

# register federal

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## PART I



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

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

page no.  
and date

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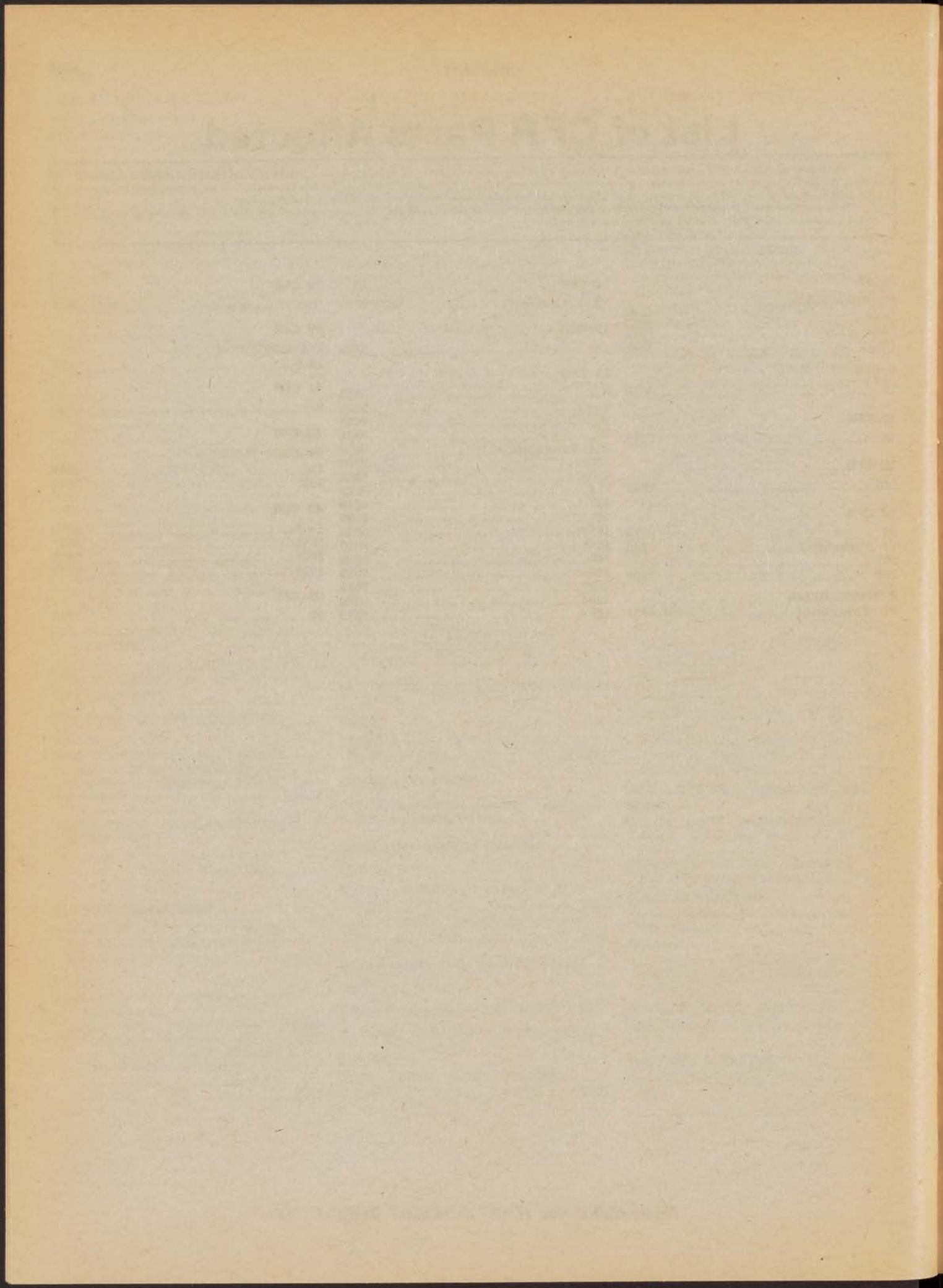
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# List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

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# Rules and Regulations

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

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

## Title 9—Animals and Animal Products

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

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

##### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

###### Release of Areas Quarantined

This amendment excludes portions of Yalobusha, Grenada, Montgomery, Carroll, Leflore, and Tallahatchie Counties in Mississippi from the areas quarantined by the regulations in 9 CFR Part 76, as amended, because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but the restrictions pertaining to the interstate movement of swine and swine products from non-quarantined areas contained in said Part 76 apply to the excluded areas. No areas in Mississippi remain under quarantine.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respect:

In § 76.2, paragraph (e) (1) relating to the State of Mississippi is deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477, 38 FR 9141.)

**Effective date.** The foregoing amendment shall become effective March 11, 1974.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the **FEDERAL REGISTER**.

Done at Washington, D.C., this 11th day of March 1974.

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

[FR Doc. 74-5933 Filed 3-13-74; 8:45 am]

## Title 12—Banks and Banking

### CHAPTER V—FEDERAL HOME LOAN BANK BOARD

#### SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 74-178]

##### PART 545—OPERATIONS

###### Equalization of Interest Rates

MARCH 7, 1974.

The Federal Home Loan Bank Board, by Resolution No. 73-2030, dated December 21, 1973, proposed to amend Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) by adding a new paragraph (c) to § 545.8 thereof. The purpose of the proposal was to permit Federal savings and loan associations to make loans authorized by § 545.8 (loans with or without security for property alteration, repair, or improvement or for the equipping of any residential real property) and charge thereon any time price differential or any interest permitted to be charged on the same type of loan made by a thrift institution organized under the laws of the State, District, Commonwealth, territory or possession in which the home office of the lending Federal association is located. Notice of such proposed rule making was duly published in the **FEDERAL REGISTER** on January 3, 1974 (39 FR 829), with an invitation for interested persons to submit written comments by February 1, 1974.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it advisable to amend Part 545 by adding a new § 545.8-2 thereto. The new § 545.8-2 is being substituted for the proposed new § 545.8(c) contained in Board Resolution No. 73-2030.

Under the new § 545.8-2, Federal savings and loan associations will be permitted to make loans authorized by § 545.7-1 (mobile home financing), § 545.8 and § 545.8-1 (educational loans) and charge any interest or time price differential permitted to be charged on the same type of loan by a building and loan, savings and loan, homestead association, cooperative bank, or mutual

savings bank organized under the laws of the State, District, Commonwealth, territory or possession in which the home office of the lending Federal association is located.

Accordingly, the Federal Home Loan Bank Board hereby amends said Part 545 by adding thereto a new § 545.8-2, immediately following § 545.8-1 thereof, to read as set forth below, effective March 14, 1974.

Since the subjects and issues of the above amendment were either afforded public procedure or relieve restriction, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

##### § 545.8-2 Equalization of interest rates.

Any loan contract made pursuant to the provisions of §§ 545.7-1, 545.8 or 545.8-1 may provide for the charging of any time price differential or any interest (whether on an add-on, discount, gross charge or other similar basis) permitted to be charged on the same type of loan by a building and loan, savings and loan, homestead association, cooperative bank, or mutual savings bank organized under the laws of the State, District, Commonwealth, territory or possession in which the home office of the lending Federal association is located.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

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

[FR Doc. 74-5928 Filed 3-13-74; 8:45 am]

## Title 14—Aeronautics and Space

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

[Docket 74-EA-16; Amdt. 39-1800]

#### DeHavilland Aircraft

##### AIRWORTHINESS DIRECTIVE

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to

## RULES AND REGULATIONS

amend AD 73-19-6 applicable to deHavilland DHC-6 type airplanes.

Since the promulgation of AD 73-19-6, the manufacturer has developed, and has available for distribution, new replacement quadrants which have a higher impact strength. The amendment will permit the termination of the inspections when the new quadrants are installed.

Since the amendment is permissive in allowing an alternative method of compliance, notice and public procedure hereon are unnecessary and the amendment may be made 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) section 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 73-19-6 as follows:

1. In the applicability paragraph delete the words "and subsequent" and insert in lieu thereof "through S/N 420".

2. Add a paragraph as follows:

6. The inspections required herein may be discontinued when Modification No. 6/1467 quadrants, Part No. C6CE-1421-27 are incorporated per deHavilland Service Bulletin No. 6/298 Rev. B, November 30, 1973, or an equivalent Modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective March 19, 1974.

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

Issued in Jamaica, N.Y., on March 5, 1974.

JAMES BISPO,

*Deputy Director, Eastern Region.*

[FR Doc. 74-5846 Filed 3-13-74; 8:45 am]

[Airspace Docket No. 73-EA-100]

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

**Designation of Federal Airway;  
Postponement of Effective Date**

On February 27, 1974, Federal Register Document 74-4613 was published in the Federal Register (39 FR 7576) effective April 25, 1974. This document amended Part 71 of the Federal Aviation Regulations, in part, by adding VOR Federal Airway No. 499 from Lancaster, Pa., to Binghamton, N.Y.

In order to provide additional time for appropriate changes to be made to aeronautical charts, the effective date of this amendment is being postponed 28 days. Since it is desirable that the public be made aware of this postponement immediately, notice and public procedure thereon are impracticable and good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Federal Register Document 74-4613 (39 FR 7576) is amended, effective upon publication of this document in the FEDERAL REGISTER, as hereinafter set forth.

The effective date "0901 GMT, April 25, 1974" is deleted and "0901 GMT, May 23, 1974" is substituted therefor.

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

Issued in Washington, D.C., on March 8, 1974.

CHARLES H. NEWPOL,  
*Acting Chief, Airspace and  
Air Traffic Rules Division.*

[FR Doc. 74-5847 Filed 3-13-74; 8:45 am]

[Airspace Docket No. 73-SO-14]

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

**Alteration of Transition Area**

On November 28, 1973 FR Doc. No. 73-25200 was published in the FEDERAL REGISTER (38 FR 32785), amending Part 71 of the Federal Aviation Regulations by altering the Chattanooga, Tenn., transition area.

In the amendment, an extension was predicated on the 221° bearing from Hardwick RBN. Subsequent to publication of the rule, the location of Hardwick RBN was refined, thereby necessitating a change to the procedure turn bearing to 224°. It is necessary to amend the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FR Doc. No. 73-25200 is amended as follows:

"\* \* \* 221° \* \* \*" is deleted and "\* \* \* 224° \* \* \*" is substituted therefor.

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

Issued in East Point, Ga., on March 5, 1974.

PHILLIP M. SWATEK,  
*Director, Southern Region.*

[FR Doc. 74-5848 Filed 3-13-74; 8:45 am]

[Airspace Docket No. 74-CE-6]

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

**Alteration of Transition Area**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make a slight alteration to the Cedar Rapids, Iowa, 1200-foot floor transition area description.

The present description refers to Federal Airway V161. This airway has now been redesignated V77. Therefore, it is necessary to correct the 1200-foot transition area at Cedar Rapids to reflect this change.

