 308.5 would be amended to read as follows:

§ 308.5 Equipment and utensils to be easily cleaned; that for inedible products to be so marked; evaluation of equipment and utensils.

(a) Equipment and utensils used for preparing or otherwise handling any edible product or ingredient thereof in any official establishment shall be suitable for the purpose intended and shall be of such material and construction as, in the judgment of the Administrator, will facilitate their inspection and thorough cleaning and insure cleanliness in the preparation and handling of all edible products and otherwise avoid adulteration of such products. Receptacles used for handling inedible material shall be of such material and construction that, in the judgment of the Administrator, their use will not result in adulteration of any edible product or in insanitary conditions at the establishment, and shall bear conspicuous and distinctive marking to identify them as only for such use and shall not be used for handling any edible product.

(b) The operator of each official establishment shall submit to the Administrator, at the request of the Administrator, such information as the Administrator specifies as necessary to determine whether equipment or utensils in use or intended for use in the preparation or handling of any product meet the criteria specified in paragraph (a) of this section. The required information shall include, but need not be limited to, assembly type drawings and a list showing the materials of which parts are made. The Administrator will evaluate the model of equipment or utensil

and determine whether it is acceptable for its proposed use under the criteria set forth in paragraph (a) of this section.

(c) The Administrator will, from time to time, prepare a listing of models of equipment and utensils that have been evaluated and found to be acceptable for their proposed use in accordance with this section. A copy of such listing can be obtained from Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(d) The Administrator may prohibit the use in official establishments of particular models of equipment or utensils that he finds do not meet the requirements of paragraph (a) of this section or that he cannot evaluate because of lack of sufficient information. Further, he may prescribe such conditions for the use of particular models of equipment or utensils, either on a trial or permanent basis, as he finds necessary to prevent adulteration of product.

(e) Nothing in this section shall affect the authority of Program inspectors to reject specific equipment or utensils under § 308.15 of the regulations in this subchapter.

* * * * *

Section 381.53 would be amended to read as follows:

§ 381.53 Equipment and utensils.

(a) (1) Equipment and utensils used for processing or otherwise handling any edible poultry product or ingredient thereof, in any official establishment shall be suitable for the purpose intended and shall be of such material and construction as, in the judgment of the Administrator, will facilitate their inspection and thorough cleaning and insure cleanliness in the preparation and handling of all edible poultry products and otherwise avoid adulteration of such products. Receptacles used for handling inedible products shall be of such material and construction that, in the judgment of the Administrator, their use will not result in adulteration of any edible product or in insanitary conditions at the establishment, and shall bear conspicuous and distinctive marking to identify them as only for such use and shall not be used for handling any edible poultry products.

(2) The operator of each official establishment shall submit to the Administrator, at the request of the Administrator, such information as the Administrator specifies as necessary to determine whether equipment or utensils in use or intended for use in the processing or handling of any product meet the criteria specified in paragraph (a) (1) of this section. The required information shall include, but need not be limited to, assembly type drawings and a list showing the materials of which parts are made. The Administrator will evaluate the model of equipment or utensil and determine whether it is acceptable for its proposed use under the criteria set forth in paragraph (a) (1) of this section.

(3) The Administrator will, from time to time, prepare a listing of models of equipment and utensils that have been evaluated and found to be acceptable for their proposed use in accordance with this section. A copy of such listing can be obtained from Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(4) The Administrator may prohibit the use in official establishments of particular models of equipment or utensils that he finds do not meet the requirements of paragraph (a) (1) of this section, or that he cannot evaluate because of lack of sufficient information. Further, he may prescribe such conditions for the use of particular models of equipment or utensils, either on a trial or permanent basis, as he finds necessary to prevent adulteration of product.

(5) Nothing in this section shall affect the authority of Inspection Service inspectors to reject specific equipment or utensils under § 381.99 of the regulations in this Part.

* * * * *

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Plant Facilities and Equipment Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by April 12, 1974.

Any person desiring opportunity for oral presentation of views should address such request to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on January 28, 1974.

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

[FR Doc.74-2621 Filed 1-30-74;8:45 am]

Farmers Home Administration

[7 CFR Part 1875]

[FHA Instruction 471.1]

LOSS, THEFT, DESTRUCTION, MUTILATION OR DEFACEMENT OF INSURED NOTES AND INSURANCE CONTRACTS

Withdrawal of Proposal

On page 23412 of the FEDERAL REGISTER of August 30, 1973, was publised as a notice of proposed rule making Part 1875, Loss, Theft, Destruction, Mutilation or Defacement of Insured Notes and Insurance Contracts. The notice is hereby withdrawn. The proposed regulations are being published as Subpart E of Part 1873, Certificates of Beneficial Ownership and Insured Notes, which was published as a proposal on November 9, 1973.

(7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; Delegation of Authority by the Secretary of Agriculture, 38 FR 14944, 14948, 7 CFR 2.23; Delegation of Authority by the Assistant Secretary of Agriculture for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.)

Effective date. This notice shall be effective January 31, 1974.

Dated: January 25, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-2514 Filed 1-30-74;8:45 am]

[Amdt. 19]

Food and Nutrition Service

[7 CFR Part 271]

FOOD STAMP PROGRAM

Notice of Proposed Rulemaking; Correction

1. In column 2 on p. 3644 in FR Doc. 74-2174 in the issue of Monday, January 28, 1974, delete the first paragraph in Item 7 and substitute the following:

7. § 271.3 is amended to revise paragraphs (a), (a) (1), (a) (2) and add new subparagraphs (3) (4) and (5). Paragraph (c) (1) (i) is amended to delete subdivision (e), to reletter all subdivisions subsequent to (d) and add a new subdivision designated (m). In paragraph (c) (1) (ii), subdivision (c) is amended. In paragraph (c) (1) (iii), subdivisions (e) and (g) are amended. In paragraph (c) (2), subdivisions (i) and (ii) are amended. Paragraph (c) (3) is

amended. In paragraph (c)(4), subdivision (ii) is amended. In subdivision (iii), subdivisions (a), (b) and (c) are amended and a new subdivision (e) is added. Paragraph (d) is deleted. Paragraph (e) is amended and relettered (d); in paragraph (d)(1), a new subdivision (v) is added; paragraphs (d)(4) and (5) are amended; a new subparagraph (6) is added to paragraph (d) and all subsequent subparagraphs are renumbered. As amended § 271.3 reads as follows:

2. In columns 1 and 2 on page 3645, delete § 271.3(d) through § 271.3(d)(6) and substitute the following:

§ 271.3 [Amended]

* * * * *

(d) *Work registration requirement.* At the time of application and at least once every six months thereafter, each able-bodied person between the ages of 18 and 65, who is a member of a household, including a person who is not working because of a strike or lockout at his place of employment (except mothers or other members of the household who have responsibility for the care of dependent children under 18 years of age or of incapacitated adults; students enrolled at least half-time in any school or training program recognized by any Federal, State, or local governmental agency; or persons working at least 30 hours per week), shall register for employment by executing the registration form which shall be provided by the State agency, and which the State agency shall forward to the State or Federal employment office having jurisdiction over the area where the registrant resides: *Provided,* That any narcotics addict or alcoholic who regularly participates as a resident or nonresident in a drug or alcoholic treatment and rehabilitation program shall not be considered "able-bodied" for the purposes of this section. For the purposes of this paragraph (d), the term "strike" shall not include a strike which has pursuant to a decision currently in force of a court been determined to be unlawful.

(1) Such member who is required to register shall also:

* * * * *

(v) Continue suitable employment to which he was referred by such office.

* * * * *

(4) No household shall be denied participation in the program solely on the grounds that a member of the household is not working because of a strike or a lockout at his place of employment.

(5) Any employment offered a particular registrant shall be considered suitable unless he can demonstrate that:

(i) The degree of risk to his health and safety is unreasonable;

(ii) He is physically or mentally unfit to perform the employment as established by documentary medical evidence or reliable information from other sources;

(iii) The employment is not in his major field of experience unless after a period of 30 days from registration job opportunities therein have not been offered;

(iv) The distance of the employment from his residence is unreasonable. Determinations in this connection shall be based upon estimates of the time required for going to and from work by means of transportation that is available or expected to be used, and whether or not it would be reasonable for the registrant to expend the time and cost involved for the expected remuneration from the work. In no event shall commuting time per day represent more than 25 percent of the registrant's total work time.

(6) Registration for participation in the Work Incentive Program (WIN) by members of a household who are required to register for work as stipulated above shall be regarded by FNS as having fulfilled the requirements of this section.

Dated: January 29, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74-2722 Filed 1-30-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 249]

MEDICAL ASSISTANCE PROGRAM

Skilled Nursing and Intermediate Care Facilities

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulation implements sections 207 (in part) and 247(b) of Pub. L. 92-603, Social Security Amendments of 1972. The former limits Federal matching of State Medicaid payments for intermediate care facility services which do not reflect a reasonable differential between such payments and those for skilled nursing facility services. The latter provision sets forth a definition of skilled nursing facility care under Medicaid.

Prior to adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, on or before March 4, 1974. Comments received will be available for public inspection in room 5224 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-245-0365).

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302))

Dated: July 27, 1973.

JAMES S. DWIGHT,
Administrator, Social and Rehabilitation Service.

Approved: January 25, 1974.

CASPAR W. WEINBERGER,
Secretary.

Section 249.10 of 45 CFR Part 249 is amended by revising paragraph (b)(4)(i) and adding a new paragraph (e), as set forth below:

§ 249.10 Amount, duration, and scope of medical assistance.

* * * * *

(b) *Federal financial participation.*
* * *

(4)(i) *Skilled nursing facility services (other than services in an institution for tuberculosis or mental diseases) for individuals 21 years of age or older.* "Skilled nursing facility services" means services ordered by and under the direction of a physician, which as a practical matter can only be provided on an inpatient basis in a skilled nursing facility (which term includes any institution located on an Indian reservation and certified by the Secretary as meeting the requirements of section 1861(j) of the Act), and which are or were:

(*a*) Needed on a daily basis by an individual as determined in accordance with the proposed § 250.20(a)(5) of this chapter and guidelines issued by the Social and Rehabilitation Service and provided that such services are:

(*1*) Skilled nursing or rehabilitation services requiring licensed or registered personnel whose knowledge, skills and judgment are necessary to assure the safety of the patient and to achieve the medically desired result; or

(*2*) An aggregate of nursing and/or rehabilitative services which may normally be considered unskilled, but which, when considered in the light of the patient's condition, necessitates skilled management by a licensed nurse;

(*b*) Provided by a facility or distinct part of a facility which has not been determined by an officially designated State standard-setting authority not to meet fully all requirements of the State for licensure as a nursing home except as provided in the next sentence. Payments to a nursing home which formerly met fully all such requirements but is currently determined not to meet them, may be recognized for a period specified by the State standard-setting authority, if during such period such home promptly takes all necessary steps to again meet such requirements; and

(*c*) Provided by a facility or distinct part of a facility which is certified for participation pursuant to § 249.33 of this chapter as evidenced by an agreement executed in accordance with the provisions of § 249.33, between the single State agency and the facility for the provision of skilled nursing facility services and the making of payments under the plan; except that with respect to skilled nursing facility services furnished by a skilled nursing facility whose provider agreement has expired or has otherwise terminated, the State agency may continue to claim Federal financial participation in payments on behalf of eligible individuals for such services furnished by such institution during a period not to exceed 30 days starting with the date of expiration or other termination of its provider agreement, but only if such individuals were admitted to the

home before the date of expiration or other termination of its provider agreement, and if the State agency makes a showing satisfactory to the Secretary that it has made reasonable efforts to facilitate the orderly transfer of such individuals from such institution to another facility.

* * * * *

(e) *Limits on Federal financial participation; Reasonable differential between the cost of skilled nursing and intermediate care facility services.*

(1) Federal financial participation is not available for expenditures under the State plan for payments to intermediate care facilities for any calendar quarter beginning after June 30, 1973, which are in excess of that amount which reflects a reasonable differential on a Statewide basis for intermediate care facility services (regardless of the source of payment), as compared with the Statewide average per diem amounts paid (regardless of the source of payment) per inpatient day for skilled nursing facility services. Such reasonable differential shall reflect a lower rate of reimbursement for intermediate care.

(2) Prior to May 1 each year, each State shall submit a proposed differential amount and the Administrator shall notify the State of approval or disapproval by July 1. For fiscal year 1974 such submissions must be made within 60 days after the date of publication of these regulations in the Federal Register. States will have 150 days from the date of publication to make any changes required by the Administrator in their initial differentials. During this 150 day period Federal financial participation will not be withheld because a State does not have an approved differential. The differentials submitted shall be based primarily on the existing differences between payments for skilled nursing and intermediate care facility services within the State. States may establish differentials based on a reasonable classification of facilities. The differential shall be computed by one of the following methods:

(i) In States that use uniform Statewide flat or negotiated rates to reimburse skilled nursing and intermediate care facilities, the dollar amount of difference between the two rates established by the State will be the differential.

(ii) In States that use flat or negotiated rates that are not uniform Statewide, the weighted State average rate for each type of care (by group(s) where appropriate) will be computed by dividing the total expenditures for each type of care (by group(s) where appropriate) by the total number of days of care provided by such groups and the difference between these two quotients will be the differential.

(iii) In States that reimburse skilled nursing and intermediate care facilities on a cost related basis, the weighted State average rate for each type of care will be computed as in subdivision (ii) of this subparagraph and the difference between the two quotients will be the differential.

(3) In evaluating and approving proposed differential amounts, the Administrator shall consider the range of such differentials proposed among all the States and available data which reflect the actual costs of care. States shall submit such information as the Administrator determines necessary for this consideration. An approved differential shall remain in effect for the fiscal year beginning July 1 unless the State obtains prior approval from the Administrator for any change.

(4) States must certify each quarter to the SRS Regional Commissioner on the Quarterly Statement of Expenditures (Form SRS–OA–41) the Statewide average differential which is reflected in such claim for Federal financial participation.

(5) The Administrator on finding that there is not in effect a reasonable differential between skilled nursing and intermediate care rates will estimate the amount which the State agency has inappropriately claimed during the period it failed to have in operation such a differential and direct the State agency to make proper adjustments for that amount on its next statement of expenditures. This estimated amount may later be adjusted if the State agency determines to the satisfaction of the Administrator the exact amount which was inappropriately claimed.

All subsequent claims by the State shall be similarly reduced until such time as the Administrator finds that the State has in operation a reasonable differential.

[FR Doc.74–2605 Filed 1–30–74;8:45 am]

Social Security Administration

[20 CFR Part 405]

[Regulations No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Medicare Coverage of and Reimbursement for Services of Podiatry Interns and Residents-In-Training Under Approved Teaching Programs

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments relate to coverage of services of providers under Medicare and provide for the inclusion in allowable costs (for cost reporting periods beginning after December 31, 1972) of the hospital's costs of services of podiatry interns and residents-in-training under a teaching program which is approved by the Council on Podiatry Education of the American Podiatry Association. The amendments also give specific recognition to such programs in the regulations governing the reimbursement treatment of educational costs.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before March 4, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102 and 1871, 49 Stat. 647, as amended, 79 Stat. 331, as amended, 42 U.S.C. 1302, 1395hh.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: December 20, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 25, 1974.

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

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as set forth below:

1. Paragraph (f) of § 405.116 is revised to read as follows:

§ 405.116 Inpatient hospital services; defined.

* * * * *

(f) *Medical or surgical services provided by a physician, intern, resident, or resident-in-training.* Medical or surgical services provided in a hospital by a physician or by a resident or intern, are excluded from the definition of "inpatient hospital services" unless such services are provided (1) by an intern or resident-in-training under a teaching program approved by the Council on Medical Education of the American Medical Association, or in the case of an osteopathic hospital, approved by the Committee on Hospitals of the Bureau of Professional Education of the American Osteopathic Association; or (2) in the case of a hospital or osteopathic hospital, by an intern or resident-in-training in the field of dentistry under a teaching program approved by the Council on Dental Education of the American Dental Association; or (3) for cost reporting periods beginning after December 31, 1972, by an intern or resident-in-training in the field of podiatry under a teaching program approved by the Council on Podiatry Education of the American Podiatry Association.

2. Paragraph (e) of § 405.421 is revised to read as follows:

§ 405.421 Cost of educational activities.

* * * * *

(e) *Approved programs.* In addition to approved medical, osteopathic, dental, and podiatry internships and residency programs,[1] recognized professional and paramedical educational and training programs now being conducted by provider institutions, and their approving bodies, include the following:

[1] See § 405.116(f) of Subpart A for a listing of such approved programs. For purposes of determination of educational costs prior to January 1973, podiatry internships and residency programs approved by the Council on Podiatry Education of the American Podiatry Association were eligible for approval under paragraph (f) of this section.

Program	*Approving bodies*
(1) Cytotechnology	Council on Medical Education of the American Medical Association in collaboration with the Board of Schools of Medical Technology, American Society of Clinical Pathologists.
(2) Dietetic internships	The American Dietetic Association.
(3) Hospital administration residencies.	Members of the Association of University Programs in Hospital Administration.
(4) Inhalation therapy	Council on Medical Education of the American Medical Association in collaboration with the Board of Schools of Inhalation Therapy.
(5) Medical records	Council on Medical Education of the American Medical Association in collaboration with the Committee on Education and Registration of the American Association of Medical Record Librarians.
(6) Medical technology	Council on Medical Education of the American Medical Association in collaboration with the Board of Schools of Medical Technology, American Society of Clinical Pathologists.
(7) Nurse anesthetists	The American Association of Nurse Anesthetists.
(8) Professional nursing	Approved by the respective State approving authorities. Reported for the United States by the National League for Nursing.
(9) Practical nursing	Approved by the respective State approving authorities. Reported for the United States by the National League for Nursing.
(10) Occupational therapy	Council on Medical Education of the American Medical Association in collaboration with the Council on Education of the American Occupational Therapy Association.
(11) Pharmacy residencies	American Society of Hospital Pharmacists.
(12) Physical therapy	Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association.
(13) X-ray technology	Council on Medical Education of the American Medical Association in collaboration with the American College of Radiology.

3. Paragraphs (a), (b), and (c) of § 405.522 are revised to read as follows:

§ 405.522 Interns' and residents' services in approved teaching programs.

(a) Title XVIII of the Act gives recognition to hospital teaching programs which are duly approved in their respective fields by the Council on Medical Education of the American Medical Association, by the Committee on Hospitals of the Bureau of Professional Education of the American Osteopathic Association, by the Council on Dental Education of the American Dental Association, or, for provider cost reporting periods beginning after December 31, 1972, by the Council on Podiatry Education of the American Podiatry Association.

(b) Services of interns and residents in such approved programs are explicitly excluded from the definition of "physicians' services" and are covered as hospital services. This exclusion applies whether or not the intern or resident may be authorized to practice as a physician under the laws of the State in which he performs his services. In accordance with the basis for payment under the health insurance program for services provided by participating hospitals, the cost of the services of interns and residents is reimbursable to the hospital, specifically as a component of allowable costs defined by the principles of reimbursement for provider costs set forth in Subpart D of this Part. Under the principles discussed in Subpart D of this Part, an appropriate share of the provider's total allowable costs is reimbursable under the health insurance program. (For purposes of including services of interns and residents as an element of allowable cost in accordance with these principles, recording and reporting by the hospital of the specific services rendered to individual beneficiaries is not necessary.)

(c) Conversely, services of interns and residents are not reimbursable under the health insurance program on the basis which applies to physicians' services, i.e., reasonable charges (see §§ 405.501–405.508). This distinction with respect to the basis for the health insurance program reimbursement applies to services of interns and residents whether covered by the hospital insurance program or the supplementary medical insurance program. Outpatient services which are provided by a hospital, including intern and resident services where involved, are reimbursed to the hospital under the supplementary medical insurance program to the extent of 80 percent of the cost of the services rendered to beneficiaries after recognition of the deductible amount (see § 405.240(c)). The beneficiary will incur the expense of the deductible and coinsurance amounts as determined on the basis of the hospital's charges to the beneficiary. Hospital charges may include a charge for the services of interns and residents as a specific item, or these services may be included in the general charges to the beneficiary made by the hospital for the covered services it provides.

4. Section 405.525 is revised to read as follows:

§ 405.525 Basis of reimbursement to providers under the health insurance program for services interns and residents.[1]

[1] See §§ 1814(d) and 1835(b) of the Social Security Act concerning reimbursement for emergency services rendered by hospitals which are not providers under the health insurance program.

Status of patient	Status of intern or resident [1]	Reimbursement provided under [2]	Basis of payment [3]
Hospital inpatient	Under approved program	Part A	Cost.
	Other	Part B	80 percent of cost.
Hospital outpatient	Under approved program	do	Do.
	Other	do	Do.
Skilled nursing facility patient.	Under approved program of a hospital with which facility has a transfer agreement.	Part A	Cost.
	Other	Part B	80 percent of cost.
Home health plan patient.	Posthospital services furnished under approved program of hospital with which the home health agency is affiliated or under common control.	Part A	Cost.
	Other	Part B	Do.

[1] An "approved program" means a program approved by the Council on Medical Education of the American Medical Association, by the Committee on Hospitals of the Bureau of Professional Education of the American Osteopathic Association, or by the Council on Dental Education of the American Dental Association; or with respect to providers' accounting periods beginning after Dec. 31, 1972, by the Council on Podiatry Education of the American Podiatry Association. "Other" interns and residents include, in addition to interns and residents-in-training, a physician employed by the hospital who is authorized to practice only in the hospital setting.

[2] "Part A" refers to the hospital insurance program and "part B" refers to the supplementary medical insurance program.

[3] The term "cost" refers to reimbursement on a cost basis in accordance with the principles in subpart D of this part.

[FR Doc.74-2606 Filed 1-30-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[24 CFR Part 600]

[Docket No. R-74-164]

COMPREHENSIVE PLANNING ASSISTANCE

Proposed Permission for State Applications

Pursuant to section 701 of the Housing Act of 1954 (68 Stat. 640; 40 U.S.C. 461), the Department proposes to amend Title 24, Part 600 of the Code of Federal Regulations to permit those States, which so elect, to make application for comprehensive planning assistance on behalf of intrastate metropolitan area-wide planning agencies and/or cities within a metropolitan area having a population of 50,000 or more. In addition, amendments are proposed (1) to eliminate the requirement that in order for a State multitribal Indian organization to be an eligible applicant, it must represent more than 50 percent of the reservations within the State; and (2) to permit Indian tribal planning councils to make application for a planning grant directly to HUD upon mutual agreement between HUD and the tribe.

Principal provisions of the newly proposed amendments to Part 600 are summarized below:

Section 600.25(b) has been revised to provide that grants may be made to States for planning and management assistance to cities within metropolitan areas having populations of 50,000 or more.

Section 600.36 is amended by adding a new subdivision (a)(2)(vii) which would permit a State agency responsible for comprehensive planning to make application for a planning grant on behalf of a city within a metropolitan area having a population of 50,000 or more provided the planning area includes at a minimum the entire geographic area of the city, plus any contiguous territory over which the city has planning authority, and the planning for the city is coordinated with planning for the metropolitan area of which it is a part.

Section 600.40(d) has been revised to permit a State, if it so elects, to make application for planning grants on behalf of intrastate metropolitan planning agencies and nonmetropolitan organizations of local elected officials.

Section 600.45 has been revised to permit a State, which so elects, to become the applicant on behalf of cities within a metropolitan area having a population of 50,000 or more.

Section 600.50 is revised (1) to eliminate the requirement that in order for a State multitribal Indian organization to be an eligible applicant it must represent more than 50 percent of the reservations within the State; (2) to permit Indian tribal planning councils to make application for a planning grant directly to HUD upon mutual agreement between HUD and the tribe; and (3) to provide that applications by official governmental planning agencies in federally-impacted areas and disaster areas will ordinarily be made through eligible State agencies.

Section 600.75 has been revised to correct references to HUD forms.

Section 600.95 has been revised to encompass all substate recipients.

Section 600.96 is a new regulation which will be applicable when a State elects to apply for a HUD planning grant on behalf of intrastate metropolitan areawide planning agencies and/or cities within a metropolitan area having a population of 50,000 or more. The new regulation requires a State, which makes the foregoing election, to consult with subgrantees in order to arrive at a mutual understanding with respect to the criteria for financing individual applicants and the priorities for funding levels among subgrantee groups; the type and extent of regulations which will be imposed by the States; and any other appropriate matters. In addition, the State making the election will be required to provide HUD with assurances that it has specifically assessed the funding needs of urban counties; that it will not require subgrantees to use funds for only certain types of planning; that the State has complied with the consultation requirement; and that records of such consultation meetings were kept. The meeting records shall include the topics discussed, comments received, actions taken by the State with respect to such comments, identification of State criteria and priorities for funding individual applicants and subgrantee groups, State regulations imposed, assessment of Urban County funding needs, any limitations which the State proposes to place on subgrantee activities, and any other significant actions or conclusions resulting from the consultation process.

Section 600.100 has been amended to comply with recent changes in HUD forms.

Section 600.105 has been revised to eliminate the reporting of cost data in the text of the Overall Program Design.

Section 600.110 has been revised to encompass all substate recipients.

Section 600.115 has been revised to require a State which elects to be the applicant on behalf of metropolitan agencies and/or large cities to include in the State Overall Program Design a strategy of goals and achievable objectives. The strategy shall identify the system by which the State determines the grant amount for each subgrantee and how the State will monitor and evaluate the programs and assure compliance with HUD requirements.

Section 600.120 has been revised by making such changes in language as are necessary to encompass the situation where a State elects to be the applicant on behalf of metropolitan agencies and/or large cities. It should be noted that section 600.120(e) has been revised so that HUD concurrence will be required with respect to commitment and expenditure of funds in the case of grants to cities and counties in metropolitan areas having a population of 50,000 or more.

Section 600.128 has been amended to include a definition of "locality" as that term is used in section 600.128.

Sections 600.130 and 600.135 have been revised to encompass all substate recipients.

Interested persons are invited to participate in the making of the proposed rules by submitting written data, views or statements. Communications should identify the proposed rules by the above docket number and title and should be filed with the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, D.C. 20410. All relevant material received on or before March 4, 1974, will be considered before adoption of final rules. Copies of comments will be available for examination during business hours at the above address.

Issued at Washington, D.C., January 25, 1974.

DAVID O. MEEKER, Jr.,
Assistant Secretary for Community Planning and Development.

PART 600—COMPREHENSIVE PLANNING ASSISTANCE

1. The table of contents is amended by adding a new § 600.96 and by revising the title of § 600.120 as follows:

Subpart C—Procedural Requirements

Sec.
600.96 State consultation process with subgrantee.

Subpart D—State Procedural for Local Planning and Management Service

600.120 Summary of substate planning and management assistance procedures.

2. In § 600.25, paragraph (b) is revised to read as follows:

§ 600.25 Who may be assisted.

* * * * *

(b) States, for local planning and management assistance to counties, cities and municipalities, groups of adjacent communities having a total population of less than 50,000, Indian reservations, disaster areas, federally impacted areas, metropolitan and nonmetropolitan areawide planning organizations, and cities within metropolitan areas having populations of 50,000 or more;

* * * * *

3. In § 600.36, a new paragraph (a)(2)(vii) is added as follows:

§ 600.36 Assistance to States for statewide planning.

(a) *For assistance and services to localities.* * * *

(2) * * *

(vii) Cities within metropolitan areas having populations of 50,000 or more. The

planning area must include at the minimum the entire geographic area of the city, plus any contiguous territory over which the city has authority for planning purposes. Assistance to such cities will be made only if planning for such cities is coordinated with planning for the metropolitan area of which it is a part and prior HUD approval is obtained.

* * * * *

4. In § 600.40, paragraph (d) is revised to read as follows:

§ 600.40 Grants for areawide planning and management assistance.

* * * * *

(d) *Application submission.* Metropolitan planning agencies and nonmetropolitan organizations of local elected officials may apply directly to the appropriate HUD office for Comprehensive Planning Assistance unless the State elects to become the applicant on behalf of all such intrastate agencies and organizations. Interstate areawide agencies shall apply directly to HUD.

5. Section 600.45 is revised to read as follows:

§ 600.45 Assistance to large cities.

Cities within a metropolitan area having a population of 50,000 or more may apply directly to the appropriate HUD office for Comprehensive Planning Assistance unless the State elects to become the applicant on behalf of all such cities. Eligible applicants are:

(a) The Office of the Chief Executive (i.e., the Mayor), the preferred applicant; or

(b) The agency designated by the chief executive, provided applications are endorsed by the chief executive.

6. In § 600.50, paragraphs (b) (2) (iii) and (iv); paragraph (c) (2); and paragraphs (d) (1) and (d) (2) are revised to read as follows:

§ 600.50 Planning and management assistance for other applicants.

* * * * *

(b) *Indian reservations* * * *

(2) *Eligible applicants* * * *

(iii) With the approval of the Secretary of the Interior, multi-tribal organizations which have been delegated authority by member organizations to conduct planning activities on their behalf.

(iv) Tribal planning councils or other tribal bodies designated by the Secretary of the Interior for planning for Indian reservations are eligible to apply directly to HUD upon mutual agreement between HUD and the tribe.

* * * * *

(c) *Federally impacted areas.* * * *

(2) Eligible applicants are official governmental planning agencies. They will ordinarily apply through the eligible State agency.

(d) *Disaster areas.* (1) Comprehensive Planning Assistance may provide financial assistance to plan for the recovery from disaster. Any city, other municipality or county which is designated by the President as a "major disaster area" in accordance with the Disaster Relief Act of 1970 may apply for assistance.

(2) Eligible applicants are official governmental planning agencies with planning responsibility for jurisdiction in the disaster area. They will ordinarily apply through the eligible State agency.

* * * * *

7. In § 600.75, paragraphs (b) (1), (b) (3) and (c) are revised to read as follows:

§ 600.75 Equal opportunity requirements.

* * * * *

(b) Each applicant must:

(1) Include a statement of assurances (Part V) in its application package (Form HUD–7026.4).

* * * * *

(3) Comply with Equal Employment Opportunity Requirements in accordance with HUD's Notice of Grant Award and Terms and Conditions Governing Grants for Comprehensive Planning Assistance. Each applicant and recipient must take affirmative action for equal employment opportunity.

(c) States providing planning and management services to local governments and areawide planning organizations shall obtain from them similar assurances, and on a continuing basis, evaluate their performance in fulfilling the conditions of such assurances.

8. Section 600.95 is revised to read as follows:

§ 600.95 Applications by States.

States are required to submit a single application (Overall Program Design) including Statewide planning and all subgrantee categories which they administer. States may request separate grants based upon one Overall Program Design. There must be only one grant recipient per State even though there may be more than one grant. The grant shall be made to the Governor's office, or designee, who shall be the single responsible party to HUD for the total grant.

9. A new § 600.96 is added to read as follows:

§ 600.96 State consultation process with subgrantees.

(a) *Consultation.* A State applying to HUD on behalf of metropolitan areawide planning agencies and/or cities within a metropolitan area having a population of 50,000 or more shall consult annually with all subgrantees, or representative groups thereof, following the receipt of the HUD earmark.

(b) *Mutual understanding.* The consultation process should result in mutual understanding on at least the following points:

(1) The criteria used by the State for financing individual applicants and priorities for funding levels among subgrantee groups;

(2) The type and extent of regulations, if any, that will be imposed by the State, in addition to HUD regulations; and

(3) Any additional matters deemed appropriate by the State or sub-state participants.

(c) *Assurances.* The State must provide asurances to HUD that:

(1) it specifically assessed the funding needs of urban counties (counties with a population of 200,000, or more, excluding the population of all cities over 50,000 in population and of all central cities in metropolitan areas);

(2) it did not require subgrantees to use the grant funds for only certain types of planning; and

(3) it has complied with the consultation requirements of paragraphs (a) and (b) of this section; that records of the consultation meetings were kept and will be made available to HUD upon request; and that such records include the topics discussed, the comments received from the sub-state participants, the actions taken by the State with respect to such comments, identification of State criteria and priorities for funding individual applicants and subgrantee groups, State regulations imposed (if any), the Urban County funding needs assessment, any limitations which the State proposes to place on subgrantee activities, and any other significant actions or conclusions resulting from the consultation process.

10. In § 600.100, paragraph (a) and paragraph (e) (3) have been amended to read as follows:

§ 600.100 The application package.

(a) Application for Federal Assistance Part I (Form HUD 7026.1).

* * * * *

(e) * * *

(3) A copy of "Assurances" (Form HUD 7026.4).

§ 600.105 [Amended]

11. In § 600.105, paragraphs (a) (2) (iv) and (v) are revoked.

12. Section 600.110 is revised to read as follows:

§ 600.110 Purpose.

This subpart sets forth procedural requirements by which States submit Overall Program Designs for statewide planning and assistance and services for localities and other substate recipients.

13. Section 600.115 is revised to read as follows:

§ 600.115 State Overall Program Design.

The State Overall Program Design must be presented in the format defined in Subpart C of this Part, or in an approved substitute format.

(a) A State OPD must include the following:

(1) A statewide planning and management section that identifies statewide planning and management objectives to be achieved;

(2) A local planning and management services section that includes all services to local governments, including State Community Development Services, and reflects local issues and identifies a strategy to achieve goals and objectives for

local services. Such strategy shall include how the State agency will select, monitor and evaluate the local communities and agencies to be assisted; and

(3) A nonmetropolitan areawide planning and management section that identifies a strategy of goals and achievable objectives for assisting nonmetropolitan agencies. This strategy shall identify the system by which the State agency will determine the grant amount for each nonmetropolitan agency and how the State will monitor and evaluate the programs of the nonmetropolitan agencies and assure compliance by such agencies with all applicable HUD requirements.

(b) Either or both of the following sections must be included in the State OPD if the State, by action of the Governor, elects to be the applicant on behalf of metropolitan agencies and/or cities within a metropolitan area having a population of 50,000 or more.

(1) A metropolitan areawide planning and management section that identifies a strategy of goals and achievable objectives for assisting metropolitan agencies. This strategy shall identify the system by which the State agency will determine the grant amount for each metropolitan agency and how the State will monitor and evaluate the programs of the metropolitan agencies and assure compliance by such agencies with all applicable HUD requirements.

(2) A planning and management section for cities within a metropolitan area having a population of 50,000 or more that identifies a strategy of goals and achievable objectives for assisting these cities. This strategy shall identify the system by which the State agency will determine the grant amount for each city and how the State will monitor and evaluate the programs of the cities and assure compliance by such cities with all applicable HUD requirements.

14. Section 600.120 is revised to read as follows:

§ 600.120 Summary of substate planning and management assistance procedures.

The following describes procedures which States must employ for managing substate planning and management assistance. It is HUD's intent to give States major responsibility and discretion for administering a program of planning and management services, with flexibility as to the selection of services and the recipients to be assisted. The annual grant will support a State program of planning and management services responsive to the key problems of substate recipients. HUD's main concern will be with the State's planning and management program, rather than with specific activities undertaken on behalf of individual recipients.

(a) *Application submission.* After the HUD office has identified a bench mark grant figure, the State agency may submit an application, based on which lump sum amounts of assistance for substate categories will be negotiated.

(b) *Grant coverage.* The grant amount for substate categories will be included in the State annual grant and will appear as subtotals in the annual grant budget (Form HUD-7026.3). A separate grant covering subgrantee categories may be requested, provided a single OPD covering Statewide planning and substate assistance and services is presented to HUD.

(c) *Eligible recipients.* Eligible substate recipients for which the State has responsibility request Community Planning and Management Assistance from the State agency at times and in a manner established by the State. Unless otherwise prohibited by State law, services should be made available to the chief executive official of a city or county or the policy making body of an areawide agency. Such officials, or their designees, should be the responsible parties and should have agreed on the manner in which services are to be provided.

(d) *Expenditure of funds.* The grant will be available to the State agency only for the duration of the project period.

(e) *Commitment of funds.* After receiving from HUD the formal notification of grant approval, the State agency may commit and/or expend funds effective with the beginning of the project period and without further HUD concurrence except in the case of grants to cities and counties in metropolitan areas having a population of 50,000 or more.

15. In § 600.128, the introductory language is revised to read as follows:

§ 600.128 Considerations in State assistance to localities.

In determining the nature and extent of assistance to be provided to any locality (The term "locality" as used in this section includes all substate recipients except for cities having a population of 50,000 or more and areawide planning agencies.), the State shall with the cooperation of the elected officials of the locality:

* * * * *

16. In § 600.130, paragraphs (a) and (c) have been revised to read as follows:

§ 600.130 Negotiations with HUD.

State negotiations with HUD will focus on:

(a) Relevance of the proposed program to specific Statewide objectives and critical problems of substate recipients;

* * * * *

(c) Substate recipient performance and progress; and

* * * * *

17. In § 600.135 paragraph (a) is revised to read as follows:

§ 600.135 State agency review and evaluation.

* * * * *

(a) The quality of the planning work performed;

* * * * *

(Sec. 701, Housing Act of 1954, as amended, 68 Stat. 640; 40 U.S.C. 461; Secretary's delegation of authority published at 36 FR 5004, effective March 8, 1971)

[FR Doc.74-2579 Filed 1-30-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-RM-1]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation regulations which would alter the transition area at Great Falls, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station P.O. Box 7213, Denver, Colorado 80207. All communications received on or before February 27, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

The ILS runway 34 standard instrument approach procedure at Great Falls, Mont., has been revised to change the transition arc from 11 NM to 14 NM. This change requires an addition to the existing 700-foot transition area.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (39 FR 440) amend the 700-foot transition area for Great Falls, Mont., to read as follows:

GREAT FALLS, MONT.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Malmstrom AFB (latitude 47°30'05" N., longitude 111°11'20" W.), within 3.5 miles each side of the Truly RBN 180° bearing, extending from the 17-mile radius area to 9 miles south of the RBN and within 3 miles each side of the Great Falls VOR 157° radial, extending from the 17-mile radius area to 21.5 miles southeast of the VOR.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended,

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

Issued in Aurora, Colorado, on January 23, 1974.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

[FR Doc.74-2507 Filed 1-30-74;8:45 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 73-SW-83]

RESTRICTED AREA AND FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation regulations that would alter the description of Restricted Area R-3801D, Camp Claiborne, La., to make its horizontal boundaries the same as those of Restricted Areas, R-3801B and R-3801C. The description of V-114 would also be altered to exclude R-3801B and R-3801C.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before March 4, 1974 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendments would:

1. Alter the description of R-3801D Camp Claiborne, La., to read as follows:

R-3801D CAMP CLAIBORNE, LA.

Boundaries. Beginning at latitude 31°11'-45" N., longitude 92°30'15" W.; to latitude 31°05'15" N., longitude 92°34'50' W.; to latitude 31°13'55" N., longitude 92°49'45" W.; to latitude 31°18'00" N., longitude 92°46'30" W.; to latitude 31°15'15" N., longitude 90°-41'45" W.; to latitude 31°17'10" N., longitude 92°40'10" W.; to point of beginning.

Designated altitudes. 14,000 feet MSL to and including FL 200.

Time of designation. Continuous. R-3801D shall not be activated unless the Houston ARTC Center radar (Alexandria System) is operational.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Commander, England AFB, Louisiana.

2. Alter the description of V-114 to exclude R-3801B and R-3801C.

The present size of R-3801D is not sufficient to contain the hazardous activities for which it is intended. Redefining its horizontal dimensions as proposed would overcome this problem. Lateral expansion of R-3801D would also permit better airspace management because the using agency would release R-3801B and R-3801C when its activities can be conducted within R-3801D.

The R-3801 restricted area complex extends to between 3 and 4 nautical miles from the centerline of V-114. Simultaneous use of the airway and the restricted areas requires that the restricted areas be excluded from the airway. This was accomplished by excluding R-3801D when it contained all of the airspace affected by the overlap. However, on August 14, 1973, with publication in the FEDERAL REGISTER (38 FR 21917) of an amendment to Part 73 of the Federal Aviation regulations, R-3801D was redefined and portions of the excluded airspace were added to R-3801B and R-3801C. Therefore, the proposed change to the description of V-114 is required.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 25, 1974.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-2508 Filed 1-30-74;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 73-NW-17]

JET ROUTE

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation regulations that would establish a jet route from Avenal, Calif., to Seattle, Wash., via Linden, Calif., Klamath Falls, Oreg., and Portland, Oreg.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before March 4, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would designate J-189 from Avenal, Calif., via Linden, Calif.; Klamath Falls, Oreg.; Portland, Oreg., to Seattle, Wash.

This proposed jet route would improve high altitude operations in this area by providing a nearly direct route between its terminals that would reduce distance and avoid turbulence often encountered on adjacent routes.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 25, 1974.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-2509 Filed 1-30-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Parts 571, 574]

[Docket No. 71-18; Notice 4]

NON-PASSENGER CAR TIRES

Labeling and Treadwear Indicators

This notice proposes the amendment of Standard No. 119, *New pneumatic tires for vehicles other than passenger cars*, 49 CFR 571.119, to specify new lettering requirements for tires, and to modify treadwear indicator requirements. This notice also proposes amendment of Part 574, Tire Identification, to permit the labeling of tires with DOT prior to the effective date of the standard.

Petitions for reconsideration of the recently issued Standard 119 (38 FR 31299, November 13, 1973) are now under consideration. While all the petitions will be answered in accordance with 49 CFR 553.35, *Petitions for reconsideration*, the National Highway Traffic Safety Administration (NHTSA) has concluded that it should respond immediately to those issues which involve the maximum leadtime for compliance. Because the re-working of molds is involved in compliance with Standard 119, this notice proposes clarification and modification of labeling and treadwear-indicator requirements to permit the changeover to begin as soon as possible.

Standard 119 requires molding of the DOT symbol on the tire sidewall to certify compliance with the standard, beginning September 1, 1974. Part 574 of Title 49, Code of Federal Regulations, prohibits use of the DOT symbol on tires to which no Federal motor vehicle standard is applicable. To accommodate manufacturers, an amendment to Part 574 would permit the labeling of tires with DOT prior to the effective date of the standard if the DOT symbol is covered

by a label indicating that no Federal standard applies to the tire. In this way manufacturers can make all the required changes to the mold prior to the effective date of the standard and avoid a production shutdown to add the DOT symbol on the effective date.

Comments in response to the final rule pointed out that compliance with the treadwear indicator requirement for the outer quarters of tread width would in some cases be impossible or meaningless. This notice proposes modified wording to make clear that a manufacturer would establish the "bottom" of any tread groove (in particular those which vary in depth), and he would only be required to mark a tread groove whose bottom is as deep as or deeper than the bottom of the tread groove nearest the centerline of the tire. Tread grooves would be defined as a molded tread opening or space of any width.

This amendment would also correct an inadvertent omission by establishing a minimum lettering size of .078 inches for label information other than that specified in Part 574. It is also proposed that the minimum lettering depth on motorcycle tires be changed from 0.015 to 0.010 inches to accommodate thin-walled construction.

In consideration of the foregoing, it is proposed that Parts 574 and 571 of Title 49, Code of Federal Regulations, be amended as follows:

§ 571.119 [Amended]

A. In 49 CFR 571.119, *Standard 119, New pneumatic tires for vehicles other than passenger cars:*

1. The portion of paragraph S6.4 beginning with "The indicators shall, as a minimum" would be amended to read:

S6.4 * * * The indicators shall, as a minimum, show treadwear—

(a) In any tread groove not more than one-fourth of the tread width from the edge of the tread if the bottom of the tread groove is at least as deep as the bottom of the tread groove nearest the centerline of the tire, and

(b) At the tread centerline, or if there is no tread groove at the centerline, at locations not further from the tread centerline than the distance to the centerline of the nearest tread groove.

For the purposes of this requirement: "Tread groove" means any molded tread opening or space between raised tread elements, regardless of direction or configuration. "Tread width" means the measurement across that portion of the tire which comes in contact with the ground in normal use. "Tread depth" of a point on the tread means the distance from the surface that comes in contact with the ground at that point to a parallel plane that passes through the bottom of the tread groove (as established by the manufacturer) nearest the centerline of the tire.

2. The sentence in paragraph S6.5 beginning "The marking shall be" would be replaced by two sentences that read:

The marking shall be in letters and numerals not less than 0.078 inches high and raised above or sunk below the tire surface not less than 0.015 inches, except that the marking depth shall be not less than 0.010 inches in the case of motorcycle tires. The tire identification and the DOT symbol labeling shall comply with Part 574 of this chapter.

3. In Part 574, Tire Identification, the fourth sentence of § 574.5 would be amended to read:

§ 574.5 Tire identification requirements.

* * * The DOT symbol shall not appear on tires to which no Federal Motor Vehicle Safety Standard is applicable, unless the symbol is covered by a label that is not easily removable and that states in letters at least one-quarter of an inch high:

NO FEDERAL MOTOR VEHICLE SAFETY STANDARD APPLIES TO THIS TIRE

* * * * *

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: March 4, 1974.

Proposed effective date. Standard No. 119 amendments: September 1, 1974. Part 574 amendment: Date of publication of the rule.

(Secs. 103, 114, 119, 201, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1403, 1407, 1421; delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on January 28, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74-2635 Filed 1-28-74;5:10 pm]

POSTAL SERVICE

[39 CFR Parts 152, 310, 320]

RESTRICTIONS ON PRIVATE CARRIAGE OF LETTERS

Comprehensive Standards for Permissible Private Carriage

Introduction. On July 2, 1973, the Postal Service published in the FEDERAL REGISTER, 38 FR 17512-16, a notice of proposed rulemaking on this subject. A number of comments were received in response to this publication. The Postal Service has revised its proposed regulations to reflect many points raised in the comments and is publishing this second proposal for further public comment.

HIGHLIGHTS OF THE REVISED PROPOSED REGULATIONS

(a) *Definition of letter.* The first proposal contained "a broad, and we hope readily understandable, definition of 'letter' that continues the basic coverage of the Statutes as to messages transmitted in corporeal form." A number of comments contained objections that our definition of "letter" was overly broad. In the main, these comments were critical of the theoretical breadth of the definition rather than of its practical consequences. Thus, many of the comments envinced concern that items which would be excluded from the proscriptions of the Statutes by affirmative suspensions (e.g., checks, magazines, and certain data processing materials) rather than by administrative interpretations (as they sometimes have been in the past) might one day be proscribed by virtue of some future repeal of the suspensions. The premise for this concern seems to be the exclusion based on administrative interpretation is more secure than exclusion by affirmative suspension. But the premise might prove flimsy. Interpretations are subject to revision and reversal—particularly where they are not firmly anchored to judicial case law. They represent especially weak reeds to lean on where they are little more than ipse dixit utterances that find scanty support in either the text or the legislative history of the Statutes being interpreted. In our view forthright suspensions provide firmer ground on which to rest the exclusions.

The revised proposal does, however, contain certain modifications in the proposed definition of "letter". These modifications include supporting definitions for the words "message" and "specific address" and other additional language intended to clarify the meaning of the word "letter".

(b) *Suspensions for checks, newspapers, and periodicals.* A number of comments indicated that checks, newspapers, and periodicals should be excepted from the definition of the word "letter". Yet checks are messages in writing, intended for particular persons or concerns; they convey live, current information between sender and addressee upon which the sender expects or intends the addressee to act, rely, or refrain from acting. As such, checks clearly meet the tests that have been used in the past to determine whether particular matter constitutes letters. "Restrictions on Transportation of Letters", POD Publication 111, section 3 (July 1967), contained in Committee Print No. 93-5, June 29, 1973, House Committee on Post Office and Civil Service (report of the Board of Governors under section 7 of

the Postal Reorganization Act and accompanying materials), at 33. Similarly, though to a lesser extent, newspapers and periodicals also meet the tests in past guidelines for determining what are letters. Moreover, from the point of view of the language, purposes, and legislative history of the Private Express Statutes, an exclusion—by administrative definition—of checks from the definition of "letters" seems unjustified and an exclusion of newspapers and periodicals seems of doubtful validity. Definitional exclusion would not, moreover, guarantee that a redefinition to eliminate the exclusion might not be attempted at a later time.

A number of comments showed concern that the Postal Service might revoke the suspensions for checks, newspapers, and periodicals at some future time. To allay this concern, the subsection on revocation (§ 320.2(b)) has been revised to state that it is not expected that these suspensions will be revoked. Section 320.-2(b) has also been amended to require that any revocation of the suspensions for intra-company and data processing materials or other changes affecting the suspensions would have to take place in accordance with the rulemaking provisions of the Administrative Procedure Act. The language that would prevent a revocation so as to curtail then-existing levels of operations under the suspensions is retained. The provisions restricting revocation of the suspensions would not apply to revocations as to particular carriers. A new provision governing such revocations for carriage in violation of the regulations is included, § 320.3(f).

The suspension proposed for checks and other financial instruments has been revised to cover all such instruments moving to and from financial institutions. The suspension has also been amended to include certain matter intrinsically related to the movement of checks within the banking system and to define the term "financial institutions". The suspension would not, however, include matter, such as bank statements, accompanying the movement of checks between banks and depositors. In this latter area, existing limitations would be retained.

(c) *Suspensions for additional materials.* Several comments indicated that certain carriers had long operated under authority granted by state and federal regulatory agencies to carry materials that could no longer be carried privately, without the payment of postage, under the first proposed regulations. In response, the following points are offered:

First, no regulatory agency has been authorized to grant authority to carry letters in violation of the Private Express Statutes.

Second, authorization by regulatory agencies to carry certain materials does not restrict the authority of the Postal Service to make reasonable changes in its administration of the Private Express Statutes, nor would the exercise of such authority by the Postal Service result in an alternation or revocation of outstanding licenses granted by regulatory agencies. On the contrary, the operations of all carriers—regulated or unregulated—are, in our view, subject to the Private Express Statutes and the valid administrative practices of the Postal Service under such Statutes, neither of which can be limited by outside administrative authority.

Third, outstanding licenses must be read in light of the Private Express Statutes and administrative practices thereunder. It would be unreasonable to read a certificate of operating rights or the like as though it were intended to authorize exemptions from the proscriptions of the Statutes where the issuing agency has no authority to grant such exemptions.

In light of other comments, however, the revised proposal contains four additional suspensions that would broaden the categories of material that may be carried privately and clarify the intended scope of the first proposal, although none of these suspensions is intended to broaden the application of the Private Express Statutes beyond that reflected in POD Publication 111, supra. The additional suspensions cover the following four categories of material: certain legal documents; catalogs and telephone directories; identical letters sent by a printer or other supplier of letters for third persons in bulk to a single address; files sent for storage or destruction or moved as part of a household or business relocation.

(d) *Suspensions for data processing and intra-company materials.* A number of comments called for changes in the terms of the proposed suspensions for data processing and intra-company materials. In response to several of these comments, we have revised certain conditions of these suspensions, as follows:

(i) *Time limits for completed delivery.* The revision substitutes noon of the addressee's next business day or 12 hours, whichever is longer, for the 12 hours or the beginning of the addressee's next business day as the test for completed delivery under these suspensions. (This means, for example, that material sent at 11 p.m. sender's local time on January 15 must be delivered by 12 noon, receiver's local time on January 16, if the receiver conducts business on January 16, unless the elapsed time during this period is less than 12 hours, in which event a full 12 hours is allowed; material sent at 1 a.m. on January 16 would have until noon January 17 to be delivered, under similar conditions and assumptions.) The proposal does not reflect acceptance of the still larger time limits proposed in some of the comments, since the suspensions were intended only for clearly urgent matter that the Postal Service might not be expected to deliver approximately within time limits imposed by senders and recipients.

(ii) *Time limits for completion of data processing work.* The revised proposal eliminates the requirement that the data processing center complete its work on material sent to it for processing under the suspension within 36 hours. On the other hand, since the suspensions are intended only for urgent material, it seems reasonable to require that data processing work on materials sent to a processing center under the suspensions commence reasonably promptly. Accordingly, the revised proposal would require that such work commence within 36 hours of receipt of the material at the processing center.

(iii) *Reporting procedures.* These suspensions reflect a voluntary relaxation by the Postal Service of an economic right conferred upon it by Congress for the public purpose of financing comprehensive nationwide postal services for all members of the public, without regard to the economic attractiveness of each particular route or area. In view of the fact that Congress has seen fit to confer this right—a monopoly over the delivery of most letters—on the Postal Service for that public purpose and has conditioned the suspension of this right on a finding that the public interest supports the action, it would not seem to be responsible to exercise the suspension authority without requiring reporting on activity under the suspensions adequate to demonstrate their practical effects. Moreover, the Postal Rate Commission commented that such reports should, in its opinion, be obtained.

Some comments asserted that it would be nearly impossible for carriers to report on volume and revenue carried under the suspensions. Yet most business under the suspension for intra-company communications will probably be new business, since ordinary intra-company mail cannot be carried without payment of postage at this time. ("The same rules apply to determine whether matters sent between the various branches of a concern are 'letters' as apply in other cases." POD Publication 111, supra, section 6.) All business under the suspension for data processing materials—except that meeting the existing rigid tests for auditing materials (see POD Publication 111, supra, section 8)—will also be new. It should not be impracticably difficult for carriers to identify this new business, together with whatever old business is now being done under the present narrow "exception" for auditing materials, for reporting purposes.

If some of the comments we have received should be taken to mean that these materials are already being carried by private means without the payment of postage, then it would appear that the private carriers are not doing what they should do to inform their customers of the limitations in the Private Express Statutes so as to assure that they comply with the law. We have no doubt that simple and understandable procedures can be worked out to inform users of private carriage of what they can send privately and how it should be designated so that an accurate accounting of material carried under these suspensions can be kept. Moreover, while we wish to require no complicated accounting system for the private carriers, we believe

it not unreasonable to require that reasonably accurate records be maintained as to volume and gross revenue under these suspensions, with appropriate simplifications for comparatively small operations. We are not proposing the details of these operating or recordkeeping procedures because we would hope to be able to leave it up to carriers to develop their own procedures, suited to their particular needs. The procedures should, however, be briefly described in the annual reports furnished to the Postal Service on operations under these suspensions.

We have eliminated many of the details of the first proposed annual report form, and made reporting less detailed for carriers having smaller operations under these suspensions. We have not, however, accepted the proposal that we accept reports filed with regulatory agencies in lieu of reports tailored to the suspensions involved here. These other reports would contain much unnecessary and irrelevant information and might not contain the basic volume and revenue information required to assess the practical effects of the suspensions.

(iv) We have eliminated the requirement that the annual report data be supported by an accountant's certificate. We agreed with the comments that stated or implied that this was not the kind of material to which accountants normally certify. In its place, we propose that a responsible officer of the carrier sign the report, in notarized form, acknowledging the applicability of 18 U.S.C. 1001.

(v) The revised proposal states that the Postal Service will not publicly release the information in the notifications and annual reports but that the information may be summarized and released in summary form. This change is in response to several comments that expressed concern about the confidentiality of information reported to the Postal Service.