Since this amendment is editorial in nature it imposes no additional burden

on any person and notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Section 71.181 of Part 71 of the Federal Aviation Regulations is amended immediately as hereinafter set forth:

In § 71.181 (39 FR 440) in line 8 of the Cedar Rapids 1200-foot floor transition area description "V161" is deleted and "V77" is substituted therefor.

This amendment is made under the authority of Sections 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on February 26, 1974.

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

[FR Doc. 74-5851 Filed 3-13-74; 8:45 am]

[Airspace Docket No. 73-CE-15]

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

**Designation of Transition Area**

On page 25195 of the FEDERAL REGISTER dated September 12, 1973, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lee's Summit, Missouri.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment. There were no unresolved objections to the proposal.

Subsequent to the publication of the Notice it was determined that the 700-foot floor transition area designation described therein is larger than required for the type of aircraft operations to be performed at the McComas Airport, Lee's Summit, Missouri. Accordingly, this reduction will be reflected in the adopted Rule.

Since this change reduces the amount of controlled airspace and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 GMT, May 23, 1974, as hereinafter set forth:

LEES SUMMIT, MISSOURI

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

That airspace extending upward from 700 feet above the surface within a five-statute mile radius of the McComas Airport (latitude 38°57'50" N., longitude 94°22'25" W.); and within one and one-half statute miles either side of the 048° bearing from the airport, extending from the five-mile radius to 9 miles northeast of the airport, excluding those portions which overlie Richards Gebaur and East Kansas City airports 700 feet floor transition areas, and that airspace extending upwards from 1,200' above the surface five miles

northwest of and 9.5 miles southeast of the 48° bearing from the Blue Springs VOR extending from 6.5 miles southwest to 18.5 miles northeast of the VOR, excluding that portion which overlies the Kansas City, Missouri transition area.

(Sec. 307(a) of 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 Kansas City, Missouri, on February 26, 1974.

GEORGE R. LACAILLE,  
Acting Director, Central Region.

[FR Doc. 74-5853 Filed 3-13-74; 8:45 am]

[Airspace Docket No. 73-CE-28]

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

**Revocation of Transition Area**

In a rule published in the **FEDERAL REGISTER** on January 16, 1974, (39 FR 1975) the designation of a transition area at Clarinda, Iowa, was set forth.

Subsequent to the publication of this rule, the City of Clarinda decided to withdraw its request for an approach procedure upon which the transition area was predicated pending its decision on a new airport site. Consequently, it is necessary to revoke the Clarinda, Iowa, transition area and action is taken herein to that effect.

Since this action is relieving in nature, 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., March 1, 1974, as hereinafter set forth:

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

CLARINDA, IOWA

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 Kansas City, Missouri, on February 22, 1974.

A. L. COULTER,  
Director, Central Region.

[FR Doc. 74-5852 Filed 3-13-74; 8:45 am]

[Docket No. 13571; Amdt. No. 907]

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

**Recent Changes and Additions**

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

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective April 25, 1974.

Akron, Ohio—Akron-Canton Regional Arpt., VOR Rwy 23, Orig.

Akron, Ohio—Akron-Canton Regional Arpt., VOR/DME Rwy 23, Amdt. 3, Canceled

Charleston, S.C.—Johns Island Arpt., VOR-A, Amdt. 1

Colusa, Cal.—Colusa County Arpt., VOR-A, Amdt. 2

Covington, Ky.—Greater Cincinnati, VOR-A, Amdt. 11, Canceled

Evansville, Ind.—Evansville Dress Regional Arpt., VOR Rwy 4, Amdt. 7

Fostoria, Ohio—Fostoria Metropolitan Arpt., VOR-A, Orig.

Hyannis, Mass.—Barnstable Municipal Arpt., VOR Rwy 6, Amdt. 1

Hyannis, Mass.—Barnstable Municipal Arpt., VOR Rwy 24, Amdt. 6

Lee's Summit, Mo.—McComas Arpt., VOR-A, Orig.

Louisville, Ky.—Bowman Field, VOR Rwy 14, Amdt. 3

Louisville, Ky.—Standiford Field, VOR Rwy 19 (TAC) Orig.

Mt. Holly, N.J.—Burlington Co. Airpark, VOR-A, Amdt. 1

Newburgh, N.Y.—Stewart Arpt., VOR Rwy 27, Amdt. 1

Nome, Alas.—Nome Arpt., VOR Rwy 27, Amdt. 9

Phoenix, Ariz.—Phoenix Sky Harbor Int'l Arpt., VOR/DME Rwy 8R, Amdt. 8

Phoenix, Ariz.—Phoenix Sky Harbor Int'l Arpt., VOR Rwy 26L, Amdt. 17

Pulaski Tenn.—Abernathy Field VOR/DME Rwy 33, Orig.

Red Hook, N.Y.—Skypark, VOR Rwy 1, Amdt. 3

St. Paul, Minn.—St. Paul Downtown Holman Field, VOR Rwy 30, Amdt. 7

Tuscaloosa, Ala.—Tuscaloosa Municipal Arpt., VOR Rwy 4, Amdt. 3

\* \* \* effective March 28, 1974

Robinson, Ill.—Robinson Municipal Arpt., VOR Rwy 17, Orig.

Robinson, Ill.—Robinson Municipal Arpt., VOR Rwy 27, Orig.

\* \* \* effective March 6, 1974

Detroit, Mich.—Detroit Metropolitan Wayne County Arpt., VOR Rwy 211, Orig., Canceled

Sanford, Maine—Municipal Arpt., VOR Rwy 26, Amdt. 6

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective April 25, 1974.

Cordova, Alas.—Cordova Mile 13 Arpt., LOC/DME Rwy 27, Amdt. 8

Dallas, Tex.—Dallas Love Field, LOC(BC) Rwy 31R, Amdt. 21

Dothan, Ala.—Dothan Arpt., LOC(BC) Rwy 13, Orig.

Phoenix, Ariz.—Phoenix Sky Harbor Int'l Arpt., LOC(BC) Rwy 26L, Amdt. 1

Rutland, Vt.—Rutland State Arpt., LDA Rwy 19, Orig.

St. Paul, Minn.—St. Paul Downtown Holman Field, LOC Rwy 30, Amdt. 4

\* \* \* effective March 28, 1974

Nome, Alas.—Nome Arpt., LOC Rwy 27, Orig.

\* \* \* effective March 6, 1974

Rochester, N.Y.—Rochester-Monroe County Arpt., LOC(BC) Rwy 22, Orig., Canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective April 25, 1974.

Cordova, Alas.—Cordova Mile 13 Arpt., NDB-A, Amdt. 3

Dallas, Tex.—Dallas Love Field, NDB Rwy 31L, Amdt. 7

Dallas, Tex.—Dallas Love Field, NDB Rwy 31R, Amdt. 11

Hamilton, Ohio—Hamilton Arpt., NDB-A, Amdt. 6

Hyannis, Mass.—Barnstable Municipal Arpt., NDB Rwy 24, Amdt. 5

Montgomery, Ala.—Dannelly Field, NDB Rwy 9, Amdt. 12

North Vernon, Ind.—North Vernon Arpt., NDB Rwy 5, Orig.

Rutland, Vt.—Rutland State Arpt., NDB-A, Amdt. 2, Canceled

Skwentna, Alas.—Skwentna Arpt., NDB-A, Amdt. 1

Tuscaloosa, Ala.—Tuscaloosa Municipal Arpt., NDB Rwy 4, Amdt. 1

Williamsport, Pa.—Williamsport-Lycoming County Arpt., NDB-A, Amdt. 1

\* \* \* effective March 28, 1974

Robinson, Ill.—Robinson Municipal Arpt., NDB Rwy 17, Amdt. 3

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective April 25, 1974.

Dallas, Tex.—Dallas Love Field, ILS Rwy 31L, Amdt. 9

Hyannis, Mass.—Barnstable Municipal Arpt., ILS Rwy 24, Amdt. 10

Montgomery, Ala.—Dannelly Field, ILS Rwy 9, Amdt. 17

Phoenix, Ariz.—Phoenix Sky Harbor Int'l Arpt., ILS Rwy 8R, Amdt. 3

Trenton, N.J.—Mercer County Arpt., ILS Rwy 6, Amdt. 2

Tuscaloosa, Ala.—Tuscaloosa Municipal Arpt., ILS Rwy 4, Amdt. 2

Williamsport, Pa.—Williamsport-Lycoming County Arpt., ILS Rwy 27, Amdt. 8

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\* \* \* effective March 21, 1974  
 Atlantic City, N.J.—NAFEC, Atlantic City  
 Arpt., ILS Rwy 13, Orig., Canceled

\* \* \* effective March 5, 1974  
 Cleveland, Ohio—Cleveland Hopkins Int'l  
 Arpt., ILS Rwy 5R, Amdt. 12

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAPs, effective April 25, 1974.

Dallas-Fort Worth, Tex.—Dallas-Fort Worth  
 Regional Arpt., RADAR-2, Orig.  
 Phoenix, Ariz.—Phoenix Sky Harbor Int'l  
 Arpt., RADAR-1, Amdt. 7.

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

Issued in Washington, D.C., on March  
 7, 1974.

JAMES M. VINES,  
*Chief, Aircraft Programs Division.*

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

[FR Doc. 74-5844 Filed 3-13-74; 8:45 am]

## CHAPTER II—CIVIL AERONAUTICS BOARD

### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-839; Amdt. 18]

#### PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

##### Rate Impact for Current Level of Commercial Fuel Costs

Adopted by the Civil Aeronautics  
 Board at its office in Washington, D.C.,  
 on March 8, 1974.

On January 22, 1974, by notice of proposed rulemaking EDR-263 (39 FR 3572), the Board proposed to amend Part 288 of the Economic Regulations (14 CFR Part 288) by providing a surcharge of 4.5 percent<sup>1</sup> to the existing interim final minimum rates<sup>2</sup> applicable to certain foreign and overseas air transportation services performed by air carriers for the Department of Defense (DOD) on and after January 22, 1974.

Comments were filed by eight carriers.<sup>3</sup> All comments and supporting materials before the Board have been considered, and all contentions not otherwise disposed of herein are rejected.

In general, all the carriers contend that the proposed 4.5 percent rate increase is inadequate. Several noted that exclusion in the rate base calculation, as set out in the Appendix to EDR-263, of the revo-

<sup>1</sup> Related to increased costs of commercial fuels which the Board determined had been incurred by the carriers in the performance of long-range services for DOD.

<sup>2</sup> As established in ER-819, adopted August 28, 1973.

<sup>3</sup> Capitol International Airways, Inc., The Flying Tiger Line Inc., Northwest Airlines, Inc., Overseas National Airways, Inc., Pan American World Airways, Inc., Trans International Airlines, Inc., Trans World Airlines, Inc., and World Airways, Inc.

nues for three carriers<sup>4</sup> for which no fuel-cost-increase data was available would have produced an increase of about six percent in the rate for the increased prices in commercial fuel. Further, recent increases in prices, subsequent to the levels utilized for the computations in EDR-263, were also noted in support of contentions of inadequacy in the proposed surcharge.