(vi) To lend assurance that the proposed suspensions of the Statutes will not be abused, annual reports would have to be accompanied by a certificate from each substantial customer of the carrier who takes advantage of the intra-company and data processing suspensions. A "substantial customer" would be anyone who makes use of a carrier to carry intracompany or data processing materials more than 25 times a year or who pays the carrier more than $250 in one year for the carriage of such materials. The certificate would attest to the fact that no materials were sent in violation of the limits to the suspensions. The underlying thought is that a carrier's customers will generally have a better idea of the nature of the material being sent than will the carrier. A form certificate is proposed for this purpose.

Several comments urged that the suspension for intra-company mail should extend to affiliated companies. Such an extension would expand the limits of the suspension beyond the limits of the "current business of the carrier" exception as outlined in POD Publication 111, supra, section 16 ("* * * the ownership of one carrier by another does not entitle either to carry letters not sent by or addressed to it outside the mails for the other without the payment of postage"). In an age of corporate conglomerations and the like, such an extension would unduly erode the basic protection of mail revenues which the Statutes are intended to provide. The revision also proposes continuation of the rule that mail sent under the suspensions must be sent between offices of the same company. Thus the suspension does not cover mail sent by an employee or agent of the company not sent from a company office.

Others Matters Raised in the Comments

(a) *"Employees" for purposes of the letters of the carrier exception.* Several comments raised objections to the first proposal on the grounds that a new criterion for determining whether an individual carrying a letter is an employee within the purposes of the letters of the carrier exception—that of full-time employment—had been included in the proposed language describing the exception, in addition to the criteria carried forward from POD Publication 111, supra, section 16.

While we are aware of no past administrative or judicial determination that full-time employment is necessary for an individual to qualify under this exception, the amount of time worked does seem a relevant factor in determining whether an individual is an employee for purposes of this privilege, just as is whether the employee is a regular salaried employee who enjoys the normal benefits of employment with the company for which he is working. Accordingly, the revised proposal retains the full-time employment guideline. It should be emphasized, however, that the language in question is stated in terms of factors that bear on qualifications for the privilege. A part-time employee would not necessarily fail to qualify if the other incidents of his employment indicate that he is an employee, not an independent contractor.

(b) *Payment of postage on violation.* Several comments suggested that the provision of the first proposal establishing an administrative mechanism for the assessment of postage due on matter carried in violation of the Private Express Statutes should be amended either to limit the amount that might be assessed, to establish a willfulness test as a precondition to the assessment of postage due, or to require specific prior notice before postage could be assessed. The language of the revised proposal, however, retains the substance of the language as contained in the first proposal.

Imposing the limitations which had been suggested could make the process of collecting postage due for violations of the Statutes complicated and uncertain. Moreover, adoption of the notice suggestion would give even willful violators an opportunity to commit violations until specifically notified. We would stress, moreover, that the provision under which the Postal Service may take steps leading to the collection of postage due for violations of the Statutes is not mandatory. Offending carriers will be permitted to make their arguments in mitigation of claims for postage due during the process of the assessment of the amount due. However, the Private Express Statutes are important revenue laws and the burden is clearly upon the carriers to assure that the material they are carrying is being carried consistently with the law.

(c) *Correspondence accompanying cargo.* It was suggested that the proposed regulations should permit the enclosure with cargo of unrelated correspondence, such as advertising matter, intended for the recipient of the cargo. Adoption of this suggestion as an interpretative regulation is precluded by the language of 18 U.S.C. 1694, requiring that excepted letters "relate to some part of the cargo". Moreover, neither past practice nor present need would seem to justify a suspension of the Statutes to cover this material. The revision, therefore, retains the law on this matter as it has been administered in the past. See POD Publication 111, supra, section 17.

(d) *Live, current information test.* Certain of the comments argued in favor of the validity of the live, current information test reflected in prior administrative practices under the Private Express Statutes. See POD Publication 111, supra, section 3. The test is not based upon any statutory provision or judicial precedent. Moreover, the test never purported to define what constitutes a "letter" but was intended merely to demonstrate what the term "letter" might include in addition to personal correspondence. Ibid.

In our experience, fortified by the comments we received, the live, current information test has not served well either to inform the public of the meaning of the Private Express Statutes or to reflect the intended scope of the Statutes as enacted. Rather, some members of the public have concluded that all messages not containing "live, current information" are not letters, a proposition that is not legally justified. Certain published "interpretations" of the Statutes, moreover, also seem to be without substantial legal support. We are aware of no reason why, for example, an original letter sent to a particular addressee should fall under the prohibitions of the Private Express Statutes but a carbon copy of the same letter sent subsequently to the same addressee should not fall under the prohibitions of the Statutes. Similarly, we have found no satisfactory basis for the past determination that materials sent to an auditing office maintaining no records based on the information sent to it and taking no other action than mere auditing action do not constitute letters, whereas like materials sent to a typical central billing office would be letters. See POD Publication 111, supra, sections 8 and 9. In our view, all material of this kind constitutes letters, whether or not

a particular analysis might yield the result that live, current information was being conveyed between sender and recipient. The suspension proposed for data processing materials, moreover, while involving a time limit for completed delivery, should result in substantially preserving the limited right of private carriage for auditing materials as it existed in the past.

STATUS OF PROPOSED REGULATIONS

The regulations proposed on July 2, 1973, were proposals only; they have not been implemented, in whole or in part, by the Postal Service, and the Private Express Statutes continue to be administered under practices antedating the July 2, 1973, notice of proposed rulemaking. Similarly, the revised proposal published now is only a proposal; it has not been implemented, in whole or in part, by the Postal Service, and previous administrative practices continue in effect. We point these things out in an effort to erase any erroneous impression that may exist that the proposed regulations have already been implemented, in whole or in part.

We would caution against the assumption that eventually the proposed regulations will be finally adopted, substantially in the form in which they have been proposed. With the exception of the suspensions for intracompany and data processing materials, it seems likely that regulations will be adopted generally along the lines we have proposed. The two suspensions for new material, however, present far more difficult issues and we cannot predict the outcome of this rulemaking with respect to them. They may be adopted as proposed; they may be liberalized; they may be narrowed; or they may not be adopted at all.

The following are the principal factors that are likely to bear on the decision whether, and in what form, to adopt these two suspensions:

1. The alleged need to liberalize the suspensions in order to cause them to be workable. This is a two-edged sword, since it encourages a liberalization while it discourages any sort of suspension, in view of the additional revenue impact upon the Postal Service of expanded suspensions.

2. The alleged unworkability of reporting requirements. This factor also is a two-edged sword. While it points, on the one hand, to a weakening or elimination of reporting requirements, it also raises, on the other hand, significant questions as to whether the limitation contained in the suspensions can adequately be enforced.

3. The comments of many customers that they look first to the Postal Service to supply their needs and that they would prefer to use the Postal Service rather than private carriage.

4. Developments in the Postal Service's Express Mail service, a service already meeting a substantial public need for expedited transportation of letters.

COMMENTS

The revised proposed regulations have been prepared following careful consideration of the comments submitted to the Postal Service in response to its first set of proposed regulations, 38 FR 17512–16, July 2, 1973. The revised proposal should be read carefully against the background provided by the previous proposal, its preamble, the compendium of administrative and judicial rulings in POD Publication 111, supra, entitled "Restrictions on Transportation of Letters", and other materials published in Committee Print No. 93–5, June 29, 1973, of the House Committee on Post Office and Civil Service, supra.

We have attempted in the revised proposal and in its preamble to respond fully to the comments we received. We hope that a close review of the revised proposal, its preamble, and the other available background information will resolve the outstanding questions in this area. We invite, however, any further comments which the public might have on the proposed regulations now that they have been revised, including any matters raised in comments following the first proposal that are believed to remain unresolved by the revised proposal. Accordingly, interested parties wishing to do so should submit data, views, or arguments concerning the proposed regulations in writing to the General Counsel, United States Postal Service, Washington, D.C. 20260, at any time on or before March 18, 1974.

LOUIS A. COX,
General Counsel.

JANUARY 29, 1974.

PART 152—WHO MAY CARRY LETTERS

I. The regulations previously codified in the 1970 revision of 39 CFR as Part 152, retained in effect by 35 FR 19399 (1970), are rescinded and Part 152 is reserved.

II. The note following Part 958 in the table of contents for 39 CFR Ch. I in the volume revised as of Aug. 1, 1973, is deleted.

III. *New Subchapter E.* Title 39 Code of Federal Regulations, is amended by the addition of the following subchapter E:

SUBCHAPTER E—RESTRICTIONS ON PRIVATE CARRIAGE OF LETTERS

PART 310—ENFORCEMENT OF THE PRIVATE EXPRESS STATUTES

Sec.

310.1 Definitions.
310.2 Unlawful carriage of letters.
310.3 Cargo exception.
310.4 Letters of the carrier exception.
310.5 Private hands without compensation exception.
310.6 Special messenger exception.
310.7 Carriage prior or subsequent to mailing exception.
310.8 Payment of postage on violation.
310.9 Advisory opinions.

AUTHORITY: 39 U.S.C. 401, 404, 601–606; 18 U.S.C. 1693–1699, 1724.

§ 310.1 Definitions.

(a) "Letter" is a message directed to a specific person or address and recorded in or on a tangible object, subject to the following:

(1) Tangible objects used for letters include, but are not limited to, paper (including paper in sheet or card form), recording discs, and magnetic tapes.

(2) "Message" means any information or intelligence that can be recorded as described in paragraph (a)(4) of this section.

(3) A message is directed to a "specific person or address" when, for example, it is directed to a named or identifiable individual, organization, or official, or when it is directed to a specific place.

(4) Methods by which messages are recorded on tangible objects include, but are not limited to, the use of written or printed characters, drawing, holes, or orientations of magnetic particles in a manner having a predetermined significance.

(5) Whether a tangible object bears a message is to be determined on an objective basis without regard to the intended or actual use made of the object sent.

(6) Identical messages directed to more than one specific person or address or separately directed to the same person or address constitute separate letters.

(7) The specific form of letter known as a telegram is implicitly exempted from the restrictions of the Private Express Statutes by Congress.

(b) "Packet" means two or more letters, under one cover or otherwise bound together. As used in these regulations, unless the context otherwise requires, "letter" or "letters" includes "packet" or "packets".

(c) "Person" means an individual, corporation, association, partnership, governmental agency, or other legal entity.

(d) "Post routes" are routes on which mail is carried by the Postal Service, and include post roads as defined in 39 U.S.C. 5003, as follows:

(1) The waters of the United States, during the time the mail is carried thereon;

(2) Railroads or parts of railroads and air routes in operation;

(3) Canals, during the time the mail is carried thereon;

(4) Public roads, highways, and toll roads during the time the mail is carried thereon; and

(5) Letter-carrier routes established for the collection and delivery of mail.

(e) The "Private Express Statutes" are set forth in 18 U.S.C. 1693–1699 and 1724 and 39 U.S.C. 601–606 (1970).

§ 310.2 Unlawful carriage of letters.

(a) It is generally unlawful under the Private Express Statutes for any person other than the Postal Service in any manner to send or carry a letter on a post route or in any manner to cause or assist such activity. Violation may result in injunction, fine or imprisonment or both, and payment of postage lost as a result of the illegal activity (see § 310.8).

(b) Activity described in § 310.2(a) is lawful with respect to a letter if—

(1) It is enclosed in an envelope or other suitable cover;

(2) The amount of postage which would have been charged on the letter if it had been sent through the Postal Service is paid by stamps, or postage

meter stamps, on the cover or by other methods approved by the Postal Service;

(3) The name and address of the person for whom the letter is intended appears on the cover;

(4) The cover is so sealed that the letter cannot be taken from it without defacing the cover;

(5) Any stamps on the cover are cancelled in ink by the sender; and

(6) The date of the letter, or of its transmission or receipt by the carrier, is endorsed on the cover in ink by the sender or carrier, as appropriate.

(c) The Postal Service may suspend the operation of any part of paragraph (b) of this section where the public interest requires the suspension.

(d) Activity described in paragraph (a) of this section is permitted with respect to letters which—

(1) Relate to some part of the cargo of, or to some article carried at the same time by, the conveyance carrying it (see § 310.3);

(2) Are sent by or addressed to the carrier (see § 310.4);

(3) Are conveyed or transmitted by private hands without compensation (see § 310.5);

(4) Are conveyed or transmitted by special messenger employed for the particular occasion only, provided that not more than twenty-five such letters are conveyed or transmitted by such special messenger (see § 310.6); or

(5) Are privately carried prior or subsequent to mailing (see § 310.7).

§ 310.3 Cargo exception.

The sending or carrying of letters is permissible if the accompany shipments and if the letters relate exclusively to the shipment process or to the goods shipped.

§ 310.4 Letters of the carrier exception.

(a) The sending or carrying of letters is permissible if they are sent by or addressed to the individual carrying them or if they are sent by or addressed to an officer or employee of a carrier on the current business of the carrier (i.e., in his capacity as an officer or employee).

(b) The fact that the individual performing the carriage may be an officer or employee of the carrier for certain purposes does not necessarily mean that he is an officer or employee for purposes of this exception. The following factors bear on qualification for the exception: the carrying employee is employed full time; the carrying employee is a regular salaried employee and shares in all privileges enjoyed by other regular employees (including employees not engaged primarily in the letter-carrying function), including but not limited to salary, annual vacation time, absence allowed for illness, health benefits, workmen's compensation insurance, and retirement benefits.

(c) Separately incorporated carriers are separate entities for purposes of this exception, regardless of any subsidiary, ownership, or leasing arrangement. When, however, two concerns jointly operate an enterprise with joint employees and share directly in its revenues and expenses, either of the concerns may carry the letters of the joint enterprise.

§ 310.5 Private hands without compensation exception.

The sending or carrying of letters is permissible if no charge for carriage is made by the carrier. However, a person engaged in transportation of goods or persons for hire does not fall within the exception merely by carrying letters free of charge for customers whom he does charge for the carriage of goods or persons.

§ 320.6 Special messenger exception.

(a) The use of a special messenger employed for the particular occasion only is permissible to transmit letters if not more than twenty-five letters are involved. The permission granted under this exception is restricted to use of messenger service on an infrequent, irregular basis by the sender or addressee of the message.

(b) A special messenger is a person who, at the request of either the sender or the addressee, picks up a letter from the sender's home or place of business and carries it to the addressee's home or place of business, but a messenger or carrier operating regularly between fixed points is not a special messenger.

§ 310.7 Carriage prior or subsequent to mailing exception.

(a) The private sending or carrying of unopened letters which enter the mail stream at some point between their origin and destination is permissible. The origin of a letter is the residence or place of business of the sender; the destination of a letter is the residence or place of business of the addressee.

(b) Examples of permitted activity are the pickup of letters which are delivered to post offices for mailing; the pickup of letters at post offices for delivery to addressees; and the bulk shipment of individually addressed letters ultimately carried by the Postal Service.

§ 310.8 Payment of postage on violation.

(a) Upon discovery of activity made unlawful by the Private Express Statutes, the Postal Service may require any person or persons who engage in, cause or assist such activity to pay an amount or amounts not exceeding the total postage to which it would have been entitled had it carried the letter between its origin and destination.

(b) Such payment of postage will be due and payable not later than 15 days after receipt of formal demand from the Inspection Service unless an appeal is taken to the Judicial Officer Department in accordance with rules of procedure set out in Part 959 of this chapter.

(c) Refusal to pay an unappealed demand or a demand that becomes final after appeal will subject the violator to civil suit by the Postal Service to collect postage.

(d) This provision for the payment of postage on violation shall in no way limit other actions to enforce the Private Express Statutes by civil or criminal proceedings.

§ 310.9 Advisory opinions.

An advisory opinion on any question arising under this part and Part 320 of this chapter may be obtained by writing the Assistant General Counsel, Opinions Division, United States Postal Service, Washington, D.C. 20260. Final opinions will be available for inspection by the public in the Library of the United States Postal Service, and copies of individual opinions may be obtained upon payment of charges for duplicating services.

PART 320—SUSPENSIONS OF THE PRIVATE EXPRESS STATUTES

Sec.
320.1 Definitions.
320.2 Suspensions.
320.3 Operations under suspensions.

AUTHORITY: 39 U.S.C. 401, 404, 601.

§ 320.1 Definitions.

The definitions in § 310.1 apply to this Part 320 as well.

§ 320.2 Suspensions.

(a) The operation of 39 U.S.C. 601(a)(1) through (6) and § 310.2(b)(1) through (6) of this chapter is suspended on all post routes for the types of matter, and on such terms, as are detailed in paragraph (c) of this section. The effect of these suspensions is to allow any person to send or carry letters covered by the suspensions between places served by the Postal Service without paying postage or meeting any other conditions of 39 U.S.C. 601(a) and § 310.2(b) of this chapter.

(b) The suspensions reflected in § 320.2(c)(3)–(8) are generally intended to confirm long-standing practice and it is not expected that they will be revoked administratively in the future. The suspensions reflected in § 320.2(c) (1) and (2) may be administratively revoked, but only in accordance with the rulemaking provisions of the Administrative Procedure Act. No administrative revocation will curtail then-existing operations under such suspensions to a level of operations lower than that antedating the revocation in a particular market served prior to the revocation. Reasonable regulatory changes in conditions affecting the suspensions may be implemented at any time as to all carriers operating under the suspensions, but only in accordance with the rulemaking provisions of the Administrative Procedure Act. Nothing in this paragraph applies to administrative revocation of suspensions as to particular carriers under § 320.3(f).

(c) The following types of matter, if carried under the indicated conditions, are not subject to penalty pursuant to the Private Express Statutes or the regulations issued thereunder.

(1) Interoffice communications between offices and branches of an entity entitled to carry such communications under § 310.4, if transmission is completed within 12 hours or by noon of the addressee's next business day. The addressee's next business day shall be the first calendar day, stated in his local

time, on which he conducts business, following the calendar day of dispatch, stated in the sender's local time.

(2) Data processing materials conveyed to or from a data processing center, if transmission is completed within 12 hours or by noon of the addressee's next business day, and if data processing work is commenced on any such materials sent to a data processing center within 36 hours of their receipt at the center. The addressee's next business day shall be the first calendar day, stated in his local time, on which he conducts business, following the calendar day of dispatch, stated in the sender's local time. For purposes of this suspension, "data processing" means electro-mechanical or electronic processing and "data processing materials" include materials of all types that are ready for immediate data processing or for automatic conversion into a form ready for immediate data processing and the direct output of data processing, but only if they are produced on a regular periodic basis.

(3) Checks, drafts, stock certificates, promissory notes, bonds, other securities, insurance policies, and title policies when shipped to, from, or between financial institutions.

(i) As used above, "checks" include documents intrinsically related to and regularly accompanying the movement of checks within the banking system, return items (whether or not bearing notations) and instruments that call for the crediting or debiting of accounts maintained at financial institutions that must be acted upon promptly by reason of the rules under which the financial institutions operate or the nature of the transaction. "Checks" do not include materials accompanying the movement of checks to or from financial institutions, except such material as would qualify under § 310.3 if "checks" were treated as cargo. Specifically, for example, "checks" do not include bank statements sent to depositors showing deposits, debits, and account balances.

(ii) As used above, "financial institutions" include

(A) as to checks: banks, their offices, affiliates, and facilities; savings banks, savings and loan institutions, and credit unions; and

(B) as to other financial instruments: institutions performing functions involving the bulk generation, clearance, and transfer of such instruments.

(4) Abstracts of title, mortgages, deeds, leases, articles of incorporation, papers filed in lawsuits or formal quasi-judicial proceedings, and orders of court.

(5) Newspapers and periodicals.

(6) Catalogs eligible for a catalog publication rate under the mail classification schedule in effect at the time of their shipment, and telephone directories.

(7) Identical letters sent by a printer or other supplier of letters for third persons in bulk to a single address.

(8) Letters sent in bulk for storage or destruction or as part of a household or business relocation.

§ 320.3 Operations under suspensions.

(a) Persons intending to establish or alter operations based on suspensions granted pursuant to § 320.2(c) (1) and (2) shall, as a condition to the right to operate under the suspensions, notify the Private Express Liaison Officer, Customer Services Department, United States Postal Service, Washington, D.C. 20260, of their intention to establish such operations not later than the beginning of such operations. Such notification, on a form available from the Private Express Liaison Office, shall include information on the identity and authority of the carrier and the scope of its proposed operations.

(b) As a further condition to the right to operate under these suspensions, persons filing notification under § 320.3(a) shall file, on forms available from the Private Express Liaison Office, annual reports containing information on volume, revenue, and such other matters as may be required by the Postal Service on services performed under the suspensions granted pursuant to § 320.2 (c) (1) and (2). The annual reports must be accompanied by certificates, in a form prescribed by the Postal Service, from each customer who makes use of a carrier to carry intra-company or data processing materials more than 25 times a year or who pays the carrier more than a total of $250 in one year for the carriage of such materials as to the nature of materials sent. The reports are to be filed within sixty days of the end of each twelve-month period, commencing with the beginning of the carrier's operations under the suspensions identified in § 320.2(c) (1) and (2). No carrier shall continue, after its annual report is filed, to serve any customer required to sign a certificate under this subsection whose certificate is not attached to the annual report, except that service may be resumed after a late certificate is filed with the Private Express Liaison Officer. This prohibition shall not limit other administrative or judicial actions to enforce the Private Express Statutes or the regulations in this Part 320 or Part 310 hereof. A blank certificate, with explanatory material attached thereto, should be furnished to all customers prior to beginning service for them under the suspensions granted pursuant to § 320.2(c) (1) and (2).

(c) Persons operating under the suspensions granted pursuant to § 320.2(c) (1) and (2) are responsible for making sure that the carriage of matter under these suspensions meets all conditions contained in § 320.2(c)(1) and (2). The containers or covers of any matter carried under such suspensions must be made available for examination upon request by a properly identified postal inspector. They must contain information, including place, date and time dispatched and received, from which compliance with the conditions contained in § 320.2(c)(1) and (2) may be determined. The provisions of this paragraph shall not restrict the Postal Service in the exercise of search powers conferred upon it by law.

(d) The Postal Service will not publicly release the information in the notifications and annual reports and attachments thereto filed under this section, but the information submitted by groups of carriers may be summarized and released in summary form.

(e) The filing of notifications or reports under this section does not relieve the operator of responsibility for assuring that its operations conform to applicable statutes and regulations.

(f) Failure to comply with the reporting requirements of this section and carriage of material or other action in violation of other provisions of this Part and of Part 310 are grounds for administrative revocation of the suspensions as to a particular carrier, following a hearing by the Judicial Officer Department in accordance with the rules of procedure set out in Part 959 of this chapter.

NOTE: The forms referred to in § 320.3 are reproduced below.

NOTICE OF INTENT TO ESTABLISH OPERATIONS UNDER SUSPENSIONS OF THE PRIVATE EXPRESS STATUTES [2]

(See 39 CFR Part 320, Suspensions of the Private Express Statutes)

PRIVATE CARRIAGE OF LETTERS

Name of Carrier_____
Address _____
State of Incorporation_____
Geographical Area To Be Served_____

1. State whether notice is for operations under 39 CFR § 320.2(c) (1) or § 320.2(c) (2), or both.

2. Designate the specific markets or areas in which operations will be conducted.

3. Describe specifically any authorizations issued by local, state, or federal regulatory agencies under which operations will be conducted.

_____
(Signature of Officer)

_____
(Name and Title)

Subscribed and sworn to before me this _____ day of _____ 197____.

_____
(Notary Public)

SEAL

Note: False statements contained herein are punishable by law, 18 USC 1001.

ANNUAL REPORT

Operations Under Suspensions of the Private Express Statutes [1]

(See 39 CFR Part 320, Suspension of the Private Express Statutes)

PRIVATE CARRIAGE OF LETTERS

Twelve Month Period Ending _____
Name of Carrier_____
Address _____
State of Incorporation_____

[2] This form should be used for an initial notice of operations and for any amendments to the initial or subsequent notices. Information relates exclusively to operations under the suspensions for intra-company and data processing materials.

[1] Information relates exclusively to operations under the suspensions for intra-company communications and data processing materials.

I. Short form report—revenue less than $10,000.

1. Certify that gross revenue from operations under 39 CFR § 320.2(c) (1) and (2) during the period covered was less than $10,000. State the estimated amount of such revenue.

2. Briefly describe the basis on which figure for gross revenue was computed.

3. Listed below are the names and business addresses of each sender of materials under 39 CFR 320.2(c) (1) and (2) during the period covered by this report that sent more than 25 shipments during the period or paid more than a total of $250 during the period for the carriage of such materials.

[List]

32.

Attached to this report are customer certificates of the customers listed above as required by 39 CFR 320.2(b).

(Signature of Officer)

(Name and Title)

Subscribed and sworn to before me this ____ day of _____, 197__.[2]
197 ____.[2]

Notary Public

SEAL

Note: False statements contained herein are punishable by law, 18 USC 1001.

II. Regular form report—revenue more than $10,000.

1. State the number of shipments and gross revenue from operations under 39 CFR 320.2(c)(1) and (2), separately, during the period covered.

2. If gross revenue from such operations during such period was in excess of $10,000 within any single city, town, or other local jurisdiction or between any pair of cities, towns, or local jurisdictions, provide information covering operations in each such market in accordance with section 1 above.

3. Briefly describe the basis on which all figures contained in this report on number of shipments and gross revenue were computed.

4. Listed below are the names and business addresses of each sender of materials under 39 CFR 320.2(c)(1) and (2) during the period covered by this report that sent more than 25 shipments during the period or paid more than a total of $250 during the period for the carriage of such materials.

[List]

Attached to this report are customer certificates of the customers listed above as required by 39 CFR 320.3(b).

(Signature of Officer)

(Name and Title)

[2] Report to be signed and submitted to the Private Express Liaison Officer, 39 CFR 320.3 (b), not later than 60 days after the close of the period covered by the report.

Subscribed and sworn to before me this ____ day of _____, 197__.[2]

Notary Public

SEAL

NOTE: False statements contained herein are punishable by law, 18 USC 1001.

CUSTOMER'S CERTIFICATE—TO ACCOMPANY CARRIER'S ANNUAL REPORT

(See 39 CFR Part 320. Suspensions of the Private Express Statutes)

Year Ending_____
(to be completed by carrier)
Name of Customer_____
Address _____

During the period covered by this certificate _____ has used the
(name of customer)
services of _____ to carry
(name of carrier)
letters as defined in 39 CFR § 310.1(a). This is to certify that all letters so defined that _____ has sent via
(name of customer)
_____ have consisted of intra-
(name of carrier)
company communications or data processing materials as defined in 39 CFR § 320.2(c) (1) and (2), letters meeting the definitions and conditions of those exceptions from the restrictions on the private carriage of letters found in 39 CFR §§ 310.3–310.7 or carried under other suspensions of the Private Express Statutes set forth in 39 CFR § 320.2(c) (3)–(8), or letters on which postage was prepaid and which meet the other conditions of 39 CFR § 310.2(b). (The provisions of 39 CFR mentioned above are printed in the explanatory material attached to this certificate.)

(Signature of Officer)

(Name and Title)

Subscribed and sworn to before me this ____ day of _____, 197__.

Notary Public

SEAL

NOTE: False statements contained herein are punishable by law, 18 USC 1001.

USE OF PRIVATE CARRIERS FOR THE TRANSPORTATION OF LETTERS—EXPLANATORY MATERIAL

The use of private for-hire carriers to transport letters is restricted by the Private Express Statutes, 18 U.S.C. 1693–1699 and 1724 and 39 U.S.C. 601–606 (1970), and regulations of the Postal Service, excerpts from the latter of which are set out below. The definition of the word "letter" for purposes of these restrictions is set forth in section 310.1 (a), below. (A complete copy of these regulations may be obtained by writing the Assistant General Counsel, Opinions Division, United States Postal Service, Washington, D.C. 20260.)

The Postal Service has suspended the restrictions of the Private Express Statutes so as to permit intra-company communications and data processing materials to be carried privately under certain conditions. Once each year customers that use the services of private carriers under these two suspensions more than 25 times during the year or pay more than a total of $250 during the year for the carriage of such materials must complete the attached certificate showing that all material sent via the private carrier was intra-company or data processing material as defined in the regulations or met other tests under the regulations for letters that can be carried privately.

Accordingly, if your use of private carriage for these materials exceeds the amounts stated above, this form should be completed for the year ending on (to be completed by carrier) and sent to (name and address of carrier) by not later than (to be completed by carrier).

[Text of 39 CFR 310.1–310.7; 320.2 (a), (c)]

[FR Doc.74–2641 Filed 1–30–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34–10611]

NOTICE OF EXTENSION OF COMMENT PERIOD ON PROPOSED NET CAPITAL RULE 15c3–1

The Securities and Exchange Commission today announced an extension of the comment period on revising § 240.15c3–1 of Chapter II of Title 17 of the Code of Federal Regulations, the net capital rule, as proposed in Securities Exchange Act Release No. 10525 until February 28, 1974 [as published in the FEDERAL REGISTER for December 13, 1973 at 38 FR 34331]. Both the New York Stock Exchange and the Securities Industry Association have requested an extension of 30 days in order to complete their analysis of the impact of the proposed rule from data which they have solicited from their members. The Commission has also received requests from other interested members of the public for a similar extension of time in which to comment upon the proposed rule.

Comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. All such communications should bear the File No. S7–498 and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 24, 1974.

[FR Doc.74–2534 Filed 1–30–74;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-105]

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Tuesday, February 26, 1974, at the Department of State, Room 1207, from 9:30 a.m. to 12:30 p.m. The agenda will include a discussion of the Commission's annual report; a review of the activities of the Office of Policy and Plans in the Bureau of Educational and Cultural Affairs, and the Bureau's Cultural Presentations program; and a progress report on the joint study initiated by the Commission.

For purposes of fulfilling building security requirements, anyone wishing to attend the open session must advise the Staff Director by telephone in advance of the meeting. Telephone: 632-2764.

Dated: January 23, 1974.

MARGARET G. TWYMAN,
Staff Director,
Commission Secretariat.

[FR Doc.74-2568 Filed 1-30-74;8:45 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

BUREAU OF GOVERNMENT FINANCIAL OPERATION

Accountability for the Receipt, Custody and Disbursement of Public Moneys

Treasury Department Order No. 229, dated January 14, 1974 (39 FR 2280, January 18, 1974), issued pursuant to Reorganization Plan No. 26 of 1950 (31 U.S.C. 1001, note) establishes the Bureau of Government Financial Operations in the Fiscal Service effective February 1, 1974. Under such order, all functions of the Bureau of Accounts and all functions of the Office of the Treasurer of the United States, except those which relate to custody, issuance and redemption of currency, are transferred to the Bureau of Government Financial Operations. This notice supplements the Order and, in part, implements it.

Notice is hereby given that, effective February 1, 1974, in accordance with the aforementioned Order:

1. Accountability for (a) receipt, custody and disbursement of public moneys of the United States, and (b) custody of bonds, notes and other evidences of indebtedness now held by the Treasurer of the United States as collateral or in safekeeping, is transferred from the Treasurer of the United States to the Commissioner of the Bureau of Government Financial Operations.

2. The account designation, under which public moneys of the United States are received or held in Federal Reserve banks, Depositaries and Financial Agents of the Government, Special Depositaries of Public Money or other financial institutions, is changed from "Treasurer of the United States" to "United States Treasury."

3. Any and all Government documents used for public money transactions processed, prior to February 1, 1974, in the name of the "Treasurer of the United States" are, thereafter, to be deemed as being processed in the name of the "United States Treasury."

4. Any and all Government checks drawn on the "Treasurer of the United States," regardless of when drawn, are to be deemed as being drawn on the "United States Treasury" and may be charged against public moneys held in the name of the United States Treasury, as hereinabove provided.

5. The present stock of checks and documents used for public money transactions, which bear the legend "Treasurer of the United States," are to be used until exhausted or superseded by checks and documents bearing the legend "United States Treasury"; however, pending such exhaustion or supersession such checks and documents are to be deemed to bear the legend "United States Treasury" as hereinabove provided.

6. Any and all regulations issued by the Treasurer of the United States or the Commissioner of Accounts with respect to the foregoing matters continue in effect, except as hereinabove modified, until amended or superseded and, pending such amendment or supersession, are to be deemed to have been issued by the Commissioner of the Bureau of Government Financial Operations.

Dated: January 29, 1974.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.74-2745 Filed 1-30-74;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON REFORM OF THE INTERNATIONAL MONETARY SYSTEM

Notice of Meeting

Notice is hereby given that the Advisory Committee on Reform of the International Monetary System will meet at the Treasury Department in Washington, D.C., on February 4, 1974.

The meeting is called for the purpose of considering the basic issues involved in the current international negotiations for the reform of the international monetary system.

A determination as required by section 10(d) of the Federal Advisory Committee Act (Public Law 92-463) has been made that this meeting is for the purpose of considering matters falling within one or more of the exemptions to public disclosure set forth in 5 U.S.C. 552(b) and that the public interest requires such meeting be closed to public participation.

Dated: January 29, 1974.

[SEAL] PAUL A. VOLCKER,
Under Secretary for
Monetary Affairs.

[FR Doc.74-2719 Filed 1-30-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

BADLANDS AIR FORCE GUNNERY RANGE, S. DAK.

Transfer of Administrative Jurisdiction

CROSS REFERENCE: For a document on this subject issued by the Bureau of Indian Affairs, see FR Doc. 74-2536, Department of the Interior, Bureau of Indian Affairs, *infra*.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

BADLANDS AIR FORCE GUNNERY RANGE, S. DAK.

Transfer of Administrative Jurisdiction

JANUARY 24, 1974.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

Notice is hereby given that the lands hereinafter described and known as the Reflector City portion of the Badlands Air Force Gunnery Range, South Dakota, consisting of approximately 5,279.60 acres, have been declared excess to the needs of the Department of the Air Force, and administrative jurisdiction over the same has been transferred from the Department of the Air Force to the Secretary of the Interior pursuant to section 3(a) of the Act of August 8, 1968 (P.L. 90-468; 82 Stat. 663).

The lands shall be administered by the Bureau of Indian Affairs under the laws

and regulations applicable to the Pine Ridge Indian Reservation subject to the provisions of P.L. 90–468 and the regulations in 25 CFR Part 257. These lands are now available for purchase by the former Indian and non-Indian owners pursuant to sections 3(b) and 4 of the 1968 Act and applicable regulations contained in 25 CFR Part 257. The authority to perform the functions required by these sections of the 1968 Act is delegated to the Commissioner of Indian Affairs in section 30(a)(43) of Secretary's Order 2508.

Any eligible former Indian or non-Indian owner desiring to exercise the right to purchase any available tract of land pursuant to sections 3(b) or 4 of the above-mentioned Act must file an application with the Superintendent of the Pine Ridge Indian Agency, South Dakota, on or before January 31, 1975 or such right will automatically terminate by operation of law.

The S½ of section 20; all of section 21; W½ of section 22; W½ of section 27; all of sections 28 and 29; E½ of section 32; N½ of section 33; W½, E½, E½ of section 34 in Township 42 North, Range 40 West; the N½ of section 3; all of section 4; the N½ of section 9 in Township 41 North, Range 40 West of the sixth principal meridian, Washabaugh County, South Dakota.

The total acreage covered by this transfer is approximately 5,279.60 acres.

LAFOLLETTE BUTLER,
Acting Deputy Commissioner.

[FR Doc.74–2536 Filed 1–30–74;8:45 am]

CHEMEHUEVI INDIAN RESERVATION, CALIF.

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants; Correction

JANUARY 24, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

An ordinance legalizing the introduction, sale, or possession of intoxicants on the Chemehuevi Indian Reservation, California was published on page 23852 of the November 9, 1972, FEDERAL REGISTER (37 FR 23852). The State given in the heading and the first paragraph of the document was incorrect.

The third line of the heading should be corrected to "Chemehuevi Indian Reservation, California."

In the first paragraph, "Chemehuevi Indian Reservation, Arizona," should be corrected to read "Chemehuevi Indian Reservation, California."

LAFOLLETTE BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74–2595 Filed 1–30–74;8:45 am]

LAC DU FLAMBEAU INDIAN RESERVATION, WIS.

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

JANUARY 25, 1974.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Pub. L. 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Lac du Flambeau Indian Reservation, Wisconsin, was adopted on June 28, 1971, by the Lac du Flambeau Band of Lake Superior Chippewa Indians, which has jurisdiction over the area of Indian Country included in the ordinance, reading as follows:

Whereas, Pub. L. 277, 83d Congress, approved August 15, 1953, provides that Sections 1154, 1156, 3113, 3488 and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor laws, shall not apply to any act or transaction within areas of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transactions occur and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior and published in the FEDERAL REGISTER.

Therefore be it resolved, by this Council in regular session assembled, that the introduction or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin, provided that such introduction or possession is in conformity with the laws of the State of Wisconsin.

Be it further resolved, that the sale of intoxicating liquors and fermented malt beverages shall be lawful within the Indian country under the jurisdiction of the Lac du Flambeau Band of Lake Superior Chippewa Indians only through establishments and concessions operated and managed by the Lac du Flambeau Band of Lake Superior Chippewa Indians, except as hereinafter provided.

Be it further resolved, that the Tribal Council of the Lac du Flambeau Band of Lake Superior Chippewa Indians may grant retail licenses in the same respect as Wisconsin local municipal governing bodies, under the conditions and restrictions of the laws of the State of Wisconsin to such persons as the Tribal Council may deem proper to keep places within the Indian country under jurisdiction of the Lac du Flambeau Band of Lake Superior Chippewa Indians, for the sale of intoxicating liquors or the sale of fermented malt beverages. The annual license fee to sell intoxicating liquors or fermented malt beverages shall be the maximum sum allowed by the laws of the State of Wisconsin.

Be it further resolved, that the sale of intoxicating liquors by the Lac du Flambeau Band of Lake Superior Chippewa Indians or such persons as may be licensed by the Tribal Council as herein provided shall be in conformity with the laws of the State of Wisconsin.

Be it further resolved, that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74–2596 Filed 1–30–74;8:45 am]

YAVAPAI-PRESCOTT INDIAN COMMUNITY, ARIZ.

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

JANUARY 25, 1974.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Pub. L. 277, 83rd Congress, 1st Session, (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Yavapai-Prescott Indian Community, Arizona was adopted on September 14, 1973 by the Board of Directors of the Yavapai-Prescott Community Association, which has jurisdiction over the area of Indian Country included in the ordinance reading as follows:

Be it enacted by the Yavapai Board of Directors of the Yavapai-Prescott Community Association of the Yavapai-Prescott Indian Reservation, Arizona pursuant to the authority contained in the Articles of Association of the Yavapai-Prescott Indian Community, approved by the Commissioner of Indian Affairs of the United States Department of the Interior on December 5, 1962, and in accordance with the laws of the United States (18 U.S.C. 1161), that the Yavapai-Prescott Indian Community and other persons, are hereby authorized to introduce, possess, store and sell alcoholic beverages, in accordance with the laws of the State of Arizona, and rules and regulations of the Yavapai-Prescott Indian Reservation, Arizona in the following enumerated situations only:

1. Possession of alcoholic beverages is permitted throughout the Yavapai-Prescott Indian Reservation.

2. The introduction, storage and sale of alcoholic beverages on any part of the Reservation is permitted upon application to, and approval by, the Board of Directors of the Yavapai-Prescott Community Association.

3. The introduction for sale or sales by persons other than the Yavapai-Prescott Indian Community shall be first specifically approved by the Board of Directors, Yavapai-Prescott Community Association and such sales shall be subject to such taxes and license fees as may be from time to time imposed by said Association.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74–2594 Filed 1–30–74;8:45 am]

Bureau of Land Management

[Serial No. I–7435]

IDAHO

Proposed Withdrawal and Reservation of Lands

JANUARY 18, 1974.

The Atomic Energy Commission has filed an application, Serial No. I–7435, for withdrawal of the lands described below from all forms of appropriation under the public land laws, including location under the mining laws and leasing under the Geothermal Steam Act of 1970, but not the Taylor Grazing Act nor the Mineral Leasing Act of 1920, subject to valid existing rights.

The applicant desires the lands for use as a research area and to demonstrate operation of a hot water geothermal power system and management of a geothermal field. If the area proves suitable, a demonstration power facility may be built to illustrate for public and private power group's feasibility of power production. Grazing administration will remain under the jurisdiction of the Bureau of Land Management.

All persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal, may present their views in writing, on or before March 4, 1974, to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398, Federal Building, 550 W. Fort Street, P.O. Box 042, Boise, Idaho 83724.

The authorized officer of the Bureau of Land Management, will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Atomic Energy Commission. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN

T. 13 S., R. 25 E.,
Secs. 25, 26, 35 and 36.
T. 13 S., R. 26 E.,
Secs. 25 thru 36.
T. 13 S., R. 27 E.,
Secs. 30 and 31.
T. 14 S., R. 25 E.,
Secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 27, 34, 35 and 36.
T. 14 S., R. 26 E.
All.
T. 14 S., R. 27 E.,
Secs. 6, 7, 18, 19, 30 and 31.
T. 15 S., R. 25 E.,
Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36.
T. 15 S., R. 26 E.,
All.
T. 15 S., R. 27 E.,
Secs. 6, 7, 18, 19, 30 and 31.
T. 16 S., R. 25 E.,
Secs. 1, 2, 3, 10, 11, 12, 13, 14, 23, 24, 25 and 26.
T. 16 S., R. 26 E.,
Secs. 1 thru 24.
T. 16 S., R. 27 E.,
Secs. 6, 7, 18 and 19.

The area described includes approximately 81,473.48 acres of national resource lands and 730.36 acres of reserved minerals in private lands in Cassia County, Idaho.

VINCENT S. STROBEL,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–2518 Filed 1–30–74;8:45 am]

MONTANA

New Project Office Address

JANUARY 24, 1974.

State Director, Bureau of Land Management, 316 North 26th Street, Billings, Montana 59101, announces the recently established North Dakota Project Office—P.O. Box 1072, Dickinson, North Dakota. The Project Office was open for business on 1–7–74.

EDWIN ZAIDLICZ,
State Director.

[FR Doc.74–2519 Filed 1–30–74;8:45 am]

[N–7957]

NEVADA

Proposed Withdrawal and Reservation of Lands

JANUARY 24, 1974.

The Atomic Energy Commission has filed the above application for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and leasing under the Geothermal Steam Act of 1970.

The applicant desires the land to explore for geothermal potential to find a suitable area of high heat flow for eventual construction of a small experimental geothermal power generating facility. After exploration work is completed only those lands needed for the geothermal experiment will be retained in the withdrawal; the balance of the lands will be released.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing on or before March 4, 1974, to the undersigned officer of the Bureau of Land Management, Department of the Interior, 300 Booth Street, Reno, Nevada 89502.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

KYLE HOT SPRINGS

T. 28 N., R. 36 E. (unsurveyed),
Secs. 1, 2, 3, 10–15, incl. 22, 23, 24, all.
T. 29 N., R. 36 E.,
Sec. 1, N½, N½S½, S½SE¼;
Secs. 2, 3, 10, 11, all;
Sec. 12, N½NE¼, S½N½, S½;
Secs. 13, 14, 15, 22–27, incl., 34, 35, 36, all.
T. 30 N., R. 36 E.,
Secs. 25, 26, 34, 35, 36, all.
T. 28 N., R. 37 E.,
Secs. 4–8, incl.
T. 29 N., R. 37 E. (unsurveyed),
Secs. 6, 7, 8, 17–21, incl., 27–34, incl., all;
T. 30 N., R. 37 E. (unsurveyed),
Sec. 31, all.

LEACH HOT SPRINGS

T. 31 N., R. 38 E. (partially unsurveyed),
Secs. 1, 2, 3, all;
Sec. 9, S½;
Secs. 10–16, incl., all;
Sec. 22, N½, SW¼, N½SE¼, SE¼SE¼;
Secs. 23, 24, all;
Sec. 25, N½NE¼, SE¼NE¼, NW¼, S½;
Secs. 26, 27, all.
T. 32 N., R. 38 E.,
Secs. 12, 13, 14, 23, 24, 25, 26, 34, all;
Sec. 35, N½NE¼, SW¼NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 36, N½N½.
T. 31 N., R. 39 E. (partially unsurveyed),
Secs. 5, 6, 7, 8, 17, 18, 19, 20, all;
Sec. 21, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 28, all;
Sec. 30, NE¼, W½;
Sec. 31, W½.
T. 32 N., R. 39 E.,
Secs. 7, 8, all;
Sec. 17, N½NE¼, SW¼NE¼, NW¼, NW¼SW¼, SE¼SW¼, S½SE¼, NE¼SE¼;
Sec. 18, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 19, 20, 29–32, incl., all.

BUFFALO VALLEY

T. 29 N., R. 41 E. (partially unsurveyed),
Secs. 1–5, incl., 8–17, incl., 20–27, incl., all;
Sec. 28, N½.
T. 30 N., R. 41 E.,
Secs. 33, 34, 35, all.
T. 29 N., R. 42 E.,
Secs. 6, 7, 8, all;
Sec. 17, W½;
Secs. 18, 19, all.

Aggregating 86,000.00 acres, more or less.

WILLIAM J. MALENCIK,
Chief,
Division of Technical Services.

[FR Doc.74-2557 Filed 1-30-74;8:45 am]

NEVADA

Filing of Plat of Survey and Order Providing for Opening of Lands

JANUARY 25, 1974.

1. The plat of Survey of lands described below will be officially filed at the Nevada State Office, Reno, Nevada, effective 10 a.m., on March 14, 1974:

MOUNT DIABLO MERIDIAN, NEVADA

T. 4 N., R. 52 E.

2. The surveyed area aggregates 637.08 acres.

3. The area is nearly level land. The soil consists of sand. The vegetation consists of greasewood, budsage and shadscale. A creek crosses the Section 36 in a northeasterly course.

4. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the lands are hereby opened to such applications and petitions as may be permitted. All such valid applications received at or prior to 10 a.m. on March 14, 1974 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, NV 89502.

LEGRAND BENNION,
Chief, Branch of Records and Data Management.

[FR Doc.74-2558 Filed 1-30-74;8:48 am]

[Wyoming 43932]

WYOMING

Order Providing for Opening of Public Lands

JANUARY 23, 1974.

1. In accordance with the provisions of section 3 of the Recreation and Public Purposes Act, as amended, 43 U.S.C. 869 (1970), the following described land has been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 101 W.,
Sec. 29, W½NW¼NE¼NE¼NW¼ and NE¼NW¼NE¼NW¼.

The area described contains 3.75 acres.

2. The land is located about 8 miles southwest of South Pass City in Fremont County.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the above described land is hereby opened to application, petition, location and selection including location under the United States mining laws. All valid applications received at or prior to 10 a.m. on February 25, 1974, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

DANIEL P. BAKER,
State Director.

[FR Doc.74-2556 Filed 1-30-74;8:45 am]

Bureau of Reclamation

WATERTOWN-SIOUX CITY-MOVILLE 345-KV TRANSMISSION LINE

Notice of Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Watertown-Sioux City-Moville 345-kV Transmission Line. That statement (INT DES 73-115 dated December 27, 1973) was distributed to the public on January 11, 1974.

The statement concerns construction of the 200-mile 345-kV transmission line between the existing Watertown, South Dakota, Substation and a new 345-kV switchyard at Sioux City and Moville, Iowa. The principal function of the transmission line is to improve reliability of service in the Nebraska-Iowa area.

A public hearing will be held in Sioux Falls, South Dakota, at the Ramada Inn, starting at 10 a.m. on March 12, 1974, to receive views and comments from interested organizations or individuals relating to the environmental impacts of this line. Oral statements at the hearing will be limited to a period of 10 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing to make comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request, whenever possible, and any scheduled speaker not present when called will lose his or her privilege in the scheduled order and his name will be recalled at the end of the scheduled speakers. Request for scheduled presentation will be accepted up to 5 p.m., March 7, 1974, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentation.

Organizations or individuals desiring to present their statements at the hearing should contact Project Manager Preston L. Funkhouser, Jr., Bureau of Reclamation, P.O. Box 825, 450 Dakota Avenue South, Huron, South Dakota 57350, telephone (605) 352-8651, extension 8242, and announce their intention to participate. Written comments from those unable to attend, and from those wishing to supplement their oral presentation at the hearing should be sent on or before March 20, 1974, so that they can be included in the hearing record.

Dated: January 24, 1974.

G. G. STAMM,
Commissioner.

[FR Doc.74-2555 Filed 1-30-74;8:45 am]

Geological Survey

[Power Site Modification 450]

SNAKE RIVER BASIN, WYO.

Power Site Modification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1; Power Site Classification 286, of July 16, 1934, is hereby modified to the extent necessary to permit the grant of a right-of-way under Revised Statute 2477 (43 U.S.C. 932) to the Board of County Commissioners, Teton County, Wyoming, for the construction of a county road known as the Wilson-Fall Creek County Road No. 22-2, as shown on a map on file with the Bureau of Land Management under Wyoming 36616. The right-of-way will affect the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 40 N., R. 117 W.,
Sec. 24, lot 6;
Sec. 25, lot 1.

This power site modification is subject to the condition that should the land traversed by the right-of-way be required for reservoir or power purposes, any improvements or structures thereon, when found by the Secretary of the Interior to interfere with reservoir or power development, shall be removed or relocated to eliminate interference with such development at no cost to the United States, its permittees, or licensees.

Dated: January 23, 1974.

HENRY W. COULTER,
Acting Director.

[FR Doc.74-2539 Filed 1-30-74;8:45 am]

National Park Service

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, February 22, 1974. The Commission members will assemble at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts, for the regular business meeting at 1:00 p.m.

The Commission was established by Public Law 87-126 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The members of the Commission are as follows:

Mr. Joshua A. Nickerson (Chairman), Chatham, Mass.

Mr. Nathan Malchman (Vice Chairman), Provincetown, Mass.
Mr. Linnell E. Studley (Secretary), Orleans, Mass.
Mr. Arthur W. Brownell, Boston, Mass.
Mr. Ralph A. Chase, Eastham, Mass.
Dr. Norton H. Nickerson, Reading, Mass.
Mr. Stephen R. Perry, Truro, Mass.
Mr. Chester A. Robinson, Jr., Harwich, Mass.
Mr. David F. Ryder, Chatham, Mass.
Mrs. Esther Wiles, Wellfleet, Mass.

The matters to be discussed at this meeting are: (1) Off-road vehicle regulations for 1974, (2) proposal of the Towns of Yarmouth, Harwich, and Falmouth for use of one of the former Mitre Site buildings for an environmental education program (NEED), and (3) a variance for the North Truro Art Gallery for living quarters. The Superintendent will give a progress report covering current problems and items of interest, which will be reviewed and discussed.

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed.

Anyone wishing further information concerning this meeting, or who wishes to file a written statement, may contact Lawrence C. Hadley, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts, at 617–349–3785. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Dated: January 18, 1974.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.74–2488 Filed 1–30–74;8:45 am]

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, February 9, 1974, at 9 a.m., at the Stephen Mather Training Center, Harper's Ferry, West Virginia.

The Commission was established by Public Law 91–664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman)
Glen Echo, Maryland
Mrs. Caroline Freeland
Bethesda, Maryland
Hon. Vladimir A. Wahbe
Baltimore, Maryland
Mr. John C. Lewis
Hamilton, Virginia
Mr. Burton C. English
Berkeley Springs, West Virginia
Mr. James G. Banks
Washington, D.C.
Mr. Joseph H. Cole
Washington, D.C.
Mr. Ronald A. Clites
LaVale, Maryland
Mrs. Mary Miltenberger
Cumberland, Maryland
Dr. James H. Gilford
Frederick, Maryland
Mr. Grant Conway
Brookmont, Maryland
Mr. Edwin F. Wesely
Chevy Chase, Maryland
Mr. John C. Frye
Gapland, Maryland
Mr. Justice Douglas
(Special Consultant)
Mr. Rome F. Schwagel
Keedysville, Maryland
Mr. Donald Frush
Hagerstown, Maryland

The matters to be discussed at this meeting include:

1. Dickerson Report.
2. Cumberland Report.
3. Superintendents' Report.
4. Status of the Master Plan.
5. Special Use Permits.
6. Status of Land Acquisition Program.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 15 persons will be able to attend the sessions. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Assistant Director, Cooperative Activities, National Capital Parks, at Area Code 202–426–6715. Minutes of the meeting will be available for public inspection two weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive SW., Washington, D.C.

Dated: January 24, 1974.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.74–2489 Filed 1–30–74;8:45 am]

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10:00 a.m., on February 13, 1974, at 313 Walnut Street, Philadelphia, Pennsylvania.

The Commission was established by Public Law 80–795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman), Philadelphia, Pa.
Mr. John P. Bracken, Philadelphia, Pa.
Hon. Michael J. Bradley, Philadelphia, Pa.
Hon. James A. Byrne, Philadelphia, Pa.
Hon. Edwin O. Lewis, Philadelphia, Pa.
Mr. Filindo B. Masino, Philadelphia, Pa.
Mr. Frank C. P. McGlinn, Philadelphia, Pa.
Mr. John B. O'Hara, Philadelphia, Pa.
Mr. Howard D. Rosengarten, Villanova, Pa.
Mr. Charles R. Tyson, Philadelphia, Pa.

Matters to be considered at this meeting include the following:

Review of Legislative Progress.
Progress Report.

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons desiring further information concerning this meeting, or who wish to submit written statements, may contact Hobart G. Cawood, Superintendent, Independence National Historical Park, Philadelphia, Pennsylvania, at 215–597–7120.

Minutes of the meeting shall be available for inspection two weeks after the meeting at the office of the Independence National Historical Park, 313 Walnut Street, Philadelphia, Pennsylvania.

Dated: January 18, 1974.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.74–2487 Filed 1–30–74;8:45 am]

Office of the Secretary

LITTLE MIAMI NATIONAL SCENIC RIVER, OHIO

Approval for Inclusion in the National Wild and Scenic Rivers System

Pursuant to the authority granted the Secretary of the Interior by section 2 of the Wild and Scenic Rivers Act (82 Stat. 906, 907) and upon proper application of the Governor of the State of Ohio, the Little Miami River, Ohio, is designated a State administered scenic river area in the National Wild and Scenic Rivers System.

The segment of the Little Miami River included in the National System extends from Glen Island, just below Foster, upstream 64 miles to the State Highway 72 crossing at Clifton, and the two miles of the Caesars Creek tributary below Caesars Creek Dam.

The State has fulfilled the requirements of section 2(a)(ii) of the Act by designating the Little Miami River as the first scenic river under the provisions of the State Scenic Rivers Act; adopting the management plan for the river recommended in the Department's Little Miami Scenic River Report; and by initiating an acquisition and development program for the lands and waters along the Little Miami River.

An environmental impact statement was finalized and filed for this action

with the Council on Environmental Quality on June 8, 1973, in accordance with the provisions of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321 et seq.).

Notice is hereby given that as of August 20, 1973, the Little Miami River, as described herein, was approved for inclusion in the National Wild and Scenic Rivers System as a scenic river area to be administered by the State of Ohio.

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

JANUARY 24, 1974.

[FR Doc.74-2553 Filed 1-30-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

EXPERT PANEL ON NITRITES AND NITROSAMINES

Notice of Meeting and Agenda

Notice is hereby given of a meeting of the Expert Panel on Nitrites and Nitrosamines to be held in Room 218-A (Conference Room), Administration Building, 14th and Independence Avenue, SW., Washington, DC, February 8, 1974, at 9 a.m. This is the first regularly scheduled meeting of the Panel.

The agenda for this meeting will include the following subjects: The occurrence of nitrites in food; food additives and their control; and the role of nitrates and nitrites in meat processing.

The meeting will be open to the public and under the direction of the Panel Chairman or his designee. Written statements may be filed with the Panel before or after the meeting. Any member of the public who wishes to attend, file a statement or who has further questions, should contact Dr. W. O. Caplinger, Issuance Coordination Staff, Technical Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 4905, South Agriculture Building, Washington, DC 20250, Area Code (202) 447-6189.

Dated: January 28, 1974.

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

[FR Doc.74-2620 Filed 1-30-74;8:45 am]

Farmers Home Administration

RURAL HOUSING LOAN PROGRAM

Policy Statement

Notice is hereby given that the Farmers Home Administration in the administration of the 502 rural housing loan program (Title 7, Agriculture, Part 1822, Subpart A) is emphasizing a policy direction aimed at reaching a larger number of the low-income people with the greatest housing needs. This will place stronger emphasis on FHA's existing authority for making loans to purchase existing housing, and to repair and rehabilitate existing homes. An existing home is one that has been occupied previously. This emphasis on the utilization of existing housing does not preclude the use of loan funds for new construction where the market condition demands such type of construction.

Dated: January 25, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-2517 Filed 1-30-74;8:45 am]

Forest Service

INCH MOUNTAIN PLANNING UNIT MULTIPLE USE PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Multiple Use Plan, Inch Mountain Planning Unit, Forest Service Report Number USDA-FS-DES (Adm) R1-74-2.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the Inch Mountain Planning Unit, Rexford Ranger District, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 59,000 acres of National Forest lands which have been stratified into seven management situations or units with similar resource implications.

This draft environmental statement was filed with CEQ on January 25, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. and Independence Ave., SW
Washington, DC 20250

USDA, Forest Service
Northern Region
Federal Building
Missoula, MT 59801

Supervisor's Office
Kootenai National Forest
418 Mineral Avenue
Libby, MT 59923

A limited number of single copies are available upon request to Acting Forest Supervisor, Robert W. Damon, Kootenai National Forest, Box AS, Libby, MT 59923.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Acting Forest Supervisor, Robert W. Damon, Kootenai National Forest, Box AS, Libby, MT 59923. Comments must be received by March 25, 1974, in order to be considered in the preparation of the final environmental statement.

KEITH M. THOMPSON,
Acting Regional Forester, USDA Forest Service, Northern Region.

JANUARY 25, 1974.

[FR Doc.74-2520 Filed 1-30-74;8:45 am]

OLYMPIC, MT. BAKER, SNOQUALMIE AND GIFFORD PINCHOT NATIONAL FORESTS, WASH.

Vegetation Management; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for vegetation management using selective herbicides on the Olympic, Mt. Baker, Snoqualmie and Gifford Pinchot National Forests, Washington, for the period January 1, 1974 through June 30, 1975. USDA-FS-R6-DES(Adm) 74-1

The environmental statement concerns a proposed use of selective herbicides for vegetation management on four National Forests located in western Washington. The proposed uses are for conifer crop tree release, site preparation prior to planting, utility and road right-of-way maintenance, range improvement, noxious weed control, and poison plant control.

This draft environmental statement was filed with CEQ on January 23, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S. W. Pine Street
Portland, Oregon 97208

Olympic National Forest
Federal Building
Olympia, Washington 98501

Mt. Baker National Forest
Federal Office Building
106 West Magnolia
Bellingham, Washington 98225

Snoqualmie National Forest
919 2nd Avenue
Seattle, Washington 98104

Gifford Pinchot National Forest
500 West 12th Street
Vancouver, Washington 98660

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester T. A. Schlapfer, USDA, Forest Service, Region 6, P.O. Box 3623, Portland, Oregon 97208. Comments must be received by March 25, 1974, in order to be considered in the preparation of the final environmental statement.

ROBERT R. TYRREL,
Acting Regional Forester, Pacific Northwest Region, Forest Service.

JANUARY 23, 1974.

[FR Doc.74-2521 Filed 1-30-74;8:45 am]

Office of the Secretary

NORTHERN CALIFORNIA GRAIN EXCHANGE

Order Vacating Designations as a Contract Market Under the Commodity Exchange Act

Pursuant to section 7 of the Commodity Exchange Act (7 U.S.C. 11), I hereby vacate the designations of the Northern California Grain Exchange of Stockton, California, as a contract market for wheat and barley effective April 1, 1974. The said exchange, which was designated as a contract market for wheat and barley on April 19, 1939, has requested that such designations be vacated.

Issued this 28th day of January 1974.

CLAYTON YEUTTER,
Assistant Secretary, Marketing and Consumer Services.

[FR Doc.74-2624 Filed 1-30-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF CALIFORNIA ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the *Federal Register* for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket Number: 73-00560-33-46040. Applicant: University of California, Department of Human Anatomy TB 171, School of Medicine, Davis, California 95616. Article: Electron Microscope, Model Corinth 275. Date of denial without prejudice to resubmission: September 14, 1973.

Docket Number: 74-00065-53-44630. Applicant: National Bureau of Standards, Thermal Engineering Systems Section, Washington, D.C. 20234. Article: RECI EQ21 Comfy Test Instrument Set. Date of-denial without prejudice to resubmission: September 21, 1973.

Docket Number: 74-00071-33-46500. Applicant: Veterans Administration Hospital, Anatomical Pathology Laboratory, 4500 S. Lancaster Road, Dallas, Texas 75216. Article: Ultramicrotome, Model Om U3. Date of denial without prejudice to resubmission: September 11, 1973.

Docket Number: 73-00451-33-46040. Applicant: Federal City College, Biology Department, 1321 H Street, NW., Washington, D.C. 20005. Article: Electron Microscope, Model Corinth 275. Date of denial without prejudice to resubmission: August 23, 1973.

Docket Number: 73-00455-33-46040. Applicant: University of Oregon Medical School, Anatomy and Neurology, 3181 S.W. Sam Jackson Park Road, Portland, Oregon 97201. Article: Electron Microscope, Model EM 301. Date of denial without prejudice to resubmission: August 23, 1973.

Docket Number: 73-00525-33-46070. Applicant: Hofstra University, Department of Biology, Hempstead Turnpike, Hempstead, New York 11550. Article: Scanning Electron Microscope, Model HHS-2R. Date of denial without prejudice to resubmission: August 8, 1973.

Docket Number: 73-00542-50-44630. Applicant: University of Miami, Division of Physical Oceanography, P.O. Box 8184, Coral Gables, Florida 33124. Article: No. 2960 Six Channel Automatic Weather Station. Date of denial without prejudice to resubmission: August 23, 1973.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-2588 Filed 1-30-74;8:45 am]

National Bureau of Standards

RECOMMENDED VOLUNTARY STANDARD

Notice of Circulation

The National Bureau of Standards is giving public notice that it is circulating the following recommended voluntary standard for a determination of its acceptability: TS 125e, "Plastic Containers (Jerry-Cans) for Petroleum Products."

This circulation is being made in accordance with the provisions of § 10.5 of the Department of Commerce "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as amended; 35 FR 8349 dated May 28, 1970).

The purpose of the recommended standard is to establish nationally recognized quality requirements for plastic

containers (jerry-cans) used for the temporary storage of petroleum products.

Copies of this recommended standard may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments concerning the standard should be submitted to the Office of Engineering Standards Services on or before March 4, 1974.

Dated: January 25, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-2589 Filed 1-30-74;8:45 am]

National Technical Information Service

FEDERALLY-SPONSORED BUSINESS, ECONOMIC AND TECHNICAL REPORTS

Notice of Pricing Policy

Notice is hereby given of the following pricing schedule adopted by the National Technical Information Service (NTIS). The NTIS provides government and public availability of federally-sponsored business, economic and technical reports.

SELECTED CATEGORIES IN MICROFICHE (SCIM)

SCIM is a continuous service that provides subscribers with new reports in their field of interest by matching the subscriber's subject interest with the new reports as they are received. Selected reports are furnished the users in microfiche.

Effective January 1, 1974, the price for a SCIM report will be raised to $0.45 from $0.38 for domestic orders and to $.060 from $0.53 for foreign orders.

GOVERNMENT REPORTS ANNOUNCEMENT (GRA)

Contains abstracts from all newly released Government-funded research and development reports and foreign translations. Features quick-scan format; cross references (includes title, price and corporate and personal author); edge index to subject fields; and a report number locator list. Covers over 60,000 reports from 300 U.S. Government units annually.

A complete reference library in itself on how to develop and improve current products, update production processes, reduce costs, and obtain new data for R&D programs at low costs.

Most documents announced in the sciences; behavioral and social sciences; GRA can be ordered directly from NTIS.

Covers: aeronautics; agriculture; astronomy and astrophysics; atmospheric biological and medical sciences; chemistry earth sciences and oceanography; electronics and electrical engineering; energy conversion (non-propulsive); materials; mathematical sciences; mechanical, industrial, civil, and marine engineering; methods and equipment; military sciences; missile technology; navigation, communications detection, and countermeasures; nuclear science and technology; ordnance; physics; propulsion and fuels; space technology.

These journals are issued every other week. The annual subscription rate is $70 domestic, $85 for Canada and Mexico, and $95 foreign.

GRA and GRI are available as sets. The rate is $125 domestic, $155 for Canada and Mexico, and $175 foreign. In conjunction with the set prices, a customer will receive a 20 percent discount on the purchase of the 1974 GRI Annual Index (rate will be established later).

GOVERNMENT REPORTS INDEX (GRI)

Published concurrently with the Government Reports Announcement. Indexes each issue by subject, personal and corporate author, contract number, and accession/report number.

These journals are issued every other week. The annual subscription rate is $70 domestic, $85 for Canada and Mexico, and $95 foreign.

GRA and GRI are available as sets. The rate is $125 domestic, $155 for Canada and Mexico, and $175 foreign. In conjunction with the set prices, a customer will receive a 20 percent discount on the purchase of the 1974 GRI Annual Index (rate will be established later).

WILLIAM T. KNOX,
Director.

[FR Doc.74-2593 Filed 1-30-74;8:45 am]

Office of the Secretary

ROOM AIR CONDITIONERS

Voluntary Energy Conservation; Testing and Labeling

Notice is hereby given that the Department of Commerce proposes to issue a Voluntary Energy Conservation Specification in accordance with § 9.4 of the Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation, 15 CFR Part 9, The proposed Specification describes procedures for testing and labeling room air conditioners in compliance with the above mentioned procedures, and contains instructions for participation by manufacturers in the Voluntary Labeling Program with regard to that product.

Interested persons are invited to participate in development of a final specification covering room air conditioners by submitting written comments or suggestions in four copies to the Assistant Secretary for Science and Technology, U.S. Department of Commerce, Room 3862, Washington, D.C. 20230, on or before March 4, 1974. Interested persons desiring to express their views in an informal hearing may do so if, on or before February 15, 1974, they submit a request to the Assistant Secretary for Science and Technology that such a hearing be held.

A public docket of correspondence and transcripts of hearings will be available for examination by interested persons at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

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

The following is the proposed specification under consideration for room air conditioners:

VOLUNTARY ENERGY CONSERVATION SPECIFICATION NO. 1-74, FOR ROOM AIR CONDITIONERS

Sec.
1.0 Purpose.
2.0 Scope.
3.0 Definitions.
4.0 Product Testing and Rating.
5.0 Product Labeling.
6.0 Participation in Program.
7.0 Termination of Participation.
8.0 Amendment.
Appendix A—Range of EER Values.

1.0 *Purpose.* The purpose of this Specification is to establish procedures for testing and labeling room air conditioners in compliance with Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation (15 CFR Part 9) and to define requirements for participation by manufacturers in the Voluntary Labeling Program with regard to that product class.

2.0 *Scope.* 2.1 This Specification shall apply to the product class consisting of all room air conditioners as defined in 3.4.

2.2 Room air conditioners covered by this Specification shall be rated with respect to the following energy use characteristics:

2.2.1 Electrical power requirement as described in 4.3.1.

2.2.2 Cooling capacity as described in 4.3.2.

2.2.3 Energy Efficiency Ratio (EER) as described in 4.3.3.

2.3 The present range of Energy Efficiency Ratios of all room air conditioners is as listed in Appendix A. This appendix shall be updated and published in the FEDERAL REGISTER on an annual basis starting in January 1975. Copies of the updated appendix shall be provided by the Secretary to any interested party upon request.

3.0 *Definitions.* 3.1 The term "Secretary" means the Secretary of Commerce.

3.2 The term "manufacturer" means any person engaged in the manufacturing or assembling of room air conditioners or in the importing of such products for resale.

3.3 The term "Procedures" means Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation, 15 CFR Part 9.

3.4 The term "room air conditioner" means an encased assembly designed as a unit primarily for mounting in a window or through a wall for the purpose of providing free delivery of conditioned air to an enclosed space. It includes a prime source of refrigeration and means for circulating and cleaning air and may

include means for ventilating and heating.

3.5 The term "basic model" means all room air conditioners having the identical compressor capacity, wattage and amperage ratings, coil configuration and size, air flow, and Btu per hour rating. Versions of a basic model may differ in details that do not affect performance as measured by the methods described in 4.1. Acceptable variations include, but are not limited to, differences in trim, color, mounting method, sales model number, and brand name.

3.6 The term, "cooling capacity range" as used in this Specification means all inclusive Btu per hour values on a single line of the EER comparison chart in Appendix A.

4.0 *Product Testing and Rating.* 4.1 Samples of room air conditioners shall be tested by manufacturers or their agents for cooling capacity and electrical power requirement in accordance with the following standards:

4.1.1 American National Standard Z 234.1—1972, Room Air Conditioners, Sections 4, 5, 6.1 and 6.5.

4.1.2 ASHRAE (American Society of Heating, Refrigerating and Air-Conditioning Engineers) Standard 16–69, Method of Testing for Rating Room Air Conditioners.

4.2 Samples of room air conditioners shall be tested by manufacturers or their agents in accordance with the following requirements:

4.2.1 Unless otherwise required by the Secretary or his delegee, test results obtained in the testing of one version of a basic model of room air conditioner may be accepted as applicable to all versions of that basic model.

4.2.2 Sufficient units of each basic model of room air conditioner, built under factory production conditions with the equivalent of production tooling, shall be tested according to the methods and conditions specified in 4.1 to provide a valid basis for determining ratings. Results of tests and calculations shall be retained as required under 6.4.

4.2.3 Manufacturers shall maintain such quality control programs, to include testing, as are necessary to insure that the performance of manufactured units is within the tolerances specified in 4.4. The use of national certification programs that are open to all manufacturers and that pertain to the performance characteristics listed on the label as a means for determining the performance level of room air conditioners is acceptable.

4.2.4 In addition to the testing required under 4.2.2 and 4.2.3, when requested by the Secretary or his delegee, one or more units of any specified basic model or any specified version of a basic model, selected at random from among recent production units, shall be tested according to the methods and conditions specified in 4.1. The resulting test data and rating calculations shall be provided to the Secretary or his delegee within 30 days of receipt by the manufacturer of such a request.

4.3 Ratings for use on labels of room air conditioners shall be as follows:

4.3.1 Electrical power requirement shall be expressed in watts and shall equal the numerical result of the electrical power test called for in 4.1 rounded to the nearest 5 watts, or 10 watts for units over 1,400 watts.

4.3.2 Cooling capacity shall be expressed in Btu per hour and shall equal the numerical result of the cooling capacity test called for in 4.1 rounded to the nearest 50 Btu per hour.

4.3.3 Energy Efficiency Ratio (EER) shall be expressed without units and shall be equal to the measured cooling capacity in Btu per hour divided by the measured electrical power requirement in watts, rounded to the nearest 0.1.

4.4 For room air conditioners tested under 4.2.3 or 4.2.4, the label designed for each specific model shall be held to be in accordance with the requirements of this Specification only if the ratings based on the results of such tests fall within the following limits:

4.4.1 The value for electrical power requirement shall not be greater than 108 percent of the value shown on the label.

4.4.2 The value for cooling capacity shall not be less than 95 percent of the value shown on the label.

4.4.3 Energy Efficiency Ratio (EER) shall not be less than 95 percent of the value shown on the label.

4.5 Energy Efficiency Ratio (EER) range values for use on room air conditioner labels shall be as follows:

4.5.1 Except under the conditions described in 4.5.3, the EER range values shown on a label shall be taken from the appropriate voltage rating column of the version of Appendix A current at the time the label is first used, and such values shall be updated to reflect pertinent changes within 60 days of publication of subsequent revisions of Appendix A in the FEDERAL REGISTER.

4.5.2 The EER ranges indicated on a label shall include the EER range for the cooling capacity range of the model being labeled, the EER range for the cooling capacity range one line lower, if any, and the EER range for the cooling capacity range one line higher, if any.

4.5.3 Any manufacturer who produces a new model room air conditioner having an EER not within the EER range for its cooling capacity range shall, on the label for that model, extend its indicated EER range to include the EER value for that model.

5.0 *Product labeling.* 5.1 The design of labels for room air conditioners shall be as follows:

5.1.1 Except as provided in 5.1.3, the size, content, and design of labels shall be as indicated in Figure 1. No other marks or information shall be placed within the border of labels except in the area specifically designated as being reserved for ratings, model numbers, or the seal, logo, or other designation of the certifier of rating accuracy.

5.1.2 When two or more models of room air conditioners having the same brand name have identical ratings, more than one model number may be shown on the label. The length of the label may be increased to accommodate such additional model number listings.

5.1.3 Camera-ready art suitable for printing the labels, but not including numerical ratings, model numbers, or the seal, logo, or other designation of the certifying agency, shall be provided by the Secretary to any interested party upon request. Actual labels shall be accurate reproductions of this art.

5.1.4 Legible reproductions of entire labels in any size may be used on packaging, display material, or in advertising, but such use shall not be a substitute for the required labeling except as provided in 5.1.5.

5.1.5 Larger adaptations of the design shown in Figure 1 may, if approved by the Secretary or his delegee, be used as point-of-purchase displays in lieu of labels affixed to individual air conditioner units, but this practice shall apply only under the conditions stated in 5.2.4.

5.2 Room air conditioners shall be labeled by manufacturers as follows:

5.2.1 Labels shall be affixed to or hung as a tag on the front or "room" side of each unit in a conspicuous location where they may be viewed clearly by prospective purchasers. Labels are not intended to be permanent and may be affixed so as to be easily removed by a purchaser.

5.2.2 Labels shall appear clearly distinct from any other information supplied or displayed by the manufacturer so that the Department of Commerce Energy Conservation Mark on the label cannot reasonably be associated with such other information.

5.2.3 If a given brand of room air conditioner is labeled, then all units of all models of room air conditioners bearing the same brand name shall be labeled, except that this requirement shall not apply to units intended for export or units manufactured and packaged prior to a manufacturer's entry into this program.

5.2.4 For individual room air conditioner units manufactured and packaged prior to a manufacturer's entry into this program, manufacturers may distribute labels to retailers to be placed on floor display models or other models and/or may provide point-of-purchase displays as described in 5.1.5, in lieu of individually labeling each unit as called for under 5.2.3. The manufacturer assumes no responsibility for assuring individual label attachment or point-of-purchase displays at retail outlets under terms of this section.

5.3 For room air conditioners listed by manufacturers in sales catalogs, the listings shall be accompanied by the following information:

5.3.1 The model number and rated voltage, cooling capacity, power requirement, current, and EER as shown on the label shall be stated for each model listed. This information may be provided in the form of one or more tables.

5.3.2 The range of EERs for room air conditioners in the same cooling capacity

ranges as the listed models shall be indicated by means of one or more tables. The EER ranges shown for each cooling capacity range shall be determined by the procedures described in 4.5.

5.3.3 Explanatory material concerning the meaning and importance of EER and referring to the U.S. Department of Commerce booklet, "Room Air Conditioner Efficiency", and a reproduction of the U.S. Department of Commerce Energy Conservation Mark shall be shown in at least one location in close proximity to the room air conditioner listings.

6.0 *Participation in program.* 6.1 Manufacturers wishing to participate in the Voluntary Labeling Program for Household Appliances and Equipment with regard to room air conditioners shall notify the Secretary of their intent. Unless otherwise ruled by the Secretary, approval for participation by any manufacturer is automatically granted upon notification of the Secretary, provided that the conditions for participation as set forth in the Procedures and in this Specification are observed.

6.2 A manufacturer's notice of participation shall includes the following information:

6.2.1 A statement that the tests and calculations called for under 4.0 will be completed as required and that the manufacturer certifies the accuracy, within the tolerances prescribed under 4.4, of ratings that will be listed on labels.

6.2.2 A listing of all room air conditioner models to be labeled including an indication of the grouping of sales models into basic models. All models of any single brand name must be included as specified in 5.2.3.

6.2.3 The effective date of the manufacturer's entry into the program.

6.3 When a manufacturer's listing of room air conditioner models to be labeled as required under 6.2.2 is changed by the addition or deletion of models or changes in model designations, the manufacturer shall notify the Secretary or his delegee of such changes.

6.4 Manufacturers or their agents shall maintain files of test results and calculations on which ratings are based. Data relating to a given model shall be preserved for a period of two years after production of that model has been terminated, and if requested shall be provided to the Secretary or his delegee within 30 days.

7.0 *Termination of participation.* 7.1 A manufacturer may at any time terminate his participation and responsibilities under the program with respect to room air conditioners of a given brand name by giving written notice to the Secretary that he has discontinued use of the labels on all room air conditioners of that brand.

7.2 The Department of Commerce upon finding that a manufacturer is not complying with the conditions for participation set forth in this Specification and in the Procedures may terminate upon 30 days notice the manufacturer's participation in the program: *Provided,* that the manufacturer shall first be given an opportunity to show cause why the participation should not be terminated.

7.3 Upon receipt of a notice of termination a manufacturer may within 30 days request a hearing under the provisions of 5 U.S.C. 58.

8.0 *Amendment.* This Specification is subject to amendment as provided in Section 9.8 of the Procedures, except that Appendix A of the Specification may be updated and published in the FEDERAL REGISTER annually as described in 2.3 without first publishing notice of the proposed change in the FEDERAL REGISTER.

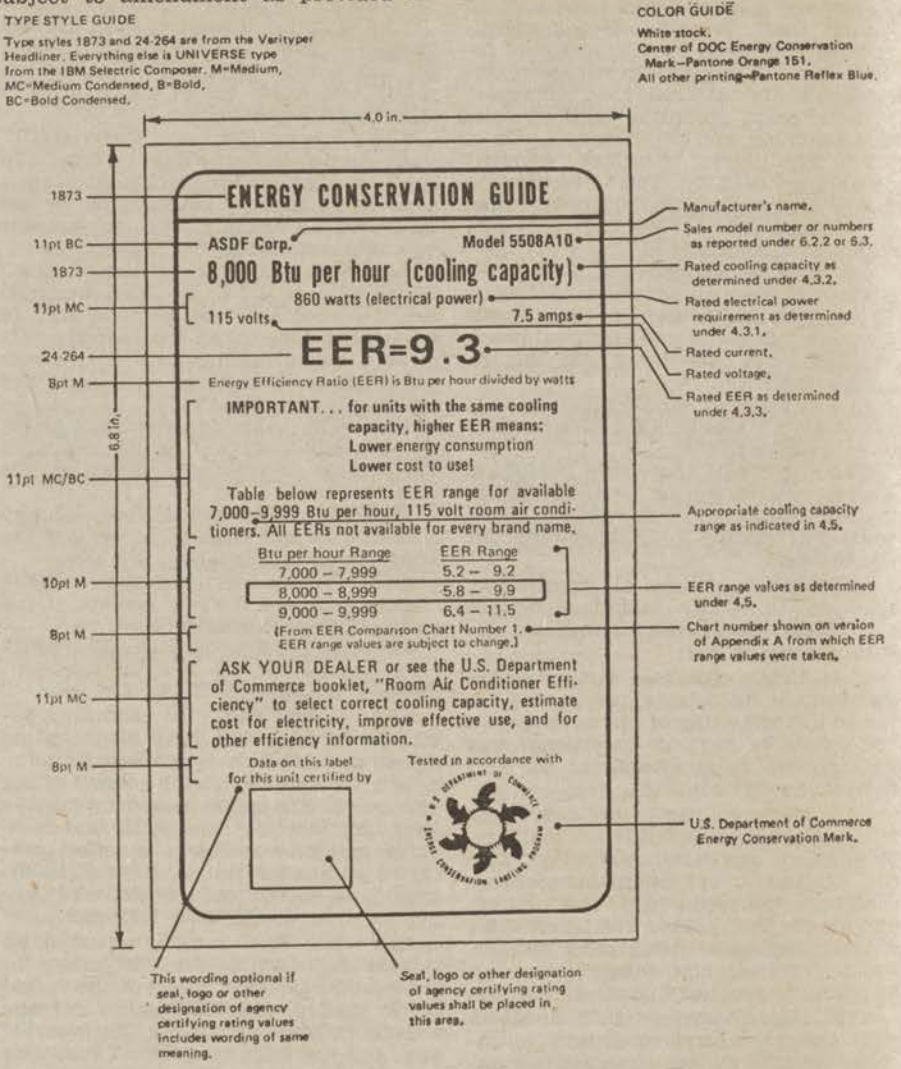

FIGURE 1

[Voluntary Energy Conservation Specification 1-74]

APPENDIX A.—*Range of Energy Efficiency Ratios for Room Air Conditioners*

(EER Comparison Chart No. 1)

Cooling capacity range B.t.u. per hour	Energy efficiency ratio range: 115 volt units	Higher voltage units
Up to 4,999	5.2 to 5.4	
5,000 to 5,999	5.1 to 8.8	
6,000 to 6,999	5.6 to 10.5	5.4 to 6.1.
7,000 to 7,999	5.2 to 9.2	6.3 to 6.3.
8,000 to 8,999	5.8 to 9.9	4.9 to 6.7.
9,000 to 9,999	6.4 to 11.5	4.8 to 8.0.
10,000 to 10,999	6.2 to 12.0	5.3 to 8.0.
11,000 to 11,999	8.0 to 8.5	4.7 to 7.4.
12,000 to 12,999	8.7 to 9.6	4.7 to 8.3.
13,000 to 13,999	9.4 to 10.0	4.4 to 8.5.
14,000 to 14,999	10.1 to 10.3	5.1 to 8.0.
15,000 to 15,999		4.8 to 8.0.
16,000 to 17,999		5.8 to 8.5.
18,000 to 19,999		5.8 to 9.3.
20,000 to 23,999		5.7 to 8.1.
24,000 to 27,999		6.1 to 7.6.
28,000 to 31,999		6.0 to 7.8.
32,000 to 36,000		6.2 to 7.1.

From data supplied by the Association of Home Appliance Manufacturers. Includes only units operating on 60 hertz electrical service.

[FR Doc.74-2456 Filed 1-30-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Ad hoc panel of the Neuropharmacology Advisory Committee.	Feb. 4, 9:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m., Thomas A. Hayes, M.D. (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4020.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in neuropharmacology.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Discussion concerning NDA 16-832.

Committee name	Date, time, place	Type of meeting and contact person
2. Neuropharmacology Advisory Committee.	Feb. 7 and 8, 9:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open Feb. 7, 9:30 a.m. to 10:30 a.m., closed Feb. 7 after 10:30 a.m., closed Feb. 8. Thomas A. Hayes, M.D. (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4020.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in neuropharmacology.

Agenda. Open session: Comments and presentations by interested persons; Ethics and Human Research—Dr. A. Raines; report on NIMH-FDA-Biometrics Laboratory meeting—Dr. Jerome Levine, NIMH; Guidelines for Antidepressant and Anxiolytic Drugs; and presentation by FDA staff regarding role of advisory committee in IND/NDA review. Closed session: Discussion of selected INDs and NDAs currently under review.

Committee name	Date, time, place	Type of meeting and contact person
3. Thioridazine task force of the Neuropharmacology Advisory Committee.	Feb. 8 and 9, 3 p.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open Feb. 8, 3 p.m. to 4 p.m., closed Feb. 8 after 4 p.m., closed Feb. 9. Thomas A. Hayes, M.D. (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4020.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in neuropharmacology.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Discussion concerning NDA on Mellaril resubmission to establish efficacy in psychoneurosis and mixed anxiety/depression.

Committee name	Date, time, place	Type of meeting and contact person
4. Geriatrics subgroup of the Neuropharmacology Advisory Committee.	Feb. 11, 11 a.m., Hospitality House Motor Inn, 2000 Jefferson Davis Highway, Arlington, Va.	Open—Thomas A. Hayes, M.D. (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4020.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in neuropharmacology.

Agenda. Comments and presentations by interested persons and guidelines for geriatric drugs.

Committee name	Date, time, place	Type of meeting and contact person
5. Obstetrics and Gynecology Advisory Committee.	Feb. 21, 9 a.m., Conference Room A, Parklawn Building, 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. Ridgely C. Bennett, M.D., Room 14B-19, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3520.

Purpose. Advises the Commissioner of Food and Drugs regarding the safety and efficacy of drugs employed in obstetrics and gynecology.

Agenda. Open session: Comments and presentations by interested persons; prescription and administration of oral contraceptives; systemic absorption of estrogenic vaginal cream; and the role of advisory committee in the evaluation of INDs and NDAs. Closed session: Discussion of Hepatocellular Adenomas (preliminary data not yet reviewed or evaluated by scientists); discussion of drugs for: (1) Extra-amiotic administration for induction of abortion (pre-NDA conference) and (2) the prevention of premature labor; and association between oral contraceptives and cervical changes (preliminary data not yet reviewed or evaluated by scientists).

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be

open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore, in no way, preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: January 28, 1974.

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

[FR Doc.74-2496 Filed 1-30-74;8:45 am]

[Docket No. FDC-D-657]

ELANCO PRODUCTS CO.

Streptomycin Sulfate Medicated Premix; Notice of Drug Deemed Adulterated

In a notice (DESI 0071NV) published in the FEDERAL REGISTER of December 17, 1971 (36 FR 24011), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Streptomycin Sulfate 100 (a medicated premix containing streptomycin sulfate), marketed by Elanco Products Co., P.O. Box 1750, Indianapolis, IN 46206. The notice stated that: (1) The medicated premix is probably effective for use in chicken and turkey feed for faster gain and/or improved feed efficiency under appropriate conditions; (2) the label should carry a warning pertaining to the development of streptomycin resistance; (3) the label should provide adequate clarification of drug activity when given orally, i.e., that the primary activity of the drug is in the intestinal tract and that there is no systemic activity; and (4) that the appropriate claims should be "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)." Neither Elanco Products Co. nor any other interested person submitted adequate documentation in support of the labeling used nor a new animal drug application for said product.

Therefore, based on the information before him, the Commissioner concludes that the above-named product is adulterated within the meaning of section 501(a) (5) and (6) of the Federal Food, Drug, and Cosmetic Act in that it is not the subject of an approved new animal drug application pursuant to section 512 of the act. Notice is given to Elanco Products Co. and all interested persons that effective February 11, 1974, all stocks of the above-named drug for use in animal feed and all animal feeds bearing or containing this product within the jurisdiction of the act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a) (5), (6), 512, 82 Stat. 343-351; 21 U.S.C. 351(a) (5) and (6), 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 21, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-2494 Filed 1-30-74;8:45 am]

[Docket No. FDC-D-651; NADA No. 9-860V]

PFIZER, INC.

Certain Drugs Containing Oxytetracycline; Notice of Withdrawal of New Animal Drug Application

In the FEDERAL REGISTER of October 12, 1973 (38 FR 28313), the Commissioner of Food and Drugs published a notice proposing to withdraw approval of new animal drug application (NADA) No. 9-860V for the drugs Terramycin Pet Tablets (a product which contains crystalline oxytetracycline) and Terramycin Fortified Pet Tablets (a product which contains oxytetracycline hydrochloride, vitamin A, vitamin D and niacinamide) marketed by Pfizer, Inc., Department of Veterinary Medicine, 235 East 42d St., New York, NY 10017.

Neither Pfizer, Inc., nor any other interested person has filed a written appearance in response to the above-cited notice within the 30 days provided therein. This constitutes an election by said persons not to avail themselves of the opportunity for a hearing.

Based on the grounds that there is a lack of substantial evidence that the drugs will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling, the Commissioner concludes that approval of said NADA should be withdrawn.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 9-860V, including all amendments and supplements thereto, is hereby withdrawn effective February 11, 1974.

Dated: January 21, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-2493 Filed 1-30-74;8:45 am]

National Institutes of Health

NATIONAL CANCER INSTITUTE

Cancer Control Ad Hoc Grant Review Committee; Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Control Ad Hoc Grant Review Committee, National Cancer Institute, February 15, 1974, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m., February 15, 1974, to discuss grant activities of the Cancer Control Treatment Branch and closed to the public from 9:30 a.m. to 5:00 p.m., February 15, 1974, to review approximately 19 grants in the field of cancer treatment in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of P.L. 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1911) will furnish summaries of the open/closed meeting and a roster of committee members.

Dr. Joseph W. Cullen, Executive Secretary, Building 31, Room 4B36, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1505) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.314, National Institutes of Health.)

Dated: January 23, 1974.

JOHN F. SHERMAN,
Deputy Director, NIH.

[FR Doc.74-2569 Filed 1-30-74;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice of Meeting of the National Advisory Council on Indian Education (Research & Publications Committee).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the National Advisory Council on Indian Education (Research & Publications Committee) will be held on February 8 & 9, 1974, from 9 a.m. to 5 p.m., at 425 13th Street, N.W., Pennsylvania Bldg. Room 326, Washington, D.C.

The National Advisory Council on Indian Education is established under Section 401 of the Indian Education Act (Pub. L. 92–318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governng the approval of State plans under Section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its fundings and recommendations (including recommendations for changes in this title and other federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

1. Preparations for the Council's annual report to Congress. The meeting of the committee shall be open to the public. Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, NW., Pennsylvania Bldg. Room 326, Washington, D.C. 20004).

Signed at Washington, D.C. on January 25, 1974.

DWIGHT A. BILLEDEAUX,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.74–2587 Filed 1–30–74;8:45 am]

ENVIRONMENTAL EDUCATION PROJECT GRANTS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in the Environmental Education Act (P.L. 91–516, 84 Stat. 1312–1315, 20 U.S.C. 1531–1536), applications for project grants are being accepted from eligible applicants for grants under the Environmental Education Act.

Applications for grants must be received by the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th & D Streets, SW., Washington, D.C. 20202, (mailing address: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention 13.522), on or before March 8, 1974.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

Information and application forms may be obtained from Environmental Education Program, U.S. Office of Education, 400 Maryland Avenue—Code 424, SW., Washington, D.C. 20202.

(20 U.S.C. 1531–1536)

(Catalog of Federal Domestic Assistance Number 13.522, Environmental Education)

Dated: January 28, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74–2702 Filed 1–30–74;8:45 am]

Health Resources Administration

HEALTH PROFESSION SCHOLARSHIP GRANTS

Determination of "Low-Income Background" Breakpoints

Pursuant to section 780 of the Public Health Service Act pertaining to the award of scholarship grants to public or other nonprofit schools of medicine, osteopathy, dentistry, optometry, podiatry, pharmacy, or veterinary medicine for scholarships to be awarded annually by such schools to students thereof, grant funds are to be allocated to schools by a formula based upon the greater of one-tenth the number of full-time students of such school or the number of full-time students of such school who are from low-income backgrounds. Section 57.605 (c) of the implementing regulations provides in pertinent part that:

* * * students will be considered to be from "low-income backgrounds" if they come from families with annual incomes below levels based on low-income thresholds by family size published by the U.S. Bureau of Census, as adjusted annually for changes in the consumer price index, multiplied by a factor to be determined by the Secretary for adaptation to this program. Such factor and the income levels as adjusted will be published annually by the Secretary in the FEDERAL REGISTER.

Notice is hereby given that the breakpoints listed below will be utilized in determination of what constitutes "low-income background" for purposes of allocating grant funds to schools for scholarships to be awarded for the 1974–75 academic year. The breakpoints, as published for use in allocating funds for school year 1973–74 (38 FR 2186), were originally derived from low-income thresholds published by the U.S. Bureau of Census, utilizing an index adopted by a Federal Interagency Committee for use in a variety of Federal programs, multiplied by a factor of 1.3 for adaptation to the Health Professions Scholarship Program and updated to reflect the average level of the Consumer Price Index through August, 1972. The breakpoints have now been updated to reflect the average level of the Consumer Price Index through July, 1973.

Size of family (including parents and children or other dependents):	*Income Level*[1] *(before personal income taxes)*
2	$3,800
3	4,500
4	5,800
5	6,800
6	7,700
7 or more	9,400

[1] Rounded to $100

Dated: January 23, 1974.

KENNETH M. ENDICOTT,
Administrator, Health Resources Administration.

[FR Doc.74–2492 Filed 1–30–74;8:45 am]

Social Security Administration

ADVISORY COMMITTEE ON MEDICARE ADMINISTRATION, CONTRACTING, AND SUBCONTRACTING

Notice of Public Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the Advisory Committee on Medicare Administration, Contracting, and Subcontracting, established pursuant to section 1114(f) of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on Medicare matters, will meet on Friday, February 8, 1974, at 9 a.m. in the conference room on the 31st floor at 299 Park Avenue, New York, New York. The meeting is open to the public. The Committee will be entirely involved in drafting its report to the Secretary and there will be no agenda.

Further information on the Committee may be obtained from Mr. Max Perlman, Executive Secretary of the Committee, Room 585 East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301–594–9134. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the

Aged-Hospital Insurance; 13.801, Health Insurance for the Aged-Supplementary Medical Insurance.)

Dated: January 28, 1974.

MAX PERLMAN,
Executive Secretary, Advisory Committee on Medicare Administration, Contracting, and Subcontracting.

[FR Doc.74-2616 Filed 1-30-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-74-217]

TURTLE CREEK ESTATES, ET AL.

Notice of Hearing

In the matter of Turtle Creek Estates, *et al.*, Administrative Division Docket No. ED 74-4.

1. Equitable Development Company, Potter County, Texas, its officers and agents, hereinafter referred to as "respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of suspension dated December 21, 1973, which was sent to the developer pursuant to 15 U.S.C. 1706(b) and 24 CFR 1710.45(a) informing the developer that its Statement of Record submitted November 30, 1973, for Equitable Development Company, Turtle Creek Estates, was not effective pursuant to the Act, and the regulations contained in 24 CFR Part 1710.

2. The respondent filed an answer dated January 10, 1974, in answer to the allegations of the notice of suspension dated December 21, 1973.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of suspension.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(b) and 24 CFR 1720.155(b), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of suspension will be held before George W. Blaine, Administrative Law Judge, in room 7155, Department of HUD Building, 451 7th Street, SW., Washington, D.C. on January 30, 1974, at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before January 28, 1974.

5. The respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the suspension of the statement of record, herein identified, shall continue until vacated by order of the Secretary, pursuant to 24 CFR 1720.155.

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

Dated: January 25, 1974.

[FR Doc.74-2577 Filed 1-30-74;8:45 am]

Office of the Secretary

[Docket No. N-74-216]

REVIEW AND EVALUATION OF HOUSING PROGRAMS

Notice of Availability

Notice is given that there is now available to the public copies of technical papers prepared for the Government's review of housing policies under contract between HUD and various private organizations. The data, analyses and research prepared under contract were utilized in the development of the findings and recommendations announced by the President on September 19, 1973 (38 FR 1141).

These technical papers are presently available for reading at the Library, Room 8141, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. It is also expected that by February 1974 the materials developed by private organizations will be available for sale in hard copy, microfiche or machine readable form from the National Technical Information Service, Post Office Box 1552, U.S. Department of Commerce, Springfield, Virginia.

Dated: January 25, 1974.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.74-2578 Filed 1-30-74;8:45 am]

ACTION

NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Council meeting:

Name: National Voluntary Service Advisory Council.
Date: February 8 and 9, 1974.
Place: Conference room 528, 5th floor, 806 Connecticut Avenue, N.W., Washington, D.C.
Time: 9 a.m.

Purpose of meeting: The initial business of the council agenda will be the organization and structure of the council and its functions in best fulfilling its role in furthering the goals of ACTION and advising the Director of ACTION under the Domestic Volunteer Services Act.

Meeting of the Advisory Council is open to the public. Public attendance depending on available space, may be limited to those persons who have notified the Advisory Council Executive Officer in writing, at least 5 days prior to the meeting, of their intention to attend the February 8 or 9 meeting.

Any member of the public may file a written statement with the Council before, during or after the meeting. To the extent that time permits the Council Executive Officer may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Council should be addressed to Mr. John F. Burgess, Advisory Council Executive Officer, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

JOHN F. BURGESS,
Assistant to the Director.

[FR Doc.74-2694 Filed 1-30-74;8:45 am]

ATOMIC ENERGY COMMISSION

STATE OF NEW MEXICO

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed Agreement received from the Governor of the State of New Mexico for the assumption of certain of the Commission's regulatory authority pursuant to Section 274 of the Atomic Energy Act of 1954, as amended.

A narrative, prepared by the State of New Mexico and describing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. A copy of the program narrative, including all referenced appendices, appropriate State legislation and New Mexico regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. or may be obtained by writing to the Chief, Agreements and Exports Branch, Fuels and Materials, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed Agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff by February 11, 1974.

Exemptions from the Commission's regulatory authority, which would implement this proposed Agreement, have been published in the FEDERAL REGISTER and codified as 10 CFR Part 150 of the Commission's regulations.

Dated at Germantown, Maryland, this 7th day of January, 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

APPENDIX

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF NEW MEXICO FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and Section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, The Governor of the State of New Mexico is authorized under Chapter 284, Section 12-9-11, Laws of 1971, to enter into this Agreement with the Commission; and

Whereas, The Governor of the State of New Mexico certified on July 2, 1973, that the State of New Mexico (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. or the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V

The Commission will use its best efforts to cooperate with the State and other agreement states in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement states in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement state. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article VIII

This Agreement shall become effective on March 4, 1974 and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at Santa Fe State of New Mexico in triplicate, this ____ day of _____.

For the United States Atomic Energy Commission.

For the State of New Mexico.

(Bruce King, Govenor)

FOREWORD

The State of New Mexico, while recognizing that the scientific, medical, and industrial usages of atomic energy can be beneficial to its citizens, is also cognizant of the hazards inherent to ionizing radiation. With these hazards in mind, and considering that the State is ever committed to attain the highest practicable degree of protection for the public from the harmful effects of all types of radiation exposure and simultaneously permit the many beneficial applications of radiation, the 1971 New Mexico State Legislature enacted the present Radiation Protection Act.

Section 274 of the Atomic Energy Act of 1954, as amended, authorizes the U.S. Atomic Energy Commission (AEC) to enter into an agreement with the governor of a state for purposes of transferring to that state certain functions of licensing and regulatory control of byproduct, source and less than critical quantities of special nuclear material.

Section 12-9-11 of the 1971 New Mexico Radiation Protection Act, Chapter 284, 1953 Compilation (See Appendix I, Item 1), authorizes the Governor, on behalf of the State, to enter into an agreement with the AEC which would provide a discontinuance of certain responsibilities of the AEC relating to ionizing radiation and the assumption of such responsibilities by the State.

The following narrative relates the history, current practices, proposed activities, capabilities, and resources of the State in the field of radiation protection.

HISTORY

The New Mexico Radiation Program was initiated in 1951 with a survey of hand-held fluoroscopes and shoe-fitting machines. During 1957, several uranium mines were surveyed for radon and progeny concentrations. The results of the mine survey and consultation with the United States' Public Health Service (USPHS), Salt Lake City, caused the first effective alarm to be sounded concerning high radon daughter concentrations in United States' uranium mines. In 1959, the first Radiation Protection Act was enacted and in 1961, the Regulations Governing the Health Aspects of Ionizing Radiation were promulgated.

During 1960, initial registration of all radiation equipment was begun, a five member Radiation Technical Advisory Council was appointed and a comprehensive uranium mine study was initiated. In 1961, a second man was added to the program to obtain the USPHS Uranium Mine Epidemiological Study data and to aid in the first survey of dental x-ray equipment in the state. Also in 1961, the initial registration of the x-ray machines in the State was completed. In 1963, a third man was added to augment the uranium miners study. In addition, the inspection of medical x-ray machines was begun, utilizing recommendations as set forth by the National Council on Radiation Protection and Measurements. As additional personnel were added to the staff, inspection programs were enlarged and inspection frequency was increased.

In 1971, the New Mexico Legislature enacted the present Radiation Protection Act which, in addition to the registration requirements for x-ray machines provided in the

1959 Act, expanded the term x-ray machines to radiation machines; provided a new definition of radiation to include all radiation both particulate and electromagnetic above audible sound and provided for state licensing of all radioactive material. Present Regulations for Governing the Health and Environmental Aspects of Radiation were promulgated by the Environmental Improvement Board on June 16, 1973.

ORGANIZATION, FUNCTIONS AND RESPONSIBILITIES

The New Mexico Environmental Improvement Agency was established on July 1, 1971, under the Environmental Improvement Act (Chapter 277, Laws of 1971), (See Appendix I, Item 2). The Agency is responsible for environmental management and consumer protection in the State in order to insure an environment that, in the greatest possible measure:

Confers optimum health, safety, comfort and economic and social well-being on its inhabitants;

Protects this generation as well as those yet unborn from health threats posed by the environment; and

Maximizes the economic and cultural benefits of a healthy people.

The Act established a five-member Environmental Improvement Board, appointed by the Governor with the advice and consent of the Senate. The Board is responsible for promulgating rules, regulations, and standards for radiation protection and other pertinent areas concerning the environment.

The Agency has five operating divisions: 1) General Sanitation; 2) Food Quality; 3) Water Quality; 4) Air Quality; and 5) Occupational and Radiation Protection. Experienced environmental managers have responsibility for programs within the six regions, which correspond to the six planning districts established by Executive Order of the Governor in 1969.

Funding for the Agency is both state and federal. Federal funds assist activities in the categories of air and water pollution control, solid waste management planning, construction of community sewerage facilities, occupational health and safety, and various types of research. Funding for the Radiation Protection Section is 100 percent state. The Agency has aid in the form of personnel, budget, fiscal, and data management services from the Health and Social Services Department, and operates under the administrative direction of the Executive Director of that Department.

Under the Radiation Protection Act of 1971, the Radiation Technical Advisory Council's membership was increased from five to seven members. The council members are appointed by the Governor and possess "scientific training in one or more of the following fields: diagnostic radiology, radiation therapy, nuclear medicine, radiation or health physics, or related sciences with specialization in radiation." Appendix II lists the membership of the present council. It is the duty of the council to advise the Agency and the Board on technical matters relating to radiation. The New Mexico Environmental Improvement Agency regulates the use of all sources of both ionizing and non-ionizing radiation, except those which it may exempt or are under the jurisdiction of the Federal Government. Discharge of this function is the responsibility of the Radiation Protection Section. A chart showing the organization of the Radiation Protection Section is shown as Appendix III. All members of the Section have a number of years experience in the field of health physics. Members of the Section have participated in applied and theoretical health physics research and all members have experience in operating laboratory and survey equipment. Responsibilities, background and experience of all Agency officials above the Section and all members of the Section are given in Appendix IV.

SCOPE OF ACTIVITIES

The Radiation Protection Section accomplishes the regulatory program associated with licensing of radioactive materials and registration of radiation-producing machines, environmental surveillance, special projects and response to emergency situations involving sources of radiation.

Within the State of New Mexico, there are 1262 registered x-ray machines: 578 dental units; 661 medical units, and 23 in-state industrial radiographic x-ray units. The number of AEC licenses within the State of New Mexico as of December 31, 1972, was 109. It is anticipated that the State will assume approximately 90 of these licenses. The number of facilities using radium sources is estimated at 30. Four particle accelerators are presently being installed or are planned. In addition, it is anticipated that the Clinton P. Anderson Meson Physics Facility will produce a significant quantity of accelerator-produced isotopes. Use of these isotopes throughout the State will be controlled by the Agency.

REGULATORY PROCEDURES AND POLICY

Licensing and Registration. The Radiation Protection Act requires licensing of all radioactive materials and registration of all radiation-producing machines except such sources as may be specifically exempted by regulations.

Licensing procedures, as provided in Part 3 of the New Mexico Radiation Protection Regulations, are consistent with those of the AEC.

General licenses are provided by regulation without filing an application with the Agency or the issuance of a licensing document. General licenses will be issued for specified materials under specified conditions when it is determined that the issuance of specific licenses is not necessary to protect the public and occupational health and safety. Specific licenses or amendments thereto will be issued upon review and approval of an application. A specific license will be issued only to named persons or facilities under the supervision of named persons and will incorporate appropriate conditions and expiration date. Pre-licensing inspections will be conducted when appropriate.

The Agency will request the advice of a four member Medical Isotope Advisory Committee, or appropriate members thereof, with respect to any matter pertaining to a medical license application, or to criteria for reviewing applications. The members of the Medical Isotope Advisory Committee and their backgrounds are listed in Appendix V.

All applications for non-routine medical uses of radioactive materials will be referred to the Medical Isotope Advisory Committee for advice and consultation. Appropriate research protocols will be required as part of an application. The Agency will maintain knowledge of current developments, techniques and procedures for medical uses applicable to the licensing program through continuing contact and information exchange with the AEC, other agreement states and the medical profession.

The registration program will continue the current activity except that (a) all radiation machines will be subject to the applicable provisions of Part 2 of the regulations, and (b) naturally occurring and those radionuclides which were formerly registered will now be licensed.

Inspection. The Agency is presently engaged in an inspection and compliance program for x-ray machine registrants, and is initiating a program for the inspection of accelerator product licensees, both of which are very similar to or identical with the following description of the proposed inspection and compliance program for "agreement materials".

Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate regulations and provisions of licenses will be conducted as scheduled or in response to requests or complaints. Inspection frequency will be based upon the extent of the potential hazard and eperience with the particular facility. It is anticipated that state inspections of licensed facilities will be conducted in accordance with a priority schedule similar to that shown below:

Priority	Type of licensee	Initial inspection [1]	Subsequent inspection
I	(None at present)	1 month	6 months or less.
II	Broad medical Broad academic Field radiographer	6 months	1 year or less.
III	Industrial	6 months	2 years or as indicated.
IV	Academic Medical Civil defense	12 months	As indicated by initial inspection.
V	Limited medical Limited industrial	As indicated	If indicated by initial inspection.

[1] Initial inspection of a new licensee or for a license that involves new activity or as deemed appropriate.

Inspections will be made by prearrangement with the licensee, or may be unannounced as the Agency determines to be most constructive.

The New Mexico Radiation Protection Section has personnel trained in regulatory practices and procedures. Additionally, Section personnel have accompanied AEC compliance inspectors on field inspections to gain a higher degree of competence in evaluating radiation safety and determining compliance with appropriate regulations and license provisions. Inspections will include the observation of pertinent facilities, operators, and equipment; a review of use procedures, radiation safety practices and user qualifications; and a review of pertinent records and of radioactive materials—all as appropriate to the scope of the activity, conditions of the license and applicable regulations. In addition, independent measurements will be made, if appropriate.

At the start and conclusion of an inspection, personal contact will be made at management level whenever possible. Following the inspection, results will be discussed with management. Investigations will be made of all reported or alleged incidents to determine the cause, the steps taken for correction and the prevention of similar incidents in the future.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by the Radiation Protection Section Program Manager.

Compliance and Enforcement. Compliance with regulations and license conditions will be determined by inspections and evaluation of inspection reports. When there are items of non-compliance, the licensee or registrant

will be informed at the time of inspection as follows: 1. When the items are minor and the licensee or registrant agrees at the time of inspection to correct them, written inspection findings will be prepared which will list the items of non-compliance, confirm any corrections made during the inspection and require acknowledgement by the person interviewed. The licensee or registrant will be informed that a review of any other corrective action items will be determined at the time of the next regular inspection or by a reinspection. 2. When the non-compliance is considered serious, the person interviewed will be informed at the time of inspection. The inspection report, mailed to management, will require a written reply to include proposed corrective action and an estimated date of completion of the corrective action. If considered appropriate, an unannounced reinspection will be made shortly after the estimated date of completion. Continued non-compliance as determined by the reinspection may result in an Agency request to the Environmental Improvement Board for a hearing as provided in the Act. Prior to action initiated by the Agency, the Agency shall notify the licensee of its intent to amend, suspend or revoke the license and provide the opportunity for a hearing. If it so decides, the Board is empowered to issue an order to cease and desist, modify or revoke a license. The Board may also initiate proceedings in the district court in which a violation or threatened violation occurs. When shorter term action is required, the Agency may gain injunctive relief.

Upon request by a licensee, or upon the determination by the Agency, the terms and conditions of a license may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy technicalities of non-compliance.

The Agency uses its best efforts to attain compliance through cooperation and education. Only in instances of real or potential hazards, or cases of repeated non-compliance or willful violation, are full legal procedures employed.

Effective Date of License Transfer. Any person who possesses a license for agreement materials issued by the AEC, on the effective date of the agreement with the AEC, shall be deemed to possess a like license issued by the Agency, which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such license, or on the date of expiration specified in the federal license, whichever is earlier.

Administrative Procedures and Judicial Review. The basic standards of procedure for administrative agencies in the State of New Mexico are set forth in the rules of procedure required by New Mexico law with respect to hearings, issuance of orders, judicial review of findings, and orders of the New Mexico Environmental Improvement Agency.

Compatibility and Reciprocity. In promulgating the present Radiation Protection Regulations, the Board has, insofar as practicable, maintained compatibility with AEC and agreement state regulations; has avoided requiring dual licensing and has provided for reciprocal recognition of other agreement states and federal licenses.

RADIATION LABORATORY SERVICES

The Radiation Protection Section has the capability of evaluating samples collected during routine inspections and for making independent measurements. The laboratory portion of the Radiation Protection Section has capabilities of alpha, beta and gamma spectroscopy, gross alpha-beta counting of environmental samples. The Environmental Laboratory Services (Albuquerque Branch) will provide wet chemistry for the section when needed. In the very near future all routine determinations will be made by the Environmental Laboratory.