Flying Tiger, Pan American, Capitol and World request that the rate increase be made retroactive to October 1, 1973, or in the alternative to at least January 1, 1974, to meet the carriers' claim of need for more timely relief.<sup>5</sup> Furthermore, they seek expedited Board action with respect to prospective fuel price increases, claiming that administrative delay in adjusting the rates for the cost increases creates an unfair financial burden which the carriers should not be expected to absorb. In this connection, Flying Tiger, Pan American and World suggest a procedural modification which would in essence place a "string" on the surcharge rate amendment, keeping it open on the first day of each succeeding month subject to retroactive adjustment as may be found appropriate in the subsequent cost analyses based on the fuel price levels in effect on that date.

Trans World requests that the rate increase be implemented through an increase in the basic MAC rates as opposed to a surcharge. The carrier argues that there are added expenses involved in billing and accounting for a separate surcharge as compared with a new rate level.<sup>6</sup>

As to the comments on retroactive application of the proposed fuel price surcharge, we reject such proposals as being in conflict with the Board's established ratemaking policies and practice.<sup>7</sup> Capitol's petition of January 11, 1974, was before the Board when EDR-263 was issued. Nothing in that petition or in the subsequently submitted comments convinces us to depart from our usual policy with respect to prospective MAC rate adjustments. We share the carriers' concern for expeditious action in adjusting the interim final rates prospectively to reflect the current extremely volatile price situation, and it was our awareness of this that led to the proposed modification for establishing amendment effectiveness

<sup>4</sup> Trans International, Trans World, and World.

<sup>5</sup> Capitol also called attention to the January 11, 1974, date of its petition as a proper effective date for the surcharge.

<sup>6</sup> Trans World has not shown that the use of a surcharge will create any significant additional cost, and the surcharge technique affords greater convenience and flexibility from an administrative standpoint.

<sup>7</sup> The present situation is not analogous to that in ER-819. There, the retroactive adjustment was the result of an error of fact made in establishing minimum rates for a prior period. Similar errors are not alleged to exist here, nor are there any claims of such unusual circumstances as to warrant any equitable relief in the form of an adjustment from a date prior to the Board's action herein.

with the date of Notice. The carriers' suggestion of a "string" approach for prospective adjustments has considerable merit if fuel prices continue their steep upward spiral within short-time intervals. We intend to consider the suggestion further in the near future.

The remaining issue of the proper level of the surcharge rate adjustment and the adequacy of the 4.5 percent proposed in EDR-263 presents a question which is appropriately answered by a review of the specific fuel price and consumption data recently submitted to the Board. In reaching our proposed surcharge determination of 4.5 percent and recognizing a need for immediate action, we relied on available but partially obsolete data and estimates by the carriers of fuel distribution as between supplies from DOD and commercial sources. However, considering the circumstances and need for expeditious action, the results obtained appeared to be reasonable and acceptable for the proposed interim final rate adjustment. In the short time that has elapsed, we now have the benefit of actual fuel price and consumption data for all participating carriers, by supplier and at each fueling point served in MAC operations, during the year ended September 30, 1973, plus the prices in effect as at January 1, 1974. Based on this more current and complete information, as set forth in the Appendix, the long-range MAC carriers are currently paying approximately 63.8 percent more for commercial fuel than in the base period which would require an increase in the current applicable MAC minimum rates of 5.15 percent to offset the higher prices.<sup>8</sup>

Since these results are based on more recent and reliable data for all of the carriers involved, the findings derived therefrom are quite close to the determinations in EDR-263, and the elapsed time is de minimis, we believe it is more appropriate to adopt the 5.15 percent surcharge indicated by the computations set out in the Appendix attached hereto rather than the proposed 4.5 percent surcharge. In our opinion, this action is more responsive to the current factual situation, should not create any significant administrative problems for DOD, is more in keeping with the Board's policy and obligation to give appropriate consideration to the most recent available information, and is consistent with the objectives underlying the interim final rate procedure. However, since the surcharge rate adopted was not proposed in EDR-263, we will allow petitions for reconsideration of this amendment to § 288.7. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, on or before March 21, 1974. Copies of any petition filed will be

<sup>8</sup> Commercial fuel costs represented 9.2 percent of total operating expenses reported for MAC Category B services in the year ended September 30, 1973. During this same period, 49.5 percent of total fuel was purchased from commercial sources.

available for inspection by interested persons in the Docket Section. The filing of petitions shall not operate to stay the effective date of the within rule amendment.

#### AMENDMENT

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

Amend § 288.7(a) (1) by amending the tables so as to reflect an additional proviso, the amended paragraph to read as follows:

#### § 288.7 Reasonable level of compensation.

(a) \* \* \*  
(1) \* \* \*

Provided, however, That, effective August 28, 1973, if the price of any fuel or petroleum product purchased from DOD for such services varies from the levels specified in the attached Appendix F, the total minimum compensation for the transportation provided shall be adjusted (either upward or downward, as the case may be) by the difference in the price per gallon for such product paid by the carrier and the price specified for such product in the attached Appendix F times the number of U.S. gallons of such product purchased by the carrier from DOD for the transportation pro-

vided: and, provided, further, That, effective January 22, 1974, the total minimum compensation for transportation with regular turbojet and DC-8F-61-63 aircraft, pursuant to the rates specified above in this subparagraph (1), shall be further increased by a surcharge of 5.15 percent.

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

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

Long-range MAC international carriers—Rate impact for current level of commercial fuel costs<sup>1</sup> based on reported results—year ended Sept. 30, 1973

	Year ended Sept. 30, 1973				Cost— year ended Sept. 30, 1973, based on price at Jan. 1, 1974	Cost impact at Jan. 1, 1974, prices	Computed revenues year ended Sept. 30, 1973 <sup>2</sup>	MAC rate impact <sup>3</sup>
	Gallons	Cost	Average price per gallon	Jan. 1, 1974, price per gallon				
<b>Long-range route carriers:</b>								
Combination service:								
Northwest	10,703	\$1,282	11.68	24.30	\$2,600	\$1,318	\$15,671	8.41
Pan American	13,973	2,000	14.32	25.75	3,598	1,508	25,878	6.17
Trans World	10,724	1,388	12.94	14.28	1,532	144	14,470	1.00
Total combination	35,400	4,670	13.19	21.83	7,730	3,060	56,019	5.46
All-cargo service:								
Airlift	6,696	1,058	15.80	23.04	1,543	485	9,624	5.03
Flying Tiger	7,070	842	11.90	24.71	1,747	905	19,058	4.75
Seaboard	10,000	1,397	13.89	20.97	2,110	713	13,496	5.28
Total all-cargo	23,826	3,297	13.84	22.66	5,400	2,103	42,178	4.99
<b>Long-range supplementals:</b>								
Capitol	7,439	1,159	15.58	31.96	2,328	1,169	9,861	11.85
Overseas	3,579	521	14.56	20.78	744	223	6,650	3.35
Saturn	3,527	482	13.66	20.30	716	234	4,676	5.00
Trans International	3,976	608	15.30	19.65	781	173	12,547	1.38
World	5,886	835	14.19	21.33	1,255	420	11,420	3.68
Total supplementals	24,407	3,605	14.77	23.86	5,824	2,219	45,154	4.91
Total long-range carriers	83,633	11,572	13.84	22.66	18,954	7,382	143,351	5.15

<sup>1</sup> Per carrier reports as at Jan. 1, 1974.

<sup>2</sup> Revenue aircraft miles as reported on form 243, adjusted to reflect circuitry absorption, times the appropriate rate established in ER-819.

<sup>3</sup> Ratio of net commercial fuel cost impact to revenues produced under current interim final rates.

[FR Doc.74-5825 Filed 3-13-74;8:45 am]

#### Title 16—Commercial Practices

#### CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2489]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Peerless Mattress & Furniture Co., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements: 13.73–92 Truth in Lending Act: § 13.155 Prices: 13.155–95 Terms and conditions: 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 Formal regulatory and statutory requirements: 13.1623–95 Truth in Lending Act.—Prices: § 13.1823 Terms and conditions: 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: 13.1852–75 Truth in Lending Act; § 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, Peerless Mattress & Furniture Company, et al., Docket C-2489, Feb. 11, 1974]

*In the Matter of Peerless Mattress & Furniture Co., a Partnership, and Charles E. Pemberton, and Larue I. Pemberton, and James A. Pemberton, and Lenore R. Winacoff, and Sheila F. Bloom, and Ilene M. Isaacs, Individually and as Partners in Said Partnership, and Virgil A. Sellers, Individually and as an Employee of Said Partnership*

Consent order requiring a Flint, Michigan, Seller of mattresses and other household furniture, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

*It is ordered, That respondents Peerless Mattress & Furniture Co., a partnership, and Charles E. Pemberton, Larue I. Pemberton, and James A. Pemberton, and Lenore R. Winacoff, Sheila F. Bloom, and Ilene M. Isaacs, individually and as co-partners trading and doing business as Peerless Mattress & Furniture Co., or under any name or names, and Virgil A. Sellers, individually and as an employee of said partnership, their successors and assigns, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement for the 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 (Pub. L. No. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:*

1. Failing to furnish customers with a duplicate of the contract or instrument,

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or a statement by which the required disclosures are made and on which the creditor is identified, as prescribed by § 226.8(a) of Regulation Z.

2. Failing to make all of the disclosures together on either the note or other instrument evidencing the obligation on the same side of the page and above or adjacent to the place for the customer's signature, or on one side of a separate statement which identifies the transaction, as prescribed by § 226.8(a) of Regulation Z.

3. Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness, as prescribed by § 226.8(b)(3) of Regulation Z.

4. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness, as prescribed by § 226.8(b)(3) of Regulation Z.

5. Failing to describe the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, as prescribed by § 226.8(b)(5) of Regulation Z.

6. Failing to use the term "cash price", as defined in § 226.2(i) of Regulation Z, to describe the purchase price of the merchandise, as prescribed by § 226.8(c)(1) of Regulation Z.

7. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as prescribed by § 226.8(c)(2) of Regulation Z.

8. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as prescribed by § 226.8(c)(3) of Regulation Z.

9. Failing to use the term "amount financed" to describe the amount of credit extended, as prescribed by § 226.8(c)(7) of Regulation Z.

10. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as prescribed by § 226.8(c)(8)(ii) of Regulation Z.

11. Failing to state in advertising the amount of the downpayment required, or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, without stating all of the following in the terminology prescribed under § 226.8 of Regulation Z, as prescribed by § 226.10(d)(2) of Regulation Z:

(i) The cash price, or the amount of the loan, as applicable, as prescribed by § 226.10(d)(2)(i) of Regulation Z.

(ii) The amount of the downpayment required, or that no downpayment is required, as applicable, as prescribed by § 226.10(d)(2)(ii) of Regulation Z.

(iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is ex-

tended, as prescribed by § 226.10(d)(2)(iii) of Regulation Z.

(iv) The deferred payment price, or the sum of the payments, as applicable, as prescribed by § 226.10(d)(2)(v) of Regulation Z.

12. 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 prescribed by § 226.6, § 226.7, § 226.8, § 226.9, and § 226.10 of Regulation Z.

*It is further ordered*, That respondents deliver a copy of this order to cease and desist 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, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

*It is further ordered*, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the partnership respondent, such as dissolution, assignment or sale, resultant in the emergence of a successor partnership, or any other change in the partnership 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 respondents' current business or employment in which they are engaged, as well as a description of their duties and responsibilities.

*It is further ordered*, That respondents herein shall, within sixty (60) days after service upon 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.

Issued: February 11, 1974.

By the Commission.

[SEAL] CHESTER A. TOBIN,  
Secretary.

[FRC Doc. 74-5880 Filed 3-13-74; 8:45 am]

[Docket No. C-2490]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Redi-Brew Corp. and Morgan Montague

Subpart—Advertising falsely or misleadingly: § 13.15 Business status, advantages, or connections; 13.15-30 Connections or arrangements with others; 13.15-195 Nature; 13.15-265 Service; § 13.50 Dealer or seller assistance; § 13.105 Individual's special selection or situation; § 13.125 Limited offers or supply; § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; 13.170-30 Durability or permanence; § 13.205 Scientific or other relevant facts; § 13.225 Services; § 13.260 Terms and conditions. Subpart—Misrepresenting oneself and

goods—Business status, advantages or connections: § 13.1385 Connections or arrangements with others; § 13.1390 Nature; § 13.1553 Services. Goods: § 13.1663 Individual's special selection or situation; § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1743 Scientific or other relevant facts; § 13.1760 Terms and conditions. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1892 Sales contract, right-to-cancel provision.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45)) [Cease and desist order, Redi-Brew Corporation, et al., San Mateo, Calif., Docket C-2490, File 12, 1974]

*In the Matter of Redi-Brew Corporation, a Corporation and Morgan Montague, Individually and as an Officer of Said Corporation*

Consent order requiring a San Mateo, Calif., franchisor of hot-drink vending machines, among other things to cease misrepresenting the nature, character, performance or efficacy of its vending machines; misrepresenting offers as being restricted or limited to certain individuals with specific qualifications; misrepresenting respondent's affiliation with the Coca-Cola Company; misrepresenting the nature or extent of its services and misrepresenting its business activities. Further, respondent is required to inform prospective customers of their right to a three-day cooling-off period during which they may cancel any contract as set out in the order; and maintain files for a two-year period of all inquiries or complaints on contracts entered into by respondent relating to acts or practices prohibited by this order.

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

*It is ordered*, That respondents Redi-Brew Corp., a corporation, its successors and assigns, and its officers, and Morgan Montague, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, divisions or other device, in connection with the advertising, offering for sale, sale or distribution of vending machines, merchandise sold in vending machines, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting, directly or by implication, that vending machines or any other products sold by respondents are of excellent quality or durability, or misrepresenting, in any manner, the nature, character, performance or efficacy of respondents' vending machines or any other products.

2. Representing, directly or by implication, that an offer of any product or service is restricted or limited to individuals or firms with specific qualifications unless such represented restrictions or limitations are actually enforced and adhered to in good faith.

3. Representing, directly or by implication, that respondents are connected

with the Coca Cola Company or otherwise misrepresenting their affiliation with any other firm, organization, group or individual.

4. Misrepresenting that respondents will secure profitable locations for their distributors.

5. Misrepresenting in any manner the nature and extent of assistance provided by respondents to distributors of respondents' machines and other products.

6. Misrepresenting, directly or by implication, that any distributor will receive an exclusive sales territory.

7. Representing, directly or by implication, that respondents are primarily in the business of selling merchandise sold in vending machines or misrepresenting in any manner the true nature of respondents' business activities.

*It is further ordered*, That respondents:

a. Inform orally all prospective distributors and customers and provide in writing in all contracts entered into after the effective date of the Order, that (1) the contract may be cancelled for any reason by notification to respondents in writing within three days from the date of execution and that (2) the contract is not final and binding until respondents have completely performed their obligations thereunder by placing the vending machines in locations satisfactory to the distributor and said distributor has thereafter signed a statement indicating his satisfaction.

b. Refund immediately all monies received on contracts entered into after the effective date of the Order to (1) prospective distributors who have requested contract cancellation in writing within three days from the execution thereof and to (2) prospective distributors who have refused to sign statements indicating satisfaction with respondents' placement of the machines, and (3) prospective distributors showing that respondents' contract, solicitations or performance were attended by or involved violations of any of the provisions of this order in contracts entered into after effective date of this Order.

*It is further ordered*, That respondents maintain files containing all inquiries or complaints on contracts entered into after the effective date of this order from any source relating to acts or practices prohibited by this Order, for a period of two (2) years after their receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

*It is further ordered*, That respondents deliver a copy of this Order to Cease and Desist to all present and future employees, agents and representatives engaged in the offering for sale or sale of respondents' distributorships or products or in any aspect of preparation, creation or placing of advertising and that respondents secure a signed statement acknowledging receipt of said Order from each such person.

*It is furthered ordered*, That the individual respondent named herein promptly

notify the Commission of the discontinuance of his present business or employment and his affiliation with a new business or employment. Such notice shall include respondent's current business address and 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 the respondent corporation shall forthwith distribute a copy of this Order to each of its operating divisions.

*It is further ordered*, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent 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 respondents herein shall within sixty (60) days after service upon 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.

Issued: February 12, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.74-5882 Filed 3-13-74;8:45 am]

[Docket 8915]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Southland Corp.

Subpart—Reciprocity: § 13.2110 *Reciprocal arrangements, agreements, understandings, etc.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45)) [Cease and desist order, The Southland Corporation, et al., Dallas, Tex., Docket 8915, Jan. 24, 1974]

*In the Matter of the Southland Corp., a Corporation*

Consent order requiring the nation's largest operator and franchisor of self-service convenience retail food stores, principally "7-Eleven," and producer and distributor of dairy products, based in Dallas, Tex., among other things to cease engaging in illegal reciprocal purchasing or selling arrangements. The order further requires respondent to withdraw and isolate from all sales and purchasing personnel certain statistical data relating to purchases and sales.

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

For the purposes of this Order, the definitions below shall apply, although words of inclusion used herein are not words of limitation:

"Respondent" includes The Southland Corporation, a corporation, its divisions, subsidiaries, affiliates, successors, and assigns.

"Company" includes any business entity other than respondent.

"Purchase" and "purchases" include any receipt of products, services, or raw materials from any company in exchange for money, products, services, or raw materials.

"Sell" and "sales" include any conveyance of products or raw materials to, or any performance of services for any company in exchange for money, products, services, or raw materials, but shall not include sales to consumers by respondent's retail stores.

"Personnel" includes officers, directors, employees, agents and representatives.

"Sales personnel" includes any personnel who are primarily engaged in promoting or obtaining sales to any company on behalf of respondent, including, but not limited to, respondent's personnel holding any of the positions listed in Appendix 1, hereof.

"Purchasing personnel" includes any personnel who are primarily engaged in making purchases from any company on behalf of respondent, including, but not limited to, respondent's personnel holding any of the positions listed in Appendix 2, hereof.

"Executive personnel" refers to respondent's personnel holding any of the positions listed on Appendix 3, hereof.

"Purchasing decision" includes any decision as to the selection by respondent of any company as a supplier, the allocation of purchases by respondent among companies, the purchase by respondent of any products, services, or raw materials, the failure or refusal by respondent to place any company on a bidders list, the failure or refusal by respondent to designate any company as a qualified bidder, the selection by respondent of a winning bidder, or the continuance, discontinuance, increase, or decrease of purchases by respondent from any company.

I. *It is ordered*, That respondent, its officers, directors, employees, agents, and representatives, directly or through any corporate or other device, shall forthwith cease and desist from:

A. Purchasing or entering into or adhering to any agreement or understanding to purchase from any company which is an actual or potential supplier of respondent on the understanding that any of such purchases are conditioned upon or related to any sales by respondent or any company other than such actual or potential supplier;

B. Selling or entering into or adhering to any agreement or understanding to sell to any company which is an actual or potential customer of respondent on the understanding that any of such sales are conditioned upon or related to any purchases by respondent or any company other than such actual or potential customer;

C. Purchasing in order to promote or induce sales to any company;

D. Communicating to any company that:

## RULES AND REGULATIONS

1. Respondent's purchasing decisions will or may be conditioned upon or related to sales by respondent or any company;

2. Sales by respondent will or may be conditioned upon or related to purchases by respondent or any company;

E. Discussing, comparing, or exchanging statistical data or other information with any company in order to ascertain, develop, facilitate, or further any relationship between purchases and sales of the nature prohibited by this Order;

F. Preparing or maintaining any document containing statistical data or other information regarding respondent's actual or potential purchases from any company and its actual or potential sales to such company;

G. Discussing, comparing, or utilizing data regarding actual or potential sales by respondent to any actual or potential supplier in making any purchasing decision;

H. Causing or permitting any sales personnel to:

1. Engage in purchasing from any company;

2. Obtain or retain statistical data or other information which shows actual or potential purchases from any company;

3. Attend any meeting, the primary purpose of which is a discussion of respondent's purchases or its purchasing strategy, or at which there is a discussion of the purchases or the purchasing strategy of any division of respondent other than the divisions for which such sales personnel has sales responsibilities;

4. Specify or recommend that purchases could or should be made from any company.

*Provided, however,* That nothing contained in this subparagraph H shall prohibit sales personnel holding the bracketed (1) positions listed in Appendix 1, hereof, from making or participating in the making of purchasing decisions incidental to their sales functions, so long as such activities do not have the purpose or effect of developing, facilitating, or furthering any relationship between purchases and sales of the nature prohibited by this Order.

I. Causing or permitting any purchasing personnel to:

1. Engage in obtaining sales to any company;

2. Obtain or retain statistical data or other information which shows actual or potential sales to any company;

3. Attend any meeting, the primary purpose of which is a discussion of respondent's sales or its strategy for obtaining sales, or at which there is a discussion of the sales or sales strategy of any division of respondent other than the divisions for which such purchasing personnel has purchasing responsibilities.