For more sophisticated non-routine evaluations, arrangements have been made with Sandia Laboratories, Albuquerque, New Mexico and Los Alamos Scientific Laboratory, Los Alamos, New Mexico. These laboratories can provide: environmental sample counting; alpha, beta, and gamma spectroscopy, and wet chemistry when needed.

EMERGENCY RESPONSE

The New Mexico Radiation Protection Section has technically trained personnel and specialized equipment to investigate and evaluate incidents involving ionizing radiation. The Section continues to prepare for such response by providing the following:

1. Trained staff for advisement required to meet any given situation.

2. Trained and equipped staff for emergency field activities.

3. Transportation by air and/or automobile to site of incident.

4. Established liaison with appropriate AEC Operations Offices.

5. Training to key personnel of other state and local agencies.

Radiological assistance in the form of monitoring, liaison with appropriate authorities and recommendations for area security and cleanup are available from the Agency. All Radiation Protection Section personnel will be maintained at an operation-ready level of training. Part of this training will be provided through cooperation with the Albuquerque Operations office of the AEC and the Los Alamos Laboratory.

RADIATION TECHNICAL ADVISORY COUNCIL

Paul Lee, M.D., Chairman
Radiologist at Los Alamos Medical Center
Certified Radiologist 1956
Charter Member of the Radiation Technical Advisory Council

Martin W. Fleck, Ph.D., Member
Environmental Consultant in Albuquerque
Professor of Biology, University of New Mexico 1947–70
Charter member of the Radiation Technical Advisory Council

Charles M. Thompson, M.D., Member
Radiologist in Albuquerque
Certified Radiologist 1945

Fred G. Hirsh, M.D., Member
Physician, Dept. of Hospitals & Institutions, State of New Mexico
Assistant Director of Research, Lovelace Foundation, 1965–72
Associate Physician, Argonne National Laboratory, 1959–65
Private Consulting Practice, 1956–59
Director of Medicine and Biomedical Research
Sandia Laboratories 1950–56

Doyle L. Simmons, M.D., Member
Radiologist in Albuquerque and Clinical Associate Radiologist, University of New Mexico, School of Medicine, 1969 to present
Certified Radiologist 1968

Harold A. O'Brien, Jr., Ph.D., Member
Radioisotope Research and Development Program, Clinton P. Anderson Meson Physics Facility,
Los Alamos Scientific Laboratories, 1970 to present

Dean D. Meyer, B.S., Member
Group Leader, Health Physics Group, Health Division, Los Alamos Scientific Laboratories, 1946 to mid 1973
Certified Health Physicist 1960

AARON L. BOND, B.S., M.P.H.
Director, Environmental Improvement Agency

Education

Bachelor of Science, Brigham Young University (1958)—Animal Husbandry and Chemistry.

Master of Public Health, University of California (1962)—Environmental Health.

Graduate Training, Oak Ridge Associated University (1964)—Radiation Physics.

Experience

N.M. Department of Public Health, 1959–61 Sanitarian, San Juan County Health Department, General Sanitation: Animas River Study.

Senior Sanitarian, District 9, 1962–63, Supervised general sanitation activities in three-county district.

Radiological Health Consultant, 1963–65. Develop medical x-ray survey radium control program, general radiological health program for State. Accompany AEC on inspection tours.

Head of Radiological Health Section, 1965–67. Responsible for developing, organizing, and administering radiation control program in the State. Revising and promulgating radiation protection regulations. Represent department in absence of program director at various regional radiological health planning conferences.

Chief, Occupational-Radiation Health and Air Quality Control Division, 1967–May 1973. Responsible for developing, organizing, and administering occupational health, radiation control, and air pollution control programs for the State of New Mexico. Also, supervise and administer various research programs associated with these programs.

Deputy Director, Environmental Improvement Agency, May 1973 to August 1973.

Director, Environmental Improvement Agency, August 1973 to present.

Memberships and Affiliations

The Ex-Officio Secretary to the Radiation Technical Advisory Council.

Member of the American National Standards Institute Ad Hoc Committee on Health and Safety in Nuclear Fields Industry.

Member of the Rocky Mountain Section, American Industrial Hygiene Association.

Member, Board of Directors, Rocky Mountain Section, American Industrial Hygiene Association.

Ex-Officio Member, N.M. Mine Safety Advisory Board.

Member, National Conference of Radiological Health Directors.

Serves as Member of various Air Pollution Committees.

Chairman, N.M. Coal Surface-Mining Commission.

RUSSEL F. RHOADES, B.S., M.P.H.
Division Chief, Occupational/Radiation Protection Division

Education

Bachelor of Science, University of New Mexico—Biology.

Master of Public Health, University of Minnesota—Environmental Health.

Experience

Albuquerque Environmental Health Department, 1966–1968 Public Health Sanitarian. Involved in general food sanitation of commercial and institutional establishments including inspection, evaluation, facility construction and equipment plan review, code enforcement and educational presentations. Provided consultation relative to institutional sanitation problems.

United States Air Force, 1968–1969. Preventive Medicine Technician. Conducted communicable disease surveillance program, plus general sanitary survey and evaluation

of military installations. Assisted in performing various occupational health surveys and conducted hearing tests plus evaluation of personnel occupationally exposed to hazardous noise.

University of Minnesota, Health Service, Environmental Health and Safety Division—1969–1971. Public Health Sanitarian. Conducted food and general sanitation inspection/evaluation of university facilities. Conducted routine monitoring program of the university's micro-wave ovens and performed temperature, humidity, ventilation and lighting surveys of university facilities.

New Mexico Environmental Improvement Agency, January 1972–May 1973. Program Manager, Occupational Health and Safety Section. Responsible for overall development, organization, administration and enforcement of the State's Occupational Health and Safety Program, under guidelines prescribed by the Federal Occupational Safety and Health Administration. Developed New Mexico's Occupational Health and Safety Implementation Plan.

New Mexico Environmental Improvement Agency, May 1973–present. Chief, Occupational and Radiation Protection Division. Responsible for the administration of the Radiation Protection and Occupational Health and Safety Programs.

Memberships and Affiliations

The National Environmental Health Association.

EDWARD L. KAUFMAN, B.S.
Program Manager

Education

Bachelor of Geology, University of Tulsa, (equivalent to M. S. Engineering Geology).

Basic Radiological Health, USPHS, Cincinnati, Ohio. Safety Aspects of Industrial Radiography, AEC, Denver, Colorado.

Health Physics, 10 weeks, Oak Ridge, Associated Universities.

Regulatory Practices and Procedures, AEC, Bethesda, Maryland.

Experience

Engineering Coordinator, Texaco, Inc., 1950–62. Coordinated the activities of engineers, geologists, seismic crews and land departments. Recommended and supervised all drilling operations and training.

Health Science Technician, New Mexico Health and Social Services Department, 1963–68. Uranium Mine environment contamination determinations and evaluation. Developed sampling system for radon daughters, now standardized in all states. Conducted respirator media research in joint effort with LASL, presented paper at APAA–ACGIH, St. Louis, 1968.

Program Manager, Environmental Improvement Agency, Radiation Protection Section, 1968 to present. Supervises the activities of five men in a broad, statewide radiation compliance program including three federal government contracts concerning uranium mines, exposure and research. Conceived and supervised the construction of the Dakota Laboratory. Authored House Bill 426, Radiation Protection Act. Drafted the Radiation Protection Regulations. Guest lecturer at all New Mexico universities on various radiation projects.

Memberships and Affiliations

Member of the National Conference of Radiation Program Directors Task Force on Radioactive Waste Management.

Chapter.

Publications

"DEVELOPMENT OF A URANIUM MINE RESEARCH LABORATORY," Health Physics Journal, Volume 20, No. 1. Journal of Environmental Health, March/April, 1970.

"LEAD-210 BLOOD CONCENTRATIONS AS A MEASURE OF URANIUM MINERS EXPOSURE," (to be published).

Health Physics Society, Rio Grande

ALPHONSO A. TOPP, JR., B.S., M.S.
Environmental Scientist III

Education

Bachelor of Science in Chemical Engineering, Purdue University.

Master of Science in Applied Physics, University of California at Los Angeles.

Health Physics, 10 weeks, Oak Ridge Associated Universities.

Regulatory Practices and Procedures, AEC, Bethesda, Maryland.

Medical Isotopes, AEC, Houston, Texas.

On-the-job Training, 6 weeks, Materials Licensing Branch, AEC, Bethesda, Maryland.

Experience

Atomic Energy Specialist, U.S. Army, 1942–1970. Participated in research and development of nuclear weapons for the Department of Defense. Catalogued and standardized all nuclear weapons material. Inspected nuclear capable units of all services, all over the world for compliance with all appropriate directives. Provided assurance at the highest military level of the nuclear capability of units and the safety and security of nuclear weapons located worldwide.

Environmental Scientist III, Environmental Improvement Agency, Radiation Protection Section, 1970 to present. Executes the state radiation producing device registration program and inspection of radiation producing devices. Aided in the drafting of the State's Radiation Protection Regulations. Presently designing the State's isotope licensing program.

Guest lecturer for New Mexico universities and technical societies.

Memberships

Triangle, a fraternity of engineers, architects and scientists.

Sigma XI, associate member, UCLA.

Health Physics Society, Rio Grande Chapter.

JOHN S. HAYNIE, B.S., M.S.
Environmental Scientist III

Education

Bachelor of Science, Engineering Technology, Western New Mexico University.

Master of Environmental Science in Radiological Health, University of Oklahoma.

Regulatory Practices and Procedures, AEC, Bethesda, Maryland.

Medical Isotopes, AEC, Houston, Texas.

Industrial Radiography, AEC, Baton Rouge, Louisiana.

Fundamentals of Non-ionizing Radiation, White Sands Missile Range, New Mexico, U.S. Army, Environmental Hygiene Agency.

Experience

Lab Assistant Electronics, Sandia Corporation, Albuquerque, New Mexico, June through September, 1968. Employed as a youth opportunity trainee in an environmental health physics electronic group. Solid state circuit fabrication, experimentation with semiconductor switching circuits, and general repair of electronic equipment.

Health Physicist, Ingals Nuclear Shipbuilding, Division of Litton Systems, Inc., Pascagoula, Mississippi, 1970 to March, 1972. Research and development work in thermoluminescent dosimetry (TLD) employing Lif (TLD–100) as a possible personnel dosimeter for the shipyard; aiding in managing all personnel dosimetry functions; environmental and area monitoring work; general health physics problems.

Environmental Scientist, Environmental Improvement Agency, Radiation Protection Section, March 1972 to present. Medical and therapeutic x-ray registration. Plans, coordinates and conducts all medical x-ray compliance inspections. Researches into various techniques employed during mammography and the absorbed doses received by the patient. Training courses are expected to result from this research and a paper is to be coauthored with a leading radiologist in the state. Presents lectures on radiation safety to x-ray technicians throughout the state.

Memberships and Affiliations

National Health Physics Society—Full member.

Health Physics Society Rio Grande Chapter.

JOHN C. RODGERS, M.S., M.A.
Environmental Scientist III

Education

Bachelor of Science, Physics, Oregon State University.

Master of Science, Physics, California State College at Los Angeles.

Master of Arts, Philosophy of Science, Indiana University.

Doctoral Candidate, Washington University (St. Louis), in Philosophy of Science.

Health Physics, 10 weeks, Oak Ridge Associated Universities.

Experience

Designed and constructed physics laboratory equipment, California State College at Los Angeles, 1961–63.

Tutor in physics, mathematics and other liberal arts in St. John's College, Santa Fe, 1968–71.

Designed and developed several special physics lab experiments and projects.

Environmental Scientist, Environmental Improvement Agency, Radiation Protection Section, 1971 to present. Developed techniques and standardization procedures for liquid scintillation counting of lead-210. Developed procedures for separating lead-210 activity from interfering materials collected during sampling. Currently working on improved procedures for counting short-lived radon daughters to enable a more precise determination of lead-210 background.

Affiliations and Awards

Pi Mu Epsilon mathematics honorary, Oregon State University.

Sigma Pi Sigma physics honorary, California State College at Los Angeles.

Scientific Papers

"AN EXTRACTION TECHNIQUE FOR SAMPLE PREPARATION FOR LIQUID SCINTILLATION COUNTING OF PB^{210}."

"INGROWTH OF LEAD-210 INTO A DYNAMIC RADON–222 ATMOSPHERE."

JOSE A. GUTIERREZ
Environmental Technician III

Education

New Mexico State University, 45 credit hours, Geology major.

University of New Mexico, 15 credit hours, Major, Medical Technology.

Basic Radiological Health, USPHS, Montgomery, Alabama.

Medical X-Ray Protection, USPHS, Las Vegas, Nevada.

Industrial Radiography, AEC, Baton Rouge, Louisiana.

Fundamentals of Non-ionizing Radiation, White Sands Missile Range, New Mexico, U.S. Army, Environmental Hygiene Agency.

Experience

Health-Science Technician, New Mexico Health and Social Services Department, 1969–71. Made personnel exposure determinations

and environmental contamination concentration analyses in all active New Mexico uranium mines. Provided consultation to uranium mine management on ventilation techniques for radiation contaminant control. Assumed responsibility in renovation of abandoned uranium mine into a research facility. Maintained the facility in an approved safe condition and supervised the maintenance of the equipment. Supervised the personal safety of all researchers using the facility. Calibrated radiation detection instruments for the department and company operators. Participated in environmental sampling program. Participated in several research projects.

Environmental Technician, Environmental Improvement Agency, 1971 to present. Conducts compliance inspection in x-ray survey program. Developed a dental technique employing a tooth phantom for demonstrating the advantages of high speed dental film. Presented formal courses on dental x-ray protection throughout the State of New Mexico for dental students. Guest lecturer at universities and technical vocational schools.

Memberships and Affiliations

Health Physics Society Rio Grande Chapter.

MEDICAL ISOTOPE ADVISORY COMMITTEE

DOYLE LEE SIMMONS, M.D., Radiologist in Albuquerque and Clinical Associate Radiologist to University of New Mexico School of Medicine, attended Texas Technological College and graduated from Southwestern Medical School. University of Texas; was resident in Radiology, Baylor University, College of Medicine Affiliated Hospitals, Houston, Texas; American Cancer Society fellowship; Armed Forces Institute of Pathology fellowship; Instructor in Radiology, Baylor; is Board Certified, American Board of Radiology; member of numerous professional societies; member of Therapy Subcommittee, Clinton P. Anderson Meson Physics Facility.

JON DURBIN SHOOP, M.D., Chief, Division of Nuclear Medicine, Associate Professor in Radiology and Associate Professor of Pharmacy, University of New Mexico, is a graduate of Tufts University School of Medicine; was Assistant Resident in Radiology, Indiana University Medical Center, Indianapolis; American Cancer Society fellow in radiotherapy; Chief Resident in Radiology, Marion County General Hospital, Indianapolis, Indiana; Senior Resident in Radiology, Indiana University Medical Center and U.S. Veterans Administration Hospital, Indianapolis, Indiana; Surgeon, U.S. Public Health Service; is Board Certified in Radiology by the American Board of Radiology and Board Certified in Nuclear Medicine by the American Board of Nuclear Medicine; member of numerous professional societies; Chairman, Human Uses Sub-committee, University of New Mexico; Chairman elect of Radiation Control Committee, University of New Mexico; performs liaison between University of New Mexico and Clinton P. Anderson Meson Physics Facility; Chairman, Sub-committee in Isotope Development, LAMPF Bio Medical Users Group; named Young Man of the Year by Albuquerque Jaycees; author of 12 professional papers.

CHESTER R. RICHMOND, Ph.D., Alternate Health Division Leader, Los Alamos Scientific Laboratory, is a graduate of New Jersey State College and the University of New Mexico; has many years of research experience in radiobiology and radiation effects both at Los Alamos Scientific Laboratory and with the AEC in Washington; member of numerous professional societies; member of NCRP Scientific Committees No. 30 and 31, and several other committees concerned with radiation; awarded AEC Special Achievement Certificate, author of 58 professional papers.

F. EUGENE HOLLY, Ph.D., Hospital Radiation Physicist, Albuquerque and Los Angeles, California, earned his B.S. in physics at New Mexico State University in 1957, specializing in Solar Energy; M.S. in Radiological Physics, Vanderbilt University 1960 as a USAEC Special Fellow, Thesis: "Composition and Characteristics of Radiation Trapped in the Lower Van Allen Regions"; Ph.D. in Medical Physics (Radiology), UCLA 1970 Dissertation: "DNA Distributions in Populations of Proliferating Lymphocytes"; extensive experience in industry, the military and national space programs; an expert in radiation dosimetry, having developed several unique instrumentation concepts in the field of microdosimetry; member of numerous professional societies; author of 24 professional papers.

RADIATION LABORATORY AND SURVEY EQUIPMENT

	Quantity
Laboratory equipment:	
Packard Model 3375, liquid scintillation counter	1
Nuclear Data Model 101 T Analyzer with typewriter printer and surface barrier alpha detector	1
Custom built gross alpha-beta environmental sample counting system	1
Nuclear Measurements Corp., proportional counter	1
Eberline internal proportional counter	1
Eberline SAC–1, 2" P.M. tube with calibrated Lucas Chambers for radon gas counting	1
Pulse generator	1
Monitoring and Survey Instruments:	
Integrating Meters, Pocket Chambers and Dosimeters:	
Pocket Chambers, Landsverk Model L–60, Rang O–200MR	6
Charter—Reader for above chambers, Model L–60	1
Pocket Dosimeters, Bendix Model CD V–138	10
Charger for the above dosimeters, Model 56	1
Condenser R. Meters:	
R-meter, Victoreen Model 570 with medium energy chambers from 0.25R to 25R	1
Victoreen Model 188 medium energy chamber 0.025	1
Alpha Detection:	
Eberline Model PAC–ISA alpha counter with AC–3 detector	1
Eberline Model SPA–1, millipore filter alpha counter	2
Eberline Model AC–3 Alpha scintillation probe	3
Eberline Model AC–2 gas flow proportional probe	2
Eberline Model PAC–3G gas proportional counter	2
Eberline Model PAC–4S alpha counter	1
Eberline Model PAC–15A portable alpha counter	1
Beta-Gamma Detection:	
Radalert Eberline Model	1
Eberline Rad Owl, Model RO–1 portable ion chamber	2
Nuclear Corp. Model CS–40A portable ion chamber	1
Eberline Model E–500B, geiger counter	1
Eberline Model HP–177B beta-gamma hand probe	3
Eberline Model PRM–4 pulse rate meter	1
Gamma Detection:	
Eberline Model PG–1 plutonium gamma probe	1
Eberline Model RT–1 personnel radiation monitor	4
Neutron Detection:	
Eberline Model FN–IA, fast neutron scintillation counter	1

[FR Doc.74–905 Filed 1–9–74;8:45 am]

[Docket Nos. 50–448A, 50–449A]

POTOMAC ELECTRIC POWER CO.

Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated January 17, 1974, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by March 4, 1974, either (1) by delivery to the AEC Public Document Room at 1717 H Street, N.W., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attn: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX "A"

Re: Potomac Electric Power Company, Douglas Point Nuclear Generating Station, Units 1 & 2, AEC Docket Nos. 50–448 & 50–449, Department of Justice File 60–415–80.

JANUARY 17, 1974.

You have requested our advice pursuant to the provisions of Section 105 of the Atomic Energy Act of 1954, as amended by P.L. 91–560, in regard to the above-captioned application.

Potomac Electric Power Company (Applicant) has applied for a construction permit for its Douglas Point Nuclear Generating Station, Units 1 and 2. Each unit will have a total estimated cost of $920,000,000, excluding fuel, transportation cost and interest during construction. The facility will be located in the vicinity of Wades Bay and Douglas Point, on the east bank of the Potomac River, about 30 miles south-southwest of Washington, D.C. in Charles County, Maryland. Unit 1 is scheduled to become commercially operational in 1980, with Unit 2 scheduled for 1981.

Applicant. Applicant has a wholly integrated electric power system with generating, transmitting and distribution facilities. Applicant serves approximately 441,000 retail customers in the District of Columbia, its Maryland suburbs, and a small part of Arlington County, Virginia, an area totaling 643 square miles. Applicant supplies at wholesale all the electric power requirements of Southern Maryland Electric Cooperative, Incorporated, which in turn serves the retail

requirements of a predominantly rural area of 1100 square miles located in Calvert, Charles and St. Mary's Counties, Maryland. Sales to Southern Maryland represent approximately 5% of Applicant's 1972 total energy sales.

In 1972, of the total revenues of $270.9 million approximately 55% or $148.7 million of Applicant's revenues were derived from sales in Montgomery County and Prince Georges County, Maryland, and 43% or $116 million were obtained from the District of Columbia. Receipts of the United States and District of Columbia government comprise about 19% of Applicant's revenues.

Applicant had in 1972 a net installed capacity of 4,364,000[1] kw provided by base load steam conventional units and peak load combustion turbine units[2] to meet an annual peak demand of 3,479,000 kw.[3] For that year these facilities produced approximately 20 billion kwh. Applicant's transmission system consists of approximately 900 pole miles of line with a capacity from 69 kv to 500 kv.[4] Applicant, Baltimore Gas and Electric Company and Virginia Electric Power Company have plans for constructing a 500 kv transmission line loop around the Washington metropolitan area.

Interconnection and coordination with others. Applicant operates its facilities as a part of the Pennsylvania-New Jersey-Maryland (PJM) Interconnection.[5] PJM is operated under a one-system concept as a single central area with minute-to-minute economic dispatch of generation and with essentially free-flow ties. PJM serves nearly 21 million people in a 50,000 square mile territory covering most of Pennsylvania and New Jersey, over half of Maryland, all of Delaware and District of Columbia and a small part of Virginia.[6] The total PJM generation capacity represents approximately 9% of the total for the United States. The members of PJM as a group have also entered into separate coordination and interconnection agreements with adjacent systems, including Allegheny Power System, Cleveland Electric Illuminating Company, Virginia Electric and Power Company and members of the New York Power Pool. These arrangements provide for parallel operation and emergency and economy interchange of power. Applicant has direct interconnections with Baltimore Gas & Electric Company, Virginia Electric Power Company and Potomac Edison Company.

Applicant is also a member of the Mid-Atlantic Area Coordination group (MAAC) whose members and area are identical to the PJM pool. MAAC coordinates the planning of new generation and transmission facilities to provide for the development of reliable system interconnections and bulk power supply. The PJM pool is also a member of the National Electric Reliability Council.

Because of its participation in the PJM pool and MAAC, and its direct interconnections with adjacent utilities, Applicant has obtained the full benefits of reserve sharing, economic dispatch, and coordinated development with these other utilities. The bulk power system of each PJM member is planned and operated as an intergral part of the pool. Thus, Applicant is able to take advantage of the economies of scale and operating efficiencies of large base load generating units, such as the nuclear units for which licenses are being sought herein.

Results of the antitrust review. The structure of the bulk power market in the region surrounding Applicant's system is, with one exception, characterized by relatively large investor owned utilities having their own generation, transmission, and distribution systems. These systems have a harmonious relationship with Applicant, and together and in concert with other utilities have entered into a number of arrangements which promote the economies and reliability of bulk power supply. The one exception is Southern Maryland Electric Cooperative, Inc. Southern Maryland, a distribution cooperative, presently has no generation and limited transmission capabilities; however, it has expressed an interest in participating in the Douglas Point facility. Applicant has indicated its willingness to enter into detailed discussion with Southern Maryland with the hope that its participation in Douglas Point will be of mutual benefit.

Applicant, in a December 7, 1973 letter to the Department, stated such discussion would need to be preceded by a study of the ancillary services, such as wheeling and reserve arrangements, necessary for participation. Applicant states that it has urged Southern Maryland to have such a study made as a supplement to the present joint planning conducted for purposes of facilitating the power supply between the respective electrical systems. We understand that such a supplemental study will be made for Southern Maryland. The bona fide business attitude evidenced by these preliminary discussions exemplifies the harmonious relationship Applicant and Southern Maryland have experienced in recent years. Applicant has exhibited a willingness to engage in good faith negotiation to give Southern Maryland a reasonable opportunity to participate in Douglas Point Nuclear Generating Station. Under these circumstances it is our opinion that an antitrust hearing will not be necessary with respect to the instant application.

[FR Doc.74-2285 Filed 1-30-74;8:45 am]

[1] Approximately 166,100 kw net capacity is available from Applicant's 9.72% undivided interest in the Conemaugh Generating Station, located in Indiana County, Pennsylvania. The other tenants in common follow: Pennsylvania Electric Company, Atlantic City Electric Company, Baltimore Gas & Electric Company, Delmarva Power & Light Company, Metropolitan Edison Company, Pennsylvania Power & Light Company, Philadelphia Electric Company, Public Service Electric & Gas Company and UGI Corporation.

[2] Applicant has no hydro or pump storage facilities.

[3] Applicant has a short term generation capacity sale to Baltimore Gas & Electric Company (BG&E) from its Morgantown facility. From June 1, 1971 to April 30, 1972, BG&E had rights to 300 mw, and from June 1, 1971 to April 30, 1973, 200 mw. In 1972, BG&E received 1,426,581,000 kwh pursuant to this arrangement.

[4] Includes Applicant's interest in a high voltage transmission line that transports to Applicant power produced by the jointly-owned Conemaugh Generation Station described in fn. 1.

[5] The 12 PJM members are: Applicant, Public Service Electric Gas Company, Philadelphia Electric Company, Baltimore Gas & Electric Company, Pennsylvania Electric Company, Metropolitan Edison Company, New Jersey Power & Light Company, Jersey Central Power & Light Company, Pennsylvania Power & Light Company, Atlantic City Electric Company, Delmarva Power & Light Company and UGI Corporation.

[6] The operation of the PJM interconnection is discussed in detail in the FPC's 1970 National Power Survey, Part II, pages II-1-77 to 81. Also, additional information on PJM members is in our letters of advice for Pennsylvania Power & Light Company, April 28, 1972, AEC Docket Nos. 50-387A and 50-388A, Jersey Central Power & Light Company, September 29, 1971, AEC Docket No. 50-363A; and Public Service Electric & Gas Company, August 4, 1971.

[Docket No. 50-16]

POWER REACTOR DEVELOPMENT CO.

Order Extending Provisional Operating License Expiration Date

The Power Reactor Development Company (PRDC) is the holder of Provisional Operating License No. DPR-9 that authorizes them to possess, but not to operate, the Enrico Fermi Atomic Power Plant located in Monroe County, Michigan.

On November 21, 1973, PRDC filed a request for extension of the expiration date of License No. DPR-9 because retirement of the Fermi plant had not been completed due to the requirements imposed by the Commission that the blanket and sodium material be disposed of offsite rather than onsite as originally planned. The Director of Regulation having determined that this action does not involve a significant hazards consideration and good cause having been shown, the bases of which are set forth in a memorandum dated January 17, 1974, from Donald J. Skovholt to A. Giambusso.

It is hereby ordered, That the expiration date of Provisional Operating License No. DPR-9 is extended from December 31, 1973, to December 31, 1974.

Date of issuance: January 22, 1974.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.74-2491 Filed 1-30-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20522; Order 74-1-135]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to North Atlantic Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of January, 1974.

By motion filed December 28, 1973, Pan American World Airways, Inc. (Pan American), requests the Board to further postpone until March 1, 1974, the effectiveness of Orders 73-2-24, February 6, 1973, and 73-7-9, July 5, 1973, in the above-entitled proceeding.[1]

[1] The Board in Order 73-12-41, December 10, 1973, granted all air carrier and foreign air carrier respondent parties to this proceeding, an extension until January 1, 1974, for the filing of the required tariffs to comply with the Board's decision in Docket 20522. The decision of the Board in this proceeding, see Order 73-2-24, February 6, 1973, and Order 73-7-9, July 5, 1973, found, inter alia, that the North Atlantic cargo rate structure was unduly and unreasonably preferential to New York, and unduly and unreasonably prejudicial to Baltimore, Boston, Chicago, Cleveland, Detroit Philadelphia and Washington (other U.S. gateway cities). The Board directed that the preference and prejudice be removed by establishing North Atlantic rates to the other gateway cities at the same rate per mile as provided at New York, except where common rating was being continued at European cities.

In support of its request, Pan American states that on August 10, 1973, it filed tariffs to implement the Board's decision in Agreements Adopted by IATA Relating to North Atlantic Cargo Rates, Order 73–2–24, February 6, 1973, as amended by Order on Reconsideration, 73–7–9, July 5, 1973, between the other U.S. gateway cities and points in Europe. The Board by Order 73–9–109, September 28, 1973, rejected Pan American's tariffs as not in conformance with its orders,[2] and therein set November 15, 1973, as the effective date for new tariffs complying with its orders. On October 16, 1973, Pan American filed tariffs with the Board establishing new rates, and subsequently the Board in Order 73–11–63, November 11, 1973, found that Pan American's tariffs were in compliance with its orders, subject to minor modifications which were being made. Pan American further alleges that it unilaterally filed tariffs containing the percentage methodology approved by the Board (Order 73–11–63) on 30 days' notice with the various European countries.[3] Pursuant to the rate clauses of the respective bilateral agreements (See e.g., Agreement Between the United States of America and the United Kingdom of Great Britain and Northern Ireland, 60 Stat. 1499; TIAS 1507; 3 UNTS 253) the following countries have informed the United States of their dissatisfaction with the rates proposed in Pan American's tariffs: Sweden, Norway, Denmark, Italy, Switzerland and Great Britain. Pan American has also been formally informed of the rejection of its tariffs by several other European countries. Therefore, Pan American urges, it would be appropriate for the Board to suspend the effectiveness of the above cited orders as to rates between the U.S. and the aforementioned countries until March 1, 1974 and that such a postponement, if granted, would give the IATA carriers time to reach a new rate agreement.

An answer to Pan American's motion has been filed by the Maryland Department of Transportation on behalf of the "Baltimore Parties." This answer is also concurred in by the Virginia and Philadelphia parties and the Metropolitan Washington Board of Trade.

The answer, in sum, objects to the grant of Pan American's motion, since the request would result in another postponement of the North Atlantic cargo rates relationships required by the Board in Docket 20522, with respect to the other U.S. gateway cities. And further, this request is tantamount to that previously proposed by Deutsche Lufthansa Aktiengesellschaft (Lufthansa) in Lufthansa's answer in which it supported Pan American's motion of November 27, 1973, but requested that the effective date for filing the required tariffs be deferred until further order of the Board.[4]

Upon consideration of the motion, the answer and all relevant matters, the Board will defer until March 1, 1974 the effective date of the requirements of Orders 73–2–24, 73–7–9 and 73–9–109, insofar as they relate to the date upon which tariffs must become effective to implement the Board's decision in this proceeding between the other U.S. gateway cities, on the one hand, and points in Sweden, Norway, Denmark, Italy, Switzerland, Germany and Great Britain, on the other.

As indicated in Order 73–9–109, the respondent carriers in this proceeding have failed to comply promptly in revising their rates as required by the Board's decision herein. Nevertheless the Board recognizes the technical problems inherent in establishing rate relationships between the other gateway cities vis-a-vis New York without unduly affecting rate relationships within Europe as well, as developments have indicated. In view of these considerations and the fact that the IATA carriers have met to resolve the matter herein, the Board will grant the motion of Pan American. We understand a proposed new agreement dealing with the issues herein is circulating for carrier approval.

Accordingly, pursuant to provisions of the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404(a), 1002(f),

It is ordered, That:

1. The effective date of tariffs required by the Board to comply with its decision in Orders 73–2–24, 73–7–9, and 73–9–109 is hereby extended for all air carriers and foreign air carrier respondent parties hereto to the extent that such tariffs shall become effective on March 1, 1974 between the other U.S. gateway cities of Boston, Philadelphia, Baltimore, Washington, Cleveland, Detroit, and Chicago, on the one hand, and points in Sweden, Norway, Denmark, Italy, Switzerland, Germany and Great Britain, on the other.

2. Except to the extent granted herein, the motion of Pan American World Airways, Inc. is denied; and

3. Copies of this order will be filed in those tariffs named in Exhibit A to Order 73–9–109 and served upon the parties of this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–2600 Filed 1–30–74;8:45 am]

[2] The rejected rates stemmed from certain IATA resolutions which, inter alia, established proportional rates between the U.S. interior or gateways and European/Middle Eastern points, which were disapproved by Order 73–12–83, December 20, 1973.

[3] In connection with this filing, Pan American by motion dated November 27, 1973 requested deferral of the effectiveness of the Board orders in Docket 20522 until January 1, 1974, which was granted by Order 73–12–41, December 10, 1973.

[4] Germany has also communicated to Pan American its non-acceptance of the tariff filing.

[Docket No. 26348, etc.; order 74–1–132]

RELATIONSHIPS BETWEEN FINANCIAL, BROKERAGE, LEASING AND MANUFACTURING INSTITUTIONS AND AIR CARRIERS

Institution of Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of January 1974.

In the matter of relationships between financial, brokerage, leasing and manufacturing institutions and air carriers, Docket No. 26348.

Complaints of the Aviation Consumer Action Project against various financial institutions, *et al* Dockets Nos. 24525 and 24593.

The Board has determined to inquire into the various relationships between, on the one hand, the certificated air carriers, and, where applicable, their parent corporations (hereafter "airlines"), and, on the other: (1) Financial institutions, such as banks, insurance companies, and brokerage and investment firms, holding in their own name or through nominees substantial amounts of stock of any airline, whether for their own account or for others (hereafter "equity holding financial institutions"); (2) all persons holding more than five percent of an airline's outstanding indebtedness (hereafter "substantial creditors";[1] and (3) all persons leasing flight equipment to airlines on a long-term basis (i.e., 1 year or longer) (hereafter "aircraft lessors"). The general purpose of this inquiry will be to determine: whether, and in what manner, equity holding financial institutions, aircraft lessors and substantial creditors may influence the managements of airlines, and, in light thereof, whether any of such persons individually or jointly control any airline within the meaning of section 408(a)(5) of the Federal Aviation Act of 1958, as amended;[2] whether further adjudicatory action should be taken with regard to any control or interlocking relationships found to exist within the scope of 49 U.S.C. 1378 and 1379; whether amendments to the Board's regulations are warranted by reasons of the above matters; and whether the Board should propose changes in the Federal Aviation Act or other statutory provisions of law.

Prior to the enactment of Public Law 91–62 in 1969, the Federal Aviation Act spoke, as to the relevancy of the above relationships to the Board's regulatory responsibilities, only with regard to carriers, persons controlling air carriers, and "persons engaged in a phase of aeronautics." See 49 U.S.C. 1378 and 1379. In such context, the Board has

[1] Including persons holding 5% or more of an airline's (i) short-term indebtedness, (ii) long-term indebtedness, or (iii) total indebtedness.

[2] 49 U.S.C. 1378(a)(5). Hereafter provisions of the Federal Aviation Act will be referred to by section of Title 49 of the United States Code.

never determined that financial institutions holding debt or equity interests in air carriers were, without more, "persons engaged in a phase of aeronautics" for the purposes of causing such holdings and interlocking relationships to be within the Board's scrutiny under 49 U.S.C. 1378 and 1379.[3] The Board has held, however, that financial institutions and other persons which have a proprietary interest in aircraft which are being leased to air carriers are, by virtue thereof, "persons engaged in a phase of aeronautics." See "George E. Keck and United Air Lines, Inc.," Order E–23037, December 27, 1965; and see, with regard to bank holding companies under such circumstances, "Najeeb E. Halaby and Pan American World Airways, Inc.," Order 69–7–142, July 25, 1969.

The jurisdictional uncertainty over the Board's role under 49 U.S.C. 1378 vis-a-vis the control of air carriers by financial institutions (irrespective of the latters' leasing activities) ended when Congress enacted Public Law 91–62, August 20, 1969, which, among other things, established (1) the Board's jurisdiction over the acquisition of control of an air carrier by any person, and (2) a a presumption, augmenting the existing "by any means whatsoever" language in 49 U.S.C. 1378(a)(5), that the beneficial ownership of 10 percent or more of the voting securities or capital of an air carrier is presumed to be control. Since that amendment's enactment, the Board has expressed its view that the Board would construe 49 U.S.C. 1378(a)(5) as mandating close Board scrutiny of actual or potential control situations with the objective of assuring that the resources and management of air carriers were devoted to the conduct of air transportation in a manner conducive to the public interest. Thus, for example, the Board has asserted jurisdiction over the formation by air carriers of holding companies notwithstanding extensively voiced claims against the Board's jurisdiction,[4] and it has expanded that initial action into an investigation of air carrier holding companies.[5]

In a similar vein, the Board believes that it should now commence an inquiry into the general question of whether equity holding financial institutions, aircraft lessors and substantial creditors may control airlines through the medium of large equity holdings, lessor relationships, or creditor relationships, or a combination thereof, perhaps complemented by interlocking relationships between the managements of such persons and the managements of airlines. In particular, the Board believes that it should determine whether there may exist by reason of such factors the potential for influencing the decision making of airline managements in a manner such that the decisions of those managements might not always comport in all respects with the public interest as expressed in the Federal Aviation Act.[6]

Substantial creditors. Since 1964 the Board has been receiving some limited data with regard to the holding of air carrier debt (see Schedule B–46, 14 CFR Part 241). As of December 31, 1973, the certificated route carriers had close to $6 billion in non-trade debt outstanding. The bulk of this debt was held by relatively few lenders. The 24 major lenders (those institutions holding $50 million or more of debt) accounted for 56 percent of the total air carrier debt, with the top ten of these holding 38 percent of the total debt.

The Board is aware that normal covenants in major air carrier financing agreements appear to place direct restraints on other funding activities, expenditure action, and equipment and asset use; and may indirectly have further similar effects through the establishment of requirements on the maintenance of working capital levels, asset/liability ratios, consolidated net worth, reserves for debt service, and transactions with corporate affiliates. It appears that such covenants and restrictions are often waived by the lenders as exigencies warrant. But their existence, and the circumstances of their waiver, may lead to involvement by lending institutions in air carrier affairs. Thus an important object of this investigation will be to determine just what the details, practices, and involvement are in such debtor-creditor relationships.

Aircraft lessors. It is the Board's understanding that provisions in aircraft lease agreements with airlines may affect airline action in a manner similar to covenants and restrictions in credit arrangements. This proceeding will consider whether that is in fact the case and, if so, the nature of those provisions and, in general, the broad question of whether, and the manner in which, aircraft lessors may influence airline managements.

Equity holding financial institutions. Under Part 245 of the Board's Economic Regulations (14 CFR 245), the Board since the enactment of Public Law 91–62 has been receiving reports of the holdings of 5 percent or more of airline stock. Large amounts of such stock are held by financial institutions or their nominees, sometimes for their own account, but generally for others. Although the holdings by such institutions for any individual account may be relatively small, the total holdings appear large as a result of the amalgamation of the individual holdings. It is the Board's view that it has insufficient information to perform its responsibilities in respect to the existence, nature, and extent of the discretionary authority by financial institutions over airline stock held on behalf of others, the manner in which that authority is exercised and the effect on airline managements of that authority. Through this proceeding the Board hopes to obtain information that will enable the Board to determine whether the authority of financial institutions to take discretionary action with respect to such holdings or the effectuation of that authority, results in control relationships, or affect relationships, within the meaning of 49 U.S.C. 1378 and 1379. This proceeding will also consider, of course, the import of the holding of airline stock by financial institutions for their own account.

Interlocking relationships. Various officers and directors of airlines are also officers and directors of financial institutions, aircraft lessors or substantial creditors. There may also be instances in which an officer or director of an airline may be deemed a "representative" of an officer or director of a person subject to 49 U.S.C. 1379 as a result of ties between the airline officer or director and an equity holding financial institution, aircraft lessor, or substantial creditor, or the officers or directors of such persons.[7] While the Board has considered interlocking relationships between airlines, on the one hand, and financial institutions, aircraft lessors and substantial creditors, on the other, to the extent that those relationships have been deemed to fall within the scope of 49 U.S.C. 1379, the Board has done so on an ad hoc basis.[8] This investigation will present the opportunity to look more closely, and on an overall basis, into the public interest factors regarding such interlocking relationships.[9]

Conclusion. The public interest is inevitably affected by the decisions of airline managements in a host of areas, such as equipment acquisition, expansion planning, financing, affiliate or subsidiary acquisition formation, and merger assessment. What the Board seeks in this inquiry is information on the relationships that obtain between airlines, on the one hand, and financial institutions, aircraft lessors, or substantial creditors, on the other, as they bear upon the decisions and practices of airlines in these areas and any others of importance. The potential influence of substantial creditors, aircraft lessors and financial institutions has been discussed above separately. In many instances, however, there may be combinations of shareholder, lease and credit relationships between such persons and airlines. And, in some instances, these ties may be augmented by interlocking relationships, direct or indirect. In light of the foregoing concerns and considerations, this proceeding is being instituted.

In view of the considerable complexity of the proceeding that this order is instituting and the large number of parties involved, many of whom are unfamiliar with Board procedures, we will allow thirty days for the filing of petitions for reconsideration of this order and an additional thirty days for the filing of an-

[3] Most recently, the question was left open when the Board added § 399.92 (14 CFR 399.92) to its Policy Statements, see PS–31, March 1, 1967.

[4] The Flying Tiger Line Inc., Order 70–6–119, May 5, 1970.

[5] Air Carrier Reorganization Investigation, Order 72–3–27, March 10, 1972.

[6] See particularly 49 U.S.C. 1302.

[7] Lehman Brothers Interlocking Relationships Case, 15 C.A.B. 656 (1952).

[8] See, e.g., Orders E–23037, supra, 73–7–125, and 73–3–86.

[9] It will also provide the opportunity to consider whether and the extent to which equity holding, lessor, or creditor relationships are relevant to jurisdictional issues under 49 U.S.C. 1379.

swers thereto. In addition, the Board contemplates that more than one prehearing conference will be held herein, as well as more than one round of information gathering prior to the hearing, including document submissions by the parties. Ground rules for the first round of information gathering should be determined at the initial prehearing conference, including, as appropriate, matters pertaining to the issuance of subpoenas. The Administrative Law Judge assigned to the proceeding may also wish to utilize the initial prehearing conference to determine, on a preliminary basis, the issues and subissues to be litigated herein.

Two complaints have been filed by the Aviation Consumer Action Project ("ACAP"), alleging that various relationships exist in violation of sections 408 and 409 of the Act: Dockets 24525 and 24593. ACAP requests enforcement measures including orders to cease and desist, orders directing termination of existing relationships, and actions seeking the imposition of civil penalties against all respondents. The issues raised by ACAP obviously track those which are the subject of the investigation instituted herein in Docket 26348. We shall, therefore, defer action on the ACAP complaints pending the progress of this investigation. While this investigation can be expected to be lengthy and complicated, its resolution will be singularly material to Board consideration of ACAP's allegations. Thus, we have determined that invocation of enforcement machinery should await the outcome of the inquiry we are undertaking here, if indeed it is needed at all.

Accordingly, it is ordered, That:

1. An investigation be and it hereby is instituted in Docket 26348, for the purpose of inquiring into: (1) the nature and extent of the influence, if any, of equity holding financial institutions, aircraft lessors, and substantial creditors, on airline managements; (2) whether such influence constitutes control of any airline within the meaning of 49 U.S.C. 1378, or is jurisdictionally or substantively relevant for purposes of 49 U.S.C. 1379; and (3) what action, if any, such influence, if any, warrants by way of (i) institution of enforcement or other adjudicatory proceedings, (ii) amendment of the Board's regulations, or (iii) statutory amendment;

2. Action on the complaints in Dockets 24525 and 24593, be and it hereby is deferred;

3. This order will be served upon the following, each of whom be and hereby is made a party to this proceeding: each certificated scheduled air carrier; the Departments of Justice and Transportation; the Aviation Consumer Action Project; and those listed in Appendix A; [10]

[10] The listing of institutions in Appendix A, which is filed as part of the original document, is not intended to be all inclusive, but derives from available information on holders of air carrier debt and equity. The list makes no effort to identify other debt or equity holders, or lessors or other institutions, which may be brought into the investigation upon development of further information.

4. The above investigation hereafter shall be styled as the Institutional Control of Air Carriers Investigation, and shall be set for hearing before an Administrative Law Judge of the Board at a time and place to be hereafter determined; and

5. Petitions for reconsideration of this order shall be filed within thirty days of the date of service and answers thereto shall be filed within thirty days thereafter.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-2599 Filed 1-30-74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position Deputy Assistant Secretary (Regional Operations), Office of the Assistant Secretary (Community and Field Services), Office of the Secretary.

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

[FR Doc.74-2627 Filed 1-30-74;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Trial Section, Antitrust Division.

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

[FR Doc.74-2625 Filed 1-30-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Director of Communications, Office of the Administrator.

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

[FR Doc.74-2628 Filed 1-30-74;8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Director for Operations, Office of the Assistant Director, Office of Operations.

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

[FR Doc.74-2629 Filed 1-30-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Small Business Administration to fill by noncareer executive assignment in the excepted service the position of Assistant Administrator for Minority Enterprise.

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

[FR Doc.74-2626 Filed 1-30-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE FEDERATIVE REPUBLIC OF BRAZIL

Entry or Withdrawal From Warehouse for Consumption

JANUARY 25, 1974.

On July 8, 1972, there was published in the FEDERAL REGISTER (37 FR 13498) a letter dated June 29, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs establishing an administrative mechanism intended to preclude circumvention of the licensing system for exports to the United States of cotton textiles and cotton textile products produced or manufactured in the Federative Republic of Brazil. One of the requirements is that the visa accompanying such shipments include the signature of a Brazilian official authorized to issue visas. The Government of the

Federative Republic of Brazil has requested, and the Government of the United States has acceded to the request, that the following officials be authorized to issue visas in addition to those designated in the letter of June 29, 1972:

Antonio Bezerra de Figueiredo
Antonio Lins
Armando Vulcano
Arnoldo Nogueira Junior
Clidenor Jacob Medeiros
Darcy Furtado Rocha
Darcy Mattos Fonseca
Elmo Pignatano
Ernio Antonio Thimmig
Flavio Scottini
Francisco Sampaio de Araujo
Jose Eymard de Arruda Furtado
Jose Francisco Reboucas Lins
Lair Passos Saraiva
Nestor de Almeida e Silva
Nilo Augusto Borges Teixeira
Octavio de Andrade Ribeiro Dantas
Jose Carlos de Araujo

Among those officials designated in the letter of June 29, 1972, the following are no longer authorized to issue visas:

Abel Marcelino do Rosario
Amabilino Santin Vidor
Antonio Pedro de Moraes
Dario Silveira Soares
Eduardo dos Santos Lobo
Javan Ribeiro da Costa
Jose Arthur Soares Boiteux
Luiz Affonso de Queiroz Lacerda

Accordingly, there is published below a letter of January 25, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending, effective as soon as possible, the letter of June 29, 1972 to make the requested changes. Facsimiles of the signatures of the newly-designated officials authorized to issue visas are filed as a part of the original document with the office of the FEDERAL REGISTER.

A complete list of officials currently designated to issue visas is published as an enclosure to the letter to the Commissioner of Customs.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JANUARY 25, 1974.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive of June 29, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, under certain specified conditions, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in the Federative Republic of Brazil, for which that Government had not issued an appropriate visa. One of the requirements is that each visa include the signature of a Brazilian official authorized to issue visas.

Under the provisions of the Bilateral Cotton Textile Agreement of October 23, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, the directive of June 29, 1972 is amended, effective as soon as possible, to authorize those Brazilian officials named on the enclosed list to issue visas. The list includes changes recently requested by the Government of Brazil.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

OFFICIALS OF THE FEDERATIVE REPUBLIC OF BRAZIL AUTHORIZED TO ISSUE VISAS

Aluysio Almeida Diniz
Alvaro de Sa Andrade
Alvaro Volpe Bacelar
Antonio Bezerra de Figueiredo
Antonio Lins
Armando Vulcano
Arnaldo Nogueira Junior
Celso Mario Zipf
Clidenor Jacob Medeiros
Danilo Octavio de Toledo
Darcy Furtado Rocha
Darcy Mattos Fonseca
Dario Raphael Tobar
Elom Pignatano
Ernio Antonio Thimmig
Eudes Izar
Fauzi Rahme
Flavio Scottini
Francisco Magalhaes
Francisco Sampaio de Araujo
Fued Farhat
Geraldo de Souza
Gilfredo Vieira Lessa
Henrique Reis Bergan
Honorio Onofre de Abreu
Isaac Carneiro da Silva
Jaire Perez de Vasconcellos
Jarbas Cezar Loureiro
Jayme Lobo Ferreira
Joffre Pereira
Jose Eymard de Arruda Furtado
Jose Francisco Reboucas Lins
Jose Maria Duprat
Lair Passos Saraiva
Mario Emilio Kreibich
Mario Jofre Pinto de Freitas
Nelson Duran Mascia
Nelson Geraldo Avellar
Nestor de Almeida e Silva
Nilo Augusto Borges Teixeira
Octavio de Almeida Ribeiro Dantas
Onofre Marques da Silva Junior
Osvaldo Ladewig
Roberto Varella
Rolando Missfeldt
Rufino Cancio Pires
Jose Carlos de Araujo

[FR Doc.74-2720 Filed 1-30-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ANTIMICROBIAL PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Antimicrobial Program Advisory Committee will be held at 9:00 a.m., February 12 and 13, 1974, in Conference Room 3305, Waterside Mall, 401 M Street SW., Washington, D.C.

This will be the fourth meeting of this Committee. The meeting is scheduled for adjournment at noon on February 13. If continuation of the meeting into the afternoon is considered necessary, the Committee will reconvene at 1 p.m. in Conference Room 412, East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. The agenda will allow a maximum time of one hour for public participation at the beginning of each meeting, provided the procedures established by the Committee for public participation have been followed. Any member of the public who desires to present an oral statement must: (1) Notify the Executive Secretary or the Chairman at least 48 hours prior to the meeting; (2) Identify himself by name and affiliation; (3) Identify the subject of the statement; (4) Estimate the time that will be required to present the statement; and, (5) Limit the statement to the agenda of the meeting, as published in the FEDERAL REGISTER.

The meeting will be devoted exclusively to a review and evaluation of EPA's Proposed Statement of Policy regarding labeling claims for residual bacteriostatic and/or self-sanitizing activity in labeling of pesticide products (38 FR 22636, Thursday, August 23, 1973). The Committee will review and evaluate written comments submitted from interested persons in response to the above FEDERAL REGISTER notice.

The meeting will be open to the public. Any member of the public wishing to participate or present written or oral views should contact Dr. William G. Roessler, Executive Secretary, Antimicrobial Program Advisory Committee, (202) 755-2562, at least 48 hours prior to the meeting.

Dated: January 29, 1974.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.74-2650 Filed 1-30-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19588, 19589; File Nos. BPU-7646, BPU-7707]

COLORADO WEST BROADCASTING INC. ET AL.

Memorandum Opinion and Order of Remand

In re applications of Colorado West Broadcasting, Inc., Glenwood Springs,

Colorado, Glenwood Broadcasting, Inc., Glenwood Springs, Colorado, for construction permits.

1. Presently before us are the following: (a) An application for review of a Review Board Memorandum Opinion and Order (FCC 73R–291, released August 16, 1973) filed August 23, 1973, by Glenwood Broadcasting, Inc. (Glenwood); (b) A supplement to the application for review filed August 27, 1973, by Glenwood; (c) An opposition filed August 31, 1973, by the Chief of the Broadcast Bureau; (d) An opposition filed September 5, 1973, by Colorado West Broadcasting, Inc. (Colorado West); and (e) A reply filed September 17, 1973, by Glenwood.

2. Glenwood's application for review presents no question of law, fact or policy which merits Commission consideration and, accordingly, it will be denied. In our opinion the Review Board (Board) correctly concluded that Glenwood failed, in several respects, to meet its obligations as a petitioner seeking enlargement of hearing issues in an adjudicatory proceeding. Thus, the determination to deny Glenwood's petition, we believe, was well within the Board's discretionary province and did not constitute a clearly unauthorized action. Nevertheless, based upon all of the information now before us, we are persuaded that the public interest requires reconsideration of Glenwood's petition to enlarge hearing issues in this proceeding. This is particularly so, we believe, because of the seriousness of charges raised against Colorado West by Glenwood and, equally important, because Glenwood has now submitted the information which would have permitted the consideration of the merits of its request by the Board.[1]

3. We have thoroughly considered all of the information now before us in support thereof. We conclude that Glenwood has indeed alleged sufficient facts which raise substantial and material questions concerning the past involvement of one of Colorado West's principals (William R. Dunaway) in the operation of an alleged illegal translator station;[2] that the resolution of these factual questions are critical to any reasoned determination regarding Colorado West's qualifications to be a Commission licensee; and that the public interest, convenience and necessity require that these matters be fully explored in the evidentiary process.

4. *Accordingly, it is ordered,* That, pursuant to § 1.115(g) of the Commission's rules, the application for review filed August 23, 1973, by Glenwood Broadcasting, Inc. is denied.

5. *It is further ordered,* On the Commission's own motion pursuant to section 4(j) of the Communications Act of 1934, as amended, That the record in this proceeding is reopened; that the proceeding is remanded to the presiding Administrative Law Judge; and that the hearing issues in this preceeding are enlarged by the addition of the following:

(a) To determine the facts and circumstances surrounding the past operation of television translator Station KOGAF, and Mr. William R. Dunaway's involvement in providing that translator station with the signal of television Station KOA–TV, Denver, Colorado.

(b) To determine, in light of the evidence adduced under the preceding issue, the effect of Dunaway's conduct on Colorado West Broadcasting, Inc.'s basic and/or comparative qualifications to be a Commission licensee.

6. *It is further ordered,* That the burden of proceeding with the introduction of evidence under issues (a) and (b) added herein shall be on Glenwood Broadcasting, Inc., and the burden of proof thereunder shall be on Colorado West Broadcasting, Inc.

7. *It is further ordered,* That, in view of the action taken herein, the Administrative Law Judge is directed to issue another Decision in this proceeding supplementing his Initial Decision (FCC 73D–66) released January 8, 1974.

Adopted: January 23, 1974.

Released: January 28, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–2590 Filed 1–30–74;8:45 am]

[1] In a supplement to its application for review, Glenwood has submitted an affidavit of Michael J. Garrish affirming the truthfulness of his prior statement, which was initially submitted in support of the petition to enlarge hearing issues. Also, in the pleadings now before us, Glenwood has set forth the reasons why suc han affidavit could not have been submitted when the petition to enlarge issues was filed, and, in the absence of a contrary showing, we are not prepared to say that these reasons are either unbelievable or unacceptable.

[2] We agree with the Board that Glenwood has failed to aver sufficient facts concerning the participation of Glen Allen Lee Bell in this allegedly illegal translator station; that Bell's hearing testimony refutes Glenwood's contentions; and that additional hearing issues in this respect are not warranted.

FEDERAL POWER COMMISSION

[Docket No. RP73–112]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Rate Change

JANUARY 24, 1974.

Take notice that Algonquin Gas Transmission Company (Algonquin), on December 26, 1973, tendered for filing Fourth Revised Sheet No. 3–A to its FPC Gas Tariff, Original Volume No. 1.

This sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in section 22 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1. The rate change is being filed to reflect higher purchased gas costs to be paid by Algonquin Gas to it supplier, Texas Eastern Transmission Corporation (Texas Eastern), effective January 1, 1974. Algonquin requests that the Commission waive the requisite notice and grant special permission to permit such Fourth Revised Sheet No. 3–A to become effective on January 1, 1974, which will synchronize Algonquin's rates with those of Texas Eastern filed to become effective on such date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 11, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–2580 Filed 1–30–74;8:45 am]

[Docket No. E–8445]

CAMBRIDGE ELECTRIC LIGHT CO.

Notice of Filing of Revised Fuel Adjustment Clause and Energy Charges

JANUARY 24, 1974.

Take notice that on January 11, 1974, Cambridge Electric Light Company (Cambridge) tendered for filing a revised fuel adjustment clause pursuant to paragraph (G) of the Commission's suspension order issued December 13, 1973, in this docket wherein the Commission directed Cambridge to file within 30 days of the date of issuance of said order a revised fuel adjustment clause consistent with the Commission's Opinion No. 633. The proposed revision is contained in Substitute Sheet No. 1 of 2 of Cambridge's Rate Schedule FPC No. 25.

Cambridge states that the revised fuel adjustment clause will result in a reduction in the revenues necessary to recover its costs of rendering service to the Town of Belmont, Massachusetts (Belmont) as demonstrated by the cost of service data for the twelve months period ending December 31, 1972, presented by Cambridge in its rate filing of October 12, 1973, in this docket. Cambridge states that in its original filing it proposed to increase billings to Belmont by $250,000 annually based upon the 1972 test year. Cambridge states that the effect of the revised fuel adjustment clause alone will result in an annual loss of $321,208 in the revenues required to render service to Belmont based upon the 1972 test year. Cambridge states that such loss would produce a rate decrease effective May 15, 1974. To offset this claimed revenue loss, Cambridge proposes to increase the energy charges in its suspended Rate Schedule FPC No. 25.

Cambridge states that the combined effect of the revised fuel adjustment clause and the increased energy charges contained in Substitute Sheet No. 1 of 2

of its Rate Schedule FPC No. 25 will not produce annual revenues in excess of the revenue requirements shown in its original filing in this docket nor will the tendered Substitute Sheet No. 1 of its Rate Schedule FPC No. 25 produce revenues in excess of that which would have been generated by the superseding rate schedule as filed with this Commission on October 12, 1973, in this docket.

Cambridge alternatively applies for special permission pursuant to section 35.17(b) of the Commission's Regulations under the Federal Power Act, if the Commission deems this to be required, to file the increased energy charges contained in the aforesaid Substitute Sheet No. 1 and proposes that such increased energy charges be made effective concurrently with the revised fuel adjustment clause.

Cambridge further states that copies of its filing have been served upon the Massachusetts Department of Public Utilities and designated representatives of the Town of Belmont.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Parties who have previously filed protests or petitions to intervene need not file new protests or petitions relating only to this notice. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-2581 Filed 1-30-74;8:45 am]

[Docket No. E-8597]

LONG SAULT, INC.

Notice of Filing of Rate Schedule

JANUARY 24, 1974.

Take notice that on January 16, 1974, Long Sault, Inc. (Long Sault), tendered for filing as a rate schedule an agreement dated December 20, 1973, which Long Sault states provides for the wheeling of emergency power by Long Sault from Cedar Rapids to Niagara Mohawk's circuits at Long Sault's Massena substation. According to Long Sault, the power will ultimately be transmitted to Consolidated Edison of New York, Inc. (Con. Ed.), the source of the power being Quebec Hydro-Electric Commission which Long Sault states has entered into an arrangement for delivery of this power to Con Ed to ease the New York energy crisis.

Long Sault requests that the agreement be approved as of January 1, 1974, (effective date of the agreement) and requests waiver of the Commission's notice requirements under Section 205(d) of the Federal Power Act and § 35.11 of the Commission's regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-2582 Filed 1-30-74;8:45 am]

[Docket No. E-8595]

MISSOURI POWER & LIGHT CO.

Notice of Filing of Electric Service Agreement

JANUARY 24, 1974.

Take notice that on January 14, 1974, Missouri Power & Light Company (Company), tendered for filing an Electric Service Agreement between Company and the City of Centralia, Missouri. Company states that this agreement supersedes, a similar one designated Missouri Power & Light Company Rate Schedule FPC No. 35 and that no changes were made in tariffs and conditions other than extending the terms of the agreement ten years from December 10, 1973 (date of the new agreement).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-2583 Filed 1-30-74;8:45 am]

[Docket No. CP74-171]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Application for Declaratory Order or a Certificate of Public Convenience and Necessity

JANUARY 24, 1974.

Take notice that on December 18, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-171 an application for an order declaring that certain gas purchase facilities may be constructed and operated under Applicant's presently effective gas purchase budget-type authorization, or, alternatively, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of such facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The specific facilities involved are approximately 0.8 mile of 8-inch pipeline and a measuring facility to be used for the purchase of gas from reserves of The California Company, a Division of Chevron Oil Company (Chevron), in Block 9, South Marsh Island area, offshore Louisiana. Applicant states that the 8-inch line will transport the gas from Chevron's platform in Block 9 to an existing offshore pipeline of Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) in Block 287 for transportation and redelivery by Michigan Wisconsin to Applicant at an existing point of interconnection between the two companies' systems near Lake Arthur, Cameron Parish, Louisiana.

Applicant states that it requests the declaratory order to remove uncertainty as to whether the proposed facilities, and similarly situated facilities required to purchase and receive other gas supplies, may be constructed under Applicant's gas purchase budget-type authorization when such gas will be taken into Applicant's system by means of a transportation service performed by another company or through an exchange arrangement. Applicant asserts that, although the facilities are not physically connected to its system, the overall impact and function of such facilities will be no different from that in which the connection is made directly to the purchasing pipeline.

Alternatively, and in the event the Commission should determine that the subject facilities may not be constructed and operated under budget-type authorization, Applicant requests, pursuant to section 7(c) of the Natural Gas Act, a certificate authorizing the construction and operation of such facilities. Applicant has entered into an agreement, dated June 14, 1973, with Michigan Wisconsin providing for the transportation of up to 5,000 Mcf of gas per day to be purchased by Applicant from Chevron in Block 9.

The total cost of the proposed facilities is estimated to be $378,100, which cost will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-2584 Filed 1-30-74;8:45 am]

[Docket No. CI74-253]

PENNZOIL CO.

Order Granting Intervention and Setting Date for Hearing

JANUARY 25, 1974.

On October 15, 1973 Pennzoil Company (Pennzoil) filed an application pursuant to section 7(c) of the Natural Gas Act,[1] and § 2.75 [2] of the Commission's General Policy Statements, the Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to Transwestern Pipeline Company (Transwestern) from the South Carlsbad Area, Eddy County, New Mexico at an initial rate of 53.0 cents per Mcf at 14.65 psia, pursuant to a 20-year contract dated February 12, 1969, as amended on June 12, 1973 and August 26, 1973, with annual escalations of 1.0 cent per Mcf, and tax reimbursement of 87.5 percent of any taxes in excess of those in effect as of October 1, 1973.

A petition to intervene was filed by the American Public Gas Association.

We find a hearing is necessary to determine whether the present and future public convenience and necessity will be served by certificating these sales and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the Section 2.75 procedures; that matter is now before the Court of Appeals, see n. 3. supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought.

No intervenor has questioned Transwestern's need for the additional natural gas supplies that will be available to it as a result of these purchases.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above named petitioner to intervene in this proceeding.

The Commission order:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), Docket No. CI74-253 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on March 12, 1974, 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursaunt to the Commission's Rules of Practice and Procedure.

(D) Pennzoil and any intervenor supporting the application shall file their direct testimony and evidence on or before February 5, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before February 22, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before March 1, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

(G) The above named petitioner is permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interest as specifically set forth in said petition for leave to intervene; and *provided, further,* That the admission of such interest shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Administrative Law Judge's decision shall be rendered on or before April 9, 1974. All briefs on exceptions shall be due on or before April 26, 1974, and replies thereto shall be due on or before May 10, 1974.

(I) The letter agreements between Pennzoil and Transwestern dated June 12, 1973 and August 26, 1973 are accepted for filing effective as of the date of initial delivery and designated as Supplement Nos. 4 and 5, respectively, to Pennzoil Company (Operator) et al. F.P.C. Gas Rate Schedule No. 22.

By the Commission.[5]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-2585 Filed 1-30-74;8:45 am]

FEDERAL RESERVE SYSTEM

COMBANKS CORPORATION

Order Approving Mortgage Banking Activities Through De Novo Subsidiary

ComBanks Corporation, Winter Park, Florida ("ComBanks"), a bank holding company within the meaning of the Bank Holding Company Act of 1956, has proposed under section 4(c)(8) of the Act and § 225.4(b)(1) of the Board's Regulation Y to engage in the activity of mortgage banking through a proposed new

[1] 15 U.S.C. 717, et seq. (1970).

[2] 18 C.F.R. 2.75.

[3] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas, Docket No. R-441, 48 F.P.C. 218 (issued August 3, 1972), appeal pending sub. nom. John E. Moss, et al. v. F.P.C., No. 72-1837 (D.C. Cir.)

[4] Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293, et al., 49 F.P.C. — (issued May 30, 1973), slip op. at para. 21, p. 5.

[5] Concurring statement of Commissioner Moody is filed as part of the original document.

subsidiary, ComBanks Mortgage Company, Winter Park, Florida. Such activity has been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1)).

Notice of the proposal, affording opportunity for interested persons to express comments and views, was duly published in a newspaper of general circulation in Orlando, Orange County, Florida, in accordance with the regulatory provision. The only objection to the proposal was received from Combank Mortgage Funding, Ltd., Chicago, Illinois ("Protestant"). The Federal Reserve Bank of Atlanta considered the adverse comments to be of a substantive nature and requested the Board to act directly on the proposal. The Reserve Bank informed ComBanks that the proposal was not to be consummated until specifically authorized by the Board. The Protestant originally requested that the Board schedule an oral hearing on its objection, but later withdrew such request.

The proposal has now been reviewed by the Board and its findings and decision are set forth hereinafter.

ComBanks controls eight banks, all located in the north-central (Orlando) Florida area, with aggregate deposits of $137.3 million as of June 30, 1973. ComBanks proposes to centralize the mortgage banking operations of its various banking subsidiaries by conducting its mortgage banking activities through the proposed de novo subsidiary, rather than staffing eight different mortgage banking departments at the various banking subsidiaries.

Protestant's opposition to ComBanks' proposal is based upon the allegation that the use of the name ComBanks Mortgage Company by ComBanks would constitute unfair competition to Protestant and would not result in greater convenience to the public inasmuch as the name would cause confusion among institutional lending organizations, developers, builders and the general public. Protestant contends that confusion would not be limited to a few people in Florida inasmuch as Protestant is nationally recognized in the mortgage banking field.

The test to determine the protential existence of unfair competition is whether the use of a similar corporate name by ComBanks is likely to cause confusion in the mortgage banking business as to the source of services or mislead the public to believe that ComBanks Mortgage Company is in some way connected with Protestant.

The Board finds that ComBanks is a regional multibank holding company which conducts its business primarily in the north-central (Orlando) Florida area where it also proposes to engage in mortgage banking activities through a de novo subsidiary.[1] Protestant is a Chicago-based mortgage company with a servicing volume slightly in excess of $50 million.[2] Based upon the facts of the record, the Board finds little basis for the contention of Protestant that ComBanks' use of the name ComBanks Mortgage Company would be confusing to institutional lending organizations, developers, builders and the general public. Institutional investors, developers, and builders are in general financially sophisticated individuals dealing in regional and national markets. It is unlikely that such individuals would confuse Chicago-based Combank Mortgage Funding, Ltd., with ComBanks Mortgage Company of Winter Park, Florida. Persons seeking permanent financing for 1–4 family residences, moreover, would not be likely to encounter confusion because such individuals generally obtain those mortgages within areas approximated by local banking markets. While Protestant does have one mortgage outstanding in Florida, it has not filed the necessary documents with the Secretary of State of the State of Florida to qualify to transact business as a foreign corporation in the State of Florida, an indication that it does not intend to become an active competitor in Florida in the near future. ComBanks Mortgage Company plans to operate almost exclusively within Florida. The potential overlap of common customers, therefore, seems insignificant given the size and geographic range of each company. Accordingly, the Board views the probability of confusion resulting from ComBanks' use of the name ComBanks Mortgage Company as insignificant, and, further, does not believe the public will be misled to believe that the new company is in some way connected with Protestant. The Board concludes that approval for ComBanks to engage in the activity of mortgage banking through a de novo subsidiary named ComBanks Mortgage Company will not result in unfair competition to Protestant.

The centralization of the mortgage banking activities of Applicant's banking subsidiaries through formation of a de novo mortgage banking subsidiary would appear to have no adverse effects on competition in any relevant area. Moreover, gains in efficiency should result from consolidation of ComBanks' mortgage banking activities.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, this application is approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or nay of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, of a holding company or any of its subject to the further condition that the proposed activities must be commenced within no less than three months after the effective date hereof unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective January 24, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-2562 Filed 1-30-74;8:45 am]

[1] ComBanks became a multibank holding company in 1967 and states that it has been engaged in mortgage banking through its lead bank since that date.

[2] Protestant was incorporated in June 1971 and has been engaged in mortgage banking since that date.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher and Holland.

FIRST AT ORLANDO CORP.

Acquisition of Bank

First at Orlando Corporation, Orlando, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The First American Bank of Pensacola, Pensacola, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 21, 1974.

Board of Governors of the Federal Reserve System, January 25, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-2565 Filed 1-30-74;8:45 am]

ELLIS BANKING CORP.

Order Approving Acquisition of Bank

Ellis Banking Corporation, Bradenton, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of Parkway National Bank of Tallahassee, Tallahassee, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 19 banks with aggregate deposits of $561.7 million representing about 2½ percent of total deposits in commercial banks in Florida and is the eighth largest banking organization in the State.[1] Acquisition of Bank (deposits of $16.4 million) would not significantly increase the concentration of banking resources in the State.

Bank ranks as the fifth largest banking organization in the market with a market share of approximately 6 percent of total deposits in the market.[2] The leading organization in the market controls three banks while the second and third ranking organizations each control two banks in the market. These three organizations control, in the aggregate, over 80 percent of deposits in commercial banks in the market. Applicant's closest banking subsidiary to Bank is approximately fifty miles distant and there is no substantial existing competition between any of Applicant's banking subsidiaries and Bank; nor is there a reasonable probability of substantial future competition developing between any of these banking subsidiaries and Bank due to, among other reasons, the distances involved and Florida branching law. Applicant is not a likely de novo entrant into the relevant banking market due to the relative unattractiveness of that market as measured by the ratios of population and deposits per banking office compared to Statewide ratios. Moreover, acquisition of Bank by Applicant may enhance competition in the market by enabling Bank to be a more effective, aggressive competitor for the three large organizations which together dominate the market. Based on the facts of record, the Board concludes that competitive considerations of the application are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks and Bank are regarded as generally satisfactory particularly in view of Applicant's commitment to add capital to certain of its subsidiary banks. These considerations are consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served lend some weight for support of approval of the application since Applicant's acquisition of Bank will enable the latter to expand its activities into such areas as development and construction financing and will also enable Bank to increase its management expertise. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective January 24, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-2563 Filed 1-30-74;8:45 am]

[1] All banking data are as of June 30, 1973, and represent bank holding company formations and acquisitions approved by the Board through December 31, 1973.

[2] The relevant banking market is approximated by Leon County.

PEOPLES STATE BANKSHARES, INC.

Formation of Bank Holding Company

Peoples State Bankshares, Inc., Rossville, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 81 percent or more of the voting shares of Peoples State Bank, Rossville, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 21, 1974.

Board of Governors of the Federal Reserve System, January 25, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-2564 Filed 1-30-74;8:45 am]

UNITED FIRST FLORIDA BANKS, INC.

Acquisition of Bank

United First Florida Banks, Inc., Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Deland State Bank, Deland, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 21, 1974.

Board of Governors of the Federal Reserve System, January 25, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-2566 Filed 1-30-74;8:45 am]

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

GENERAL SERVICES ADMINISTRATION

[F.P.M.R. Temp. Reg. E-28]

ACQUISITION OF SEDANS, STATION WAGONS, AND LIGHT TRUCKS

Policies and Procedures

1. *Purpose.* This regulation prescribes policies and procedures to be followed in the acquisition of sedans, station wagons, and light trucks covered by Interim Federal Standards Numbers 00122, 00292, and 00307.

2. *Effective date.* This regulation is effective January 31, 1974; however, requisitions for motor vehicles received and being processed by GSA prior to the date of this regulation are exempt from the policy and procedures contained herein.

3. *Expiration date.* This regulation expires June 30, 1974, unless sooner revised or superseded. Prior to the expiration date, this regulation will be codified in the permanent regulations of GSA appearing in Title 41, CFR, Public Contracts and Property Management.

4. *Applicability.* The provisions of this regulation apply to all executive agencies. Other Federal agencies, including nonappropriated fund activities, are encouraged to conform so that maximum benefits may be realized.

5. *Background.* To further the President's program for achieving reduction in the consumption of the Nation's energy by Government agencies, policy guidance has been developed and published in Federal Management Circular (FMC) 74-1, Federal energy conservation. In consonance with the general policy contained therein, this regulation specifically restricts acquisition of motor vehicles by executive agencies to subcompact or compact vehicles to the extent practicable in consideration of the accomplishment of agencies' missions.

6. *Acquisition of sedans, station wagons, and light trucks.* In furtherance of the objective stated in par. 5, agencies shall acquire sedans, station wagons, and light trucks equipped with engines and accessories which will achieve the maximum reduction in energy consumption commensurate with optimum achievement of their missions and functions. Agencies shall follow the policy and procedures set forth below when requisitioning, leasing, or renting sedans, station wagons, and light trucks. With respect to leasing, agencies in conforming to the requirements of FPMR Temporary Regulation E-26, Leasing of motor vehicles, dated November 28, 1973, shall request GSA to provide vehicles which make full utilization of the provisions of subcompact and compact vehicles.

a. *Sedans and station wagons.* With respect to the purchase or rental of sedans and station wagons, agencies shall acquire only those vehicles as defined in Interim Federal Standard Number 00122 as type I, class A, subcompact; or class B, compact passenger vehicles.

(1) Requisitions for new passenger vehicles submitted to the General Services Administration for other than type I,

class A or class B vehicles shall contain a certification by the agency head or his designee that the larger vehicle requisitioned is essential to the agency's mission. The certification may be placed on the GSA Form 1781, Motor Vehicle Requisition—Delivery Order—Invoice; military interdepartmental purchase request (MIPR); other acceptable requisitioning document; or on an appropriate attachment thereto. Agency passenger vehicle requisitions for other than type I, class A or class B vehicles omitting such certification shall be satisfied with the appropriate type I, class A or class B vehicle at the discretion of GSA.

(2) Agencies renting motor vehicles under Federal Supply Schedule contract, Industrial Group 751—Motor Vehicle Rental Without Driver, shall conform to the provisions of this regulation with respect to full utilization of subcompact and compact vehicles.

b. *Light trucks.* Requirements for light trucks shall be requisitioned in accordance with the provisions of this regulation, FPMR 101–26.501, and Interim Federal Standards Nos. 00292 (Tables I through VIII) and 00307 (Tables I through XI) as applicable. The agency head or his designee shall certify on the GSA Form 1781 or other appropriate document that each light truck requisitioned represents the minimum capacity/performance vehicle which will satisfy the requirements in consideration of overall safety, economy, and efficiency.

c. *Additional systems and equipment.* The procurement of additional systems and equipment for new sedans, station wagons, and light trucks under the provisions of FPMR 101–26.501(a) shall be accomplished only after the essentiality of the additional systems and equipment has been considered in terms of the primary objective of reduced fuel consumption as opposed to the end use of the vehicle.

7. *Assistance.* The General Services Administration will assist agencies in the acquisition of motor vehicles. Information pertaining to related specifications and standards may be obtained from the Automotive Standards Division (FMA), telephone (703) 557–7525. Inquiries concerning motor vehicle procurement matters may be obtained from the Automotive Branch (FPNM), telephone (703) 557–8300. The mail address for these organizations is General Services Administration ((FMA) or (FPNM), as applicable), Washington, D.C. 20406.

8. *Effect on other issuances.* This regulation cancels FPMR Bulletin E–118, Acquisition of sedans, station wagons, and trucks, dated August 1, 1973, and supplements the policy contained in FPMR 101–26.501.

9. *Comments or suggestions.* Agency views concerning the effect or impact of this regulation on agency operations or programs should be submitted to General Services Administration (FF), Washington, D.C. 20406, no later than March 1, 1974, for consideration and possible incorporation into the permanent regulation.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 28, 1974.

[FR Doc.74–2644 Filed 1–30–74;8:45 am]

[F.P.M.R. Temp. Reg. G–15]

REDUCTION IN MOTOR VEHICLE FUEL CONSUMPTION

Policies and Procedures

1. *Purpose.* This regulation prescribes policies and procedures to be followed to achieve a 20 percent reduction in fuel consumed by Government-owned, commercially leased or rented, and privately owned vehicles authorized for use on official Government business.

2. *Effective date.* This regulation is effective January 31, 1974.

3. *Expiration date.* This regulation expires December 31, 1974, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all executive agencies. Other Federal agencies are urged to establish similar policies and procedures to ensure that maximum benefits may be realized in reducing fuel consumption by all Government-owned and operated motor vehicles and privately owned vehicles used on official Government business.

5. *Background.* In consonance with the President's program to achieve further reduction in energy consumed by all Federal agencies, it is essential that additional steps be taken immediately to reduce motor vehicle fuel consumption throughout the Federal Government. The Federal Energy Office policy requiring executive agencies to reduce their anticipated motor vehicle mileage by 20 percent was promulgated by GSA in Federal Management Circular (FMC) 74–1, Federal energy conservation. Specific policy guidance to assist agencies to achieve that objective is contained herein.

6. *General policy.* All executive agencies shall reduce by 20 percent the number of miles operated by their motor vehicles to achieve a corresponding reduction in fuel consumed. This includes all Government-owned, commercially leased or rented, and privately owned vehicles used on official Government business but excludes motor pool vehicles which are subject to the provisions of FPMR Temporary Regulation G–13, Reduction in fuel consumed by sedans, station wagons, and trucks in the Interagency Motor Pool System, as amended.

7. *Agency action.* Agencies shall achieve a 20 percent reduction in miles operated by all agency-owned, commercially leased or rented, and privately owned vehicles used for official Government business. The guidelines in attachment A shall be implemented to the maximum extent feasible commensurate with the achievement of agency missions to achieve a 20 percent reduction in miles operated.

8. *Reporting requirements.* a. Each agency shall prepare reports as specified below on mileage, fuel use, and fuel savings on agency motor vehicle operations subject to this regulation. Agency reports shall be submitted to the General Services Administration (FZ), Washington, D.C. 20406, by the 10th working day of the month following the end of the reporting period, unless otherwise specified. However, such reports due for the month ending January 31, 1974, need not be reported until February 22, 1974. (The reports required by this regulation are in conformance with the provisions of FPMR 101–11.11 and have been assigned Interagency Reports Control Number 0018–GSA–OG–W.)

(1) *Reduction in miles traveled in agency-owned and commercially leased vehicles.* Commencing January 31, 1974, each agency shall submit a monthly report of the number of vehicles in use and miles traveled in agency-owned and commercially leased vehicles (vehicles leased for 30 calendar days or more). This report shall include the number of vehicles in use and miles traveled in the corresponding month of Fiscal Year 1973. End-of-month totals and the percent reduction achieved in miles traveled during the month shall be reported in accordance with the format and instructions specified in attachment B.

(2) *Reduction in miles traveled in commercially rented and privately owned vehicles used on official business.* Commencing January 31, 1974, each agency shall submit a monthly report of miles traveled in commercially rented vehicles (vehicles rented for periods of less than 30 calendar days) and privately owned vehicles authorized for use on official Government business. This report shall include the miles traveled in the corresponding month of Fiscal Year 1973, if available. End-of-month totals and the percent reduction achieved during the month shall be reported in accordance with the format and instructions specified in attachment C.

(3) *Motor vehicle energy conservation performance.* Agencies which submitted first quarter Fiscal Year 1974 energy conservation performance reports to the Office of Energy Conservation (OEC) shall submit a report on energy conservation performance of motor vehicle operations subject to this regulation for the second quarter of Fiscal Year 1974 and for each subsequent quarter thereafter within 45 calendar days after the end of the reporting period. The report shall include the amount of fuel used for the corresponding period of Fiscal Year 1973. Quarterly totals and the percent reduction achieved during the reporting period shall be reported in accordance with the format and instructions specified in attachment D. This report is a continuation of the motor vehicle portion of the energy conservation performance report formerly submitted to OEC.

b. Upon receipt of each agency's reports, GSA will review the reports and

forward a consolidated report to the Federal Energy Office with appropriate comments.

c. Agencies which have achieved a significant increase in their motor vehicle utilization rate as a result of a decrease in the number of vehicles held, or newly established agencies which have insufficient prior information on which to establish a base line for measuring mileage reduction, should contact the office referenced in paragraph 9 below, for assistance in establishing the appropriate base line.

9. *Assistance.* Each agency may request the assistance of GSA in complying with the provisions of this regulation by contacting the General Services Administration (FZT), Washington, D.C. 20406, telephone number: (703) 557-3075.

10. *Appeal procedures.* An agency which believes that it cannot achieve a 20 percent overall reduction in mileage because of extenuating circumstances shall appeal in writing to the Administrator of General Services (A), Washington, DC 20405. GSA will review the appeal and submit it with recommendations to the Federal Energy Office for a final decision. Exceptions will be considered for vehicles used in emergencies or essential health services.

11. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations should be submitted to the General Services Administration (FF), Washington, DC 20406, no later than March 1, 1974, for possible incorporation into the permanent regulation.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 28, 1974.

APPENDIX A

FUEL SAVINGS AND MILEAGE REDUCTION GUIDELINES

a. Maintain stringent control of the use of motor vehicles pursuant to the provisions of 31 U.S.C. 638a(c)(2).

b. Use public transportation whenever possible.

c. Reduce vehicle use through curtailment of low priority programs.

d. Reduce frequency of security patrols, recruitment activities, and other activities not necessary for the safety and welfare of the general public.

e. Reduce recall of vehicles in storage because of seasonal use.

f. Prohibit the use of vehicles on Saturdays, Sundays, and holidays, except for essential purposes.

g. Establish tight criteria for use of air-conditioning in vehicles.

h. Enforce disciplinary action against drivers exceeding established speed limits for vehicles covered by this regulation.

i. Review truck assignments to determine whether smaller size vehicles can be used. This review will emphasize replacement of pickups and other light trucks used for passenger carrying operations.

j. Review shuttle or group movement operations to ensure that passenger carrying vehicles are utilized to rated capacity.

k. Extend engine oil changes to 6,000-mile intervals for vehicles not under warranty.

l. Establish training programs to ensure observation of proper driving and maintenance practices as set forth in GSA Bulletin FPMR G-82, Conservation of motor vehicle fuels.

APPENDIX B

REDUCTION IN MILES TRAVELED IN AGENCY-OWNED AND COMMERCIALLY LEASED VEHICLES

Agency: _____ Report for month ending: _____

Refer questions to: _____ Telephone: _____

Vehicle class	Vehicles base period	Vehicles current period	Mileage base period	Adjusted base	Mileage current period	Percent reduction
	(1)	(2)	(3)	(4)	(5)	(6)
Agency-owned:						
Sedans						
Station wagons						
Light trucks						
Heavy trucks						
Subtotal						
Commercially leased:						
Automobiles						
Trucks						
Subtotal						
Total						

Each agency shall report monthly on miles traveled in agency-owned and commercially leased vehicles in the above format and in accordance with the following:

1. *Definitions.* a. The "base period" used for this report (cols. 1 and 3) shall be the corresponding month of Fiscal Year 1973.

b. "Commercially leased vehicles" are those leased for 30 calendar days or more from other than GSA motor pools.

c. "Light trucks" are trucks having a gross vehicle weight rating (GVWR) of less than 12,500 pounds; i.e., one-ton, three-quarter-ton, and half-ton trucks.

d. "Heavy trucks" are trucks having a GVWR of 12,500 pounds and over.

e. "Automobiles" include sedans and station wagons.

2. *Entries.* Complete the report headings including the name of an official to whom questions concerning this report may be referred. Enter the number of vehicles operated and miles traveled during the current reporting period and corresponding month of Fiscal Year 1973 for each vehicle class in columns 1, 2, 3, and 5.

3. *Calculations.* The base line for measuring an agency's percent reduction in miles traveled shall be the miles operated in the corresponding period of Fiscal Year 1973 adjusted for subsequent changes in the number of agency-owned and commercially leased vehicles operated by the agency. The adjusted base (col. 4) and percent reduction (col. 6) shall be calculated for each vehicle class, subtotal, and total mileage using the following formulas:

a.

$$\frac{\text{Vehicles Current Period (col. 2)}}{\text{Vehicles Base Period (col. 1)}} \times \text{Mileage Base Period (col. 3)} = \text{Adjusted Base (col. 4)}$$

b.

$$\frac{\text{Adjusted Base (col. 4)} - \text{Mileage Current Period (col. 5)}}{\text{Adjusted Base (col. 4)}} \times 100\% = \text{Percent Reduction (col. 6)}$$

If negative value, show result as percent increase by placing result in parentheses. Enter percent reduction in column 6.

APPENDIX C

REDUCTION IN MILES TRAVELED IN COMMERCIALLY RENTED AND PRIVATELY OWNED VEHICES USED ON OFFICIAL BUSINESS

Agency: _____ Report for month ending: _____

Refer questions to: _____ Telephone: _____

Vehicle class	Mileage base period	Adjusted base	Mileage current period	Percent reduction
	(1)	(2)	(3)	(4)
Commercially rented				
Privately owned				
Total				

Each agency shall report monthly on miles traveled in commercially rented and privately owned vehicles (POV) used on official business in the above format and in accordance with the following:

1. *Definitions.* a. The "base period" used for this report (col. 1) shall be the corresponding month of Fiscal Year 1973.

b. "Commercially rented vehicles" are those rented for less than 30 calendar days, excluding charter services and vehicles obtained from GSA motor pools.

2. *Entries.* Complete the report headings including the name of an official to whom questions concerning this report may be referred. Enter the number of miles traveled during the current reporting period for commercially rented vehicles and for POV's and the total of the two entries in column 3. Enter the number of miles traveled in the corresponding month of Fiscal Year 1973 for each class, if available, and the total of the two entries in column 1.

3. *Calculations.* The base line for measuring an agency's percent reduction in miles traveled shall be the miles operated in the correponding period of Fiscal Year 1973 (col. 1), if available. If not available, the average of the miles traveled in January and February 1974 shall be used as the base line for measuring the percent reduction and no entry made in col. 4 until submission of the report for the month ending March 31, 1974. If appreciable increases or decreases in the use of vehicles since the base period have resulted from programed changes or actions taken to conform to new statutory or regulatory requirements, the base period mileage (col. 1) may be adjusted. When an adjusted base (col. 2) is used, a complete explanation of the impact of programed changes or of legal requirements upon the use of vehicles by the agency shall be attached to the report. The percent reduction (col. 4) shall be calculated for each vehicle class and total mileage using one of the following formulas, as appropriate:

a. If base period mileage (col. 1) is shown, but no adjusted base (col. 2) is used, then:

$$\frac{\text{Mileage Base Period (col. 1)} - \text{Mileage Current Period (col. 3)}}{\text{Mileage Base Period (col. 1)}} \times 100\% = \text{Percent Reduction (col. 4)}$$

b. If no base period mileage (col. 1) and no adjusted base (col. 2) is shown, then:

$$\frac{\text{Mileage January 1974} + \text{Mileage February 1974}}{2} = \text{Average Mileage}$$

$$\frac{\text{Average Mileage} - \text{Mileage Current Period (col. 3)}}{\text{Average Mileage}} \times 100\% = \text{Percent Reduction (col. 4)}$$

c. If an adjusted base (col. 2) is shown, then:

$$\frac{\text{Adjusted Base (col. 2)} - \text{Mileage Current Period (col. 3)}}{\text{Adjusted Base (col. 2)}} \times 100\% = \text{Percent Reduction (col. 4)}$$

If percent reduction is a negative value, show result as a percent increase by placing result in parentheses.

Enter percent reduction in column 4.

APPENDIX D

MOTOR VEHICLE ENERGY CONSERVATION PERFORMANCE

Agency: _____ Report for quarter ending: _____

Refer questions to: _____ Telephone: _____

Motor vehicle operations	Fuel use base period	Adjusted base	Fuel use current period	Percent reduction
	(1)	(2)	(3)	(4)
Automotive gasoline:				
Gallons (in thousands)				
Btu's (in billions)				
Diesel oil:				
Gallons (in thousands)				
Btu's (in billions)				
Total Btu's (in billions)				

Agencies which submitted first quarter Fiscal Year 1974 energy conservation performance reports to the Office of Energy Conservation shall report quarterly on fuel use in motor vehicle operations subject to this regulation in the above format and in accordance with the following:

1. *Definitions.* a. The "base period" used for this report (col. 1) shall be the corresponding quarter of Fiscal Year 1973.

b. "Motor vehicle operations" include agency-owned, commercially leased and rented vehicles, and privately owned vehicles used on official business, but exclude GSA motor pool vehicles.

2. *Entries.* Complete the report headings including the name of an official to whom questions concerning this report may be referred. Enter the gallons (in thousands) of gasoline and diesel oil used for the base period (col. 1) and the current reporting period (col. 3). If the base should be different than the fuel use shown for the corresponding period of Fiscal Year 1973 (col. 1) because of changes in programs and operations, then enter in column 2 the energy use which might reasonably be expected. When used, the adjusted base (col. 2) shall be footnoted with an explanation of the program change and the method of calculation used in adjusting the base period mileage. If the level of agency activities is essentially unchanged, no entry shall be made in column 2.

3. *Conversion of gallons to BTU's.* Enter the number of BTU's corresponding to the energy content of the gallons of gasoline and diesel oil shown in columns 1, 2, and 3. All conversions are to be made using the following conversion factors:

1 gallon of automotive gasoline = 125,000 BTU
1 gallon of diesel oil = 138,700 BTU

Enter the total BTU's (in billions) for gasoline and diesel oil in columns 1, 2, and 3.

4. *Percent reduction.* Calculate the percent reduction achieved in gasoline, diesel oil, and total fuel use using the following formula:

Fuel Use Base Period (col. 1 or col. 2 if used) — Fuel Use Current Period (col. 3)
Fuel Use Base Period (col. 1 or col. 2 if used)
× 100% = Percent Reduction

If percent reduction is a negative value, show result as a percent increase by placing result in parentheses. Enter percent reduction in column 4.

[FR Doc.74-2646 Filed 1-30-74;8:45 am]

[F. P. M. R. Temp. Reg. G-14]

VEHICLE ENGINE TUNEUP FREQUENCY

1. *Purpose.* This regulation prescribes the minimum frequency for vehicle engine tuneups for all federally owned, commercially designed motor vehicles.

2. *Effective date.* This regulation is effective January 31, 1974.

3. *Expiration date.* This regulation expires June 30, 1974, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all executive agencies. Other Federal agencies are encouraged to conform so that maximum benefits may be realized in reducing fuel consumption and vehicle emissions by Government-owned motor vehicles.

5. *Background.* In consonance with the President's program to reduce energy consumption, the Federal Energy Office has established guidelines for achieving a reduction in the amount of fuel consumed by the Federal motor vehicle fleet. Policy guidance in this regard is included in Federal Management Circular (FMC) 74-1, Federal energy conservation, and, as relates specifically to vehicle engine tuneup frequency, in this regulation.

6. *Agency action.* Each agency shall take positive action to ensure that all Government-owned, commercially designed motor vehicles have a tuneup at least every 12,000 miles or 12 months, whichever occurs first. Vehicle engines shall be maintained in accordance with the manufacturer's recommended specifications to maximize fuel economy and to minimize exhaust pollution.

7. *Effect on other issuances.* This regulation augments the requirements established in FPMR 101-38.10, Preventive Maintenance of Motor Vehicles.

8. *Comments or suggestions.* Agency views concerning the effect of this regulation on agency operations or programs should be submitted to the General Services Administration (FF), Washington, D.C. 20406, no later than March 1, 1974, for consideration and possible incorporation into the permanent regulations.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 28, 1974.

[FR Doc.74-2645 Filed 1-30-74;8:45 am]

[Federal Property Management Regulations; Temporary Reg. F-206]

FEDERAL TELECOMMUNICATIONS SYSTEM SERVICES

Use in Lieu of Travel

1. *Purpose.* This regulation contains information concerning the use of Federal Telecommunications System facilities and services in lieu of travel. This is part of the major thrust of the Government's energy conservation program.

2. *Effective date.* This regulation is effective January 31, 1974.

3. *Expiration date.* This regulation expires December 31, 1974, unless sooner revised or superseded.

4. *General information.* To conserve energy, heads of Federal agencies are requested to initiate a program which will ensure that full consideration is given to the use of telecommunications facilities and services prior to the approval and authorization of official travel. The facilities and services available through the Federal Telecommunications System which should be considered are set forth in this regulation.

5. *Services available.* Group meetings as well as person-to-person meetings can be conducted via the communication services listed below.

a. *FTS telephone service.* The FTS network provides telephone service for official use to any Government or commercial telephone in the conterminous United States, Alaska, Hawaii, and the Commonwealth of Puerto Rico.

b. *Telephone conference service.* This service is available through local FTS switchboards for small conferences. For conferences which exceed local capacity, the Washington, D.C., switchboard can be used to connect up to 14 conferees simultaneously.

c. *Federal Telecommunications Record Centers.* These centers are located in all major metropolitan areas and provide facilities for all forms of communications services including facsimile and message transmission service.

d. *Advanced Record System (ARS).* This computer-directed data transmission system provides point-to-point or multiaddress teletypewriter service; message transmission to the TELEX, TWX, or ARTX networks; or refile of messages to Western Union's Public Message Service network. In addition, the ARS provides direct entry to a user's computer on a remote entry or interactive basis. Worldwide interchange of data with the Department of Defense's AUTODIN service is also available.

e. *Facsimile and data transmission service.* On request and justification GSA will arrange for installation of equipment which, when used in conjunction with the FTS, will permit transmission of facsimile and data traffic to FTS subscribers with compatible equipment.

6. *Further information.* For information on any of the above services, telephone the Agency Services Coordination Division, Automated Data and Telecommunications Service, in the GSA regional office serving your area, as follows:

Region 1: Boston, MA, 617-223-6277.
Region 2: New York, NY, 212-264-8349, 212-264-3589.
Region 3: Washington, DC, 202-963-4900.
Region 4: Atlanta, GA, 404-526-5772.
Region 5: Chicago, IL, 312-353-5406.
Region 6: Kansas City, MO, 816-926-7540.
Region 7: Fort Worth, TX, 817-334-3684.
Region 8: Denver, CO, 303-234-2466.
Region 9: San Francisco, CA, 415-556-7877.
Region 10: Auburn, WA, 206-833-5281.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 25, 1974.

[FR Doc.74-2559 Filed 1-30-74;8:45 am]

NATIONAL ARCHIVES ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that the National Archives Advisory Council will meet at the times and places indicated. Any interested persons may attend. For additional information, call or write the person shown below.

NATIONAL ARCHIVES ADVISORY COUNCIL

Meeting dates: March 21-23, 1974.

Times: March 21: 8 p.m.-10 p.m. March 22: 9 a.m.-5 p.m. March 23: 9 a.m.-12 noon.

Place: National Archives and Records Service, 8th and Pennsylvania Avenue, N.W. Washington, D.C. 20408.

Agenda: Recruitment, training and career development programs at NARS; building expansion plans; policy respecting National Archives Conferences and Conference papers; long range microfilm programs.

For further information: Dr. Frank G. Burke, Assistant Archivist for Educational Programs, National Archives and Records Service, Washington, D.C. 20408, 202-963-6404.

Issued in Washington, D.C. on January 24, 1974.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.74-2561 Filed 1-30-74;8:45 am]

Public Buildings Service

[Wildlife Order No. 114]

PORTION, ASTORIA FLEET RESERVE ASTORIA, OREG.

Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, Auburn, Washington, Regional Office dated January 14, 1974, the property comprising approximately 869.06 acres of land and more particularly described by attachment to the above-referenced letter, has been transferred to the Department of the Interior.

2. The above-described property was transferred for wildlife conservation purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b), as amended by Public Law 92-432.

Dated: January 23, 1974.

L. F. ROUSH,
Commissioner,
Public Buildings Service.

[FR Doc.74-2560 Filed 1-30-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

CENTRAL APPALACHIAN COAL CO. ET AL.

Applications for Initial Permits; Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4266–000, CENTRAL APPALACHIAN COAL COMPANY, Mine No. 4, Mine ID No. 46 01337 0, Montgomery, West Virginia.

(2) ICP Docket No. 4267–000, LOWE COAL COMPANY, Lowe No. 3 Mine, Mine ID No. 46 01675 0, Iaeger, West Virginia.

(3) ICP Docket No. 4269–000, HONEY CAMP COAL COMPANY, Mine No. 12, Mine ID No. 44 01653 0, Clintwood, Virginia.

(4) ICP Docket No. 4270–000, STREET AND WHITED COAL COMPANY, INC., Mine No. 3, Mine ID No. 44 01581 0, Patterson, Virginia.

(5) ICP Docket No. 4271–000, TWO ROSE COAL COMPANY, Mine No. 11C, Mine ID No. 15 04310 0, Hellier, Kentucky.

(6) ICP Docket No. 4272–000, RYE COVE COAL COMPANY, Mine No. 1, Mine ID No. 44 01246 0, Clinchport, Virginia.

(7) ICP Docket No. 4273–000, SUNRISE COAL COMPANY, INC., Pardee UG Mine, Mine ID No. 44 00292 0, Norton, Virginia.

(8) ICP Docket No. 4276–000, GILLILAND COAL COMPANY, Prit Chett No. 4 Mine, Mine ID No. 01 00373 0, Morris, Alabama.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 25, 1974.

[FR Doc.74–2510 Filed 1–30–74;8:45 am]

J. B. HURLEY COAL CO.

Applications for Initial Permits; Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4239–000, J. B. HURLEY COAL COMPANY, Mine No. 1, Mine ID No. 44 01711 0, Hurley, Virginia.

(2) ICP Docket No. 4242–000, JOHNS CREEK-ELKHORN COAL CORPORATION, Mine No. 2, Mine ID No. 15 02101 0, Kimper, Kentucky.

(3) ICP Docket No. 4243–000, GRAVITT COAL COMPANY, Gravitt No. 1 Mine, Mine ID No. 40 00719 0, Whitwell, Tennessee.

(4) ICP Docket No. 4262–000, KOVACH COAL COMPANY, Kovach No. 4 Mine, Mine ID No. 36 01787 0, Masontown, Pennsylvania.

(5) ICP Docket No. 4264–000, STEELE'S FORK MINING, Mine No. 1, Mine ID No. 44 00288 0, Coeburn, Virginia.

(6) ICP Docket No. 4265–000, CENTRAL APPALACHIAN COAL COMPANY, Coalburg, No. 1 Mine, Mine ID No. 46 01335 0, Montgomery, West Virginia.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed on or before February 15, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 25, 1974.

[FR Doc.74–2511 Filed 1–30–74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

Federal Graphics Advisory Panel; Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the Federal Graphics Advisory Panel to the National Council on the Arts will be held at 9:15 a.m. on February 1 in the 11th floor conference room of the Shoreham Building, 806 15th Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on February 1 from 9:15 a.m. to 12 noon on a space available basis. Accommodations are limited. The remaining portion of this meeting on February 1 is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for Arts, Washington, D.C. 20506, or call (202) 382–5871.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.74–2567 Filed 1–30–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

JANUARY 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 25, 1974 through February 3, 1974.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–2530 Filed 1–30–74;8:45 am]

[File No. 500–1]

DREW NATIONAL LEASING CORP.

Notice of Suspension of Trading

JANUARY 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Drew National Leasing Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 11:30 a.m. (e.d.t.) January 24, 1974 through February 2, 1974.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–2531 Filed 1–30–74;8:45 am]

[812–3437]

FORD INTERNATIONAL FINANCE CORP.

Filing of Application

JANUARY 22, 1974.

Notice is hereby given that Ford International Finance Corporation ("Applicant"), c/o Ford Motor Company, The American Road, Dearborn, Michigan, a

Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") for an order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant, a wholly owned subsidiary of the Ford Motor Company ("Ford"), a publicly held corporation, was organized by Ford in 1973 for the purpose of financing the foreign business operations of Ford in compliance with the applicable Foreign Direct Investment Regulations of the U.S. Department of Commerce, which were promulgated to support the balance of payments position of the United States.

In March 1973, Applicant issued and sold, through underwriters, to foreign purchasers, an aggregate of $75,000,000 principal amount of its convertible guaranteed debentures, due a maximum of 15 years from the date of issue. Applicant states that each underwriter represented that it would not offer or sell any of such debentures in the United States of America or its territories or possessions, or to citizens, nationals or residents thereof, or to residents of Canada, or to others for re-offering or resale in the United States or its territories, possessions, or to such citizens, nationals or residents, except with respect to sales to an underwriter or dealer which would agree that it was purchasing such debentures as principal and not for re-offering or resale in the United States or its territories or possessions, or to such citizens, nationals or residents. Ford has unconditionally guaranteed the principal, premium if any, interest and conversion relating to such debentures. Any additional debt securities of the Applicant which may be offered to the public in the future will be sold under substantially similar conditions.

Rule 6c–1 under the Act grants exemption from all provisions of the Act to subsidiaries of domestic companies ("Finance Subsidiaries") which are organized to finance the foreign operations of such companies, subject to certain conditions set forth in the Rule (including the condition set forth in Rule 6c–1(b)(6)) that at least 80 percent of the assets of the Finance Subsidiary consist of investments in or loans to foreign companies or domestic companies substantially all the business of which is conducted outside the United States.

Applicant, which was organized as a Finance Subsidiary, presently operates in conformity with the provision of Rule 6c–1 and is thus exempt from all the provisions of the Act. However, Applicant would like to be able to lend a portion or all of the proceeds of its foreign public offering to Ford. This would enable Ford to make investments directly in its foreign affiliates, rather than require Applicant to make such investments for Ford. Any funds loaned to Ford would, within a short time thereafter, be invested in a foreign affiliate of Ford, either as loans or as equity investments.

If Applicant financed the foreign operation of Ford's subsidiaries, by making loans to Ford, rather than by making direct loans to such subsidiaries, Applicant might not continue to be eligible for exemption from the Act under Rule 6c–1. Applicant, therefore, seeks an exemption from all provisions of the Act pursuant to section 6(c) of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that with respect to the question of whether it should be subject to the Act, it is irrelevant whether it finances Ford's foreign subsidiaries through loans to Ford or by direct loans to such subsidiaries.

Under the Internal Revenue Code as amended in 1971, it is no longer necessary, in order to exempt securities of a company from United States withholding tax, that 80 percent of the company's gross income be derived from sources without the United States. Debt obligations may presently be exempted from withholding tax if the issuer designates them as being subject to the Interest Equalization Tax and certain other conditions have been met.

The Applicant has designated its offering of debentures as subject to the IET and, because the other requirements for exemption from withholding taxes have also been met, no withholding tax will be applied to the interest paid on such debentures.

Applicant asserts that the public policy underlying the Act is not applicable to it because none of its securities, other than debt obligations, will be held by any person other than Ford or a subsidiary of Ford (none of which will be an investment company), and that all debt obligations issued by Applicant will be guaranteed by Ford and sold only to non-U.S. persons who will be ultimately entitled to look to Ford for satisfaction of their claims.

Applicant asserts, therefore, that its security holders do not require the protections afforded by the Act and that the requested exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The Applicant agrees that an order exempting it from each and every provision of the Act may be issued subject to the following conditions: (i) that the Applicant comply with all of the requirements of paragraph (b) of Rule 6c–1, except subparagraph 6 thereof, and (ii) that in the event that the IET is not reenacted, or is reenacted and expires or is repealed or the rate thereof is reduced to zero and such tax is not replaced by another tax providing a comparable deterrent to the purchase of Applicant's securities by U.S. persons, the Applicant not issue (except to Ford or a subsidiary of Ford which is not an investment company) any securities without a further order of the Commission; provided, however, that in the event that the Applicant becomes exempt from each and every provision of the Act pursuant to Rule 6c–1 under the Act or the Commission adopts, amends, or interprets a Rule under the Act which would exempt the Applicant from each and every provision of the Act, nothing contained in the order requested by this application, or the conditions to which it may be subject, shall preclude the Applicant from being exempt from the Act by virtue solely of the applicability of said Rule or interpretation.

Notice is further given that any interested person may, not later than February 15, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 15, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–2524 Filed 1–30–74;8:45 am]

[File No. 500–1]

HOME-STAKE PRODUCTION CO.

Notice of Suspension of Trading

JANUARY 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Home-Stake Production Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from

January 25, 1974 through February 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2527 Filed 1-30-74;8:45 am]

LAND AND LEISURE, INC.

Notice of Suspension of Trading

JANUARY 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Land & Leisure, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 11:30 a.m. (e.d.t.) January 24, 1974 through February 2, 1974.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2529 Filed 1-30-74;8:45 am]

[70-5337]

MISSISSIPPI POWER & LIGHT CO.

Post-Effective Amendment Proposing Increase in Amount of Authorized Short-Term Borrowings

JANUARY 24, 1974.

Notice is hereby given that Mississippi Power & Light Company ("MP&L"), P.O. Box 1640, Jackson, Mississippi 39205, an electric utility subsidiary company of Middle South Utilities, Inc. ("MSU"), a registered holding company, has filed a post-effective amendment to its previously amended declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

By Order dated June 1, 1973 (Holding Company Act Release No. 17977), the Commission authorized MP&L to, among other things, issue and sell short-term securities in the form of promissory notes issued to banks and/or commercial paper issued to a dealer in commercial paper, in an aggregate principal amount not to exceed $32,000,000 outstanding at any one time. MP&L now proposes to increase the aggregate principal amount of such short-term securities from $32,000,000 to $38,000,000, an amount of unsecured borrowing permissible under the provisions of MP&L's Articles of Incorporation, based on a capitalization of $382,946,743.35 as of November 30, 1973. In all other respects the transactions heretofore authorized and described in the above-mentioned Commission Order remain unchanged.

Bank borrowings would be from one or more of the following banks up to the maximum amounts listed:

Deposit Guaranty National Bank, Jackson, Miss	$3,000,000
First National Bank of Jackson, Miss	3,000,000
First National City Bank, New York, N.Y.	5,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	6,000,000
Total	17,000,000

MP&L maintains average daily operating balances with each of the Mississippi banks from which borrowings are proposed to be made to meet the requirements of such banks in respect of their service to MP&L. It may reasonably be expected that the New York City Banks would require the maintenance of compensating balances of up to 15 percent in respect of any such borrowings. The effective interest cost of the related borrowings, based on a prime rate of 10.0 percent would be approximately 11.7 percent per annum.

MP&L states that as of December 31, 1973, it had $15,000,000 of promissory notes outstanding. Construction expenditures for 1974 are estimated at $72,333,000 (exclusive of engineering and other expenditures for the Grand Gulf Nuclear Station, which MP&L is carrying forward pending the Commission's decision in the formation and financing of Middle South Energy, Inc. ("MSEI"), a subsidiary of MSU, File No. 70-5399). After application of internal cash funds and $20,615,000 expected to be received from MSEI for the sale, at cost, of the Grand Gulf Project, MP&L estimates that $24,300,000 of additional financing would be required to carry forward the 1974 program.

MP&L states that the funds to be derived from the proposed issuance and sale of the short-term securities would be used for construction, for carrying forward the Grand Gulf Project and for other corporate purposes. As such securities matured, they would be repaid or renewed out of funds then available from MP&L's operations, from the issuance and sale of similar securities or from permanent financing.

MP&L asserts that the issue and sale of additional commercial paper should be excepted from the competitive bidding requirements of Rule 50 pursuant to clause (a)(5) thereof because the commercial paper will have a maturity not in excess of 270 days, current rates for commercial paper for such prime borrowers as MP&L are published daily in financial publications and it is not practical to invite bids for commercial paper.

It is stated that no special fees and expenses are anticipated in connection with the additional borrowings referred to herein. It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 19, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration as further amended by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2526 Filed 1-30-74;8:45 am]

[File No. 500-1]

NATIONAL COMPUTER SERVICES CORP.

Notice of Suspension of Trading

JANUARY 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of National Computer Services Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 11:30 a.m. (e.d.t.) January 24, 1974 through February 2, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2528 Filed 1-30-74;8:45 am]

[70-5435]

SOUTHERN ELECTRIC GENERATING CO. AND ALABAMA POWER CO.

Notice of Proposal by Subsidiaries of Holding Company To Enter Into Agreement for Joint Operation of Combined Facilities

JANUARY 25, 1974.

Notice is hereby given that Alabama Power Company ("APCO"), 600 North 18th Street, Birmingham, Alabama 35291, an electric utility subsidiary company of The Southern Company ("Southern"), a registered holding company, and Southern Electric Generating Company ("SEGCO"), Central Bank Building, P.O. Box 2644, Birmingham, Alabama 35291, an electric utility subsidiary company of APCO and Georgia Power Company ("GPCO"), also an electric utility subsidiary of Southern, have filed a joint application-declaration and an amendment thereto with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a), 10, 12(b), and 12(f) of the Act and Rules 43, 45, 87(a)(3), 90 and 91 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said joint application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

SEGCO, whose common stock is owned 50 percent by APCO and 50 percent by GPCO, presently owns and operates the Ernest C. Gaston Steam Plant ("SEGCO Plant") near Wilsonville, Alabama, which plant has a combined steam electric and combustion turbine unit capacity of 1,019,680 kilowatts. The SEGCO Plant capacity is sold equally to APCO and GPCO pursuant to an agreement ("Contract") dated January 27, 1959. By order dated April 24, 1970, the Alabama Public Service Commission granted the petition of APCO to construct and install an additional steam electric unit of approximately 880,000 kilowatt capacity ("APCO Unit") at the existing SEGCO Plant site, such unit to be owned entirely by APCO. The amended application-declaration states that the APCO Unit, which is currently under construction, is expected to be operational in 1974.