4. Specify or recommend that sales could or should be made to any company.

J. Causing or permitting any executive personnel holding the bracketed (1) positions listed in Appendix 3, hereof, to:

1. Engage in promoting or obtaining sales by respondent's Chemical Division to any company which is an actual or potential supplier to respondent;

2. Obtain or retain statistical data or other information which shows actual or potential sales by respondent's Chemical Division to any company which is an actual or potential supplier to respondent;

3. Attend any meeting at which there is a discussion of sales by respondent's Chemical Division to any company which is an actual or potential supplier to the division of respondent for which such personnel has executive responsibility, or the Chemical Division's strategy for obtaining sales to any such company;

4. Specify or recommend that sales could or should be made by respondent's Chemical Division to any company which is an actual or potential supplier to respondent.

II. It is further ordered, That respondent shall, within sixty (60) days subsequent to the date of this Order, withdraw and continue to isolate:

(A) From the possession, custody and control of all sales personnel, all statistical data and other information which shows actual or potential purchases by respondent from any company;

(B) From the possession, custody and control of all purchasing personnel, all statistical data and other information which shows actual or potential sales by respondent to any company.

III. It is further ordered, That respondent shall, within sixty (60) days subsequent to the date of this Order:

A. Issue a copy of Attachment A, hereof, to each of respondent's current personnel who, at any time within the two (2) years preceding the date of this Order, has served as sales or purchasing personnel, or who has compiled or distributed of statistical purchase or sales (other than messenger personnel);

B. Insert and maintain within all manuals and other such documents which set out respondent's policies or procedures for purchasing from any company or for obtaining sales to any company, or its policies relating to the compilation or distribution of statistical purchase or sales data:

1. The Language of Attachment A, hereof;

2. A current list of all of respondent's positions held by personnel who are primarily engaged in purchasing or in obtaining sales.

IV. It is further ordered, That respondent shall, within sixty (60) days subsequent to the date of this Order, mail a copy of Attachment B, hereof, together with a copy of this Order, to:

A. Each company from which respondent has made purchases, in either of its two (2) fiscal years preceding the date of this Order, in excess of Twenty Thousand Dollars (\$20,000);

B. Each company to which respondent's Chemical Division has made sales in either of its two (2) fiscal years preceding the date of this order.

V. It is further ordered, That respondent notify the Federal Trade Commis-

sion at least thirty (30) days prior to any proposed change in its corporate structure which may affect compliance obligations arising out of this Order, including, but not limited to dissolution, assignment or sale resulting in the emergence of a successor corporation, or the creation or dissolution of operating subsidiaries, and shall promptly notify the Federal Trade Commission of any other change in the respondent which may affect compliance obligations arising out of this Order.

VI. It is further ordered, That respondent shall, within sixty (60) days subsequent to the date of this Order, file with the Federal Trade Commission a written report setting forth in detail the manner and form in which it has complied with this Order, including, but not limited to the following:

A. The name and title of each individual to whom a copy of Attachment A, hereto, was issued pursuant to PARAGRAPH III above.

B. The name of each company to which a copy of this Order was mailed pursuant to PARAGRAPH IV, above.

VII. It is further ordered, That respondent shall, within sixty (60) days of the third (3rd) anniversary of the date of this Order:

A. Cause each of its then-current sales personnel to complete and furnish to respondent a sworn statement in the form of Attachment C, hereof;

B. Cause each of its then-current purchasing personnel to complete and furnish to respondent a sworn statement in the form of Attachment D, hereof;

C. Cause each of its then-current executive personnel to complete and furnish to respondent a sworn statement in the form of Attachment E, hereof.

VIII. It is further ordered, That respondent shall:

A. Request each of its personnel who, at any time subsequent to the date of this Order, has served as sales personnel, and who leaves the employ of respondent prior to the third (3rd) anniversary of the date of this Order, to complete and furnish to respondent within ten (10) days preceding such termination of employment, a sworn statement in the form of Attachment C, hereof;

B. Request each of its personnel who, at any time subsequent to the date of this Order, has served as purchasing personnel, and who leaves the employ of respondent prior to the third (3rd) anniversary of the date of this Order, to complete and furnish to respondent within ten (10) days preceding such termination of employment, a sworn statement in the form of Attachment D, hereof;

C. Request each of its personnel who, at any time subsequent to the date of this Order, has served as executive personnel, and leaves the employ of respondent prior to the third (3rd) anniversary of the date of this Order, to complete and furnish to respondent within ten (10) days preceding such termination of employment, a sworn statement in the form of Attachment E, hereof.

**IX. It is further ordered.** That respondent shall submit to the Federal Trade Commission:

A. Within sixty (60) days subsequent to the third (3rd) anniversary of the date of this Order, all sworn statements which it has received pursuant to Paragraph VII, above;

B. Within sixty (60) days subsequent to the first (1st) anniversary of the date of this Order, and annually thereafter for a period of two (2) years, all sworn statements which it has received pursuant to Paragraph VIII, above, together with the name and last-known address of each individual who failed to complete a sworn statement as requested by respondent pursuant to said Paragraph VIII at any time in the one (1) year period immediately prior to any such submission.

**X. It is further ordered.** That nothing in this Order shall prohibit respondent from purchasing from any company, or entering into any agreement or understanding with any company to purchase, food products manufactured or processed to respondent's uniform specifications and bearing respondent's trademarks or trade names, on the condition that respondent's proprietary chemical ingredients (other than propionates or ice cream stabilizers) are used in the manufacture of such products, and where the use of respondent's ingredients is essential to insure nationwide uniformity in the quality of such products.

Issued: January 24, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

ATTACHMENT A

Re: Federal Trade Commission Order Concerning the Selling and Purchasing Activities of The Southland Corporation and its Subsidiaries.

Pursuant to an Order of the Federal Trade Commission, we issue the following policies and guidelines:

**General.** No employee shall: 1. Discuss, compare, or exchange statistical data or other information with another company in order to ascertain, develop, facilitate, or further any reciprocal relationship between our purchases and our sales.

2. Prepare, maintain, or in any manner obtain any document containing statistical data or other information regarding our purchases from any company and our sales to such company.

**Purchasing.** It is our policy to purchase solely on the basis of price, quality, and service. Purchasing personnel shall be prepared to justify all purchases in light of these criteria. No purchase may be conditioned upon or related to our sales or sales by any other company, nor shall any employee suggest or imply to any actual or potential supplier that any purchase is so conditioned or related.

No purchasing personnel shall:

1. Engage in sales or marketing on our behalf;

2. In any manner obtain statistical data or other information which shows our actual or potential sales to any company, or which specifies that purchases should be made from a company because of the status of such company as an actual or potential customer;

3. Attend any meeting, the primary purpose of which is the discussion of our sales or our strategy for obtaining sales, or at which there is a discussion of the sales or sales strategy of any of our divisions other than those for which you have purchasing responsibilities.

4. Specify or recommend to our sales or marketing personnel that sales could or should be made to any company.

**Selling.** No employee promoting sales to any actual or potential customer shall suggest or imply that such sales are conditioned upon or related to our purchases or purchases by any other company.

No sales or marketing personnel shall:

1. Engage in purchasing on our behalf;

2. In any manner obtain statistical data or other information which shows our actual or potential purchases from any company, or which specifies or recommends that sales could not be made to a company because of the status of such company as an actual or potential supplier;

3. Attend any meeting, the primary purpose of which is the discussion of our purchases or our purchasing strategy, or at which there is a discussion of the purchases or purchasing strategy of any of our divisions other than those for which you have sales responsibilities.

4. Specify or recommend to our purchasing personnel that purchases could or should be made from any company.

**Violation of Policies or Guidelines.** Violation of the above policies or guidelines shall subject any offending employee to dismissal from his employment.

ATTACHMENT B

To our customers and suppliers:

Pursuant to the attached Order of the Federal Trade Commission, we herewith advise you that it is the policy of The Southland Corporation to purchase solely on the basis of price, quality, and service. We wish to assure you that our purchases will in no way be conditioned upon or related to our sales to you or any other company.

CHIEF EXECUTIVE OFFICER.

ATTACHMENT C

Name: \_\_\_\_\_

Dates of Employment and positions held with The Southland Corporation or its subsidiaries:

I have marked the statements below which have been true at all times since \_\_\_\_\_:

(the date of this Order)

1. I have not discussed, compared, or exchanged statistical data or other information with another company in order to ascertain, develop, facilitate, or further any reciprocal relationship between purchases and sales by The Southland Corporation or its subsidiaries.

2. I have not prepared, maintained, or in any manner obtained any documents containing statistical data or other information regarding purchases and sales by The Southland Corporation and its subsidiaries.

3. I have not prepared, maintained, or in any manner obtained statistical data or other information which specified or recommended that purchases could or should be made to any company because of the status of that company as an actual or potential supplier of The Southland Corporation or its subsidiaries.

4. I have not suggested or implied to any company that purchases by The Southland Corporation or its subsidiaries might be conditioned upon or related to sales to that company.

5. While employed in a selling capacity, I have not engaged in purchasing on behalf of The Southland Corporation or its subsidiaries, other than incidental purchases in connection with my sales functions.

6. While employed in a selling capacity, I have not in any manner obtained statistical data or other information which showed actual or potential purchases from any company by The Southland Corporation or its subsidiaries.

7. While employed in a selling capacity, I have not attended a meeting, the primary purpose of which was the discussion of the purchases or purchasing strategy of The Southland Corporation or its subsidiaries.

(Signature)

City of \_\_\_\_\_  
State of \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1973.

(Notary Public)

ATTACHMENT D

Name: \_\_\_\_\_  
Dates of Employment and positions held with The Southland Corporation or its subsidiaries:

I have marked the statements below which have been true at all times since \_\_\_\_\_:

(the date of this Order)

1. I have not discussed, compared, or exchanged statistical data or other information with another company in order to ascertain, develop, facilitate, or further any reciprocal relationship between purchases and sales by The Southland Corporation or its subsidiaries.

2. I have not prepared, maintained, or in any manner obtained any documents containing statistical data or other information regarding purchases and sales by The Southland Corporation and its subsidiaries.

3. I have not prepared, maintained, or in any manner obtained statistical data or other information which specified or recommended that purchases could or should be made to any company because of the status of that company as an actual or potential customer of The Southland Corporation or its subsidiaries.

4. I have not suggested or implied to any company that purchases by The Southland Corporation or its subsidiaries might be conditioned upon or related to sales to that company.

5. While employed in a purchasing capacity, I have not engaged in sales or marketing on behalf of The Southland Corporation or its subsidiaries.

6. While employed in a purchasing capacity, I have not in any manner obtained statistical data or other information which showed actual or potential sales to any company by The Southland Corporation or its subsidiaries.

7. While employed in a purchasing capacity, I have not attended a meeting, the primary purpose of which was the discussion of the sales or sales strategy of The Southland Corporation or its subsidiaries.

(Signature)

City of \_\_\_\_\_  
State of \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1973.