The amended application-declaration further states that the decision to place the APCO Unit adjacent to the SEGCO Plant was based upon the conclusion that many facilities available at the SEGCO Plant and facilities to be constructed for the APCO Unit could be used on a joint basis in order to achieve savings in the combined operation and maintenance of the plants to the mutual benefit of SEGCO and APCO. To achieve these savings, it is deemed necessary to identify and designate those facilities owned by APCO and those owned by SEGCO which are useful in the joint operation of the units and to provide a method by which the fixed cost of owning, maintaining and operating such facilities may be allocated to APCO and SEGCO in accordance with their proportional usage thereof. To this end, the applicants-declarants seek authorization for an operating agreement ("Agreement"), heretofore entered into by and between them, which provides for a common work force, common materials and supplies and a common fuel coal pile.

The principal, but not exclusive, features of the proposed Agreement are as follows: (1) APCO will serve as agent for SEGCO for the purpose of operating, maintaining and making additions to and retirements from the SEGCO Plant; (2) APCO will serve as agent for SEGCO in procuring materials and supplies (including fuel) for the SEGCO Plant, as well as in performing accounting, invoicing and billing functions for SEGCO; (3) APCO will purchase the fuel coal, fuel oil, and other materials and equipment owned by SEGCO; (4) SEGCO will provide APCO with funds required for use as working capital; (5) SEGCO and APCO will identify and designate facilities used jointly and allocate costs and expenses incident to their use and maintenance; and (6) SEGCO will reimburse APCO for any liability incurred by APCO to its employees engaged in the operation and maintenance of the SEGCO Plant.

It is stated that the agency functions APCO will perform on behalf of SEGCO pursuant to the Agreement will be billed at actual costs (as defined in an accounting manual prepared by APCO and SEGCO for this purpose). The aforementioned sale by SEGCO and APCO of its fuel coal will be at the value shown on SEGCO's books (estimated at November 30, 1973, to be $7,500,000) at the time of the effectiveness of the Agreement. The purchase price of SEGCO's fuel oil will similarly be its book value as of that date (estimated at November, 1973, to be $26,000). Other items of materials, supplies and equipment, all to be purchased by APCO at book or net book value, will cost an estimated $140,000.

It is further represented that the obligations and benefits of GPCO under the Contract will not be directly affected by the proposed transaction. GPCO is not a party to the Agreement and will continue receiving its share of the capacity of the SEGCO Plant.

The fees, expenses and commissions incurred or to be incurred in connection with the proposed transactions will aggregate $21,000, which includes legal fees of $19,000. All fees, commissions, and expenses are to be allocated equally between APCO and SEGCO. It is stated in the amended application-declaration that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 19, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2533 Filed 1-30-74;8:45 am]

[File No. 500-1]

STRATTON GROUP, LTD.

Notice of Suspension of Trading

JANUARY 24, 1974.

The common stock of Stratton Group, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from January 25, 1974 through February 3, 1974.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2532 Filed 1-30-74;8:45 am]

[812-2880]

UNIFIED FUNDS, INC., ET AL.

Notice of Application

JANUARY 22, 1974.

Notice is hereby given that Unified Funds, Inc. ("Unified"), an Indiana corporation registered under the Investment Company Act of 1940 (the "Act") as a face-amount certificate company, Unified Mutual Shares, Inc. ("Mutual Shares"), and Unified Growth Fund, Inc.

("Growth Fund") (hereinafter referred to with Mutual Shares as the "Funds"), each of which is registered under the Act as a diversified, open-end, management investment company, and Unified Underwriters, Inc. ("Underwriters") (hereinafter referred to with Unified and the Funds as "Applicants"), 207 Guaranty Building, Indianapolis, Indiana 46204, have filed an application pursuant to section 6(c) of the Act to permit shares of the Funds to be sold without sales charges for cash proceeds received by holders of face-amount certificates issued by Unified upon maturity of such certificates. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Underwriters, an Indiana corporation and a broker-dealer registered under the Securities Exchange Act of 1934, promoted the organization of Unified and is the exclusive distributor of face-amount certificates issued by Unified. Furthermore, as of June 30, 1973, Underwriters owned 253,450 shares or 54 percent of Unified's outstanding common stock.

Mutual Shares, which has a policy of investing only in securities of a kind and quality permissible at the time of purchase for investment by life insurance companies under provisions of the Code of the District of Columbia, was organized by Underwriters in 1963. In 1970, Underwriters organized Growth Fund which has an investment objective of capital appreciation through investment in securities considered to have possibilities of capital growth. Underwriters acts as the principal underwriter for an investment adviser to each of the Funds.

Unified has issued two basic types of certificates. The initial series of certificates issued by Unified and each of the eight subsequent series were issued with respect to a separate and segregated fund that was created for each separate series. Each of these series have the following features: installment payments received from the certificate holders (less applicable sales charges) are deposited and retained in a separate fund to which that series relates; each fund matures upon maturity of the last certificate issued with respect to that fund; and, upon the maturity of a fund, earnings realized within each fund are divided among and distributed in such proportion as is provided in the respective certificate agreement to (1) those investors who have held their certificates to maturity and (2) the general funds of Unified. Seven of these nine series of installment type certicates have matured and their maturity values and earnings have been distributed. After 1963, Unified limited its offering of face-amount certificates to a series of fixed yield installment type certificates and a series of single payment certificates.

On October 31, 1970, Unified stopped offering new face-amount certificates, but continued receiving payments on existing certificates, because of a concern by its management that a face-amount certificate program might no longer constitute a viable investment vehicle because of the difficulty of providing a return comparable to other savings and investment programs. In recent months, the management of Unified has decided that a proposed phase-out and liquidation of that company was unfair and unacceptable both to the shareholders of Unified, and to holders of outstanding face-amount certificates, and that due to a change in financial conditions since 1970, the operation of a face-amount certificate program would be economically feasible. Therefore, Unified will soon commence a public offering of a new series of face-amount certificates.

Applicants propose to offer holders of face-amount certificates, presently outstanding and to be offered by Unified, the right to invest the cash proceeds of their certificates, upon maturity, in shares of either Mutual Shares or Growth Fund, without any deduction for sales charges.

Applicants state that certificate holders will be informed of the proposed investment offer, upon the maturity of their respective certificates, by a written communication which will describe the terms of the offer and will contain an appropriate form enabling each such holder to direct delivery of the maturity value of his matured certificate to the Fund selected by him. The notice will be accompanied by copies of then currently effective prospectuses of each of the Funds. A certificate holder who elects not to accept Applicant's proposed offer will receive the maturity amount of his certificate in cash. Applicants assert that the offer will afford such holders an opportunity to apply the proceeds received by them upon the maturity of the certificates held by them to the purchase of shares of Mutual Shares or the Growth Fund without additional sales charges. Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. The prospectus of both Funds state that a sales commission is included in the offering price of the shares of the Funds.

Applicants state that holders of matured certificates will have already incurred sales charges on their certificate investment and that since the offer does not involve any of the normal sales activities of Underwriters it is appropriate that shares of the Funds be offered without any sales charges. Applicants further represent that expenses incurred in printing prospectuses of the Funds and mailing the necessary materials to inform certificateholders of the proposed offer will be borne solely by Underwriters.

Section 6(c) of the Act authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 19, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant's at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued by the Commission as of course following February 19, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2523 Filed 1-30-74;8:45 am]

UNITED CONTINENTAL GROWTH INVESTMENT PROGRAMS ET AL.

Notice of Application

JANUARY 22, 1974.

Notice is hereby given that United Continental Growth Investment Programs ("Growth Programs"), United Vanguard Investment Programs ("Vanguard Programs"), and United Income Investment Programs ("Income Programs") (collectively referred to as "the Programs"), each of which is registered as a unit investment trust under the Investment Company Act of 1940 (the "Act"), and Waddell & Reed, Inc., One Crown Center, P.O. Box 1343 Kansas City, Missouri 64141 a Massachusetts corporation which is the sponsor and depositor of each of the Programs (collectively referred to with Programs as "Applicants") have filed an application pursuant to section 11(c) of the Act for an order of the Commission permitting certain exchanges between plans issued by Income Programs and plans issued by the other Programs and pursuant to section 6(c) of the Act for an exemption from the provisions of section 22(d) of the Act in connection with such exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Programs are contractual periodic payment plans. The Vanguard Program certificates and the Growth Program certificates are being sold on a front-end basis whereunder 20 percent (slightly less on Programs of larger completion amounts) are deducted from the first 36 payments for sales commissions. It is proposed that exactly the same deductions will be made from Income Programs. Payments on the plans issued by Growth Programs, Vanguard Programs and plans to be issued by Income Programs, after deduction for sales load, are, or will be, invested in shares of United Continental Growth Fund, Inc. ("Growth"), United Vanguard Fund, Inc. ("Vanguard"), and United Income Fund ("Income") respectively. Growth and Vanguard are open-end investment companies registered under the Act and Income is a series of United Funds, Inc., also an open-end management investment company registered under the Act. Waddell & Reed, Inc., the sponsor and depositor of each of the Programs, acts as the investment adviser and principal underwriter for each of the underlying funds.

Applicants propose to offer holders of Income Programs the privilege of exchanging an Income Program for a Growth Program or Vanguard Program of the same completion amount and to offer holders of Growth Programs or Vanguard Programs the privilege of exchanging their Programs for an Income Program of the same completion amount. A charge of $5 would be made for each exchange. For purposes of determining the sales charges to be deducted from investments made after the exchange and the number of payments remaining to be made, the number of payments made under the original Program would be taken into account. Custodian fees and sales charges on each of the Programs are identical. In making an exchange, the underlying shares of the Program to be exchanged would be redeemed at their net asset value and the proceeds would be reinvested in the underlying shares of the Program to be acquired at the net asset value of such shares. The initial Program Certificate would be cancelled and a new Certificate for the Program being acquired would be issued.

To qualify for the exchange privilege, a Program holder must have owned the Program for at least sixty (60) days. The exercise of the privilege will not in any way alter the payment or other provisions of the Program or the remaining number of monthly payments to complete the Program. Waddell & Reed, Inc. reserve the right to terminate the privilege at any time. Such a conditioned exchange privilege currently exists between holders of Growth Programs and holders of Vanguard Programs.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such a company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of section 11(a) shall be applicable to any type of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. An exemption from section 22(d) is required because the above described exchanges would take place at relative net asset values rather than at the current public offering prices described in the relevant prospectuses which prices include sales charges.

Applicants state that each of the funds whose shares are acquired under the three Programs have different investment objectives. Applicants represent that if exchanges are permitted, an investor whose investment goals have changed could exchange his Program for another Program which invests in a fund whose investment objectives are more consistent with the investor's revised investment goals. This exchange could be made without the investor losing the advantages of prior investments, particularly the front-end load that he has at least paid in part. Applicants represent that the primary purpose of the front-end sales charge is to provide adequate compensation to sales representatives who solicit purchases of the Programs. They further represent that since no comparable sales effects are incurred in an exchange from one Program to another Program, it would be inappropriate and inequitable to impose additional front-end load charges or any other sales charges on the transaction.

Section 6(c) provides, in part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the Rules promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 19, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 19, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–2525 Filed 1–30–74;8:45 am]

TARIFF COMMISSION

[AA1921–137]

RACING PLATES (ALUMINUM HORSESHOES) FROM CANADA

Determination of Injury

JANUARY 24, 1974.

The Treasury Department advised the Tariff Commission on October 24, 1974, that racing plates (aluminum horseshoes) from Canada are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921–137 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation and of a hearing to be held in connection therewith was published in the FEDERAL REGISTER of November 2, 1973 (38 FR 30308). A public hearing was held on December 18, 1973.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of its investigation, the Commission[1] has unanimously determined that an industry in the United States is being injured by reason of the

[1] Commissioners Leonard and Young did not participate in the decision.

importation of racing plates (aluminum horseshoes) from Canada that are being sold at less than fair value within the meaning of the Antidumping Act, 1921 as amended.

STATEMENT OF REASONS [2]

In our opinion, an industry in the United States is being injured by reason of the importation of racing plates (aluminum horseshoes) from Canada that are being sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

The injured domestic industry. The imported aluminum horseshoes that are made in Canada by the Canadian Racing Plate Co., Ltd., Niagara Falls, Ontario, and sold in the United States at LTFV are virtually identical to those produced in the United States by The Victory Racing Plate Co., Baltimore, Md., and Thoro'bred Racing Plate Co., Anaheim, Calif. These two firms are the only U.S. producers of aluminum horseshoes and are therefore considered to be the U.S. industry for the purpose of this investigation.

Requirements of the statute. In order to make an affirmative determination under the Antidumping Act, it must be found that an industry in the United States is being injured or is likely to be injured, or is prevented from being established, and that such injury or likelihood of injury or prevention of establishment is by reason of the importation into the United States of the class or kind of foreign merchandise the Secretary of Treasury has advised is being, or is likely to be, sold at less than fair value. In the instant investigation, there is the requisite injury, and an identifiable cause of that injury is the importation of aluminum horseshoes from Canada sold at LTFV. A discussion of the elements of injury that are evident in this case and the causative relationship between such injury and the LTFV imports follows.

Market penetration. To determine whether there were sales at LTFV, the Treasury Department investigated the great bulk of the aluminum horseshoes imported from Canada during the period October 1972 through March 1973. The Department found that all of the sales it investigated were made at LTFV.

U.S. imports of aluminum horseshoes from Canada were insignificant prior to 1972; they accounted, for example, for less than 1 percent of apparent U.S. consumption of these articles in both 1970 and 1971. Thereafter, imports from Canada rose sharply. They constituted more than 10 percent of U.S. consumption in 1972 and January–October 1973. Although apparent U.S. consumption increased substantially in 1972, shipments of aluminum horseshoes by the U.S. producers declined because of the growth of the LTFV imports. Consumption continued to grow in January–October 1973; although both imports from Canada and shipments by domestic producers rose during the period, Canadian imports as a share of the U.S. market continued to increase.

Price effects. The rapid growth in sales of the Canadian-made horseshoes in the United States during 1972 and 1973 has been attributable to their sale at substantially lower prices than those of their domestic counterpart. Throughout that period, the Canadian aluminum horseshoes have been sold to distributors in the United States at prices about 20 percent below those of domestically produced aluminum horseshoes. Morever, because the Canadian supplier has sold directly to blacksmiths at the same price as to distributors, the Canadian horseshoes have undersold the domestic product by 40 percent at the blacksmith (retail) marketing level. Distributors of domestic horseshoes indicated that their customers who had switched to Canadian horseshoes had done so primarily because of the lower price of the Canadian product, which provided substantially larger profit margins to the blacksmiths using them. A significant part of the differences in prices between the imported and the domestically produced articles was made possible by the dumping margin—the difference between the home-market price in Canada (the "fair value") and the importers' purchase price for the Canadian horseshoes.

Conclusion. This case is a classic example of market encroachment resulting from price discrimination. The Canadian producer set the U.S. price for its horseshoes at a level it felt was necessary for the company to gain a foothold in the U.S. market and then to expand and consolidate its position as a major supplier to that market. The U.S. price of the Canadian product, which included a significant dumping increment, was fixed materially below the level of prices of domestic horseshoes. The large margins by which the LTFV imports of aluminum horseshoes undersold the domestically produced articles enabled the Canadian supplier to obtain a significant share of the U.S. market, suppressed U.S. producers' prices, and resulted in lost sales to U.S. producers and their dealer/distributors. Accordingly, we have determined that an industry in the United States is being injured by reason of the importation of aluminum horseshoes from Canada that are being sold at LTFV.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-2497 Filed 1-30-74;8:45 am]

[2] Commissioner Moore concurs in the result.

VETERANS ADMINISTRATION

ADMINISTRATOR'S ADVISORY COMMITTEE ON CEMETERIES AND MEMORIALS

Notice of Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Advisory Committee on Cemeteries and Memorials, authorized by section 1001, title 38, United States Code, will be held at the Sheraton-Harbor Island Hotel, 1380 Harbor Island Drive, San Diego, California, on February 7, 1974, at 8:30 a.m. The meeting will be held to conduct routine business.

The meeting will be open to the public up to the seating capacity of the conference room which is about 20 persons. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mrs. Charlotte Withers in the office of the Director, National Cemetery System, VA Central Office (phone 202–389–5211) prior to February 7, 1974.

Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting. Oral statements and/or reports from the public will be heard only between 3 p.m. and 5 p.m. on February 7, 1974, due to the number of items on the agenda for the meeting.

Dated: January 25, 1974.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.74-2597 Filed 1-30-74;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on January 31, 1974. The meeting will be open to the public on a first-come, first-served basis at 10 a.m., in Conference Room 8202, 2025 M Street, NW., Washington, D.C.

The agenda will consist of a discussion of policy questions involving food industry wage matters and, if circumstances permit, of food industry wage cases pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C., on January 30, 1974.

HENRY H. PERRIT, Jr.,
Executive Secretary,
Cost of Living Council.

[FR Doc.74-2791 Filed 1-30-74;12:09 pm]

INTERSTATE COMMERCE COMMISSION

[Notice No. 8]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 25, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application) are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures), will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has assigned for oral hearing.*

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 2392 (Sub-No. 95), filed December 21, 1973. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, P.O. Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheeler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, in tank vehicles, from the Mapco, Inc. Terminal, located approximately eight miles north of Clay Center, Kans., to points in Nebraska, Missouri, and Iowa; and (2) *furfural and furfuryl alcohol*, in bulk, in tank vehicles, from Omaha, Nebr., to Griffith, and Mishawaka, Ind.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 2754 (Sub-No. 22), filed December 26, 1973. Aplicant: NEUENDORF TRANSPORTATION CO., 121 South Stoughton Road, Madison, Wis. 53701. Applicant's representative: Robert E. Bryant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and pelts*, from Madison and Medford, Wis., to New York City, N.Y.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 2860 (Sub-No. 139) (CORRECTION), filed November 28, 1973, published in the FEDERAL REGISTER issue of January 17, 1974, and republished, as corrected, this issue. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th Street, N.W., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastics and plastic products*, between Gales Ferry, Conn., and Pevely, Mo., on the one hand, and, on the other, points in the United States on and east of U.S. Highway 85; (2) *plastic foam products*, between Carteret, N.J., Midland, Mich., Magnolia, Ark., and Royersford, Pa., on the one hand, and, on the other, points in the United States on and east of U.S. Highway 85; and (3) *plastics and plastics products* and *ceramic foam products*, between Hamilton Township and points in Lawrence County, Ohio, on the one hand, and, on the other, points in the United States on and east of U.S. Highway 85.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority (a) at Gales Ferry, Conn., Royersford, Pa., and Hamilton and Lawrence County, Ohio, to provide a through service from points in New Jersey; (b) at Gales Ferry and Carteret, N.J., to provide a through service from Clarion, Pa.; and (c) at Magnolia, Ark., to provide a through service from Service, Tex., (a), (b), and (c) to points in the United States on and east of U.S. Highway 85. The purposes of this republication are to correctly indicate (a) the commodity description in (1) and (3), as pertinent, of *plastics and plastic products*, and (b) the New Jersey Terminal point of Carteret in (2) above, both of which were previously published incorrectly. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2962 (Sub-No. 51), filed December 26, 1973. Applicant: A. & H. TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47717. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Nashville, Tenn., and Louisville, Ky., as an alternate route for operating convenience only in connection with carrier's authorized regular route operations, serving no intermediate points: From Nashville over Interstate Highway 65, to Louisville, and return over the same route, restricted against the handling of traffic originating at, destined to, or interchanged at Louisville, Ky., and its Commercial Zone, on the one hand, and, on the other, traffic originating at or destined to points in Davidson County, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 13123 (Sub-No. 73), filed December 19, 1973. Applicant: WILSON FREIGHT COMPANY, a Corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of United States Playing Card Company, located at or near Odenton, Md., as an off-route point in connection with carrier's regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 14702 (Sub-No. 55), filed December 26, 1973. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808,

Warren, Ohio 44482. Applicant's representative: Edward R. Kirk, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities which require the use of special equipment), from the plant site of Napco Products, Inc., to Valencia, Penna., to points in New Jersey, Indiana, and Illinois, restricted to traffic originating at and destined to the named points.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 29910 (Sub-No. 138), filed December 17, 1973. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, P.O. Box 43, Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire prevention and sprinkler systems, and parts, materials, and supplies* used in the installation therewith, from Dallas, Tex., to points in Arkansas, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Dallas, Tex.

No. MC 31367 (Sub-No. 27), filed December 26, 1973. Applicant: H. F. CAMPBELL & SON, INC., Rural Delivery No. 1, Millerstown, Pa. 17062. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen fruits and vegetables, and canned goods*, from Centre Hall, Pa., to points in Maryland, New York, Connecticut, Massachusetts, and Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 33037 (Sub-No. 17), filed December 26, 1973. Applicant: STUDER TRUCK LINE, INC., Beattie, Kans. 66406. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the Pipeline Terminal of Mapco, located approximately eight miles north of Clay Center, Kans., on Kansas Highway 15, to points in Nebraska, Missouri, and Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 35045 (Sub-No. 13), filed December 26, 1973. Applicant: HORNE HEAVY HAULING, INC., 1124 De Kalb Avenue NE., Atlanta, Ga. 30307. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, heat transferring, air moving, cleaning, washing, and parts thereof*, from the plantsite of Burgess Industries, Inc., at Fountain Inn, S.C., to points in the United States (except Alaska and Hawaii); and *return of damaged and refused shipments*.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 44447 (Sub-No. 30) (CORRECTION), filed October 3, 1973, published in the FEDERAL REGISTER issues of November 29, 1973, and January 4, 1974, and in third publication, in part, this issue. Applicant: SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, Ohio 43212. Applicant's representative: Taylor C. Burneson, 88 East Broad Street, Suite 1680, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Bellefontaine, Ohio, and Fort Wayne, Ind.: (2) (a) From Bellefontaine over U.S. Highway 33 to Fort Wayne, and return over the same route.

NOTE.—The purpose of this partial republication is to indicate the request for authority in (2) above which was inadvertantly previously published in error. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 45656 (Sub-No. 18), filed December 26, 1973. Applicant: ANDERSON TRUCK LINE, INC., P.O. Drawer 191, 531 W. Harper Ave., Lenoir, N.C. 28645. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture and furniture parts*, from Bassett, Waynesboro, Staunton, Stanleytown, Roanoke, and Altavista, Va., Toccoa, Ga., and Conway and Mullins, S.C., to the facilities of J. C. Penney Company, Inc., at or near Claremont, N.C.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 49368 (Sub-No. 91), filed December 20, 1973. Applicant: COMPLETE AUTO TRANSIT, INC., 18544 West Eight Mile Road, Southfield, Mich. 48075. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway and driveaway service, from Memphis, Tenn., to points in the United States (except Alaska and Hawaii) under a continuing contract or contracts with General Motors Corporation.

NOTE.—Common control was approved in MC-F-10507. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 349), filed December 13, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: D. F. Martin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Plymouth, N.C., to points in Colorado, New Mexico, Kansas, Nebraska, Oklahoma, Texas, Missouri (except St. Louis), Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Florida, Georgia, and South Carolina.

NOTE.—Common control was approved in MC-F-10280 and MC-F-11307. Applicant indicates that the requested authority can be tacked with its existing authority, but would not provide any additional services. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 51146 (Sub-No. 350), filed December 13, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Charles W. Singer, 327 South LaSalle Street, Suite 1000, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, publications and exempted printed matter*, as described in Section 203(B)(7) of the Act, as amended, when transported at the same time and in the same vehicle with paper and paper products and publications, (1) from Campbellsport, Wis., to points in the United States (except Alaska and Hawaii), and (2) *materials and supplies*, from points in the United States (except Alaska and Hawaii), to Campbellsport, Wis.

NOTE.—Common control was approved in MC-F-10280 and MC-F-11307. Applicant states that common points exist, however no new service could be provided. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52579 (Sub-No. 139) (AMENDMENT), filed October 29, 1973, published in the FEDERAL REGISTER issue of December 20, 1973, and republished as amended this issue. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: F. L. Cardascia (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from Danville and Marseilles, Ill., and Frankfort, Ind., to Chicago, Ill., restricted to traffic having a subsequent movement

beyond Chicago, Ill., via Gilbert Carrier Corp.

NOTE.—The purposes of this republication are (1) to include the restriction on traffic having a subsequent movement, and (2) to amend the tacking as stated herein. Common control may be involved. Applicant states that the requested authority can be tacked with its lead MC 52579 (1) at Chicago, Ill., to serve New York, N.Y., Philadelphia, Pa., and Vineland, N.J.; (2) Sub-No. 7 at Chicago, Ill., to serve Akron and Cleveland, Ohio, Detroit, Mich., and Milwaukee, Wis.; (3) Sub-No. 8 at Chicago, Ill., to serve St. Louis, Mo.; and (4) Sub-No. 14 at Chicago, Ill., to serve points in the United States (except those within the scope of Sub-No. 14). If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 56641 (Sub-No. 4), filed December 27, 1973. Applicant: TORREY DELIVERY, INC., P.O. Box 508, Dunkirk, N.Y. 14048. Applicant's representative: E. Stephen Heisley, Suite 805 MacLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and proudcts used in or produced by food processing industries* (except commodities in bulk), between Erie and North East, Pa., and Westfield and Brocton, N.Y., on the one hand, and, on the other, points in New York.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 59150 (Sub-No. 86), filed December 20, 1973. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard and lumber*, from points in Monroe County, Ala., and Scott County, Miss., to points in Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, Virginia, Tennessee, and Mississippi.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Jacksonville, Fla.

No. MC 59640 (Sub-No. 37), filed December 21, 1973. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, N.J. 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Groceries*, in containers or in trailers, having a prior movement by water, from points in that part of the New York, N.Y., Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), to points in Hartford and Fairfield Counties, Conn., and Albany, Rensselaer, and Schenectady Counties, N.Y.; and (2) *empty containers or trailers* on return, under a contract or continuing contracts with Exporsevilla, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 61955 (Sub-No. 22), filed December 21, 1973. Applicant: CENTROPOLIS TRANSFER CO., INC., 701 North Sterling, Sugar Creek, Mo. 64054. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, between the plantsite of Ash Grove Cement Co. at or near Springfield, Mo., on the one hand, and, on the other, points in Illinois.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 72495 (Sub-No. 14), filed December 26, 1973. Applicant: DON SWART TRUCKING, INC., Box 49, Route 2, Wellsburg, W. Va. 26070. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, ground in bulk or in bags, from Benwood, W. Va., to points in West Virginia (except of Hancock, Brooke, Ohio, Marshall, Wetzel, Pleasants, and Tyler Counties, W. Va.).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 75320 (Sub-No. 170), filed December 17, 1973. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: Phineas Stevens, 700 Petroleum Building, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wichita Falls, Tex., and Texarkana, Ark.: From Wichita Falls over U.S. Highway 82 to Texarkana, and return over the same route, as an alternate route for operating convenience only in connection with carrier's regular route operations, serving no intermediate points and serving Texarkana for purposes of joinder only, restricted to the transportation of traffic moving between Wichita Falls, Tex., and Little Rock, Ark., and further restricted against the transportation of traffic originating at, destined to, received from, or delivered to connecting carriers at Memphis, Tenn., and Little Rock, Ark., and points in their respective commercial zones.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Mo., or Jackson, Miss.

No. MC 76449 (Sub-No. 16), filed December 12, 1973. Applicant: NELSON'S EXPRESS, INC., 675 North Market Street, Millersburg, Pa. 17061. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, high explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the plants and warehouses of AMP Incorporated, located in Chester, Cumberland, Dauphin, Franklin, Lancaster, Perry, Schuylkill, Snyder, and York Counties, Pa., Amherst, Augusta, and Rockingham Counties, Va., and Staunton, Va., restricted to service originating at and destined to the named plants and warehouses of Amp, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 80443 (Sub-No. 7), filed December 26, 1973. Applicant: OVERNITE EXPRESS, INC., 2280 Ellis Avenue, St. Paul, Minn. 55114. Applicant's representative: Richard P. Anderson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, and Eau Claire, Wis., serving no intermediate points: From Minneapolis over Interstate Highway 94 to its junction with U.S. Highway 12, thence over U.S. Highway 12 to its junction with Interstate Highway 94, thence over Interstate Highway 94 to Eau Claire, Wis., and return over the same route.

NOTE.—Common control may be involved. The purpose of this application is to convert a portion of irregular route authority to regular route authority. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 82492 (Sub-No. 97), filed December 20, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Sodus and Watervliet, Mich., to points in Minnesota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lansing, Mich.

No. MC 82492 (Sub-No. 98), filed December 20, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as

applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the facilities utilized by Watervliet Paper Company, at or near Sodus, Mich., to St. Louis, Mo., and points in St. Louis County, Mo.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lansing, Mich.

No. MC 83539 (Sub-No. 385), filed December 26, 1973. Applicant: C & H TRANSPORTATION CO., INC., 1936, 2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Off-highway vehicles and parts, attachments, and accessories for or of off-highway vehicles*, (1) between Tulsa, Okla.; Lufkin, Houston, and Conroe, Tex.; and Lark, Utah, on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii, restricted to shipments originating at or destined to the facilities of Unit Rig and Equipment Company at Tulsa, Okla.; Houston, Tex.; and Lark, Utah and the facilities of Kimco, Inc., at Houston, Lufkin, and Conroe, Tex.; and (2) from Niagara Falls, N.Y., to points in the United States (including Alaska, but excluding Hawaii), restricted to shipments originating from the facilities of Unit Rig and Equipment Company (Canada) Ltd., Niagara Falls, Ontario, Canada, and further restricted to traffic in foreign commerce.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 83835 (Sub-No. 113), filed December 26, 1973. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportation: *Off-highway vehicles, and parts, attachments, and accessories for off-highway vehicles*, (1) between Tulsa, Okla., Lufkin, Houston, and Conroe, Tex., and Lark, Utah, on the one hand, and, on the other, points in the United States (except Hawaii), restricted to shipments originating at or destined to the facilities of Unit Rig and Equipment Company at Tulsa, Okla., Houston, Tex., and Lark, Utah, and the facilities of Kimco, Inc., at Houston, Lufkin, and Conroe, Tex., and (2) from Niagara Falls, N.Y., to points in the United States (except Hawaii), restricted to shipments originating from the facilities of Unit Rig and Equipment Company (Canada) Ltd., Niagara Falls, Ontario, Canada, and further restricted to foreign commerce.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 87689 (Sub-No. 11), filed December 7, 1973. Applicant: INTER-CITY LINES LIMITED, P.O. Box 900, Station U, Toronto, Ontario, Canada, M8Z 5R3. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Port Huron, Mich., and the ports of entry on the International Boundary line of the United States and Canada at Port Huron, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 95540 (Sub-No. 893), filed December 26, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fort Dodge, Iowa, to points in Alabama and Mississippi.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 100666 (Sub-No. 260), filed December 26, 1973. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th, 280 National Foundation Life, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* from points in Scott County, Miss., to points in the United States, in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Applicant states that the requested authority can be tacked at points in Scott County, Miss., to provide a through service from points in Louisiana to the above named destination points. If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss., or Shreveport, La.

No. MC 100666 (Sub-No. 261), filed December 26, 1973. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th, 280 National Foundation Life Center, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Thomasville, Ga., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 100666 (Sub-No. 263), filed December 26, 1973. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay* (except in bulk), from points in Thomas County, Ga., to points in Iowa, Kansas, Missouri, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Dallas, Tex.

No. MC 100666 (Sub-No. 265), filed December 21, 1973. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baffling*, from Ft. Myers, Fla., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 103926 (Sub-No. 33), filed December 26, 1973. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a Corporation, P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: Mr. Charles Ephaim (Suite 600, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck-tractors), *Weighing 15,000 pounds or more, with or without dozer blade, winch, lifting or loading device, and parts thereof when moving incidentally thereto as part of the same shipment*, from Franklin, Va., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 106274 (Sub-No. 19), filed December 18, 1973. Applicant: RAE-FORD TRUCKING COMPANY, a Corporation, P.O. Box 219, Sanford, NC

27330. Applicant's representative: R. B. Guthrie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden poles, crossarms, flooring block, and lumber*, from points in Spartanburg County, S.C., and Chatham and New Hanover Counties, N.C., to points in Illinois, Indiana, Michigan, Ohio, Kentucky, and West Virginia.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 17 at points in Chatham County, N.C., to provide a through service from points in various North Carolina counties to the destination points named above. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 106398 (Sub-No. 697), filed December 26, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *trailers*, designed to be drawn by passenger automobiles in initial movements, and *buildings in sections*, mounted on wheeled undercarriages from points of manufacture, located in Fillmore County, Nebr., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Montana, Missouri, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 106594 (Sub-No. 4), filed December 28, 1973. Applicant: MARY KIRKPATRICK, doing business as KIRKPATRICK TRUCKING, 11317 Route 14 North Harvard, Ill. 60033. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sauces and table sauces*, from the plantsite and warehouse facilities of Kikkoman Foods, Inc., at or near Walworth, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Virginia, and West Virginia.

NOTE.—Applicant holds contract carrier authority in MC 126389, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison or Milwaukee, Wis.

No. MC 106644 (Sub-No. 170), filed August 31, 1973. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road N.W., P.O. Box 916, Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cargo containers and vans*, empty or loaded, restricted to prior or subsequent movement by water, between points in the United States including Alaska but excluding Hawaii.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 106674 (Sub-No. 121), filed December 21, 1973. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except in bulk), from the facilities of the Celotex Corporation at or near Lockland and Cincinnati, Ohio, to points in Illinois, Indiana, and Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 107227 (Sub-No. 129), filed December 14, 1973. Applicant: INSURED TRANSPORTERS, INC., 45055 Fremont Boulevard, Fremont, Calif. 94538. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Motor homes and recreational vehicles*, in initial movements, in truckaway service, from La Verne, Calif., to points in Idaho, Nevada (except Las Vegas), Oregon, Utah, and Washington.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 107403 (Sub-No. 871, filed December 10, 1973. Applicant: MATLACK, INC. 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gasoline*, in bulk, in tank vehicles, from Covington, Ky., to Denver, Colo.; (2) *alcoholic liquors*, in bulk, in tank vehicles, from Tullahoma, Tenn., to Schenley, Pa.; and (3) *sulphur hexafluoride*, in bulk, from Metropolis, Ill., to points in California, Texas, Illinois, and New Jersey.

NOTE.—Common control was approved in MC-F-10612. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 915) (CORRECTION), filed October 15, 1973, published in the FEDERAL REGISTER issue of January 3, 1974, and republished in part, as corrected, this issue. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (6) *Lead oxide*, in bulk, from Indianapolis, Ind., to points in Kentucky, Illinois, and Ohio.

NOTE.—Applicant indicates that no tacking possibilities exist with respect to part (6) as described above. The purpose of this partial republication is to indicate the destination State of Illinois, in lieu of Indiana which was previously published in error. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 107515 (Sub-No. 889), filed December 26, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, in vehicles equipped with mechanical refrigeration (excluding hides and commodities in bulk), from Cynthiana and Lawrenceburg, Ky., to Oklahoma, and points in the United States each of and including those points in Minnesota, Iowa, Missouri, Arkansas, and Louisiana, restricted to traffic originating at Cynthiana and Lawrenceburg, Ky.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 107818 (Sub-No. 68), filed December 14, 1973. Applicant: GREENSTEIN TRUCKING COMPANY, a Corporation, 280 N.W. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, pineapples, plantains, and mallangas*, from Tampa and Miami, Fla., to points in and east of Minnesota, Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 107839 (Sub-No. 153) (CLARIFICATION), filed August 1, 1973, published in the FEDERAL REGISTER issue of October 26, 1973, and republished, as clarified this issue. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., a Corporation, 2121 East 67th Street, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, from Golden, Colo., to Denver, Colo.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 90 at Denver, Colo., to provide a through service from Golden, Colo., to points in Texas, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, and

those points in Missouri east of U.S. Highway 65. The purpose of this republication is to disclose all those points which can be served by tacking at Denver, Colo. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 109682 (Sub-No. 32), filed December 20, 1973. Applicant: BOLIN DRIVEAWAY CO., a Corporation, 2208 West Superior Viaduct, Cleveland, Ohio 44113. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses*, in secondary movements, in driveaway service, from the plantsites and other facilities of Sheller-Globe, Inc., located at or near Lima, Ohio, to points in the United States including Alaska but excluding Hawaii.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio, or Washington, D.C.

No. MC 110683 (Sub-No. 97), filed December 20, 1973. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Bata Shoe Company located at or near Salem, Ind., as an off-route point in connection with carrier's regular route operations.

NOTE.—Common control was approved in MC-F-11851 and MC-F-11978. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 413), filed December 19, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radio-pharmaceuticals, radioactive drugs, and medical isotopes, and medical test kits, business papers, records, audit and accounting media* of all kinds, between Alexandria and Richmond, Va., on the one hand, and, on the other, points in West Virginia, restricted to traffic having an immediately prior or subsequent movement by air or motor vehicle, and (2) *business papers, records, audit and accounting media, and advertising material* of all kinds, between Boston, Mass., on the one hand, and, on the other, Greece, N.Y., and Pittsford, N.Y.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority can be tacked (1a) at West Virginia, to provide service between Alexandria and Richmond, Va., on the one hand, and, on the other, Cleveland, Ohio, Pittsburgh, Pa., and Cincinnati, Ohio, in Sub-No. 145, Columbus, Ohio, in Sub-No. 258, and points in New Jersey in Sub-No. 311, and (1b) at Alexandria and Richmond, Va., to provide service between points in West Virginia, on the one hand, and, on the other, New York, N.Y., in Sub-No. 168, Philadelphia, Pa., in Sub-No. 221, and points in New Jersey in Sub-No. 311; and (2a) at Boston, Mass., to provide service between Greece and Pittsford, N.Y., on the one hand, and, on the other, Hartford, Conn. in Sub-No. 38, Philadelphia, Pa. in Sub-No. 80, Eatontown, Keyport, and Laurelton, N.J., in Sub-No. 164, East Hartford and New Britain, Manchester, Torrington and Waterbury, Conn., in Sub-No. 183, points in Maine, New Hampshire, and Rhode Island in Sub-No. 233, points in New Haven County, Conn., in Sub-No. 266, and East Paterson, N.J., in Sub-No. 275, and (2b) at Greece and Pittsford, N.Y., to provide service between Boston, Mass., on the one hand, and, on the other, Orange and Carlstadt, N.J., in Sub-No. 258 and Columbus, Ohio, in Sub-No. 302. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112582 (Sub-No. 43), filed December 26, 1973. Applicant: T. M. ZIMMERMAN COMPANY, a Corporation, Rural Delivery No. 2, P.O. Box 380, Chambersburg, Pa. 17201. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen onion rings, and frozen onion rings* in mixed shipments with *commodities* otherwise exempt from regulation under section 203(b)(6) of the Interstate Commerce Act, as amended, from Boston, Mass. to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in Sub 10 at Chambersburg, Pa., to provide service to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; in Sub 22 at Chambersburg, Pa., to serve points in North Carolina and South Carolina; and in Sub 25 at the plantsite of Pet, Inc., at Allentown, Pa., for service to points in North Carolina and South Carolina. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 112617 (Sub-No. 310) (CORRECTION), filed December 7, 1973, published in the FEDERAL REGISTER issue of January 17, 1974, and republished, as corrected, this issue. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, plastics* and *plastic materials*, in bulk, from the plant site of General Electric Co., located at or near Mt. Vernon, Ind., to points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Vermont, Virginia, West Virignia, Washington, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to indicate that these products will be transported "in bulk". This restriction was inadvertently omitted from the previous publication. If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind., or Washington, D.C.

No. MC 112822 (Sub-No. 310), filed December 26, 1973. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal pellets, charcoal lighter fluid (naphtha distillate)*, in cans, in cartons, *vermiculite, oTc (base for grill)*, in bags, in cartons, *hickory chips (for flavoring)* in bags and bales, *fireplace logs (sawdust and wax impregnated)*, in cartons, (1) from Kingsford, plant and warehouse, approximately 2 miles from Burnside, Ky., to points in Ohio, Minnesota, Michigan, Wisconsin, Illinois, Indiana, Iowa, North Carolina, and South Carolina; and (2) from Kingsford plant and warehouse in Springfield, Oreg., to points in Washington, Montana, Idaho, California, Utah, Colorado, Wyoming, Minnesota, and Arizona.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Memphis, Tenn.

No. MC 113388 (Sub-No. 102), filed December 27, 1973. Applicant: LESTER C. NEWTON TRUCKING CO., a Corporation, P.O. Box 618, Seaford, Del. 19973. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Buffalo, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia, restricted against tacking with any existing authority.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113624 (Sub-No. 64), filed December 26, 1973. Applicant: WARD TRANSPORT, INC., P.O. Box 735, Pueblo, Colo. 81001. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the site of the Mapco, Inc. terminal located approximately 8 miles north of Clay Center, Kans., to points in Nebraska.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked (1) in MC 113624 Sub-No. 14 (a) at Nebraska to serve points in Wyoming and Colorado, and (b) at the plantsite of Farmland Industries, Inc., at or near Hastings, Nebr., to serve points in Colorado and Wyoming, (2) in Sub-No. 18, at Fremont, Nebr., to serve points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota, (3) in Sub-No. 19, at the Phillips Petroleum Company plantsite near Hoag, Nebr., to serve points in Colorado, Kansas, and Wyoming, (4) in Sub-No. 20, at the plantsite of Cominco American, Incorporated, near Beatrice, Nebr., to points in Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming, (5) in Sub-No. 21, at the plantsite of CF Industries, Inc., at or near Murphy, Nebr., to serve points in Iowa, Kansas, Missouri, South Dakota, and Wyoming, (6) in Sub-No. 28, at the plantsite of Phillips Petroleum Company near Aurora, Nebr., to serve points in Iowa, Kansas, Missouri, and South Dakota, (7) in Sub-No. 34, at the plantsite of Phillips Petroleum Company near Hoag, Nebr., to serve points in Iowa and Missouri, (8) in Sub-No. 36, at the plantsite of Gulf Oil Corporation at or near Blair, Nebr., to serve points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska, (9) in Sub-No. 43, at Omaha, Nebr., to serve points in Iowa, Kansas, Minnesota, Missouri (except St. Louis and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission), Nebraska, North Dakota, and South Dakota, (10) in Sub-No. 51, at the plantsite of Agrico Chemical Company, at or near Blair, Nebr., to serve points in Colorado, Kansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming, (11) in Sub-No. 60, at the facilities of Wycon Chemical Company, in Cheyenne County, Nebr., to serve points in Colorado, Kansas, South Dakota, and Wyoming, and (12) in Sub-No. 63, at the facilities of Farmland Industries, Inc., at or near Hastings, Nebr., to serve points in Wyoming, Colorado, Kansas, and South Dakota. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., Denver, Colo., or Kansas City, Mo.

No. MC 113651 (Sub-No. 168), filed December 14, 1973. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Banquet Foods Corporation located at or near Wellston, Ohio, to points in Pennsylvania, New York, New Jersey, Virginia, Maryland, District of Columbia, and Delaware, restricted to traffic originating at the plant site and storage facilities above and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 113678 (Sub-No. 531), filed December 21, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Denver, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, N.O.I., from Cambridge, Md., to points in California, Colorado, Utah, Arizona, Oregon, Washington, Oklahoma, Texas, and Minnesota, restricted to traffic originating at the above named origin and destined to the above named destination.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Winston-Salem, N.C., Washington, D.C., or Denver, Colo.

No. MC 114273 (Sub-No. 155), filed December 6, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and non-ferrous articles*, from Chicago, Ill., and its Commercial Zone, to points in Colorado.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 156), filed December 10, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Ave. N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and cooling systems and equipment, materials, parts and supplies* (except commodities in bulk and in tank vehicles, and which because of size or weight, require specialized equipment) used in the installation and maintenance of heating and cooling systems, from the plantsite and storage facilities of Rheem Manufacturing Co., at St. Paul, Minn., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, New York, Nebraska, Ohio, Oklahoma, Pennsylvania, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 179), filed December 20, 1973. Applicant: DART TRANSIT COMPANY, a Corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers* and *closures* thereto, and (2) *materials and supplies* used in the manufacture of glass containers, from Shakopee, Minn., to points in Colorado, Illinois, Iowa, Michigan, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Common control was approved in MC-F-11921. Applicant states that common points exist, however, no new service could be provided. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 114552 (Sub-No. 91), filed December 26, 1973. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from points Monroe County, Ala., to points in Connecticut, Delaware, Georgia, Florida, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Camden County, N.Y., to provide service to Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Atlanta, Ga., or Monroe, La.

No. MC 114552 (Sub-No. 92), filed December 26, 1973. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and composition board*, between Oregon and California and points in North Carolina, South Carolina, and Georgia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or San Diego, Calif.

No. MC 115162 (Sub-No. 284), filed December 19, 1973. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from points in Monroe County, Ala., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Monroe or Baton Rouge, La.

No. MC 115331 (Sub-No. 353), filed November 8, 1973. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, wood chips, vermiculite, lighter fluid, and accessories* used in outdoor cooking, from points in St.

Louis and Taney County, Mo., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Alabama and Mississippi, to provide service to Georgia, Louisiana, and New Mexico. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 115481 (Sub-No. 6), filed December 17, 1973. Applicant: GILCHRIST BROS., INC., Coastwise & Tyler Streets, Port Newark, N.J. 07114. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tile and marble*, and *accessories, materials and supplies* used in the manufacture, distribution, production, or installation thereof (except in bulk), from points in the New York, N.Y., Commercial Zone as defined by the Commission, and points in Bergen, Essex, Union, and Hudson Counties, N.J., to points in New Jersey, Connecticut, that part of New York on and east of U.S. Highway 14 and that part of Pennsylvania on and east of U.S. Highway 15; and (2) *returned and rejected shipments*, named in (1) above from the destination points, to the origin points.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115826 (Sub-No. 256), filed October 23, 1973. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colo. National Bank Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Alabama, Florida, Arizona, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, California, New Mexico, Colorado, Utah, Washington, Oregon, Nevada, and Idaho, restricted to traffic originating at the plantsite and facilities of John Morrell & Co. located at or near Amarillo, Tex.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 173 at points in Maricopa and Pinal Counties, Ariz., to serve points in North Dakota and South Dakota and in Sub-Nos. 106, 149, 166, and 190 at points in Idaho to serve points in Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Wisconsin, the District of Columbia, Michigan, Ohio, Texas, New Mexico, Illinois, Maryland, Massachusetts, Montana, New Jersey, New York, Pennsylvania and Arkansas. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 116273 (Sub-No. 166), filed December 27, 1973. Applicant: D AND L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from the plantsite and storage facilities of the Dow Chemical Company at Pevely, Mo., and points in Channahon Township (Will County), Ill., to points in the United States, on and east of U.S. Highway 85, restricted to traffic originating at the points named above.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 117068 (Sub-No. 25), filed January 16, 1974. Applicant: MIDWEST HARVESTORE TRANSPORT, INC., 2218 17th Avenue NW., Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, knocked down or in sections; (2) *building sections and panels;* and (3) *metal prefabricated structural components*, from the plantsite and warehouse facilities of American Buildings Company at Atlantic, Iowa, to points in Arizona, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Illinois, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, Wisconsin, Missouri, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 117119 (Sub-No. 494), filed December 17, 1973. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and unfrozen potato products* (except in bulk), in vehicles equipped with mechanical refrigeration, from Plover, Wis., to points in Pennsylvania, New York, New Jersey, Maryland, Delaware, Tennessee, Arkansas, New Mexico, Arizona, California, Colorado, Nevada, and Utah.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority at Arkansas to provide service on frozen foods to points in Oklahoma, Texas, Alabama, Mississippi, Florida, Georgia, North Carolina, and South Carolina. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Chicago, Ill.

No. MC 117815 (Sub-No. 223), filed December 26, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, Iowa 50217. Applicant's representative: Larry D. Knox, 9th Floor Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs*, from Chicago and Deerfield, Ill., to points in Iowa, Nebraska, Kansas, Missouri, Indiana, Minnesota, Wisconsin, and Michigan, restricted to shipments originating at the plantsite and warehouse facilities of, and utilized by, The Kitchens of Sara Lee and destined to the named destinations; and (2) *boxes*, from St. Louis, Mo., and Belleville, Ill., to New Hampton, Iowa.

NOTE.—Common control was approved in Docket No. 128548. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 117940 (Sub-No. 102), filed December 18, 1973. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 7100 West Center Road, Suite 530, Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, equipment, and accessories* used in the manufacture, assembly, and outfitting of boats, from points in Florida, Georgia, Illinois, Indiana, Kansas, Massachusetts, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Wisconsin, to Little Falls, Minn., restricted to traffic originating at points in named origin states and destined to the named destination.

NOTE.—Applicant holds contract carrier authority in MC-114789 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 117087 (Sub-No. 4), filed December 26, 1973. Applicant: RIVER TRANSPORT, INC., Box 633, North Riner Road, Charlottetown, Prince Edward Island, Canada. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Me. 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables*, from the ports of Entry on the International Boundary Line between the United States and Canada located at or near Calais and Houlton, Maine, to New York City, points in the New York, N.Y., Commercial Zone, Boston and Worcester, Mass., and points in New Jersey.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 118535 (Sub-No. 60), filed December 26, 1973. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Mo. 64730. Applicant's representative: Wilbur L. Williamson, 280 National Foundation Life Building, 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Dry potash,* from points in Eddy and Lea Counties, N. Mex., to points in Alabama, Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 119103 (Sub-No. 3), filed December 26, 1973. Applicant: J. E. FORTIN TRANSPORT, INC., P.O. Box 550, Napierville, Quebec, Canada. Applicant's representative: Herbert M. Canter, 315 Seitz Bldg., 201 E. Jefferson Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas,* from Albany, N.Y.; port facilities in New York and New Jersey, the New York, N.Y., Harbor Area, as defined by the Commission in Ex Parte No. 140, *Determination of the Limits of New York Harbor and Harbors Contiguous Thereto;* Baltimore, Md., and Charleston, S.C., to the International Boundary line between the United States and Canada, at or near Champlain, N.Y.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Albany, Syracuse, New York, N.Y., or Washington, D.C.

No. MC 119741 (Sub-No. 46), filed December 20, 1973. Applicant: GREEN FIELD TRANSPORT CO., INC., P.O. Box 1235, Fort Dodge, Iowa. 50501. Applicant's representative: Donald L. Stern, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc., located at or near Cherokee, Iowa, to points in Indiana, Michigan, and Ohio, restricted to the transportation of traffic originating at the named origin and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 119741 (Sub-No. 47), filed December 20, 1973. Applicant: GREEN FIELD TRANSPORT CO., INC., P.O. Box 1235, Ft. Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc. at Albert Lea, Minn., to points in Indiana, Michigan, and Ohio, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 119777 (Sub-No. 278), filed December 10, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Highway 85 East Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles,* from Ferndale, Mich., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Tennessee, Texas, and Utah.

NOTE.—Applicant holds contract carrier authority in MC 126970 Sub-1, and other subs, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 119777 (Sub-No. 280), filed December 12, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L Madisonville, Ky. 42431. Applicant's representative. Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42431. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Ferro-alloys, silicon and manganese metal, chrome and manganese ore, and lithum chemicals* (except commodities in bulk), from points in Mason County, W. Va., and Guernsey County, Ohio, to points in Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, and all points east thereof.

NOTE.—Applicant holds contract carrier authority in MC 126970 Sub-1, and other subs, therefore, dual operations may be involved. Common control was approved in MC-F-8759. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119777 (Sub-No. 283), filed December 19, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Box L, Madisonville, Ky. 42431. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Particleboard,* from points in Monroe County, Ala., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Applicant holds contract carrier authority in MC 126970 (Sub-Nos. 1 and 3), therefore dual operations may be involved. Common control was approved in MC-F-8759. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Monroe or Baton Rouge, La.

No. MC 119789 (Sub-No. 191), filed December 20, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in or manufactured by Emerson Electric Co. and its subsidiaries and divisions, and *materials, equipment, and supplies* used in the manufacture and distribution thereof, between Prescott, Ariz., and points in California, on the one hand, and, on the other, points in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or St. Louis, Mo.

No. MC 120910 (Sub-No. 7), filed December 21, 1973. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, Ala. 35401. Applicant's representative: William P. Jackson, 919 18th Street NW., Suite 425, Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Scrap and used metals,* from points in Mississippi, Arkansas, Louisiana, Tennessee, Georgia, Florida, North Carolina, and South Carolina to the facilities of Central Foundry Company located at or near Holt, Ala.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 4 at the facilities of Central Foundry Company near Holt, Ala., to serve points in Alabama. If a hearing is deemed necessary, applicant requests it be held at Tuscaloosa, Ala. or Washington, D.C.

No. MC 121300 (Sub-No. 3), filed December 26, 1973. Applicant: RALPH L. HARRIS, FLORENCE L. HARRIS, GLENN M. HARRIS AND ROBERTA S. HARRIS, a partnership, doing business as HARRIS TRANSPORTATION COMPANY, 14860 Seventh St. (Rear) P.O. Box 1100, Victorville, Calif. 92392. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Concentrate, Bastnasite ore,* in bulk, having a subsequent movement by rail, from the mill and mine sites of Molybdenum Corporation of America, at or near Mt. Pass, Calif., to points in San Bernardino County, Calif.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 123048 (Sub-No. 288), filed December 17, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson, P.O. Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), from the plantsite of the

Ford Motor Company at Romeo, Mich., to Wixom and Detroit, Mich., restricted to traffic having a subsequent movement by rail.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., or Washington, D.C.

No. MC 123074 (Sub-No. 7), filed December 26, 1973. Applicant: M. L. ASBURY, INC., 1100 South Oakwood, Detroit, Mich. 48217. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy fuel oil and bunker oil*, in bulk, in tank vehicles, from the port of entry on the International Boundary line between the United States and Canada at or near Detroit, Mich., to points in the Lower Peninsula of Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Lansing, Mich.

No. MC 123115 (Sub-No. 7), filed December 21, 1973. Applicant: BEN PACKER, doing business as, PACKER TRANSPORTATION CO., 465 South Rock Boulevard, Sparks, Nev. 89431. Applicant's representative: Ben Packer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Douglas County, Nev., to points in Jackson County, Oreg.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Carson City or Reno, Nev.