(Notary Public)

## RULES AND REGULATIONS

## ATTACHMENT E

Name and address: \_\_\_\_\_  
 Positions held, with dates with The Southland Corporation or its subsidiaries since \_\_\_\_\_:

(the date of this Order)

I have marked the statement below which is true:

1. I have engaged in one or more of the activities of the nature prohibited by PARAGRAPH I, subparagraphs A through G, inclusive, of \_\_\_\_\_:

(this Order)

at some time since \_\_\_\_\_

(the date of this Order)

2. I have not engaged in any activities of the nature prohibited by PARAGRAPH I, subparagraphs A through G, inclusive, of \_\_\_\_\_ since \_\_\_\_\_:

(this Order) (the date

of this Order)

(Signature)

City of \_\_\_\_\_

State of \_\_\_\_\_

Sworn to and subscribed before me this day of 1973.

(Notary public)

[FR Doc. 74-5881 Filed 3-13-74; 8:45 am]

## Title 19—Customs Duties

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

[T.D. 74-93]

## PART 1—GENERAL PROVISIONS

Designation of Wichita, Kansas, as Port of Entry

On February 15, 1974, a notice of a proposal to establish a Customs port of entry at Wichita, Kansas, in the St. Louis, Missouri, Customs district (Region IX), was published in the FEDERAL REGISTER (39 FR 5777). No comments were received regarding this proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), Wichita, Kansas, is hereby designated a Customs port of entry in the St. Louis, Missouri, Customs district (Region IX), effective immediately.

The geographical limits of the port will include all of the territory within the following boundaries:

In Sedgwick County, Kansas, beginning at the junction of 77th Street North and 183rd Street West, east on 77th Street North to 159th Street East, south on 159th Street East to 87th Street South, west on 87th Street South to 183rd Street West, north on 183rd Street West to its junction with 77th Street North.

To reflect this change, the table in § 1.2(c) of the Customs Regulations is amended by inserting "Wichita, Kansas (including the territory described in T.D. 74-93)" directly below "St. Joseph, Mo." in the column headed "Ports of en-

try" in the St. Louis, Missouri, Customs district (Region IX).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2))

It is desirable to make the Customs port of entry available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 553(d).

Dated: March 6, 1974.

[SEAL] JAMES B. CLAWSON,  
*Acting Assistant Secretary  
 of the Treasury.*

[FR Doc. 74-6041 Filed 3-13-74; 8:46 am]

## Title 21—Food and Drugs

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

## SUBCHAPTER A—GENERAL

## SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## SUBCHAPTER C—DRUGS

## Editorial and Cross-Reference Amendments

Over a period of years many additions, deletions, and revisions have been made to the regulations issued under the Federal Food, Drug, and Cosmetic Act and other acts administered by the Food and Drug Administration. Some editorial and cross-reference inconsistencies have been noted in some of these regulations.

The Commissioner of Food and Drugs concludes that these regulations should be amended to make the necessary editorial and cross-reference changes.

Since these amendments merely correct editorial and cross-reference errors and are noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisites to the promulgation of this order.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

## PART 8—COLOR ADDITIVES

## § 8.300 [Amended]

1. In § 8.300(b) (2) by revising the item "Polyethylene glycol 6,000 (as identified in § 121.1057 of this chapter)" to read "Polyethylene glycol 6,000 (as identified in § 121.1185 of this chapter)."

## § 8.502 [Amended]

2. In § 8.502:

- By deleting from paragraph (a) the parenthetical reference "(§§ 9.309 and 9.310 of this chapter)."

b. By deleting from the list of color additives in paragraph (b) (3) the item "D&C" Orange No. 3 (§ 9.200 of this chapter)."

c. By deleting from the last sentence of paragraph (c) the parenthetical reference "(§ 9.60 of this chapter)."

## § 8.510 [Amended]

3. In § 8.510:

- By deleting from the list of color additives in paragraph (d) all parenthetical

cal references except for items "FD&C Green No. 7," "D&C Red No. 14," and "D&C Red No. 29."

b. By deleting from the list of color additives in paragraph (e) all parenthetical references except for items "D&C Brown No. 1" and "Ext. D&C Violet No. 2."

## PART 9—COLOR CERTIFICATION

## § 9.3 [Amended]

4. In § 9.3(a) (3) by changing the reference "§ 9.5(c)" to read "§ 8.22 of this chapter."

## PART 10—DEFINITIONS AND STANDARDS FOR FOOD

## § 10.3 [Amended]

5. In § 10.3(a) by changing the reference "Part 5 of this chapter" to read "§ 1.10a of this chapter."

## PART 36—SHELLFISH

## § 36.10 [Amended]

6. In § 36.10(a) by changing the reference "§§ 36.11 to 36.22, inclusive" to read "§§ 36.11 to 36.20, inclusive."

## PART 121—FOOD ADDITIVES

## § 121.1056 [Amended]

7. In § 121.1056(b) (3) by changing the reference "§ 121.101(d) (4)" to read "§ 121.4001."

## § 121.1185 [Amended]

8. In § 121.1185(c) (2) by changing the reference "§ 121.101(d) (4)" to read "§ 121.4001."

## § 121.2589 [Amended]

9. In § 121.2589(d) (2) by changing the reference "§ 120.34(f)" to read "40 CFR 180.34(f)."

## PART 128a—FISH AND SEAFOOD PRODUCTS

## § 128a.1 [Amended]

10. In § 128a.1(b) by changing the reference "§ 3.201" to read "§ 1.12."

## PART 130—NEW DRUGS

## § 130.3b [Amended]

11. In § 130.3b by deleting the phrase "and (b) (3), (7), and (8)."

12. By revising § 130.41(c) to read as follows:

§ 130.41 New drug substances intended for hypersensitivity testing.

(c) This section does not apply to drugs or their components that are subject to the licensing requirements of the Public Health Service Act of 1944, as amended. (See Subchapter F—Biologics, of this chapter.)

## § 130.44 [Amended]

13. In § 130.44:

- By changing in paragraph (d) (6) (i) (a) the phrase "§ 295.2 of this chapter" to read "16 CFR 1700.14."

b. By changing in paragraph (k)(1), Form FD 2632, item IX, A.1, the reference "21 CFR 295.2" to read "16 CFR 1700.14."

c. By changing in paragraph (k)(2), Form FD 2633, item VI, A.1, the reference "21 CFR 295.2" to read "16 CFR 1700.14."

**§ 130.49 [Amended]**

14. In § 130.49:

a. By deleting from paragraphs (b) and (d)(1) the phrase "the Division of Biologics Standards of the National Institutes of Health."

b. By revising paragraph (d)(3) to read as follows:

**§ 130.49 Requirements regarding certain radioactive drugs.**

(d) \* \* \*

(3) If the drug is a biologic, a "Notice of Claimed Investigational Exemption for a New Drug" or an application for a license under section 351 of the Public Health Service Act should be submitted to the Bureau of Biologics, Food and Drug Administration. Any "Notice of Claimed Investigational Exemption for a New Drug" or a product license application for a biologic shall be submitted in accordance with 21 CFR 130.3 or 601, respectively.

\* \* \* \*

**PART 132—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION**

**§ 132.1 [Amended]**

15. In § 132.1(h) by changing the word "represented" to read "represented."

**§ 132.51 [Amended]**

16. In § 132.51(a) by changing in the first sentence the word "dispersing" to read "dispensing."

**PART 133—DRUGS; CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURE, PROCESSING, PACKING, OR HOLDING**

**§ 133.12 [Amended]**

17. In § 133.12(b) by revising the parenthetical reference to read "(See 21 CFR 1304 for regulations relating to manufacturing and distribution records of drugs subject to the Drug Abuse Control Amendments of 1965; Public Law 89-74.)"

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

**§ 141.5 [Amended]**

18. In § 141.5(b) by adding to items "Cephalexin monohydrate," "Cephaloglycin," "Gramicidin," "Hydrabamine penicillin," and "Hydrabamine phenoxy-methyl penicillin" in the table a reference to footnote 3 as follows:

Antibiotic drug	Diluent (diluent number as listed in § 141.3)	Concentration in units or milligrams of activity per milliliter	Volume in milliliters to be administered to each mouse	Test dose	Route of administration as described in paragraph (e) of this section
Cephalexin monohydrate *	*	*	*	*	*
Cephaloglycin *	*	*	*	*	*
Gramicidin *	*	*	*	*	*
Hydrabamine penicillin G *	*	*	*	*	*
Hydrabamine phenoxy-methyl penicillin *	*	*	*	*	*

**PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE (OR TETRACYCLINE) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY**

**§ 141c.237 [Amended]**

19. In § 141c.237(a)(3) by changing in the fifth sentence the reference "§ 141a.411(a)(2)" to read "§ 141e.411(a)(2)."

**PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN AND STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) CONTAINING DRUGS**

**§ 146b.109 [Amended]**

20. In § 146b.109(d)(3)(ii) by changing the reference "§ 146.101(b)" to read "§ 146b.101(b)."

**PART 148i—NEOMYCIN SULFATE**

**§ 148i.33 [Amended]**

21. In § 148i.33(a)(1) by changing the reference "§ 148.32(a)(1)" to read "§ 148i.32(a)(1)."

**§ 148i.50 [Amended]**

22. In § 148i.50(a)(3) by changing the reference "§ 148.3" to read "§ 146.2."

**PART 148p—POLYMYXIN**

**§ 148p.1 [Amended]**

23. In § 148p.1(b)(8) by changing the reference "§ 148m.1(b)(9)" to read "§ 141.511."

**PART 149y—CARBENICILLIN**

**§ 149y.11 [Amended]**

24. In § 149y.11(a)(2) by changing the reference "§ 146.2" to read "§ 148.3."

**PART 150d—ROLITETRACYCLINE**

**§ 150d.13 [Amended]**

25. In § 150d.13 by changing the reference "Part 141-F" to read "§ 141.7."

**PART 167—IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE**

**§ 167.3 [Amended]**

26. In § 167.3(c)(9) by changing the reference "Part 191 of this chapter" to read "16 CFR 1500."

*Effective date.* This order shall be effective March 14, 1974.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: March 7, 1974.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc. 74-5864 Filed 3-13-74; 8:45 am]

**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**

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 3B2856) filed by Sandoz Colors and Chemicals, East Hanover, NJ 07936, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of polyamide-epichlorohydrin water-soluble thermosetting resins as retention aids in the production of paper and paperboard 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 the table in § 121.2526(a)(5) by alphabetically inserting in the "List of substances" the following new item:

**§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.**

\* \* \* \* \*

(a) \* \* \*

(5) \* \* \*

## RULES AND REGULATIONS

## List of substances

Polyamide-epichlorohydrin water-soluble thermosetting resins prepared by reacting adipic acid with diethylene-triamine to form a basic polyamide and further reacting the polyamide with an epichlorohydrin and dimethylamine mixture such that the finished resins have a nitrogen content of 17.0-18.0 percent on a dry basis, and a viscosity in 30 percent-by-weight aqueous solution of 350-800 centipoises at 20° C., as determined by a Brookfield viscometer using a No. 3 spindle at 30 r.p.m. (or equivalent method).

Any person who will be adversely affected by the foregoing order may at any time on or before April 15, 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 persons 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 on March 14, 1974.

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

Dated: March 8, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.74-5865 Filed 3-13-74;8:45 am]

**Title 41—Public Contracts and Property Management**

**CHAPTER 9—ATOMIC ENERGY COMMISSION**

[AECPR Temporary Reg. 4]

**PART 9-3—PROCUREMENT BY NEGOTIATION**

**Determinations, Findings, and Authorities**

MARCH 8, 1974.

**1. Purpose.** This regulation revises AECPR 9-3.301 to recognize that in addition to contracting officers, Directors of AEC Headquarters Divisions may make and execute the determinations and findings required by FPR Subpart 1-3.3, if they have been delegated authority to select contractors.

**2. Effective date.** This regulation becomes effective on March 8, 1974.

**3. Expiration date.** This regulation will remain in effect until canceled or until

## Limitations

For use only under the following conditions:

- As a retention aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard and limited to use at a level not to exceed 0.12 percent by weight of the dry paper or paperboard.
- The finished paper or paperboard will be used in contact with food only of the types identified in paragraph (c) of this section, Table 1, under types I and IVB and under conditions of use described in paragraph (c) of this section, Table 2, conditions of use (F) and (G).

its provisions are incorporated into a permanent AECPR 9-3.301.

**4. Explanation of changes.** a. Section 9-3.301 is revised to read as follows:

**§ 9-3.301 General.**

Except as otherwise provided in § 9-3.302, the determinations and findings required by FPR Subpart 1-3.3 shall be made. Except as otherwise provided in § 9-3.303, the determinations and findings required by FPR Subpart 1-3.3 may be made and executed by contracting officers, or by Directors of AEC Headquarters Divisions that have been delegated authority to select contractors.

JOSEPH L. SMITH,  
Director,  
Division of Contracts.

[FR Doc.74-5916 Filed 3-13-74;8:45 am]

**Title 49—Transportation**

**CHAPTER X—INTERSTATE COMMERCE COMMISSION**

**SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

[Ex Parte No. MC-19 (Sub-No. 19)]

**PART 1003—LIST OF FORMS**

**PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE**

**Practices of Motor Common Carriers of Household Goods (Consumer Protection)**

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 22d day of February 1974.

It appearing, that by petition filed July 24, 1972, the Department of Transportation requested this Commission to institute a rulemaking proceeding to investigate certain specified matters described in the attached report concerning consumer problems relating to the for-hire motor transportation, in interstate or foreign commerce, of household goods; and that on May 17, 1973, this Commission issued an interim report in this proceeding which set forth our provisional findings on the matters involved and which invited comments on those provisional findings:

And it further appearing, that investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed its report herein containing its findings of facts and conclusions thereon, which

report is hereby referred to and made a part hereof:

*It is ordered*, That Parts 1056 and 1003 of Chapter X of Title 49 of the Code of Federal Regulations be, and they are hereby, modified by amending §§ 1056.7, 1056.8, and 1003.1 as set forth in appendix B to the said report.

*It is further ordered*, That this order shall become effective on April 25, 1974, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register. (49 U.S.C. 301, 302, 304, and 308 (5 U.S.C. 553 and 559).)

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

**APPENDIX B**

*Regulations adopted in this report*

49 CFR 1056.7 shall be revised and amended to read as follows:

**§ 1056.7 Information for shippers.**

(a) Except as otherwise provided herein, each motor common carrier engaged in transportation of household goods, in interstate or foreign commerce, shall cause to be given to every prospective shipper the summary of information set forth in Form BOP 103 (§ 1003.1 of this chapter), a copy of this Commission's Public Advisory Number 4, and a summary of its last past annual performance report containing the information set forth in (b) of this subsection, and obtain a receipt therefor. If no personal interview is had with a prospective shipper, the carrier shall cause Form BOP 103, the copy of Public Advisory Number 4, and the summary of its last past annual performance report to be delivered to the shipper and obtain a receipt therefor prior to the day on which the order for service is placed. Such receipt shall be preserved as a part of the record of shipment, if the shipment is subsequently accepted by the carrier. For the application of this section the owner of the household goods to be shipped, or his representative, shall be deemed to be the shipper. The requirements of this section shall not apply in those instances where the carrier has actual notice that the shipper has previously received the information set forth above. The statistics in (b) below shall not include shipments of second- or third-proviso household goods [49 CFR 1056.1(a)(2) and (3)] and need not be served upon shippers of such commodities.

(b) Each motor common carrier of household goods shall on or before the 45th day following the termination of each calendar year (beginning with the calendar year in which this regulation becomes effective) cause to be filed with the Commission's Bureau of Operations, Washington, D.C., and each of the Commission's regional offices, a summary of its service record for the previous calendar year providing the following information:

(1) Name of motor carrier and domicile address.

(2) I.C.C. MC number.

(3) By type of account (c.o.d. shipper, Department of Defense, and national accounts and other Government traffic) specify the following:

(i) Number of shipments delivered and number of estimates on such shipments.  
 (ii) Percentage of shipments on which there occurred a 10 percent or greater over-estimation of charges.  
 (iii) Percentage of shipments on which there occurred a 10 percent or greater under-estimation of charges.

(iv) Percentage of shipments picked up more than 5 days later than specified in the order for service.

(v) Percentage of shipments picked up 1 to 5 days later than specified in the order for service.

(vi) Percentage of shipments delivered more than 5 days later than specified in the order for service.

(vii) Percentage of shipments delivered 1 to 5 days later than specified in the order for service.

(viii) Percentage of shipments on which a \$50 or greater claim for loss or damages was filed.

(ix) Percentage of claims filed for damages or expenses resulting from carrier delay.

(x) Average length of time to settle claims for loss or damage (for claims settled during the calendar year).

(xi) The percentage of settled claims for the calendar year to date settled prior to:

(a) Institution of judicial process.

(b) Completion of judicial process.

(xii) The percentage of claims carried to the completion of the judicial process and the entering of a final decree.

Copies of this report shall be served upon potential shippers as provided in paragraph (a) of this section. Carriers shall have available supporting documentation required for the compilation of such statistics and shall make such documentation available to this Commission's Bureau of Operations upon request. Subjective evaluations by the carrier of its performance may be appended to the objective statistics required above, but on separate pages so as not to obscure in any way the statistical data required by this section.

#### § 1056.8 [Amended]

49 CFR § 1056.8(a) shall be revised to read as follows:

(a) *Estimates by the carrier.* Every motor common carrier engaged in the transportation of household goods, in interstate or foreign commerce, shall upon request of a shipper of household goods cause to be given to such shipper an estimate of the charges for proposed services, including specific tariff authority for such charges, in the manner and form specified below. The estimate shall be made only after a visual inspection of the goods by the estimator, and a weight factor of not less than 7 pounds per cubic foot shall be used. Across the top of each form there shall be imprinted, in red letters not less than  $\frac{1}{2}$  inch high the words "Estimated Cost of Service." The form shall be fully executed as appropriate in each case and in accordance with this paragraph shall be delivered to the shipper, and a copy thereof shall be maintained by the carrier as part of its record of shipment.

#### § 1003.1 [Amended]

49 CFR 1003.1 shall be revised by adding the following language following the title of Form BOP 103: "(Revised 1974)"

[FR Doc. 74-5936 Filed 3-13-74; 8:45 am]

[Service Order No. 1175]

#### PART 1033—CAR SERVICE

##### Substitution of Refrigerator Cars for Boxcars

At a Session of the Interstate Commerce Commission, Railroad Service

Board, held in Washington, D.C., on the 7th day of March, 1974.

It appearing, that an acute shortage of boxcars for transporting shipments of lumber and related products exists in certain sections of the country; that some carriers have adequate supplies of certain types of refrigerator cars; that use of these cars for the transportation of lumber and related products is precluded by certain tariff provisions, thus curtailing shipments of these commodities; and that there is need for the use of these refrigerator cars to supplement the supplies of plain boxcars for transporting shipments of lumber and related products; that it is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure herein are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered, That:*

#### § 1033.1175 Service Order No. 1175.

(a) *Substitution of refrigerator cars for boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Substitution of cars:*

Subject to the concurrence of the shipper, the carrier may substitute refrigerator cars listed in Official Railway Equipment Register, I.C.C. R.E.R. No. 390 issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "RS" and with inside length between bunkers of 42 ft. or less for boxcars when loaded with lumber and related products under the provisions of Transcontinental Freight Bureau Tariffs 17-V, I.C.C. 1743; 18-R, I.C.C. 1847; or 28-Q, I.C.C. 1750, issued by E. A. McCarron, supplements thereto or reissues thereof, regardless of tariff provisions requiring the use of boxcars.

(2) *Minimum weights:*

The minimum weight per shipment of lumber or related products transported in "RS"-type refrigerator cars under the provisions of this order shall be that specified in the applicable tariff, or 50,000 lbs. per car loaded, whichever is the lesser. Cars must be loaded to full visible capacity.

(3) *Bills of lading covering movements authorized by this order shall contain a notation that shipment is moving under authority of Service Order No. 1175.*

(4) The term "boxcars" means all cars listed in the Official Railway Equipment Register, I.C.C. No. 390, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "XL", "XLI", "XM", "XMI", or "XP."

(b) *Rules and regulations suspended.* The operation of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

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

(d) *Effective date.* This order shall become effective at 12:01 a.m., March 11, 1974.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

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

*It is further ordered, That a copy of this order and direction 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 notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.*

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-5939 Filed 3-13-74; 8:45 am]

#### PART 1048—COMMERCIAL ZONES

##### Miscellaneous Corrections

MARCH 12, 1974.

In the above-captioned matter published October 13, 1971, and March 23, 1972, certain language was inadvertently omitted. These sections should be corrected to read as follows:

1. Section 1048.1(b)(1) [36 FR 19909, Oct. 13, 1971] should be corrected by inserting the word "Pelham" between the words "North Pelham" and "Pelham Manor" where they appear on line 5 of that section.

2. Section 1048.1(b)(2) [36 FR 19909, Oct. 13, 1971] should read in its entirety as follows:

(2) Transportation which is performed in respect of a shipment which has had a prior, or will have a subsequent movement by water carrier, and which is performed wholly between points named in subparagraph (1) of this paragraph, on the one hand, and, on the other, those points in Newark and Elizabeth, N.J., identified as follows: All points in that area within the corporate limits of the cities of Newark and Elizabeth, N.J., west of Newark Bay and bounded on the south by the main line of the Central Railroad of New Jersey, on the west by the Newark & Elizabeth Branch of the Central Railroad Company of New Jersey, and on the north by the property line of the Penn Central Transportation Company.