No. MC 123407 (Sub-No. 152), filed December 21, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from points in Monroe County, Ala., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at points in the above origin and destinations to serve points in the United States (except Alaska and Hawaii), but applicant has no present intention of tacking. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or Washington, D.C.

No. MC 123407 (Sub-No. 153), filed December 21, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Scott County, Miss., to points in the United States, in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Applicant states that the requested authority can be tasked at points in the above origin and destinations to provide service between points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss., or Washington, D.C.

No. MC 123639 (Sub-No. 155), filed December 26, 1973. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, commodities in bulk, in tank vehicles), from Denver, Colo., to points in Connecticut, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and Wisconsin, restricted (1) against service to points in Illinois north of a line beginning at the Illinois-Missouri State Boundary line from a point directly west of Springfield, Ill. and extending through Springfield to the Illinois-Indiana State Boundary line; (2) against service to points in Indiana in the Chicago, Ill., Commercial Zone; and (3) to traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 123872 (Sub-No. 17), filed December 14, 1973. Applicant: W & L MOTOR LINE, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from points in Alexander, Caldwell, Catawba, (except Hickory, N.C.), and Iredell Counties, N.C., to points in California, New Mexico, Oklahoma, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 123993 (Sub-No. 31), filed December 6, 1973. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* (refrigerated grade), from the plant site of Monsanto Co., at Luling, La., to points in Texas.

NOTE.—Applicant holds contract carrier authority in MC 4116 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 124078 (Sub-No. 574), filed December 26, 1973. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bentonite clay and foundry sand additives* and (2) *granular slag*, in bulk, (1) from Aberdeen, Miss., and Sandy Ridge, Ala., to points in Illinois, Indiana, Iowa, Michigan, New York, Ohio, Pennsylvania, and Wisconsin, and (2) from the plantsite of Cities Service Company at Copperhill, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Missouri, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub-No. 68, therefore dual operations may be involved. Common control was approved in Docket Nos. MC-F-9737 and MC-F-10468. Applicant states that the requested authority can be tacked with its existing authority at Sandy Ridge, Ala., to provide a through service from points in Decatur County, Ga., to the destination points named above. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chicago, Ill.

No. MC 125023 (Sub-No. 21), filed December 20, 1973. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *related advertising materials* moving therewith, from Milwaukee, Wis., to points in New York and Pennsylvania; and (2) *empty malt beverage containers*, on return.

NOTE.—The applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 126149 (Sub-No. 17), filed December 26, 1973. Applicant: DENNY MOTOR FREIGHT, INC., 617 Indiana Avenue, New Albany, Ind. 46150. Applicant's representative: Donald W. Smith, Suite 2465 One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial or commercial waste containers*, from the plantsite of Galbreath, Incorporated, at Winamac, Ind., to points in Kentucky, Illinois, Michigan, Minnesota, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 126844 (Sub-No. 24), filed December 21, 1973. Applicant: R. D. S. TRUCKING CO., INC., 1713 North Main Road, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th Street N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and related items and premium and advertising materials*, (1) from Bloomfield and Freehold, N.J., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Ohio, Michigan, Illinois, Indiana, Wisconsin, Minnesota, and Iowa, and (2) from Covington, Tenn., to points in New Jersey, Louisiana, Mississippi, Missouri, Kansas, Oklahoma, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 126844 (Sub-No. 26), filed December 21, 1973. Applicant: R. D. S. TRUCKING CO., INC., 1713 North Main Road, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, from points in Michigan west of U.S. Highway 131, to Deerfield, and Chicago, Ill., and points in Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126899 (Sub-No. 69), filed December 19, 1973. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material*, from Milwaukee, Wis., to Chandler, Ind., and *empty malt beverage containers* on return.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Evansville, Ind.

No. MC 126930 (Sub-No. 9), filed December 20, 1973. Applicant: BRAZOS TRANSPORT CO., a Corporation, 339 East 34th Street, Lubbock, Tex. 79408. Applicant's representative: John C. Sims, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, lime and limestone products, asbestos and asbestos products, metal products, fiberboard products, insulation products, roofing products, pulpboard, building materials and materials and supplies* used in the manufacture, distribution, and installation of such products (except liquid commodities in bulk), between points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, Wyoming, Georgia, Florida, North Carolina, and South Carolina, restricted to transportation to and from facilities of the National Gypsum Company.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lubbock, Tex., or Buffalo, N.Y.

No. MC 127042 (Sub-No. 131), filed December 17, 1973. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Scottsbluff, Nebr., to points in Illinois, Minnesota, and Wisconsin, restricted to traffic originating at named origin and destined to named destination states.

NOTE.—Applicant states that it is presently performing the requested operations by tacking Sub-Nos. 8 and 39 at Sioux Falls, S. Dak. The purpose of this application is to eliminate the Sioux Falls, S. Dak., gateway. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127042 (Sub-No. 133), filed December 21, 1973. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from Billings, Mont., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Missouri, Minnesota, Mississippi, Michigan, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, and (2) from the destination points in (1) above, to Billings, Mont., restricted in (1) and (2) above to traffic orginating at named origins and destined to the named destination points.

NOTE.—Common control was approved in MC–F–11806. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 127042 (Sub-No. 134), filed December 21, 1973. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooking oils, bleaches, cleaning compounds, sodium hypochlorite solutions, and animal litter*, from Kansas City, Mo., to points in Colorado, Iowa, Nebraska, South Dakota, and Minnesota.

NOTE.—Common control was approved in MC–F–11806. Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 64 at Eldora, Iowa, to serve points in California, Arizona, Nevada, Oregon, Washington, Utah, Idaho, Montana, Wyoming, Kansas, North Dakota, Wisconsin, Illinois, Indiana, and Michigan; and in Sub-No. 104 at Madrid, Iowa, to serve points in California, Wyoming, Kansas, Arizona, New Mexico, Washington, Oregon, Utah, Texas, Nevada, Idaho, and Montana. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 127834 (Sub- No. 98), filed December 26, 1973. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: M. Bryan Stanley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities and empty containers* (except household goods, explosives, commodities in bulk, and edible foods), in container service, between points in New York, New Jersey, Delaware, Maryland, Virginia, Newport, Ky., Cincinnati, Ohio, Nashville, Tenn., and Tishomingo County, Miss., on the one hand, and, on the other, points in Tennessee, Virginia, and Kentucky, restricted to traffic having prior or subsequent movement in foreign commerce.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 128021 (Sub-No. 11), filed December 26, 1973. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert S. Richard, 57 Adams Avenue, P.O. Box 2069, Montgomery, Ala. 36103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tapes, tape containers, reels, display racks, plastic articles* (except in bulk), from the plant site of Ampex Corporation at or near Opelika, Ala., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of tapes, tape containers, reels, display racks, plastic articles (except in bulk), from points in the United States (except Alaska and Hawaii) to the plant site of Ampex Corporation at or near Opelika, Ala., under continuing contract with Ampex Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Opelika or Montgomery, Ala.

No. MC 128184 (Sub-No. 1), filed December 26, 1973. Applicant: M W M TRUCK LINES, INC., P.O. Box 222, Arcadia, Mo. 63621. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wooden pallets, and blocking materials*, from points in Missouri (except Springfield and St. Louis), on and south of U.S. Highway 40, on and east of U.S. Highway 65, and west of U.S. Highway 67, to points in Ohio and Pennsylvania.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either St. Louis or Kansas City, Mo.

No. MC 128383 (Sub-No. 42), filed November 29, 1973. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over iregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, and motor vehicles requiring the use of special equipment), between Detroit Metropolitan Airport located at or near Detroit, Mich., on the one hand, and, on the other, O'Hare International Airport located at Chicago, Ill., Hopkins International Airport located at or near Cleveland, Ohio, the Vandalia Airport located at or near Dayton, Ohio, and the Greater Cincinnati Airport located near Cincinnati, Ohio, restricted to the transportation of traffic having a prior or subsequent movement by air or moving in a substitute for air service.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 30 at Detroit Metropolitan Airport to provide service between the destination points named above, on the one hand, and, on the other, John F. Kennedy Airport. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128383 (Sub-No. 43), filed November 29, 1973. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, and motor vehicles requiring the use of special equipment), between John F. Kennedy International Airport, New York, N.Y., Newark Airport, Newark, N.J., and Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, the Greater Cincinnati Airport near Cincinnati, Ohio, restricted to the transportation of traffic having a prior or subsequent movement by air or moving in a substitute for air service.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at any of the eastern airports named above to provide service between the Greater Cincinnati Airport, on the one hand, and, on the other, Friendship International Airport, Washington National Airport, Dulles International Airport, LaGuardia Airport, points in southern New Jersey, southeastern Pennsylvania and Delaware; and with its pending authority (a) at the eastern airports named above to provide service between the Greater Cincinnati Airport, on the one hand, and, on the other, Logan International Airport at Boston, Mass.; Douglas Municipal Airport at Charlotte, N.C.; Hartsfield International Airport at Atlanta, Ga., and the Miami International Airport at Miami, Fla.; and (b) at the Greater Cincinnati Airport to provide service between the eastern airports named above, on the one hand, and, on the other, Cleveland Hopkins International Airport; Detroit Metropolitan Airport; Weir Cook Airport at Indianapolis, Ind.; the Greater Pittsburgh Airport at Pittsburgh, Pa., and Chicago O'Hare International Airport. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128473 (Sub-No. 16), filed December 26, 1973. Applicant: MONTANA EXPRESS, INC., P.O. Box 3346, Butte, Mont. 59701. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles dealt in and distributed by wholesale grocers*, from points in California, Oregon, and Washington, to points in Montana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 128698 (Sub-No. 8), filed December 26, 1973. Applicant: ERDNER BROS., INC., Fow & Leahy Sts., Swedesboro, N.J. 08085. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Banquet Foods Corporation located at or near Wellston, Ohio, to points in West Virginia, Virginia, Delaware, Maryland, District of Columbia, Pennsylvania, New Jersey and New York.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128866 (Sub-No. 49), filed December 27, 1973. Applicant: B AND B TRUCKING, INC., P.O. Box 128, Cherry Hill, N.J. 08034. Applicant's representative: J. Michael Farrell, 1725 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum food containers*, from the plantsites of Penny Plate, Inc., at or near Cherry Hill, N.J., Searcy, Ark., and Deerfield, Ill., to Buffalo, N.Y., Humbolt, Tenn., and Austin and Fort Worth, Tex., under continuing contract with Penny Plate, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 129205 (Sub-No. 2), filed December 26, 1973. Applicant: GEORGE D. ELLIS, Waterview, Va. 23108. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, from Baltimore, Md., to points in Essex, Middlesex, Gloucester, Mathews, Richmond, Lancaster, and Northumberland Counties, Va.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129387 (Sub-No. 18) (CORRECTION), filed September 13, 1973, published in the FEDERAL REGISTER issue of January 4, 1974, and republished, as corrected, this issue. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, Highway 14 East, Huron, S. Dak. 57350. Applicant's representative: George N. Manolis, 201 Farmers & Merchants Bank Building, Huron, S. Dak. 57350. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from the plantsite of Madison Foods, Incorporated, Madison, Nebr., to Washington, Oregon, California, Arizona, Nevada, North Dakota, South Dakota, Kansas, Kentucky, Virginia, West Virginia, Iowa, Missouri, Illinois, Ohio, Indiana, Michigan, Wisconsin, Minnesota, New York, Pennsylvania, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, District of Columbia, Delaware, Rhode Island, and Maryland, restricted to traffic originating at the above named plantsite and destined to the named destination states.

NOTE.—The purpose of this republication is to add the destination states of Iowa, Missouri, Illinois, Ohio, Indiana, Michigan, Wisconsin, and Minnesota, erroneously omitted in the previous notice. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 133106 (Sub-No. 40) (AMENDMENT), filed October 24, 1973, published in FEDERAL REGISTER issue December 13, 1973, and republished, as amended, this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1858, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Commodities* dealt in and sold by food business houses; (b) *exempt commodities* when moving in mixed loads with those named in part

(a), from New York, Pennsylvania, New Jersey, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Oklahoma, Nebraska, Colorado, Texas, Idaho, California, Kentucky, Washington, Oregon, Kansas, Georgia, and Tennessee to the facilities utilized by Allied Supermarkets at or near Liberal, Kans., and Oklahoma City, Okla., under continuing contract with Allied Supermarkets, Inc., Ideal Food Division.

NOTE.—The purpose of this republication is to add three origin states and one additional destination point. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Wichita, Kans.

No. MC 133566 (Sub-No. 32), filed December 21, 1973. Applicant: GANGLOFF AND DOWNHAM TRUCKING CO. INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Robert Gangloff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen and non-frozen, and non-edible foods* (except commodities in bulk), from Logansport, Ind., to points in Minnesota, Iowa, Arkansas, Missouri, Louisiana, Wisconsin, Illinois Michigan, Indiana, Kentucky, Maryland, Pennsylvania, New Jersey, Massachusetts, Vermont, Maine, Tennessee Mississippi, Alabama, Ohio, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Delaware, New York, Connecticut, Rhode Island, New Hampshire, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Wayne, Ind., or Washington, D.C.

No. MC 133655 (Sub-No. 67), filed December 18, 1973. Applicant: TRANSNATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Charles W. Singer, 327 South La Salle Street, Suite 1000, Chi- Carolina, North Carolina, Virginia, West cago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor and lignin pitch* (except commodities in bulk), from Oconto Falls, Wis., to points in Arkansas, Louisiana, Oklahoma, and Texas.

NOTE.—Common control was approved in MC-F-10280. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC133801 (Sub-No. 5), filed December 20, 1973. Applicant: FEDERATION TRUCKING CORP., 1101 Prospect Avenue, Brooklyn, N.Y. 11218. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Collating, binding and inserting machines, counter stackers, trimmers, newspaper stuffing, and mailroom machinery and equipment*, between points in New York, N.Y., Commercial Zone as defined by the Commission, and Hauppauge, N.Y., on the one hand, and on the other, points in New York, New Jersey, Connecticut, Massachusetts, Pennsylvania, Rhode Island, Delaware, Maryland, Virginia, North Carolina, South Carolina, and the District of Columbia, under continuing contract with Muller-Martini Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133977 (Sub-No. 19), filed December 20, 1973. Applicant: GENE'S INC., 10115 Brookville Salem Road, Clayton, Ohio 45315. Applicant's representative: Paul F. Beery, 88 East Broad Street, Suite 1660, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic polystyrene foam shapes and forms* (except commodities in bulk), from Troy, Ohio, to points in Georgia, North Carolina, South Carolina, Michigan and points in Virginia, on and south of U.S. Highway 460 and on and east of U.S. Highway 301, and (2) *materials, supplies, and equipment* used in the manufacture of plastic polystyrene foam shapes and forms (except commodities in bulk); *and returned, rejected or damaged shipments* of the commodities described in (1) above, from the destination states described in (1) above to Troy, Ohio.

NOTE.—Dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 134477 (Sub-No. 46), filed December 20, 1973. Applicant: SCHANNO TRANSPORTATION, INC., P.O. Box 4396, St. Paul, Minn. 55165. Applicant's representative: Thomas Fischbach, 5 West Mendota Road, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and (2) *dried milk products, and animal and poultry feed* (except commodities in bulk), from points in Minnesota, and Wisconsin, and Chicago, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the facilities utilized by Land O'Lakes, Inc., at the above named origins and destined to the above named destinations.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn., or Chicago, Ill.

No. MC 134599 (Sub-No. 97), filed December 17, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber, rubber products, and materials, and supplies* used in the manufacture and production thereof, between Springfield, Holyoke, and Easthampton, Mass., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Uniroyal, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134631 (Sub-No. 19) (CORRECTION), filed November 30, 1973, published in the FEDERAL REGISTER issue of January 10, 1974, and republished as corrected, this issue. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radio, phonograph, television and stereo cabinets and equipment, record changer bases and speaker boxes*, from Arcadia, Wis., to Pacoima, Chatsworth, and City of Industry, Calif., Atlanta, Ga., Dallas, Tex., Miami, Fla., Brooklyn and Glendale, N.Y., Bayonne and Jersey City, N.J., and Framingham, Braintree, Cambridge, and Boston, Mass., under continuing contract with Winona Industrial Sales Corp.

NOTE.—The purpose of the republication is to correct the commodity description. Applicant holds common carrier authority in MC 118202 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 135236 (Sub-No. 6, filed December 5, 1973. Applicant: LOGAN TRUCKING, INC., 801 Erie Avenue, Logansport, Ind. 46947. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from Fogelsville, Pa., and Brooklyn, N.Y., to points in Michigan, Indiana, Illinois, and Ohio; (2) from Trenton, N.J., and Norfolk, Va., to points in Minnesota, Iowa, Nebraska, Kansas, Missouri, Oklahoma, Texas, Tennessee, Louisiana, Virginia, West Virginia, and Colorado; and (3) from Norfolk, Va., to points in Ohio, Kentucky, Indiana, Michigan, Illinois, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 135732 (Sub-No. 2), filed December 26, 1973. Applicant: AUBREY FREIGHT LINES, INC., 625 Grove Street, Elizabeth, N.J. 07207. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of Farmland Foods, Inc., located at or near Carroll, Denison, and Iowa Falls, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above origin and destined to named destinations.

NOTE.—Applicant holds contract carrier authority in MC-110884 and Subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135732 (Sub-No. 3), filed December 28, 1973. Applicant: AUBREY FREIGHT LINES, INC., 625 Grove Street, Elizabeth, N.J. 07207. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant sites and storage facilities of Wilson & Co., located at or near Albert Lea, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above origin and destined to named destinations.

NOTE.—Applicant holds contract carrier authority in MC-110884 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135881 (Sub-No. 1), filed December 20, 1973. Applicant: CURTIS R. LUNNEY, Westfield, Maine 04787. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, Maine 04038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer and malt beverages*, in containers, from Philadelphia, Pa., Newark, N.J., and Merrimack, N.H., to Caribou, Maine, and (2) *wine*, in containers, from Hammondsport, Brooklyn, and New York City, N.Y., to Caribou, Maine, under continuing contract with Solman Distributors, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, or Augusta, Maine.

No. MC 136211 (Sub-No. 20), filed December 26, 1973. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 St. Mary's Drive, Suite G, P.O. Box 5067, Oxnard, Calif. 93030. Applicant's representative: Robert J. Mildfelt, 600 Leininger Bldg., 3545 N.W. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New home furnishings, appliances and recreational equipment*, (1) between Monroeville and Coraopolis, Pa., on the one hand, and, on the other, points in Washington, Noble, Monroe, Guernsey, Belmont, Tuscarawas, Harrison, Jefferson, Columbiana, Carroll, Stark, Summit, Portage, Mahoning, and Trumbull Counties, Ohio, Wood, Pleasants, Ritchie, Tyler, Wetzel, Marshall, Ohio, Brooke, Hancock, Doddridge, Harrison, Marion, Monongalia, Taylor, Preston, Grant, and Mineral Counties, W. Va., and Garrett and Allegany Counties, Md., and (2) between Norfolk, Va., on the one hand, and, on the other, points in Halifax, Northampton, Nash, Edgecombe, Pitt, Beaufort, Martin, Bertie, Hertford, Chowan, Gates, Perquimans, Pasquotank, Camden, Currituck, Washington, Hyde, Tyrrell, and Dare Counties, N.C., under continuing contract or contracts with Wickes Furniture, Division of The Wickes Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 136378 (Sub-No. 5), filed December 20, 1973. Applicant: R & L TRUCKING CO., INC., 105 Rocket Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from St. Joseph, Mo., Evansville, Ind., and Ft. Worth, Tex., to points in Lee County, Ala., under continuing contract with Wos Beverages, Inc.; and (2) from points in Duval County, Fla., to points in Alabama and Mississippi, under continuing contract with Riverside Distributors, Inc., Eagle Budweiser Dist. Company, Coosa Valley Budweiser Co., Inc., and Greene Beverage Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Montgomery, or Birmingham, Ala.

No. MC 136899 (Sub-No. 12), filed December 20, 1973. Applicant: HIGGINS TRANSPORTATION LTD., 824 Valley View Drive, Richland Center, Wis. 53581. Applicant's representative: Michael J. Wyngaard, 329 West Wilson St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture, frames, umbrellas, and swings, and parts* for these items (a) from Baraboo, Wis., to points in the United States (except Alaska, Arizona, California, Hawaii, Nevada, Oregon, and Washington), and (b) from Vernon, Calif., to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, and New Mexico; (2) *aluminum frames for furniture, umbrellas, and swings*, from Vernon, Calif., to Baraboo, Wis.; (3) *materials, equipment, and supplies* which are used or useful in the manufacture, sale, production installation or distribution of the commodities named in part (1), (a) from points in the United States (except Alaska, Arizona, California, Hawaii, Nevada, Oregon, and Washington), to Baraboo, Wis., and (b) from points in Washington, Oregon, California, Navada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, and New Mexico, to Vernon, Calif.; (4) *signs, sign parts, sign poles, sign pole parts, electrical advertising displays and accessories* when moving therewith, from Arlington, Tex., to points in the United States (except Alaska and Hawaii); and (5) *materials, equipment and supplies* which are used or useful in the manufacture, sale, production, installation or distribution of the commodities named in Part (4) of the application, from points in the United States (except Alaska and Hawaii), to Arlington, Tex.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 138003 (Sub-No. 6), filed December 21, 1973. Applicant: R. F. KAZIMOUR, 1200 Norwood Drive SE., P.O. Box 2011, Cedar Rapids, Iowa 52403. Applicant's representative: Michael J. Myers, 309 Badgerow Bldg., Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Appliances and furnaces* from Amana, Iowa, to points in Alabama, Arizona, California, Florida, Georgia, Louisiana, Mississippi, Nevada, Oregon, Tennessee, Utah, and Washington; (2) *appliances and furnaces* from Fayetteville, Tenn., to points in Arizona, California, Nevada, Oregon, Utah, and Washington; and (3) *appliances, furnaces, and component parts and raw materials* used in the manufacture of appliances and furnaces between Amana, Iowa, and Fayetteville, Tenn., under a continuing contract with Amana Refrigeration, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, Omaha, Nebr., or Washington, D.C.

No. MC 127042 (Sub-No. 134), filed December 21, 1973. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooking oils, bleaches, cleaning compounds, sodium hypochlorite solutions*, and *animal litter*, from Kansas City, Mo., to points in Colorado, Iowa, Nebraska, South Dakota, and Minnesota.

NOTE.—Common control was approved in MC-F-11806. Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 64 at Eldora, Iowa, to serve points in California, Arizona, Nevada, Oregon, Washington, Utah, Idaho, Montana, Wyoming, Kansas, North Dakota, Wisconsin, Illinois, Indiana, and Michigan; and in Sub-No. 104 at Madrid, Iowa, to serve points in California, Wyoming, Kansas, Arizona, New Mexico, Washington, Oregon, Utah, Texas, Nevada, Idaho, and Montana. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 127834 (Sub-No. 98), filed December 26, 1973. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: M. Bryan Stanley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities and empty containers* (except household goods, explosives, commodities in bulk, and edible foods), in container service, between points in New York, New Jersey, Delaware, Maryland, Virginia, Newport, Ky., Cincinnati, Ohio, Nashville, Tenn., and Tishomingo County, Miss., on the one hand, and, on the other, points in Tennessee, Virginia, and Kentucky, restricted to traffic having prior or subsequent movement in foreign commerce.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 128021 (Sub-No. 11), filed December 26, 1973. Applicant: DIVERSIFIELD PRODUCTS TRUCKING CORPORATION, 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert S. Richard, 57 Adams Avenue, P.O. Box 2069, Montgomery, Ala. 36103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tapes, tape containers, reels, display racks, plastic articles* (except in bulk), from the plant site of Ampex Corporation at or near Opelika, Ala., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of tapes, tape containers, reels, display racks, plastic articles (except in bulk), from points in the United States (except Alaska and Hawaii) to the plant site of Ampex Corporation at or near Opelika, Ala., under continuing contract with Ampex Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Opelika or Montgomery, Ala.

No. MC 138304 (Sub-No. 6), filed December 17, 1973. Applicant: NATIONAL PACKERS EXPRESS, INC., 29 South LaSalle Street, Suite 330, Chicago, Ill. 60603. Applicant's representative: Craig B. Sherman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, from New York, N.Y., Philadelphia, Pa., and points in New Jersey, to points in Ohio, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Colorado, Michigan, Kentucky, Oregon, California, Washington, New Mexico, Nevada, Texas, and Arizona.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., New York, N.Y., or Washington, D.C.

No. MC 138512 (Sub-No. 2), filed December 26, 1973. Applicant: ROLAND'S TRANSPORTATION SERVICES, INCORPORATED, doing business as WISCONSIN PROVISIONS EXPRESS, 3383 East Layton Avenue, Cudahy, Wis. 53110. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese and cheese products, and equipment, materials, and supplies used in the manufacture and display of cheese and cheese products* (except commodities in bulk), from Green Bay, Wis., to Detroit, Grand Rapids, Holland, and Muskegon, Mich.; and (2) *equipment, materials and supplies used in the manufacture of cheese and cheese products* (except commodities in bulk), from Detroit, Mich., to Carthage, Mo., Green Bay, Wis., and Logan, Utah, under contract with L. D. Schreiber Cheese Co., Inc., restricted to traffic originating at or destined to plants and facilities utilized by L. D. Schreiber Cheese Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 138631 (Sub-No. 2), filed December 26, 1973. Applicant: MELVIN SALES CO., a Corporation, 901 N. Vermillion St., Streator, Ill. 61364. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Streator, Ill., to Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138834 (Sub-No. 2), filed December 17, 1973. Applicant: JERRY ATKINSON, doing business as JERRY ATKINSON COMPANY, 4517 Hilton, Albuquerque, N. Mex. 87110. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, edible meat by-products, dairy products*, and *frozen and perishable foods and foodstuffs*, (1) between points in New Mexico; and (2) between points in New Mexico, on the one hand, and, on the other, points in El Paso County, Tex., and points in Montezuma, La Plata, Archuleta, Conejos, and Costilla Counties, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 138866 (Sub-No. 2) (AMENDMENT), filed August 17, 1973, published in the FEDERAL REGISTER issue of October 26, 1973, and republished as amended this issue. Applicant: S. E. S. TRUCKING, INC., Box 199, Barbourville, Ky. 40906. Applicant's representative: O. R. Parsons (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed limestone and asphalt*, from the plant site of Southeastern Stone Quarries, Inc., located 8 miles west of Ewing, Va., on U.S. Highway 58, to points in Bell, Knox, Laurel, Whitley, Clay, Jackson, Harlan, and Leslie Counties, Ky., Claiborne, Hancock, and Campbell Counties, Tenn., and Lee County, Va.; and (2) *asphalt*, from Knox County, Ky., to points in Claiborne, Hancock, and Campbell Counties, Tenn., and Lee County, Va., under contract with Southeastern Stone Quarries, Inc. of Ewing, Va., and Willis Paving Corporation of Gray, Ky.

NOTE.—The purpose of this republication is to indicate applicant's request for authority in (2) above. The Order of the Commission by which this application was directed for handling under modified procedure is vacated and set aside by Order of the Commission, Commissioner Gresham, dated January 23, 1974. If a hearing is deemed necessary, applicant requests it be held at either Barbourville, Ky., Middlesboro, Ky., London, Ky., Knoxville, Tenn., or Lexington, Ky.

No. MC 139042 (Sub-No. 1), filed November 19, 1973. Applicant: DON KING, doing business as, KING GRAIN CO., 206 N.E. 18th, Guymon, Okla. 73942. Applicant's representative: John C. Sims, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feedstuff and livestock feedstuff ingredients*, from points in Oklahoma, New Mexico, Texas, Kansas, and Colorado, to Cimmaron, Tex.; and points in Beaver and Harper Counties, Okla., and Seward County, Kans.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Guymon, Okla., or Lubbock, Tex.

No. MC 139107 (Sub-No. 1), filed December 21, 1973. Applicant: MATADOR SERVICE, INC., P.O. Box 2256, Wichita, Kans. 67201. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes. transporting: *Anhydrous ammonia*, from the Pipeline Terminal of Mapco, located approximately eight miles north of Clay Center, Kans., on Kansas Highway 15, to points in Nebraska, Missouri, and Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 139110 (Sub-No. 2), filed December 20, 1973. Applicant: MINN-CAL, INC., P.O. Box 98, Mandan, N. Dak. 58554. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses and *materials and supplies* used in connection therewith in the conduct of such business, between the facilities of Fingerhut Corporation at St. Cloud, Minn., on the one hand, and, on the other, points in California and Washington, under contract with Fingerhut Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.; Fargo, N. Dak.; or Minneapolis, Minn.

No. MC 139279 (Sub-No. 1), filed December 13, 1973. Applicant: GUY CLAIBORNE, doing business as CLAIBORNE GRAIN COMPANY, P.O. Box 162, Coyville, Kans. 66727. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Building, 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scaffolding and scaffolding products, ladders, personnel/material hoist towers, concrete forms and concrete handling machinery*, and *shoring equipment*, between points in the United States (except points in Alaska, Hawaii, Arizona, California, Idaho, Montana, Oregon, Nevada, New Mexico, Utah, and Washington) under a continuing contract or contracts with Patent Scaffolding Company a division of Harsco Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 139305, filed November 21, 1973. Applicant: LONNY RAYE CUMMINGS, doing business as AMERICAN MACHINERY MART, 10438 S.E. 23rd, Bellevue, Wash. 98004. Applicant's representative: Robert B. Gould, 307 Blanchard, Seattle, Wash. 98121. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Components for and assembled materials handling equipment*, (1) between Chico, Calif., and Elwood City, Pa.; and (2) from Chico, Calif., to points in Oregon, Nevada, Washington, Idaho, Colorado, Utah, Arizona, New Mexico, Texas, Louisiana, and Missouri, under a continuing contract with Rexnord, a Division of Rex Chain Belt.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.; Portland, Oreg.; or San Francisco, Calif.

No. MC 139335 (Sub-No. 1), filed December 26, 1973. Applicant: JACKSON TRANSFER, INC., 1803 W. Washington Street, Bloomington, Ill. 61701. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and warehouse facilities of La Salle Steel Company, at Hammond, Ind., to points in Illinois; and (2) *coal tar pitch products, other than liquid* (except in bulk), from the plantsite of Reilly Tar & Chemical Corp., located at or near Granite City, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Chicago, or Springfield, Ill.

No. MC 139368 (Sub-No. 1), filed December 26, 1973. Applicant: VERLYN G. CLARK AND WILLIAM GENE CLARK, doing business as V. CLARK AND SON TRUCKING, 318 9th Avenue West, Ashland, Wis. 54806. Applicant's representative: Michael J. Wyngaard, 329 West Wilson St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is used, dealt in, sold or distributed by wholesale hardware distributors between Ashland, Wis., on the one hand, and, on the other, points in Minnesota and the Upper Peninsula of Michigan; (2) *furniture and appliances* between Ashland, Wis., on the one hand, and, on the other, points in the Upper Peninsula of Michigan; and (3) *newspapers* (otherwise exempt from economic regulation under Section 203(b)(7) of the Act) when transported in the same vehicle with regulated commodities, from Duluth, Minn., to points in Wisconsin, on and North of U.S. Highway 8, and the Upper Peninsula of Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at either Ashland, Wis., or Duluth, Minn.

No. MC 139381, filed December 21, 1973. Applicant: SPIRIT OF 76 OVERLAND EXPRESS, INC., 6726 Mohican Trail, Fort Wayne, Ind. 46804. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from the plant sites and shipping facilities of Essex International, Inc., located in Michigan, Ohio, Indiana, and Illinois, to points in Arizona, California, Colorado, Kansas, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, under a continuing contract with Essex International, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fort Wayne or Indianapolis, Ind.

No. MC 139388, filed December 17, 1973. Applicant: CONTRAN CARRIER CORP., 4537 Forest Lane, Garland, Tex. 75042. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, tobacco products, cosmetics, and other merchandise* dealt in by Ward Cut-Rate Drug retail stores, between the warehouse site of Ward Cut-Rate Drug Company at Garland, Tex., on the one hand, and, on the other, Ward Cut-Rate Drug retail stores at Oklahoma City and Tulsa, Okla., under contract with Ward Cut-Rate Drug Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139394, filed December 21, 1973. Applicant: ROADRUNNER AIR SERVICE, INC., P.O. Box 1281, Peoria, Ill. 61601. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air, between Chicago O'Hare International Airport Terminal Area at or near Chicago, Ill.; the Chicago Midway Airport Terminal Area located at or near Chicago, Ill.; and The Greater Peoria Airport located at or near Peoria, Ill., on the one hand, and, on the other, points in Fulton, Knox, Marshall, McDonough, Peoria, Stark, Tazewell, Warren, and Woodford Counties, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139400, filed December 17, 1973. Applicant: S. C. DAVIS TRANSPORT, INC., 2900 Sprockett Drive, Arlington, Tex. 76015. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Assembled aircraft landing gears, landing gear parts and machinery, equipment, materials, and supplies* used in the manufacture and fabrication of aircraft landing gears from the plantsites of Menasco Manufacturing Company at Fort Worth and Arlington, Tex., to points in California; and (b) *machinery, equipment, materials, supplies, and parts* used in the manufacture and fabrication of aircraft landing gears from points in California to the plantsites of Menasco Manufacturing Company in Fort Worth and Arlington, Tex. both (1) (a) and (b) under contract with Menasco Manufacturing Company; and (2)(a) *dust control equipment and items* used in the installation and operation thereof when moving in connection therewith from the plantsite of Construction Fabricators at City of Industry, Calif., to points in Texas, Arizona, New Mexico, and Nevada, and (b) *machinery, equipment, materials, and supplies* used in the manufacture and fabrication of dust control equipment from points in Texas, Arizona, New Mexico, and Nevada to the plantsite of Construction Fabricators at City of Industry, Calif., both (2) (a) and (b) under contract with Construction Fabricators.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Houston, Tex.

No. MC 139402, filed December 12, 1973. Applicant: H. O. SMESTAD CO., a Corporation, P.O. Box 299, Great Falls, Mont. 59401. Applicant's representative: G. Robert Crotty, Jr., 430 Northwestern Bank Bldg., Great Falls, Mont. 59401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and carbonated beverages*, from Los Angeles, San Francisco, and Berkeley, Calif.; Seattle, Vancouver, and Yakima, Wash.; St. Louis, Mo., and Phoenix, Ariz., to Great Falls, Mont., under contract with Devine & Asselstine, Inc., at Great Falls, Mont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Great Falls, Helena, or Billings, Mont.

MOTOR CARRIER OF PASSENGER(S)

No. MC 3647 (Sub-No. 449), filed December 26, 1973. Applicant: TRANSPORT OF NEW JERSEY, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: John F. Ward (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers, in the same vehicle with passengers*, (1) Between Marlboro and Madison Township, N.J.: From the junction of Union Hill Road and U.S. Highway 9, Marlboro Township, over Union Hill Road to junction Pension Road in Manalapan, thence over Pension Road to junction Middlesex County Road 527 in Madison Township and return over the same route, serving all intermediate points; (2) Between Manalapan Township, N.J., and Englishtown Borough, N.J.: From junction Gordons Corner Road and U.S. Highway 9 in Manalapan over Gordons Corner Road to junction Monmouth County Highway 527 in Englishtown, and return over the same route, serving all intermediate points; and (3) Within Manalapan Township, N.J.: From junction Taylors Mill Road and U.S. Highway 9 over Taylors Mill Road to junction Pease Road, thence over Pease Road to junction Union Hill Road, and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 139359, filed December 11, 1973. Applicant: ADVENTURES WEST, INC., 6700 North West 37th Court, Miami, Fla. Applicant's representative: Ronald Shapss, Suite 2005, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* (ages 11–18) and *their baggage and sporting and camping equipment* (baggage and equipment either in the same vehicle with passengers, or a separate vehicle), in personally conducted all-expense camping tours, in special round trip operations in vehicles limited to 14 passengers, not including the driver and chaperon, from Denver, Colo., to points in Arizona, Utah, Nevada, Idaho, California, Oregon, Washington, Montana, Wyoming, and South Dakota, and return, when such transportation is preceded and followed by chaperoned transportation of such passengers by air from points in Florida, to Denver, Colo., and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 138966 (Sub-No. 3), filed December 26, 1973. Applicant: SUTCO, INC., 680 N. Main Avenue, Scranton, Pa. 18504. Applicant's representative: Kennth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-cut buildings, and materials, and supplies used in the erection thereof;* and (2) *materials and supplies used in the manufacture of pre-cut buildings*, on return, from Tacoma, Wash.; Scranton, Pa.; Schereville, Ind.; Atlanta, Ga.; and ports of entry in New York on the International Boundary line between the United States and Canada, to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139032 (Sub-No. 1), filed December 26, 1973. Applicant: DWIGHT W. BRAGDON, JR., Exeter Road, East Corinth, Maine 04427. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log buildings and related construction materials therewith*, from Kenduskeag, Maine, to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, under contract with Northeastern Log Homes, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Portland or Bangor, Me., or Boston, Mass.

WATER CARRIER APPLICATION(S)

No. W–723 Sub 3, filed January 18, 1974. Applicant: PATTON-TULLY TRANSPORTATION COMPANY, a Corportation, 1252 N. Second Street, P.O. Box 28, Memphis, Tenn. 38101. Applicant's representative: John W. Slater, Jr., 705 Union Planters Bank Bldg., Memphis, Tenn. 38103. Authority sought to engage in operation, in interstate or foreign commerce as a *contract carrier by water* by non-self-propelled vessels with the use of separate towing vessels in the transportation of *forest products*, and by towing vessels in the towage of *forest products* between ports and points along the Mississippi River from St. Louis, Mo., to the St. Francisville Paper Company Mill, St. Francisville, La., inclusive, and (2) at Memphis, Tenn., in the furnishing for compensation (under charter, lease, or other agreement) of towing vessels, non-self-propelled barges, and derrick boats, without crews, to persons dealing in or engaged in the production of lumber and forest products, for use by such persons in the transportation of their own property.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–2457 Filed 1–30–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 241; Rule 19, Corrected 13th Rev. Exemption No. 43]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., ET AL.

Exemption Under Mandatory Car Service Rules

In the matter of The Atchison, Topeka and Santa Fe Railway Company, Burlington Northern Inc., Chicago and North Western Transportation Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Chicago, Rock Island and Pacific Railroad Company,[1] Illinois Central Gulf Railroad Company, Missouri Pacific Railroad Company, St. Louis-San Francisco Railway Company,[1] Soo Line Railroad Company, and Union Pacific Railroad Company.

It appearing, that there are massive movements of grain, including rice and soybeans, in progress in the states of Arkansas, Iowa, Kansas, Minnesota, Mississippi,[2] Montana, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas;[2] and of cotton in certain of the aforementioned states; that present supplies of plain boxcars owned by the railroads serving these states are inadequate to move the newly harvested grain and cotton to terminal facilities for safe storage; that use of available plain boxcars owned by other carriers for movements of this grain and cotton will substantially augment the car supplies of the railroads named herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads named herein, and their short line connections, are hereby authorized to use and to accept from shippers shipments of grain and cotton originating at stations located in Arkansas, Iowa, Kansas, Minnesota, Mississippi,[2] Montana, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas,[2] when loaded into plain 40-ft. narrow-door boxcars of various ownerships without regard to the requirements of Car Service Rule 2.

Exception: This exemption shall not apply to plain boxcars subject to Association of American Railroads' Car Relocation Directive No. 44.

Effective: 11:59 p.m., January 15, 1974.

Expires: 11:59 p.m., February 15, 1974.

Issued at Washington, D.C., January 10, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74–2614 Filed 1–30–74;8:45 am]

[1] Fort Worth and Denver Railway Company and St. Louis Southwestern Railway Company eliminated.

[2] Missouri, and Wyoming eliminated.

[Ex Parte No. 241; Rule 19, Exemption No. 61]

MISSOURI PACIFIC RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, that cars are being returned by the National Railways of Mexico at Brownsville, Texas, contrary to normal routing, due to congestion at Laredo, Texas, and that the Missouri Pacific Railroad Company has agreed to accept cars at that point, despite its inability to use cars at that point.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, cars received at Brownsville, Texas, by the Missouri Pacific Railroad Company may be loaded for one trip without regard to Car Service Rules 1 and 2.

Effective: January 20, 1974.

Expires: February 10, 1974.

Issued at Washington, D.C., January 20, 1974.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.74-2610 Filed 1-30-74;8:45 am]

[Ex Parte No. 241; Rule 19, Exemption No. 60]

COCOA BEANS MOVING IN PLAIN BOXCARS

Exemption Under Mandatory Car Service Rules

It appearing, that there are substantial movements of imported cocoa beans moving in plain boxcars, originating at Pier 55, Pier 84 South, Pier 98, the Tioga Terminal and at the Packer Avenue Terminal, all located in Philadelphia, Pennsylvania, and served by the Penn Central Transportation Company, George P. Baker, Richard C. Bond and Jervis Langdon, Jr. (PC), Trustees, and destined to various points throughout the eastern portion of the United States; and that the PC is unable to furnish sufficient system and foreign cars of suitable ownership to remove this freight from the piers and terminals as rapidly as they are discharged from the inbound ships, thereby creating serious congestion at the port.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, the PC be, and it is hereby, authorized to place for loading and accept from shippers located at Pier 55, Pier 84 South, Pier 98, the Tioga Terminal or the Packer Avenue Terminal, all located in Philadelphia, Pennsylvania, not to exceed one hundred (100) plain boxcars of any size, described in the Official Railway Equipment Register, I.C.C. RER No. 389, issued by W. J. Trezise, as having mechanical designation XM, regardless of the provisions of Car Service Rule 2.

It is further ordered, That this exemption does not supersede the provisions of any Car Relocation Direction issued by the Car Service Division, Association of American Railroads, except to the extent authorized by that Association.

Effective: January 17, 1974.

Expires: January 25, 1974.

Issued at Washington, D.C., January 17, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-2615 Filed 1-30-74;8:45 am]

[Ex Parte No. 241; Rule 19, Amdt. No. 2 to Exemption No. 55]

NORFOLK AND WESTERN RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

In the matter of Norfolk and Western Railway Company, Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees.

Upon further consideration of Exemption No. 55, issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 55 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire January 31, 1974.

This amendment shall become effective December 31, 1973.

Issued at Washington, D.C., December 28, 1973.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.74-2612 Filed 1-30-74;8:45 am]

[Ex Parte No. 241; Rule 19, Amdt. No. 2 to Exemption No. 56]

ERIE LACKAWANNA RAILROAD CO., ET AL.

Exemption Under Mandatory Car Service Rules

In the matter of Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees, and Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees.

Upon further consideration of Exemption No. 56, issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 56 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire January 31, 1974.

This amendment shall become effective December 31, 1973.

Issued at Washington, D.C., December 28, 1973.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.74-2613 Filed 1-30-74;8:45 am]

[Amdt. No. 5 to I.C.C. Order No. 74 under Rev. S.O. No. 994]

REROUTING TRAFFIC

Upon further consideration of I.C.C. Order No. 74 (Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 74 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1974, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 23, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-2611 Filed 1-30-74;8:45 am]

federal register

THURSDAY, JANUARY 31, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 22

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

BEET SUGAR PROCESSING POINT SOURCE SUBCATEGORY

Effluent Guidelines and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 409—SUGAR PROCESSING POINT SOURCE CATEGORY

Beet Sugar Processing Subcategory

On August 22, 1973 notice was published in the FEDERAL REGISTER (38 FR 22610) that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the beet sugar processing subcategory of the sugar processing category of point sources. The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the beet sugar processing subcategory of the sugar processing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 409. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c), 307(c) and 316(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c), and 1326(c); 86 Stat. 816 et seq.; Pub. L. 92-500.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology, and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the beet sugar processing subcategory. In addition, the regulation as proposed was supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Beet Sugar Segment of the Sugar Processing Point Source Category" (August 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Beet Sugar Processing Industry" (August 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication and were given an additional 30 days within which to comment as a result of an extension of the comment period. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows in this document.

The regulation as promulgated contains significant departures from the proposed regulation. The following discussion outlines the reasons why these changes were made and why other suggested changes were not made.

(a) *Summary of comments.* The following responded to the request for comments which was made in the preamble to the proposed regulation: U.S. Beet Sugar Association, American Crystal Sugar Company, The Amalgamated Sugar Company, Monitor Sugar Company, Great Western Sugar Company, Michigan Sugar Company, Holly Sugar Corporation, Colorado Water Quality Control Commission, Natural Resources Defense Council, Inc., Illinois Environmental Protection Agency, Great Western Sugar Company, United States Water Resources Council, U.S. Department of Transportation, U.S. Coast Guard, Michigan Department of Natural Resources, EPA Region VIII, U.S. Department of Commerce, U.S. Department of the Treasury, U.S. Atomic Energy Commission, Union Sugar Division of Consolidated Foods Corporation, Utah-Idaho Sugar Company, Colorado Department of Natural Resources, Effluent Standards and Water Quality Information Advisory Committee, Wisconsin Department of Natural Resources, and the U.S. Department of the Interior.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and EPA's response to those comments.

(1) It has been strongly contended by commenters that the beet sugar processing industry should not be a single logical category for the establishment of effluent limitations guidelines because such factors as climate, age, and size of plant are purported to demand a different division of the industry.

Even though all plants, partially or fully, utilize land for disposal and/or control of beet sugar processing waste waters, individual conditions are acknowledged to affect application of a complete land based technology. Indeed some of these factors could be of importance for possible segmentation of the industry, and have been appropriately considered. The proposed effluent limitations guidelines for July 1, 1983, have been amended to reflect segmentation of the industry based on plant size, and soil filtration characteristics. Age of plant has an influencing, but undeterminable effect on pollution control technology. Age is not judged an important enough factor affecting pollution control technology to justify segmentation of the industry on this parameter alone.

(2) Another of the key issues which was raised in response to the proposed regulation was the possible unavailability of suitable land to meet the 1983 effluent limitations guidelines.

It is the position of EPA that sufficient land is generally available within a reasonable distance from a plantsite to permit no discharge of process waste water pollutants to navigable waters. Use of this land for waste disposal purposes is generally economically feasible within the time limitations for compliance with the regulation.

The importance of the issue has been nearly eliminated with the segmentation of the industry adopted for establishment of effluent limitations guidelines to be met by July 1, 1983.

(3) Commenters expressed concern that malodorous conditions could result from increased use of land to dispose of beet sugar processing waste water.

Potential creation of odors from beet sugar processing wastes, as well as from many other types of wastes, is a long-standing, commonly occurring problem in the handling, treatment, and disposal of waste waters. The odor producing potential largely exists within the industry as a result of present practices to control most offensive wastes. Although odors may not be eliminated by present technology, they can be significantly minimized by currently known and widely practiced techniques. Therefore, the implementation of this regulation will not result in significant new odor problems or in substantial aggravation of odor problems which may exist within the industry today.

(4) Commenters were concerned that fogging resulting from evaporative cooling of barometric condenser water may present a visibility problem at some locations.

Any problems of this type which do exist are isolated to a very few plant locations. The potential for fogging cannot be directly related to water pollution control requirements, as one of the greatest possible sources for fogging originates from emissions of vapors and particulate material from beet pulp driers. Since methods are available and in use for minimization and control of the problem, it is anticipated that the regulation should not create material fogging problems or substantially increase present fogging levels.

(5) Some commenters maintained that proper consideration has not been given in the development of the regulation to energy requirements attendant to utilization of water pollution control technology.

Energy requirements necessary for production and water pollution control purposes were identified in the preamble to the regulation as proposed (38 FR 22610), and are verified by calculations based on generally acceptable engineering practice, actual field data, and industry-supplied information. For the most part, any real increase in the con-

sumption of energy results from the use of aerators for the control of odors rather than for intended reduction of pollutants in process waste water. The devices, where needed, are largely in place and no dramatic capital costs or energy increases are attributable to any increased need for such equipment which might be alleged to result from compliance with the regulation.

(6) Comments were received which suggested elimination of thermal discharge limitations guidelines proposed for barometric condenser water on the basis that the need for such effluent limitations guidelines has not been evidenced.

Heated barometric condenser water, without control, represents a potential for thermal pollution of receiving waters, and as such, is judged an important pollutant parameter. It may be successfully reduced technologically and economically as presently demonstrated in the industry. The temperature of barometric condenser water is quite variable and may range as high as 65°C (149°F) depending upon intake water temperature, water conservation practices, and production factors. Temperature of water which is reasonably efficient and acceptable for use for barometric condensing operations has been reported by industry personnel to be between 20°C–25°C (68°F–77°F) varying with individual conditions. Maximum temperature limitation for barometric condenser water of 32°C (90°F) is technologically justified, aside from production factors, and has been incorporated into the final regulation.

(7) The expression of the effluent load limitation in terms of amount of pollutants per unit of weight of production of refined sugar was questioned in the comments. It was suggested that the pollutant load limitation be stated as an amount of pollutants per unit of weight of raw beets processed and beets sliced. The industry maintains that the latter limitation basis is more directly related to total pollutant load as it is traditional and readily understandable in the industry.

Expression of effluent limitations guidelines in terms of amount of pollutants per unit weight of production is deemed to present a uniform, accurate, and generally applicable method for measurement of process waste water pollutants particularly as derived from barometric condensing operations. The effluent limitations guidelines are based upon technology applicable and demonstrated for control of BOD5 resulting from barometric condensing operations.

The revised regulation which allows a controlled discharge of composite waste in both 1977 and 1983 permits flexibility in reaching this established effluent limitation through alternative demonstrated technologies. Additional effluent limitation parameters (TSS and fecal coliform bacteria) are necessary to be included in such cases where composite waste water discharges may result; therefore in view of the additional flexibility permitted for compliance with the effluent limitation guidelines, modification of the method of effluent load limitations is not justified. Furthermore, expression of the effluent limitations on the recommended basis of unit weight of product has general application as compared to other methods e.g. plants utilizing an "extended use" campaign for processing thick juice where concurrent slicing of beets is not practiced. The recommended measure is readily and generally usable.

(8) Concern was expressed with regard to the effects of increased waste water disposal by application to land on the consumption of water and State water rights.

With respect to these issues, it is noted that all beet sugar processing plants presently within the United States utilize land for disposal of process waste water through soil filtration. In examining present plants in the western States where water consumption is an important consideration, it is apparent that consumptive water use results from present practices through containment of waste waters by in-place waste water holding facilities. While the regulation would result in some additional consumptive use, it should not result in an overly dramatic increase. It has been calculated on the basis of the effluent limitations guidelines resulting from discharge of barometric condenser water only for the ten plants in one state that the potential increase in total water consumption (soil filtration and evaporation) which may occur from the implementation of the regulation could be no significant increase to a maximum of 35 percent. If an increase of 35 percent were to occur the additional total annual increase for all ten plants for additional water rights based upon the cost of water at $200 per acre-foot would be $380,000 maximum. Similar calculations have been made based upon the complete land disposal of all process waste waters for the ten plants, and it is indicated that the potential increase could be as low as 13 percent which might result in $225,000 additional annual cost or as high as 75 percent which might result in $825,000 additional annual costs. These costs tend to fall evenly on the ten plants involved. They will tend to increase the economic burden on those plants, however, they do not alter any of the conclusions reached previously in the economic impact analysis for this industry. To the extent that any legal issue may arise with respect to a purported conflict between Federal and state law, it is the determination of the EPA Office of General Counsel that the "Federal doctrine of preemption" requires implementation of the regulations enacted pursuant to the Act.

(9) Commenters questioned the economic and technological wisdom of universally requiring "no discharge" of process waste water pollutants to navigable waters in all instances by July 1, 1983.

Many factors are acknowledged to affect and feasibly determine the economic and engineering application of no discharge of process waste water pollutants from all plants through land application of process waste waters. These factors have received proper evaluation in considering the costs vs. pollutant reduction benefits relationships resulting from various available pollution control technologies. Re-evaluation of these relationships in response to concern expressed by some commenters, has resulted in revisions to the July 1, 1983 regulation incorporating segmentation of the industry. The revisions greatly mitigate economic and technological restraints within the industy which may be expected to result from a uniform effluent limitation of no discharge of process waste water pollutants for all plants. Land disposal of all, or most, process waste waters is economically and technologically accomplishable at many plants in the industry. The technology is well demonstrated and generally economically achievable.

(10) Industry questioned the application of the land availability formula as a valid and equitable basis for determining the existence of available and suitable land for controlled waste water disposal.

This issue is now moot as the formula has been removed from the regulation.

(b) *Revision of the proposed regulation prior to promulgation.* As a result of public comments, continuing review and evaluation of the proposed regulation by EPA, the following changes have been made in the regulation.

(1) Section 409.11, *Specialized Definitions,* now includes a reference to general definitions, abbreviations, and methods of analysis in 40 CFR 401 which reduces the need for some specialized definitions in this regulation. The definition of "barometric condensing operations" was defined because the term has now been incorporated in the regulation and the term "product" has been defined to maintain clarity in the regulation.

(2) An important change made in the effluent limitation guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available permits an effluent discharge of 2.2 kg BOD5/kkg of refined sugar (2.2 lb BOD5/1000 lb refined sugar) from beet sugar process waste waters as attributable to barometric condensing operations alone or together with any other beet sugar processing operation.

Under the revised effluent limitation guidelines the economic analysis for the industry indicates that only three to five plants in the industry might have financial difficulty in meeting the limit of 2.2 kg BOD5/kkg of refined sugar. Three of these plants have indicated through permit applications that they in fact would be able to achieve this level of control by 1977. This reduces the potential closures for 1977 to one to two plants representing approximately 1.0 to 3.0 percent of industry capacity and about 50 to 100 full time employees. This constitutes a substantial reduction from the four to ten potential closures projected for the 1977 requirements as originally proposed.

The economic analysis indicates that one to two additional plants could have financial difficulty in meeting the 1983 guidelines. These plants are larger than 2300 tons sliced/day and thus are not exempt from the zero discharge requirement. While they have favorable soil conditions they are still only marginally profitable and are likely to incur high land cost for enlargement of their holding ponds. These plants represent from 2.0 to 3.5 percent of industry capacity and from 50 to 100 full time employees.

This provides ample justification for the change in the regulation which substantially improves the economic outlook of the industry.

The intent in establishing flexibility in the effluent limitations guidelines for 1977 is not to permit a plant to discharge process waste water from barometric condensing operations as well as composite process waste water but the plant is to use one alternative or the other, as specified in Section 409.12, for the totality of operations at the plant.

(3) Another important change made in the effluent limitation guidelines representing the degree of effluent reduction attainable by the application of the best available control technology economically achievable permits an effluent discharge of 1.3 kg BOD5/kkg of refined sugar (1.3 lb BOD5/1000 lb refined sugar) from beet sugar process waste waters as attributable to barometric condensing operations alone or together with any other beet sugar processing operation for plants having a sugar beet processing capacity of 2090 kkg (2300 tons) per day of beets sliced or less, or where soil filtration rate has been determined or ascertained to be not greater than 0.159 cm/day (1/16 in/day). All beet sugar processing plants not meeting either or both of the above criteria would be required to achieve no discharge of process waste water pollutants to navigable waters.

The rationale for segmentation of the industry for purposes of establishing effluent limitations guidelines for July 1, 1983 on the basis of plant size and soil filtration rate is essentially economic. The plants expected to incur the greatest economic impact from the proposed regulations are those which are relatively small. The plant capacity chosen as a basis for segmentation is distinguishing within the size distribution for plants presently within the industry. The soil filtration rate criteria of 0.159 cm/day (1/16" per day) serves to further reduce the most adverse economic impact anticipated for plants located in areas where land for disposal of process waste water disposal exhibits exceedingly low permeability characteristics. No plants within the industry with a capacity less than a sugar beet processing capacity of 2040 kkg (2300 tons) per day of beet sliced presently accomplish no discharge of process waste water pollutants to navigable waters through land disposal of process waste waters. The ability to achieve the stipulated effluent limitations established for 1983 has been demonstrated within the industry, and is judged to constitute the best available control technology economically achievable within physical and economic restraints.

(4) An effluent limitation for TSS has now been included for permitted composite discharges which result from a mixture of the waste stream from barometric condensing operations and any other beet sugar processing operation.

While the TSS limitation was not included in effluent limitations guidelines in the proposed regulation, it has been shown to be necessary for composite wastes. This is true because of the very likely possibility of solids discharge from flume water and other solids producing processes. TSS levels in barometric condenser water are negligible and are subject to the same methods and procedures for control as BOD5. Generally since both BOD5 and TSS are derived from the process of concentration of sugar-laden solutions, control of BOD5 will likewise result in control of corresponding TSS levels in barometric condenser water. The limitation for TSS corresponding to that for BOD5 may be expeditiously accomplished, as presently demonstrated within the industry, for composite waste through effective solids removal devices.

(5) The heat limitation has been modified to include a maximum temperature limit of 32°C (90°F).

The temperature of water suitable for reuse in the barometric condenser water process is variable depending upon water use, reuse, conservation practices, and production-related factors. However, the normal temperature requirements for effective and efficient operation of the sugar solution concentrating and crystallizing processes are usually in the range of 20°C–25°C (68°F–77°F) or cooler. A maximum temperature limitation of 32°C (90°F) is technologically accomplishable and justified.

The same considerations of temperature apply to composite wastes and the 32°C (90°F) limitation should be equally applicable. Where composite discharge of process waste water occurs, 32°C (90°F) for composite waste discharge generally presents no difficulty to meet since temperature reduction can usually be technologically accomplished principally through a combination of waste waters from barometric condensing operations together with other wastes.

(6) An additional effluent limitation guideline has been established regulating the discharge of fecal coliform bacteria when the discharge from a plant contains waste water other than barometric condenser water only. This is necessary to ensure that the composite waste water has been properly treated. It is considered to be unnecessary for discharges derived only from barometric condenser water based on available data which do not indicate that barometric condenser water contains pathogenic organisms. Substantial disinfection of barometric condenser water occurs through the heat producing process. Creating separate requirements for these two possible waste discharges will eliminate the need for monitoring of fecal coliform bacteria at many plants. This should result in an attendant cost saving to the operator at those plants discharging only barometric condenser water.

(c) *Economic impact.* For the beet sugar processing industry, the first option which would leave the introduction of pollutants unregulated is appropriate. As described in the Development Document, the process waste waters from the beet sugar processing subcategory do not contain process waste water pollutants in sufficient concentrations to interfere with the operation of publicly owned treatment works, pass through such works untreated or inadequately treated or otherwise be incompatible with such treatment works. Therefore, no condition is deemed to preclude the discharge of process waste waters from the beet sugar processing subcategory to publicly owned treatment works.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of process waste waters not discharged by point sources within the beet sugar processing subcategory of the sugar processing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines and Standards of Performance for New Sources Beet Sugar Processing Subcategory of the Sugar Processing Point Source Category" (January, 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines Beet Sugar Processing Industry" (August, 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the beet sugar processing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of section 304(c), a manual entitled, "Development Document for Effluent Limitations Guidelines and Standards of Performance for New Sources Beet Sugar Processing Subcategory of the Sugar Processing Point Source Category" has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20401 for a nominal fee.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 409, Sugar Manufacturing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective April 1, 1974.

Dated: January 18, 1974.

RUSSELL E. TRAIN,
Administrator.

Subpart A—Beet Sugar Processing Subcategory

Sec.

409.10 Applicability; description of the beet sugar processing subcategory.
409.11 Specialized definitions.
409.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
409.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
409.14 [Reserved]
409.15 Standards of performance for new sources.
409.16 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c) and 316(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c) and 1326(c)), 86 Stat. 816 et seq., Pub. L. 92-500.

Subpart A—Beet Sugar Processing Subcategory

§ 409.10 Applicability; description of the beet sugar processing subcategory.

The provisions of this subpart are applicable to discharges resulting from any operation attendant to the processing of sugar beets for the production of sugar.

§ 409.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in part 401 of this chapter shall apply to this subpart.

(b) The term "barometric condensing operations" shall mean those operations or processes directly associated with or related to the concentration and crystalization of sugar solutions.

(c) The term "product" shall mean crystallized refined sugar.

§ 409.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available; provided however, that a discharge by a point source may be made in accordance with the limitations set forth in either paragraph (a) of this section exclusively, or paragraph (b) of this section exclusively, below:

(a) The following limitations establish the maximum permissible discharge of process waste water pollutants when the process waste water discharge results from barometric condensing operations only.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
Metric units (kg/kkg of product)		
BOD5	3.3	2.2
pH	Within the range of 6.0 to 9.0.	
Temperature	Temperature not to exceed the temperature of cooled water acceptable for return to the heat producing process and in no event greater than 32° C.	
English units (lb/1000 lb of product)		
BOD5	3.3	2.2
pH	Within the range of 6.0 to 9.0.	
Temperature	Temperature not to exceed the temperature of cooled water acceptable for return to the heat producing process and in no event greater than 90° F.	

(b) The following limitations establish the maximum permissible discharge of process waste water pollutants when the process waste water discharge results, in whole or in part, from barometric condensing operations and any other beet sugar processing operation.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
Metric units (kg/kkg of product)		
BOD5	3.3	2.2
TSS	3.3	2.2
pH	Within the range 6.0 to 9.0.	
Fecal coliform	Not to exceed MPN of 400/100 ml at any time.	
Temperature	Not to exceed 32° C.	
English units (lb/1000 lb of product)		
BOD5	3.3	2.2
TSS	3.3	2.2
pH	Within the range 6.0 to 9.0.	
Fecal coliform	Not to exceed MPN of 400/100 ml at any time (not typically expressed in English units).	
Temperature	Not to exceed 90° F.	

§ 409.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source where the sugar beet processing capacity of the point source does not exceed 2090 kkg (2300 tons) per day of beets sliced and/or the soil filtration rate in the vicinity of the point source is less than or equal to 0.159 cm (1/16 in) per day; provided however, that a discharged by a point source may be made in accordance with the limitations set forth in either paragraph (a)(1) exclusively, or paragraph (a)(2) of this section exclusively.

(1) The following limitations establish the maximum permissible discharge of process waste water pollutants when the process waste water discharge results from barometric condensing operations only.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
Metric units (kg/kkg of product)		
BOD5	2.0	1.3
pH	Within the range 6.0 to 9.0.	
Temperature	Temperature not to exceed the temperature of cooled water acceptable for return to the heat producing process and in no event greater than 32° C.	
English units (lb/1000 lb of product)		
BOD5	2.0	1.3
pH	Within the range 6.0 to 9.0.	
Temperature	Temperature not to exceed the temperature of cooled water acceptable for return to the heat producing process and in no event greater than 90° F.	

(2) The following limitations establish the maximum permissible discharge of process waste water pollutants when the process waste water discharge results, in whole or in part, from barometric condensing operations and any other beet sugar processing operation.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
Metric units (kg/kkg of product)		
BOD5	2.0	1.3
TSS	2.0	1.3
pH	Within the range 6.0 to 9.0.	
Fecal coliform	Not to exceed MPN of 400/100 ml at any time.	
Temperature	Not to exceed 32° C.	
English units (lb/1000 lb of product)		
BOD5	2.0	1.3
TSS	2.0	1.3
pH	Within the range 6.0 to 9.0.	
Fecal coliform	Not to exceed MPN of 400/100 ml at any time (not typically expressed in English units).	
Temperature	Not to exceed 90° F.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this regulation, which may be discharged by a point source in all instances not specified under the provisions of (a) above: there shall be no discharge of process waste water pollutants to navigable waters.

§ 409.14 [Reserved]

§ 409.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 409.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the beet sugar processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 409.15 of this chapter; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 409]

SUGAR PROCESSING POINT SOURCE CATEGORY, BEET SUGAR PROCESSING SUBCATEGORY

Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act) 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92–500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the beet sugar processing subcategory of the sugar processing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 409. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the beet sugar processing subcategory of the sugar processing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 409) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

> In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to Section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to Sections 301(b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is appropriate to support the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Section 409.15 of the proposed regulation for point sources within the beet sugar processing subcategory (August 22, 1973; 38 FR 22610), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains § 409.16 which states the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and Standards of Performance for New Sources BEET SUGAR Processing Subcategory of the Sugar Processing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines Beet Sugar Processing Industry" was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22150.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public. (38 FR 15653) The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters results from the manufacture of beet sugar, the characteristics of these pollutants, and the degree of pollutant reduction attainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal, land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of beet sugar. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects

of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the sugar processing category (38 FR 22610; August 22, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 409) which currently is being published in the Rules and Regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction attainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the beet sugar processing subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated. For the beet sugar processing subcategory, the first option which would leave the introduction of pollutants unregulated is appropriate. As described in the Development Document, the process waste waters from the beet sugar processing subcategory do not contain process waste water pollutants in sufficient concentrations to interfere with the operation of publicly owned treatment works, pass through such works untreated or inadequately treated or otherwise be incompatible with such treatment works. Therefore, no condition is deemed to preclude the discharge of process waters from the beet sugar processing subcategory to publicly owned treatment works.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 409 be amended to add § 409.14. All comments received on or before March 1, 1974, will be considered.

Dated: January 18, 1974.

RUSSELL E. TRAIN,
Administrator.

40 CFR Part 409 is proposed to be amended as follows:

§ 409.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 409.12 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

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PART III

FEDERAL COMMUNICATIONS COMMISSION

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PROGRAM—LENGTH COMMERCIALS

Applicability of Commission Policies

FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-77]

PROGRAM-LENGTH COMMERCIALS

Applicability of Commission Policies

JANUARY 29, 1974.

The Commission has received a number of pleadings, filed on behalf of various licensees of radio and television stations, which in essence petition the Commission to revise or to clarify its policies pertaining to program-length commercials.[1]

The above-referenced filings appear to have been generated by the Commission's statements in its Public Notice, Program-Length Commercials, issued February 22, 1973.[2] In that Public Notice, the Commission noted its serious concern over broadcasts of program-length commercials and referred to several rulings concerning programs that interweave "non-commercial" program content so closely with the commercial message that the entire program must be considered commercial. The Commission further noted the three basic problems that typically attend the broadcast of program-length commercials: (1) Broadcast of such programs may exhibit a pattern of subordinating programming in the public interest to programming in the interest of salability; (2) The program-length commercial is typically inconsistent with the licensee's representations to the Commission regarding the maximum amount of commercial matter it will broadcast in any hour; and (3) Violations of the Commission's logging Rules are usually evident.[3]

Questions have been raised by petitioners concerning the meaning of the Commission's statement that certain programs may exhibit a pattern of subordinating the public interest in programming to an interest in the salability of the sponsor's products or services. Additionally, petitioner National Citizens Committee for Broadcasting (NCCB) states that the primary test in determining that a program falls within the definition of a program-length commercial is whether commercial interests are the program's "dominant purpose" which, it says, is another way of stating that the licensee has subordinated programming in the interest of the public to programming in the interest of salability.[4] The Commission does not mean by this expression to question a licensee's judgment in selecting programming which it believes will attract an audience, even though its motive in so doing may, at least in part, be to sell advertising within such programs and thereby derive the revenue necessary to the operation of its station. The fact that an interested commercial entity sponsors a program the content of which is related to the sponsor's products or services does not, in and of itself, make a program entirely commercial. The situation which causes the Commission concern is where a licensee quite clearly broadcasts program matter which is designed primarily to promote the sale of a sponsor's product or service, rather than to serve the public by either entertaining or informing it. The primary test is whether the purportedly non-commercial segment is so interwoven with, and in essence auxiliary to, the sponsor's advertising (if in fact there is any formal advertising) [5] to the point that the entire program constitutes a single commercial promotion for the sponsor's products or services. This test will be construed strictly and the determination that a program is entirely commercial will be reached only when the facts clearly justify that conclusion. The Commission's responsibility is to apply its policies to those situations where the facts make it obvious the entire program should be classified as commercial.

The petitioners have submitted numerous actual or hypothetical examples of programs typically broadcast by licensees and request the Commission's interpretation of its program-length commercial policies with respect to these examples. Because of the interest shown by petitioners and others in obtaining clarification, the numerous questions received by the Commission and its staff since the Public Notice was issued, and because information coming to the Commission's attention indicates that some licensees, either out of confusion about or disregard for the program-length commercial policies, continue to broadcast program-length commercials, it is believed that further interpretation and clarification of policy is warranted. The Commission has, therefore, set forth below a number of interpretative examples in question-and-answer form based in part upon the examples in petitioners' pleadings and in part upon other questions and information received by the Commission subsequent to the issuance of the Public Notice of February 22, 1973.

No attempt has been made to answer all of the numerous hypothetical questions asked, since many of them are repetitive and are variations of the same factual theme. Moreover, it would be impractical, if not impossible, to formulate rulings in advance regarding every conceivable type of program. Rather, the examples and interpretations are intended to provide licensees with a fuller understanding of the standards the Commission employs in determining what constitutes a program-length commercial in several areas of programming. Obviously, many questions will be close and, as in many other areas of Commission policy, the Commission will not impose sanctions if a licensee appears to have given careful consideration to the many factors involved in arriving at a good-faith determination as to whether a particular program is a program-length commercial under the Commission's policies. Each of the rulings issued to date has been concerned with obvious situations in which the licensee knew or reasonably should have known that the program was entirely commercial because the program's noncommercial segment was so closely interwoven with the commercial promotion of the sponsor's products or services.[6]

Petitioners' pleadings indicate that one popular program format that causes the

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[1] These pleadings consisted of filings by the National Association of Broadcasters, June 1, 1973; the Elkins Educational Research Foundation, April 24, 1973; and the law firms of Cohn and Marks, March 16, 1973, and Haley, Bader and Potts, March 25, 1973. On August 13, 1973, the National Citizens Committee for Broadcasting (NCCB) filed a memorandum opposing revision of the Commission's program-length commercial policies, to which Haley filed a statement which essentially repeated what it had urged in its original petition. All parties agree that the Commission's policies should be clarified. To the extent that the material in this Public Notice provides the requested clarification, these petitions are granted, and in all other respects are denied.

[2] 39 FCC 2d 1062, 26 RR 2d 1023. Issued concurrently with the Public Notice was a letter admonishing Taft Broadcasting Company, licensee of Stations WDAF-AM and WDAF-TV, for broadcasting program length commercials. Taft Broadcasting Co., 39 FCC 2d 1070 (1973). Since then, the Commission has had occasion to issue similar admonishments to several licensees for their broadcasts of "chinchilla" programs, which the Commission found were program-length commercials. Weigel Broadcasting Co., 41 FCC 2d 370 (1973); Rush Broadcasting Corp., 42 FCC 2d 483, 486 (August 2, 1973); United Television Company of New Hampshire, 42 FCC 2d 632, 636 (1973); Turner Broadcasting of North Carolina, 42 FCC 2d 622, 626 (1973); Midland Television Corporation, 42 FCC 2d 587, 591 (1973); WXON-TV, Inc., 42 FCC 2d 639, 642 (1973); Mid New York Broadcasting Corp., 42 FCC 2d 594, 597 (1973); Channel Seventeen, Inc., 42 FCC 2d 829 (1973). These admonishments, with the exception of Channel Seventeen, Inc., were sent to those licensees together with Notices of Apparent Liability for their apparent failure to comply with the Commission's rules pertaining to proper logging of commercial announcements. See Commission's rules, § 73.670(a)(2)(ii).

[3] In this regard, see specifically the following sections of the Commission's rules: §§ 73.112(a)(2), et seq. (AM); § 73.282(a)(2), et seq. (FM); § 73.670(a)(2), et seq. (TV).

[4] NCCB also urges that the Commission open the proceeding to a formal inquiry if it decides that the program-length commercial policies warrant revision. The Commission believes that revision of the basic program-length commercial policies is not warranted and that a formal inquiry would not be useful at this time. The Commission's statements herein provide clarification of the statements set forth in the February 22, 1973, Public Notice on program-length commercials and similar statements contained in its prior decisions in this area.

[5] Some program-length commercials contain no separate or formal advertisements as such.

[6] The Commission's prior rulings include the following: Topper Corporation, 21 FCC 2d 148 (1969); American Broadcasting Companies, Inc., 23 FCC 2d 132 (1970); Columbus Broadcasting Company, Inc., 25 FCC 2d 56 (1970); Multimedia, Inc., 25 FCC 2d 59 (1970); KCOP-TV, Inc., 24 FCC 2d 149 (1970); Dena Pictures, Inc., 31 FCC 2d 206 (1971); and National Broadcasting Company, 29 FCC 2d 67 (1971); WAUB, Inc., 37 FCC 2d 748 (1972); and WFIL, Inc., 38 FCC 2d 411 (1972) and decisions cited in footnote 2, supra.

broadcast licensee concern in the program-length commercial area is the sponsored "remote" broadcast, presented live or prerecorded from a location other than the licensee's studios. Such remote broadcasts include, but are not limited to, the presentation of shopping center openings, county fairs, expositions and boat shows, and broadcasts from retailers' showrooms. The Commission notes that such remote broadcasts are not necessarily commercial, even when spots are sold to merchants or exhibitors sponsoring the broadcast. As in other types of programs, the crucial consideration is the extent to which the program content promotes the commercial interests of the sponsor. On the basis of the facts, the remote broadcast may constitute a program-length commercial in at least two situations: (1) when the allegedly non-commercial segment is so closely interwoven with the sponsor or sponsors' commercial announcements that the "non-commercial" segment has achieved a substantial identity with the sponsor's commercial interests, or (2) when no formal commercial spot announcements, as such, are broadcast but the presentation is sponsored and the program clearly is devoted to promoting the sponsor's products or services, as for example, a sponsored remote broadcast from a shopping center which devotes a large portion of time to displaying the products of the merchant-members of the sponsoring association. Similar considerations apply to the other types of programs set forth below.

The Commission reiterates its position that its function is not to pass upon the desirability or quality of a questioned program, but on the basis of the facts peculiar to each situation to determine whether the non-commercial segment of the program is so closely interwoven with the sponsor's commercial messages that it is apparent that the program as a whole promotes the sponsor's products or services.

The NAB suggests that if the Commission considers the grand opening of shops or shopping centers to be totally commercial in nature, it should exempt such remote broadcasts from its policies when they are broadcast on an infrequent basis, e.g., once a month, on the grounds that these broadcasts contain substantial public interest value. However, the Commission believes that there is no basis for such an exemption if the Commission's program-length commercial policies are to be applied and enforced in any consistent manner. As the examples given below indicate, coverage of grand openings is not inconsistent with the Commission's policies provided that the licensee takes steps to ensure that the non-commercial portion does not achieve a substantial identity with the sponsor's advertising.

Questions have also been raised as to whether a licensee may broadcast a program-length commercial if it logs the entire program as commercial and the total commercial time does not exceed whatever representations it made to the Commission regarding the maximum commercial content per hour. A specific example has been devoted to this question in view of the number of inquiries. See example 27(Q).

A number of questions have been asked regarding religious and political programs. The Commission has confined application of its program-length commercial policies to programs concerning the sale of goods or services and will continue to do so. Specific examples below clarify the Commission's policies in this regard. Many questions have been received by the Commission regarding the broadcast of musical programs sponsored by recording companies or record shops. Such questions are dealt with in example 8(Q) through 12(Q).

The NAB also asks whether an exemption from the Commission's program-length commercial policies is warranted for "want ad and classified programs" because of the public interest value the NAB asserts attaches to the broadcast of such programs.[7] As explained in the answer to Question 29, a classified ad or swap shop program for which no charge is made to any advertiser is not a commercial program and therefore does not fall within the scope of the program-length commercial policy. Likewise, where the individual advertisers are not charged for their ads but where a single advertisers pays for the program and presents only his own discrete advertisements unrelated to the classified ads and in the quantity normally allowed by the station, the program does not constitute a program-length commercial. The only circumstance to which the program-length commercial policy applies is that in which each person pays for the broadcast of his own classified-type advertisement, since such a program is entirely commercial in content. Even in this situation, we are granting a limited exemption to the licensee from the program-length commercial policy, provided no more that 15 minutes per day is devoted to such programming and provided further that the advertisements are sponsored by private individuals rather than commercial enterprises. This limited exemption is warranted in our opinion because the classified ad or swap shop program may provide the only broadcast vehicle for an individual wishing to place a short advertisement at a reasonable cost. See answer to Question 29 for further discussion of this matter, including the logging of commercial content of such programs.

It is hoped that the specific examples contained in this Notice will provide substantial guidance to licensees. We repeat our statement in our previous Public Notice that the Commission considers the broadcast of program-length commercials to involve a serious dereliction of duty on the part of the licensee, and the Commission will impose sanctions when it believes sanctions are required to bring about a discontinuance of such practices.

[7] The Commission, on one occasion, approved one such classified advertising proposal on a limited and experimental basis. McLendon Pacific Corporation, 7 RR 2d 653 (1966).

QUESTIONS AND ANSWERS

1. (Q) A new shopping center opens. An association composed of the 10 merchants doing business in the center purchases one hour or more of time from a local television or radio station to cover opening day festivities. Ten one-minute commercial spots throughout the hour are given the association's members to promote their products and services. The station enters these 10 minutes on its logs as commercial announcements. Additionally, the station and the merchants' association tacitly agree that most of the time during the purportedly non-commercial segment of the coverage will be devoted to interviews with the owners of the shops, who will promote their shops and the merchandise for sale. Does the entire program constitute a program-length commercial?

(A) Under the Commission's previously stated standards, the entire program should be considered commercial because the purportedly non-commercial segment is closely interwoven with the commercial segments. Even though the purportedly non-commercial segment may contain information and some entertainment, these features are clearly incidental to the commercial promotions of the merchants' businesses. The fact that the association has purchased the entire broadcast period and has in effect dictated that most of the "non-commercial" segment will advertise the association's members and their merchandise indicates that the licensee has presented the program mainly to promote the sponsors' products and services. The sponsorship arrangement hypothesized in this example is not on its face violative of the Commission's program-length commercial policies. When, however, the facts indicate that the non-commercial segment is so closely interwoven with the sponsor's commercial promotions and has achieved a substantial identity with the products or services being advertised by the sponsor, the program must be considered a program-length commercial.

2. (Q) The licensee decides to cover one hour of a shopping center's grand opening as its own program. It sells 10 minutes of commercial spots to five of the 10 merchants doing business in the new center. These 10 minutes are logged as commercial announcements. Without consulting the five sponsors, the station decides to cover in a minimal fashion the ribbon-cutting ceremonies and speeches by the president of the center's association, and to interview shoppers. Additionally, the station instructs its reporters and camera crew to devote a substantial portion of the non-commercial segment to covering the products and services of the five sponsors. Little or no attention is given to the other merchants and none to their products. Is this entire one-hour program a program-length commercial?

(A) This program so closely and substantially intermixes the content of the "non-commercial" portion with the commercial messages of the five sponsors that the program in its entirety must be considered a program-length commercial. On these facts, it appears that the entire hour was intended to induce the program's viewers to patronize the program's sponsors. Coverage of the speeches and interviews is not controlling in this example since such coverage was incidental to the commercial promotion.

3. (Q) A bank agrees to sponsor a one-hour broadcast of the opening of the city's new civic center, auditorium and theater complex. The complex is the first built in a period of years and includes facilities which house the city's various drama and music companies. The complex was financed by the sale of municipal bonds which the sponsoring bank underwrote. Proposed coverage includes speeches by the city's mayor, city

assembly chairperson, the sponsoring bank's president, whose remarks generally relate to the functions the complex will serve but also refer in passing to the bank's role in the financing of the complex, and general coverage of other events and interviews. Additionally, approximately 30 minutes is to be devoted to a narrative discussion of the development of the city's drama and music companies, which have achieved excellent regional reputations over the years. The bank receives 12 one-minute commercial spots. One-half of these spots are broadcast live from the site of the opening day's ceremonies; the rest are recorded. Three of these spots discuss the financial strategies and techniques employed by the bank in establishing and underwriting the bond structure for financing construction of the complex. The remaining spots are general promotions for the bank, emphasizing its role in the community and its various savings, loan, trust and securities activities. Does the entire sixty-minute program constitute a program-length commercial? If not, what portion of this one-hour program should be counted as commercial?

(A) The 12 one-minute spots promoting the bank are clearly commercial announcements and under the Commission's logging rules must be logged as such. The basic question is whether the noncommercial and commercial segments are so interwoven as to make the entire program a commercial advertisement for the bank. Under the circumstances presented in the example, only the 12 one-minute commercial spots need be logged as commercial matter. This program is not one contemplated by the Commission's program-length commercial policies because the noncommercial presentation is unrelated to the bank or its services and because the 12 commercial messages presented by the bank are separate and distinct from the noncommercial segment of the broadcast, which contains no cross-references to the services in which the bank was engaged. The mere reference to the bank's role, made in passing by the bank's president in the speech on opening day, is not significant when considered in the context of the entire program.

4. (Q) A radio station broadcasts a daily one-hour program from the showroom of a local automobile dealer. The dealer has purchased 15 one-minute commercial spot announcements. The non-commercial portion of the program consists of talk or comments and the playing of records by the station's disc jockey and is presented in the same fashion as if it were originating in the station's studios. At the beginning of the program and the station break on the half-hour, the disc jockey announces that the program is being broadcast from the automobile dealer's showroom. Although the commercials are read by the same disc jockey playing the records, they are separate and distinct from the program content, and the disc jockey makes no cross-references during the entertainment portion of the program to the automobile dealer's products and services. Does this program constitute a program-length commercial?

(A) No. Only the 15 minutes of commercial announcements and the few seconds for the opening and mid-point references to the fact that the program is being broadcast from the dealership need be logged as commercial. In this case, the separation between program content and commercial material is carefully maintained. An opposite conclusion might result if during the non-commercial portion the disc jockey were to refer to the dealer's products or services or otherwise promote the dealer's business interests.

5. (Q) A local restaurant or night club provides musical entertainment nightly. It purchases one hour of broadcast time per week from a radio station for live coverage of the entertainment from the restaurant. Ten separate one-minute commercial spots for the restaurant are aired, as well as informal mentions, made from time to time during the broadcast, of the fact that the restaurant provides nightly entertainment. Listeners are repeatedly urged to patronize the restaurant. Two or three interviews with the restaurant's patrons are broadcast, during which the announcer questions whether the patrons are enjoying themselves. What portion of the broadcast should be logged as commercial matter?

(A) The question is whether the non-commercial segment of this program is so closely interwoven with the commercial promotions and interests of the sponsor as to constitute a continuous program-length commercial. In the example given, in addition to the formal commercials, the announcer (1) Repeatedly identifies the restaurant as the site of the broadcast; (2) Repeatedly mentions that the restaurant provides nightly entertainment; (3) Repeatedly urges listeners to patronize the restaurant and (4) Conducts interviews with patrons which tend to promote the restaurant. Thus, it appears that the entertainment portion of the broadcast is so closely interwoven with the promotion of the sponsor's services that the entire program consists primarily of an inducement to listeners to avail themselves of those services. The broadcast is therefore a program-length commercial. While such sponsorship arrangements are not *per se* prohibited, licensees must make certain that commercial advertising remains separate, distinct and wholly apart from the non-commercial segments of the program. When a program's non-commercial segment has achieved a substantial identity with the sponsor's promotion of its products or services, the program in its entirety must be considered commercial.

6. (Q) A well known restaurant in a major city and a local radio station have made the following agreement: Each week the station interviews a well-known personality active either in politics, the arts, athletics, or business. The program is one hour in length and is broadcast live each week from the restaurant at noon. The restaurant provides the luncheon and cocktails at no cost for the announcer and the person interviewed. A large, national food processor sponsors the one-hour broadcast and is allotted five two-minute commercial spots to be broadcast during the hour. At the beginning and end of the program and at each half-hour station break, the following announcement is broadcast: "Luncheon at ABC's, today with Richard Roe, is being (has been) brought to you by XYZ Corporation." No other reference to the restaurant is made during the program and no reference is made during the commerical spots to the fact that the sponsor distributes its products to the restaurant from which the interview is being broadcast. The interview is conducted by an employee of the station. What amount of time should be considered commercial?

(A) Only the commercial spots and the occasional references to the XYZ Corporation must be logged as commercial time. Because the licensee presents a program which keeps the commercial messages separate and distinct from the matters discussed during the interview, avoids promoting or mentioning the services of the restaurant more than necessary to carry out the interview, and makes no cross-references to the sponsor's business relationship with the restaurant, the broadcast cannot be considered a program-length commercial. Even though the restaurant provides the bill of fare without cost, no mention is made of that fact nor do the restaurant or sponsor dictate or influence the program's content to promote their products or services.

7. (Q) Same situation as in 6, but the restaurant is located in and operated by a performing arts center. The center buys fifteen one-minute spots to be broadcast during the hour. An interview at noon is conducted by the center's director and features only prominent performers from the casts of the productions presented at the center during the week of the interview. The spot announcements promote the center's current attractions in which the interviewees appear. During the interview, the camera pans the center's restaurant, while the interviewer points out the restaurant's different features and refers to its swift and courteous service. Shots of food being prepared by the chefs in the kitchen are shown. The interview is generally limited to a discussion of the performer's roles in the productions billed at the center at the time of the interview, reviews of the productions by the city's newspapers and reactions of the audiences to the performances. What portion of this one-hour program constitutes commercial announcements for the center?

(A) The entire program must be considered as a program-length commercial. Although portions of the interview may possess informational and entertainment value, it appears that these aspects are incidental to the promotion of the center's restaurant and the performances taking place at the center. It appears further that the licensee has permitted the entire program to be shaped by the commercial interests of the center and has permitted the non-commercial portion of the program to achieve a substantial identity with the services being promoted in the commercial spots. Interviews with actors, musicians, dancers, etc., can, of course, be conducted during programs sponsored by an arts center where the commercials are separate and distinct from the program content. Discussions of the performer's role in a current play and reference to appearances at the center do not violate the Commission's policies, provided that such presentations are not so closely interwoven with the commercial promotions. In the example, the interview is confined to the performers' roles in the productions at the center and thus appears essentially to constitute an advertisement for the center.

8. (Q) A local radio sation broadcasts a one-hour program of popular music. The hour is purchased by a record manufacturer which presents twelve one-minute commercial spots. The disc jockey selects all the records played without regard to their manufacturer, although some of the records played are those of the sponsor. None of the records is identified by label and the commercial spot announcements generally promote the sponsor's recordings. How much of this program is commercial?

(A) Only the twelve one-minutes spot announcements must be logged as commercial matter. Because no cross-references to the sponsor's records are made between commercial and program content, the commercial and noncommercial segments of the program are separate and distinct, and it cannot be said that any substantial interweaving of the commercial and non-commercial segments of the program has occurred.

9. (Q) Same facts as above, except that all of the records played are manufactured by the sponsor, and the spot announcements frequently cross-reference and promote the records which are played during the one-hour broadcast. Additional announcements, stating that all the records played during the broadcast are those of the sponsor and available for purchase, are given at the beginning and end of the program. How much of this program is commercial?

(A) The entire one-hour broadcast constitutes a program-length commercial. Since frequent cross-references are made during the commercial spots to the records played, the commercial and non-commercial segments are so closely interwoven as to be indistinguishable, and the entire program

must be considered as commercial. Moreover, the fact that only the sponsor's records are played may raise questions as to whether the licensee has relinquished programming control to the sponsor, although this fact in and of itself does not establish abdication of program control. If the licensee has reveiwed the proposed program in advance and made a good faith determination that the sponsor's records accord with the licensee's programming policies and their broadcast will serve the public interest, the fact that only the sponsor's records are played does not prove relinquishment of licensee control.

10. (Q) A record manufacturer purchases one-hour from a radio station and presents one-minute commercial spot announcements during the hour. All of the records presented during the hour are those of the sponsor, and announcements are made at the beginning and end of the hour identifying the sponsor and stating that all the records broadcast were those manufactured by the sponsor. Although the one-minute spot announcements generally promote the sponsor's records, none of the spots make cross-reference to the records that are played during the progam. Is this pogram entirely commercial?

(A) No. Only the one-minute commercials and the announcements made at the beginning and end of the program must be logged as commercial matter. Although all the records played are manufactured by the sponsor and although the announcements promote the products of the sponsoring manufacturer, the spot announcements are discrete and make no cross-references to the records that are aired during the hour. In a program such as this, where commercial announcements contain general advertisements for the sponsor and make few if any cross-references the sponsor's products or services which are presented during the noncommercial segment, no obvious interweaving of the program's commercial and noncommercial portions has occurred, and the Commission will not find that a program-length commercial was broadcast. As noted in the answer to Question 9 above, a record program which presents only the sponsor's records does not on its face violate the Commission's program-length commercial policies. However, if frequent cross-references to the sponsor's records are made, it would appear that the commercial segment is so closely interwoven with the noncommercial segment that the entire program would constitute a program-length commercial.

11. (Q) A classical music station selects its own music, but some of its programs are sponsored by record manufacturers or stores. The station prepares a one-hour program on the career of Leonard Bernstein. The program consists of a narrative concerning Mr. Bernstein's life, interspersed with selections from his recordings. Since Mr. Bernstein's records exclusively for one company, the recorded segments would, of course, be from records made by that company. The record company also sponsors the broadcast of the program, inserting commercial spot announcements for its records therein. Is the program wholly commercial?

(A) The program involves considerations similar to those raised in Questions 8 through 10, above. If the commercial spots presented by Columbia make cross-references to the excerpted portions of Mr. Bernstein's recordings and encourage listeners to purchase the recordings, then the typical problems associated with the broadcast of program-length commercials would be present. If, however, the commercial announcements make no cross-references to the Bernstein recordings and the playing of the recordings is not accompanied by material promoting their sale, the Commission would not find that the presentation constitutes a program-length commercial. The facts that the record company sponsors the broadcast and that the featured artist records exclusively for the sponsor does not, absent other considerations, make the entire program commercial. Sponsorship identification announcements, or other similar announcements at the beginning or ending of the program, identifying the sponsor and the program's subject matter, i.e., that the program features Mr. Bernstein and is sponsored by the recording company, do not in themselves make the entire program commercial.

12. (Q) A large European record company buys three hours of time from a classical music station to present its new recording of "Carmen". The record company uses six minutes of time for advertising messages, but substantially all of the three hours is spent in performing the opera for the first time on the air in advance of its release to the public. Each of the six one-minute announcements identifies the recording as a new release from the record company and states the date the recording will become available for sale. A brief statement is made at the end of the program again identifying the sponsor and the fact that the recording heard was made by the sponsor and is for sale. What portion of this three hour broadcast should be considered commercial?

(A) Although frequent cross-referencing of commercial matter and other program content may result in the commercial and "non-commercial" portions of a program becoming so inextricably intermingled that the entire program becomes commercial, we believe that there may be situations, such as that posed here, where the commercial references to the material constituting the body of the program are so infrequent that the two elements of the program cannot be said to be so closely interwoven as to make the entire program commercial. This would be true whether the body of the program consisted of classical or popular music, provided that the licensee itself made the determination that presentation of the recording was in the public interest. Thus, we believe that in this example, where only six one-minute commercial announcements and brief announcements at the open and close are given, it cannot be said that the program in its entirety constitutes a commercial message for the sponsor, and we believe that only the commercial announcements and those at the open and close need be logged as commercial. Although we decline to extend the scope of the program-length commercial policy to the three hour program cited in this question, licensees are expected to take cognizance of the fact that such programming has a potential for abuse if a sponsor promotes the sale of the very product being broadcast with any degree of frequency, taking into consideration the length of the program and the number of such promotional spots it contains.

13. (Q) A station broadcasts a 15-minute program which lists daily transactions in stock and bond issues. The transactions covered include only those of organizations doing business in the immediate metropolitan area and the program is entirely sponsored by one of the city's brokerage houses. An employee of the broker does the reports directly from the brokerage house and selects the issues to be covered on the basis of their interest to the community. Although a number of the issues reported or discussed are issues underwritten by the sponsoring broker, issues underwritten by the other brokers in the city are also included in the report. The program commences with a five-minute report on general market conditions, the averages on the major exchanges, and significant commercial news emanating from business and government. No commercial spots are broadcast, although the sponsoring brokerage house is identified as the sponsor at the beginning and end of the program. Is this program a program-length commercial for the sponsor?

(A) This program is not a program-length commercial. Neither the body of the program nor the initial and final identification of the sponsor makes cross-reference to the fact that the sponsor trades in any of the issues discussed, and the use of the sponsor's representative who randomly selects the stock issues and reports the business news would not in and of itself make the entire program commercial. The Commission's policies pertaining to program-length commercials do not prohibit advertisers from sponsoring programs on subjects in which they may have a direct or related interest, if the various safeguards referred to in this Public Notice are adhered to. Moreover, the fact that a stock report may be announcved as originating at the brokerage house does not, standing alone, make the entire program commercial. Where employees of the sponsor present the program, an identification of that fact must be made.

14. (Q) A retail book distributor purchases one-half hour from a local radio station to present a weekly book review. During the program, an employee of the sponsor reviews several new books on the best-seller list. Before and after the review of each book, the reviewer announces that each of the books reviewed is for sale at the sponsor's store. Additional references are made to books not specifically reviewed on the program and to the fact that these books are for sale at the store. Six one-minute spot announcements are made promoting the sponsor's products and specifically refer to the books reviewed on the program. How much of this program is commercial?

(A) The non-commercial informational and entertainment portions of the program are so closely interwoven with the portions of the program advertising the sponsor's products that the entire one-half hour program must be considered a program-length commercial. References made at the beginning and end of book review programs indicating that the books reviewed are sold at the sponsor's store do not necessarily make such programs program-length commercials. Licensees, however, must take steps to ensure that the program's commercials remain separate and distinct from the book reviews. Furthermore, when an employee of the sponsor conducts the book review, disclosure should be made of the reviewer's relationship to the sponsor.

15. (Q) During a one-hour broadcast, the arts editor of a station reviews two books. A book store purchases the hour, and its advertisements are broadcast in close proximity to the book reviews. The books selected for review are chosen and reviewed by the editor according to his own standards, and no suggestion is made by the sponsor regarding selection of the books to be reviewed. There is no mention made that the reviewed books are available through the sponsoring book store. Should the amount of time consumed by the book reviews and the sponsoring book store's spots be considered commercial?

(A) Only the commercial spots advertising the book store must be considered commercial. The commercial messages of the sponsoring book store here are distinct from the informational segment. Absent specific identification of and cross-reference to the sponsor during the non-commercial segment, the fact that the book store purchases the entire hour with separate commercials for products sold by the sponsor does not make the broadcast a program-length commercial.

16. (Q) A direct broadcast from a local livestock market is sponsored exclusively by

the livestock market. Information is given by a principal or employee of the market relative to prices for beef and pork, and other facts of importance to area farmers. The information also covers prices at other regional or national markets. Commercial announcements are not broadcast for the sponsoring market, which realizes a commission on all livestock sales. Appropriate sponsorship identification is made at the end of each program. Is this program a program-length commercial under the Commission's policies?

(A) While it is implicit that the sponsoring livestock market has a commercial interest in informing the community of the prices of the products, and hence has a commercial interest in sponsoring such a livestock report, the commercial interests of the sponsoring market here appears to be incidental to the informational segment of the program. The licensee need log only the specific commercial references. Programs of this nature, however, may become entirely commercial if from the facts of any situation presented it is apparent that the informational and commercial content are so inextricably interwoven as to constitute one continuing advertisement. The broadcast of commercial spots for the livestock market during the program would not change the conclusion reached here unless the commercials were interwoven with the program content in the fashion referred to in the introduction of this Public Notice. In each case the general principles applicable to all program-length commercials must be examined in relation to the facts of the case. Again, disclosure should be made of the fact that the person presenting the program is an employee of the sponsor.

17. (Q) A retail furniture outlet purchases commercial spot announcements to be presented during a station's one-half hour weekly program which features the art of furniture making. The program utilizes the expertise and personnel of small and large furniture manufacturers, including, from time to time, personnel employed by furniture manufacturers whose products are sold by the sponsor. Different topics, proposed and selected by a variety of furniture-making professionals and the station's program director, who conducts the program, are presented each week. The guests on the show make few if any references to the products sold, and the commercial announcements for the retail furniture outlet do not refer to the subject matter of the program. How much of this program is commercial?

(A) Only the commercial spot announcements must be entered on the station's logs as commercial announcements. The informational segment of the program does not exhibit a pattern of cross-referencing to the sponsor's products and does not primarily promote the sponsor's commercial interests. A program of this nature, broadcast live from the retail outlet, will not be considered a program-length commercial if the licensee complies with the usual program-length criteria set forth elsewhere in this Notice.

18. (Q) The furniture retailer buys one half-hour of time. No commercial spots are presented. The program is presented live from the sponsor's showroom each week and features an employee of the station discussing the sponsor's new furniture line and displaying the sponsor's furniture arranged in different suites. Each week some aspects of furniture care and repair are discussed. Periodic statements are made identifying the furniture as available for sale at the sponsor's showrooms, and, in addition to the necessary sponsorship identification announcement at the program's beginning, references are made to the fact that the program is originating live from the sponsor's showroom where the furniture can be viewed. How much of this program is commercial?

(A) Although no commercial spots are presented, it appears that the program's format, the use of only the sponsor's furniture, and the repeated reference to the use of only the sponsor's furniture, and the repeated references to the sponsor and to the fact that the furniture is available at the sponsor's showrooms make this broadcast a program-length commercial.

19. (Q) A television station broadcasts a weekly fifteen-minute remote program from a hobbyshop whose owner discusses all aspects of various hobbies and crafts. Three commercials are broadcast during the program by a station announcer. The commercials advertise the goods for sale at the hobby shop. The commercials are separate and distinct from the program content and do not refer to the items discussed during the program. How much of the program is commercial?

(A) On the facts stated, only the commercial messages need be considered commercial, since there appears to be no cross-referencing between the commercials and the instructional content of the program.

20. (Q) An entity producing a county fair and composed of ten of the main exhibitors at the fair purchase six hours from a local television station so that the station will broadcast two hours of the event live each day for three days. During the broadcasts, the audience is frequently urged to attend the fair in order to see the booths of the ten exhibitors. Most of each day's program is devoted to coverage of the exhibits of the ten sponsors. Each of the sponsors is given an opportunity to demonstrate his new lines of equipment. The remainder of the time each day is spent in general coverage of the fair and random interviews with attendees. No separate commercial spots are presented. What portion, if any, of the program is commercial?

(A) This program constitutes a program-length commercial. The broadcasts appear primarily to be advertisements designed to promote the exhibitors' products. See also prior examples regarding remote broadcasts.

21. (Q) A committee formed to promote a fair buys spot announcements to be broadcast during a station's coverage of the fair. The spots urge the public to attend the fair, but the station chooses the events and exhibits to be covered and the manner of covering them. The licensee believes that coverage of the new farm equipment would be of considerable interest to the community and each day devotes some time to covering one or more of the farm equipment companies demonstrating and displaying equipment at the fair. The farm equipment companies do not pay for the coverage. How much time of the fair coverage is considered commercial?

(A) Only the duration of the spot announcements for the fair itself must be logged as commerical. Although the program's "non-commercial" segment shows various types of farm equipment, the makers of the equipment do not pay for the broadcast coverage of it. The spot announcements urging attendance at the fair are separate from and unrelated to the coverage of events at the fair.

22. (Q) A non-profit charitable organization is engaged in theoretical and applied cancer research. This organization purchases thirty minutes from a local television station to present a film produced and directed by the organization. The broadcast includes a final ten-minute segment which presents the chairperson of the organization, who discusses the organization's need for additional financial support and makes an appeal for private contributions. Does this program constitute a program-length commercial?

(A) No. Programs sponsored by non-profit organizations for the purpose of soliciting funds through the presentation and discussion of such organizations' non-profit activities do not come within the purview of the Commission's policies regarding program-length commercials. The Commission's program-length commercial policies pertain only to programs which promote the sale of commercial goods and services and, therefore, do not apply to programs sponsored by non-profit organizations to raise funds for their non-profit activities. Licensees broadcasting such programs are nevertheless required to make the standard sponsorship identification announcement and must log the program as sponsored by the particular non-profit organization as required by the Act and the Commission's Rules.

23. (Q) A religious organization sponsors a religious program during which no commercial products are advertised, but which includes solicitation of contributions to assist in continuing the religious activities of the organization. Is the program wholly commercial?

(A) No. In adopting the report and order amending the logging requirements for TV broadcast stations (Now § 73.670 of the Commission's rules), the Commission stated:

In connection with the logging of commercial continuity, a special problem is raised by certain sponsored programs wherein it is difficult to measure the exact length of what would be considered as commercial matter, e.g., some sponsored religious and political programs. For such programs we will not require licensees to compute the amount of commercial matter, but merely to log and announce the program as sponsored. This exception does not, of course, apply to any program advertising commercial products or services. Nor is the exception applicable to any commercial announcements. Television Program Logging Rules, 5 FCC 2d 185, 186 (1966).

This exception for sponsored religious and political programs, with the same proviso, was extended to the logging requirements for AM and FM broadcast stations (now §§ 73.112(AM) and 73.282(FM)). Program Log Rules, 11 FCC 2d 992, 993 (1968).

24. (Q) A number of radio stations broadcast a weekly one-hour religious program featuring a well-known minister. Each radio station is paid by the minister for presenting the program. Thirty-five minutes of the program consists of a sermon delivered by the minister and/or a discussion of the merits of the particular religion. During the remaining twenty-five minutes, the minister plays recordings of gospel songs which the minister has composed or in which the minister has some other financial interest. The records are commercially marketed, and following the playing of each of the recordings, the minister announces that the selections played are available for purchase in record stores or by direct mail orders. How much of this program should be considered commercial?

(A) The first thirty-five minute segment of the program presents religious material covered by the exception cited in Answer 23 above, and therefore need only be logged and announced as sponsored by the minister. However, the second twenty-five minute segment is in substance an advertisement for the commercial sale of the records. The exception is therefore inapplicable to this segment of the program, and all of the last twenty-five minutes must be considered commercial matter.

25. (Q) A radio station broadcasts a weekly thirty-minute program sponsored by a minister. The program consists of excerpts of recorded sermons delivered by the minister and is introduced, interrupted twice, and closed by one-minute announcements informing listeners that the sermons broadcast have been recorded by a commercial

recording company and are available for purchase at selected record stores. In addition, each excerpt is introduced by a statement indicating that the sermon is for sale. How much of this program should be considered commercial?

(A) Although the sermons relate to religious matters, the accompanying announcements which cross-reference and promote the commercial sale of the recorded sermons make the entire program a program-length commercial. The logging exception for religious and political programming is inapplicable to a program "advertising commercial products and services," and, therefore, on the facts given here, the entire thirty minutes must be logged as commercial matter.

26. (Q) A national political party purchases two hours from a television network to present a program designed to solicit funds for the party's activities. The program features interviews with the party's major political figures and various forms of entertainment. Every five minutes a telephone number and street address is superimposed on the screen to indicate to viewers where a monetary pledge may be made. Throughout the program, references are made to the amounts being pledged, and from time to time a plea is made for private contributions to sustain the party's work. Will the Commission consider this program a three-hour program-length commercial?

(A) No. Since the program is sponsored by a political organization and does not in any manner involve the salability of commercial products or services, the logging exception for political broadcasts is therefore applicable, and stations carrying this program must merely announce and log it as sponsored by the particular party.

27. (Q) A realtor purchases fifteen minutes of broadcast time from a radio station to present a program advertising the realtor's listings. Although no commercial spots, as such, are presented, the program is clearly a program-length commercial, and the station logs the entire fifteen minutes as commercial, enters the realtor on its logs as the sponsor, and makes the appropriate sponsorship announcement before and after the fifteen minute program. The rest of the hour, approximately forty-five minutes, consists of uninterrupted programming unrelated to the fifteen minute presentation. No other commercials are presented during the remainder of the hour. The station has represented to the Commission that it will present no more than sixteen minutes of commercial matter in any given hour. May a station broadcast a program-length commercial if the total commercial time broadcast during the hour does not exceed the station's commercial representations?

(A) The broadcast of 15-minute program-length commercials, even though the time consumed by the program does not exceed the commercial representations, has been held by the Commission to be inconsistent with the public interest. In Letter to KCOP-TV, Inc., 24 FCC 2d 149 (1970), we stated:

As we have made clear, a pattern of presenting program-length commercials or programs with respect to which other factors indicate that the licensee is disregarding the interest of the public in its programming, will be considered as raising questions as to whether the licensee is operating in the public interest.

28. (Q) A realtor purchases one-half to present pictorial and narrative descriptions of houses which are stated to be for sale through the sponsoring realtor's agency. The program is uninterrupted. Is any portion of the program commercial?

(A) Under the Commission's policies and in accordance with its ruling in WUAB, Inc., 37 FCC 2d 748 (1972), this entire program is commercial since the sole thrust of the program is the commercial promotion of the sponsor's products and services.

29. A number of questions have been received regarding the presentation of "classified ads" or "swap shop" programs and whether they fall under the Commission's program-length commercial policies. The following three hypothetical examples and ensuing interpretations will clarify the Commission's program-length commercial policies in this area.

(i) (Q) The station presents a one-half hour program advertising for sale or offering for trade the property of individuals other than commercial enterprises. No charge is made by the station for the individual announcements. Do the Commission's program-length commercial policies apply to this situation?

(A) Where no charge is made for the broadcast of any matter, the Commission's commercial policies do not apply and none of this time need be logged as commercial matter. But see example 29(iii) (Q), below.

(ii) (Q) A local commercial enterprise purchases an hour from the station and receives a schedule of 15 one-minute advertisements which promote the sponsor's products or services. The remainder of the program consists of announcements advertising for sale or trade the property of individuals, who make no payment to the station for the broadcast of those announcements within that sponsored hour. Is this program entirely commercial and what portion should be logged as commercial matter?

(A) The program is not a program-length commercial and only the 15 one-minute commercial spot announcements for the overall sponsor must be entered on the station's logs as commercial matter. Because no charge is made to the individual, non-commercial advertisers, and because the commercial announcements for the program sponsor are separate and distinct from and do not cross-reference the items being advertised in the remainder of the program, no program-length commercial questions are raised.

(iii) (Q) Individual, non-commercial advertisers are charged a fee by the station to offer for sale or trade their property. The station presents a daily 15-minute progam featuring the individuals' announcements. Is this a program-length commercial and what are the Commission's policies on this type of program?

(A) This program is a program-length commercial, but the Commission believes that special circumstances warrant a limited exemption from its program-length commercial policies, since these programs may present the only broadcast vehicle where an individual may advertise property at a reasonable cost. To that end, the Commission will not consider to be contrary to the public interest the broadcast of programs consisting of paid announcements which advertise for sale or trade the property of private individuals, as contrasted with commercial business enterprises. Such programs are to be limited to no more than 15 minutes per day and must be computed and logged as commercial matter. Thus, for example, if a radio station has represented to the Commission that it will present no more than 18 minutes of commercial matter per hour and the station devotes a 15-minute segment to broadcasting classified advertisements paid for by private parties, the station would be required to log that 15 minutes as part of the 18 minutes it has represented to be its commercial maximum per hour. The exemption here granted contrasts with the Commission's program-length commercial policies articulated in Letter to KCOP-TV, Inc., 24 FCC 2d 149 (1970) and example 27, supra, because of the special considerations set forth above with respect to advertisements for private individuals as contrasted with commercial enterprises: If the mere format of a classified advertisement program were the determining factor in granting an exemption, the program-length commercial policy might well become meaningless, since a commercial enterprise such as a department store could, by phrasing its sales messages in the form of "classified ads" for different products sold by the store, gain an exemption from our program-length commercial policies for a wholly commercial program.

30. (Q) A leading professional tennis player delivers a commercial extolling the virtues of the sponsor's tennis racquet during coverage of a championship match during which the player uses the sponsor's racquet. Is all or part of the coverage commercial?

(A) The fact that the player in a televised match advertises the product being used in the match does not in and of itself make the entire program commercial. Manufacturers of sports equipment obviously would be interested in sponsoring sports events or events in which their products are used. A problem would arise if the coverage of the event were to be influenced because of the sponsor's interest in promoting its product. Thus, if during coverage of the match the licensee repeatedly showed close-ups of the tennis racquet made by the sponsor so that the viewer would clearly see the name of the manufacturer and if the player were instructed to make references to the racquet in interviews before or after the match, the entire program might become commercial. Similarly, if the announcer made references to the use of the racquet in describing the play, the program might become commercial.

31. (Q) An auto race track purchases three hours of time. Fifty per cent of the time is devoted to music, 10 per cent to news, 15 per cent to interviews with racing drivers in which references are made to upcoming races held only at the sponsor's track and the final 25 per cent is devoted to direct promotion of attendance at the races. Is all or part of the three-hour program commercial?

(A) That portion of time devoted to music and news would not be considered commercial. If interviews conducted with the racing drivers are confined almost entirely to matters pertaining to the sponsor's track, and constant reference is made to the track, the races, the admission price, etc., that portion of the program would be considered commercial. The final 25 percent of the program is commercial in nature since it is devoted entirely to promoting attendance at the races. Urging attendance at a sports event by the sponsor of the event would not make the entire sports event commercial. If, however, as in the example given, a specific period of time is devoted entirely to promotion of the event, that time would be considered commerical and the licensee must log that time as commercial.

Action by the Commission January 23, 1974. Commissioners Burch (Chairman), Lee, Reid and Wiley, with Commissioner Hooks concurring.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-2591 Filed 1-30-74;8:45 am]

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