## RULES AND REGULATIONS

3. Section 1048.2 [37 FR 5953, Mar. 23, 1972] should be corrected by substituting the word "Thornton" for the word "Thronton" in line 8 of the description of the Chicago, Ill., commercial zone.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-5941 Filed 3-13-74;8:45 am]

## Title 50—Wildlife and Fisheries

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

## PART 33—SPORT FISHING

Muscatatuck National Wildlife Refuge—Indiana

The following special regulation is issued and is effective on March 14, 1974.

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

## INDIANA

## MUSCATATUCK NATIONAL WILDLIFE REFUGE

Sport fishing on the Muscatatuck National Wildlife Refuge, Seymour, Indiana, is permitted only on the six ponds designated by signs as open to fishing. These open areas comprising 160 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from April 15, 1974, to October 1, 1974, daylight hours only.

(2) Winter fishing through the ice will be permitted during 1974, and continue through the winter on designated areas which have been determined to be safe and announced by the Refuge Manager.

(3) The use of boats is prohibited.

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

CHARLES E. SCHEFFE,  
Refuge Manager, Muscatatuck  
National Wildlife Refuge, Seymour,  
Indiana.

March 7, 1974.

[FR Doc.74-5858 Filed 3-13-74;8:45 am]

## Title 24—Housing and Urban Development

## CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

## SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-214]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

Section 1914.4 of the subchapter B of Chapter X of title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. Entries to the table published on December 27, 1972, at 37 FR 28505, listed certain communities whose eligibility for the sale of flood insurance was being suspended on the date indicated in the entries, on the basis of the communities' failure to adopt required land use and control measures consistent with 24 CFR part 1910 criteria. The community listed in this entry was so listed, but has submitted, prior to the indicated suspension date for the community, a copy of adopted measures which appear to correct previous disqualifying deficiencies. Therefore, the suspension of eligibility of the community listed in this entry has been withdrawn on the date indicated hereinbelow, and the community's eligibility for the sale of flood insurance has been continued without interruption pending detailed review of submitted documents. The entry reads as follows:

## § 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Ohio	Lucas	Toledo, city of				Mar. 1, 1974. Suspension Withdrawn.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 6, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.74-5783 Filed 3-13-74;8:45 am]

[Docket No. FI-215]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

## § 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Georgia	Carroll	Carrollton, city of				Mar. 13, 1974.
Illinois	Morgan	Meredosia, village of				Emergency. Do.
Minnesota	Wabasha	Unincorporated Areas				Do.
Missouri	Callaway	Cedar City, city of				Do.
Do.	Clark	Alexandria, city of				Do.
Do.	Pemiscot	Steele, city of				Do.
Do.	St. Louis	Pagedale, city of				Do.
Virginia	Independent City	Covington, city				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 6, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.74-5784 Filed 3-13-74; 8:45 am]

[Docket No. FI-216]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

## § 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
California	Santa Clara	Los Altos Hills, town of				Mar. 6, 1974.
Georgia	Glynn	Brunswick, city of				Emergency. Do.
Do.	Houston	Perry, city of				Do.
Illinois	Scott	Naples, village of				Do.
Massachusetts	Plymouth	Abington, town of				Do.
Mississippi	Jones	Ellisville, city of				Do.
North Carolina	Halifax	Roanoke Rapids, city of				Do.
Ohio	Clermont	Neville, village of				Do.
Oklahoma	Kay	Ponca City, city of				Do.
Do.	Tulsa	Bixby, town of				Do.
Oregon	Clatsop	Cannon Beach, city of				Do.
Pennsylvania	Cameron	Lumber, town-ship of				Do.
Virginia	Roanoke	Vinton, town of				Do.
Washington	Okanogan	Okanogan, city of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: February 28, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.74-5785 Filed 3-13-74; 8:45 am]

## RULES AND REGULATIONS

[Docket No. FI-217]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

## § 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Alabama	Madison	Huntsville, city of				Mar. 8, 1974.
Louisiana	St. James Parish	Unincorporated areas				Emergency. Do.
New York	Jefferson	Clayton, village of				Do.
Pennsylvania	Cameron	Gibson, township of				Do.
Do.	do.	Portage, township of				Do.
Do.	Lebanon	North Lebanon, township of				Do.
Do.	Montgomery	West Pottsgrove, township of				Do.
Texas	Hardin	Rose Hill Acres, city of				Do.
Do.	Montgomery	Conroe, city of				Do.
Virginia	Independent City	Salem, city of				Do.
Wisconsin	Fond Du Lac	Fond Du Lac, city of				Do.
Do.	Taylor	Medford, city of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 15, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc. 74-5786 Filed 3-13-74; 8:45 am]

[Docket No. FI-218]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

## § 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Kentucky	Hardin	West Point, city of				Mar. 7, 1974.
Mississippi	Yazoo	Sartaria, town of				Emergency. Do.
Wisconsin	Waukesha	Butler, village of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: February 28, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc. 74-5787 Filed 3-13-74; 8:45 am]

[Docket No. FI-219]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

## § 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Alabama	Lawrence	Courtland, town of				Mar. 11, 1974 Emergency.
Michigan	Oakland	Novi, city of				Do.
Minnesota	Pope	Starbuck, city of				Do.
Do.	Stearns	Melrose, city of				Do.
Nebraska	Madison	Norfolk, city of				Do.
Pennsylvania	Cameron	Shippen, township of				Do.
Texas	Erath	Stephenville, city of				Do.
Virginia	Scott	Clinchport, town of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 4, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.74-5788 Filed 3-13-74; 8:45 am]

[Docket No. FI-220]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

## § 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Alabama	Cullman	Hanceville, town of				Mar. 12, 1974 Emergency.
Connecticut	Hartford	Canton, town of				Do.
Illinois	Lake	Green Oaks, village of				Do.
Do.	Henderson	Gulfport, village of				Do.
Do.	Lake	Waukegan, city of				Do.
Do.	St. Clair	Washington Park, village of				Do.
Louisiana	St. Tammany	Mandeville, town of				Do.
Minnesota	Wabasha	Lake City, city of				Do.
Mississippi	Humphreys	Louise, town of				Do.
New Jersey	Hunterdon	Readington, township of				Do.
Pennsylvania	Mifflin	Granville, township of				Do.
Do.	Montour	Derry, township of				Do.
Do.	Luzerne	Bear Creek, township of				Do.
Virginia	Cumberland	Unincorporated areas				Do.
Do.	Bedford	Independent city				Do.
Washington	King	Bellevue, city of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 5, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.74-5789 Filed 3-13-74; 8:45 am]

## RULES AND REGULATIONS

## Title 10—Energy

CHAPTER I—ATOMIC ENERGY  
COMMISSIONPART 14—ADMINISTRATIVE CLAIMS  
UNDER FEDERAL TORT CLAIMS ACT

## Miscellaneous Amendments; Correction

The document amending § 14.6 of Chapter I of Title 10 of the Code of Federal Regulation, published in the *FEDERAL REGISTER* on February 26, 1974, at 39 FR 7300 is corrected to read as follows restoring inadvertent omissions:

## § 14.6 Authority to adjust, determine, compromise, and settle.

The authority to consider, ascertain, adjust, determine, compromise, and settle claims under the provisions of 28 U.S.C. 2672, as provided herein, is delegated to the General Manager, and under his direction and without power of re-delegation, to the following Commission officers for their respective offices: The Deputy General Manager and the Assistant General Manager, Headquarters; the Manager and Deputy Manager, Chicago Operations Office, Idaho Operations

Office, Oak Ridge Operations Office, Richland Operations Office, Savannah River Operations Office, Albuquerque Operations Office, San Francisco Operations Office, Nevada Operations Office; the Manager, Grand Junction Office, Pittsburgh Naval Reactors Office, Schenectady Naval Reactors Office.

Dated at Germantown, Maryland this 8th day of March 1974.

PAUL C. BENDER,  
*Secretary of the Commission.*  
[FR Doc. 74-5862 Filed 3-13-74; 8:45 am]

# Proposed Rules

This section of the **FEDERAL REGISTER** contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1032, 1050, 1062]

### MILK IN THE SOUTHERN ILLINOIS, CENTRAL ILLINOIS AND ST. LOUIS-OZARKS MARKETING AREAS

#### Notice of Proposed Suspension of Certain Provisions of the Orders

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of certain provisions of the orders regulating the handling of milk in the Southern Illinois, Central Illinois and St. Louis-Ozarks marketing areas is being considered for the months of March through December 1974.

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

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

In 7 CFR Parts 1032, 1050 and 1062 (milk in the Southern Illinois, Central Illinois and St. Louis-Ozarks marketing areas) the provisions proposed to be suspended are as follows:

1. In § 1032.71 that part of paragraph (f) which reads, "except for the months specified below, shall be", and the provisions contained in paragraphs (g) through (k) in their entirety.

2. In § 1050.71 that part of paragraph (f) which reads, "except for the months specified below, shall be", and the provisions contained in paragraphs (g) through (k) in their entirety.

3. In § 1062.71 that part of paragraph (f) which reads, "except for the months specified below, shall be", and the provisions contained in paragraphs (g) through (k) in their entirety.

The proposed suspension would make inoperative those provisions of Order Nos. 32, 50, and 62 that provide for the accumulation and disbursement of money due producers with the intent of encouraging seasonal adjustments in milk production. Under such provisions (the "takeout-payback" plan), money withheld from the pool during March through July (15 cents per hundredweight during March and July, and 25

cents per hundredweight during April, May, and June) is paid out to producers for deliveries of milk during September through December (20 percent in September and December and 30 percent in October and November).

Suspension in the Southern Illinois and St. Louis-Ozarks orders is requested by Mid-America Dairymen, Inc., and in the Southern Illinois and Central Illinois orders by Associated Milk Producers, Inc., Mississippi Valley Milk Producers and Prairie Farms Dairy, Inc. Such cooperative associations also request that their proposed suspension be adjoined with that of Mid-America Dairymen, Inc., to expedite the proceeding.

The basis for the request in Southern and Central Illinois is to provide the highest possible blend price to producers during the spring months. The cooperatives contend that suspension is necessary to avoid depression of producer blend prices during the "takeout" period. Cooperatives further state that many producers are not paid according to Louisville Plan blend prices, and that in this regard the provision has served no useful purpose.

The cooperative representing producers in the St. Louis-Ozarks and Southern Illinois markets states that it does not take exception to the intent of the Louisville plan to provide incentive for milk production during the months of highest Class I sales. However, the situation confronting producers this year justifies suspension of the seasonal payment plan. Since feed and other production costs continue to run above year ago levels, a reduction of pay prices to farmers by the amounts specified during the "takeout" period could force additional dairy farmers out of business and jeopardize supplies of milk for Class I needs.

The cooperative further states that if the seasonal payment plan operates during the spring months, blend prices zoned to the respective production areas could result in blend prices in the two orders being below competitive pay prices of other Federal order markets and manufacturing plants competing for milk supplies. Thus, the cooperative contends, operation of the seasonal payment plan would further jeopardize the milk supply for the two markets.

For the preceding reasons, cooperatives that represent a majority of producers supplying the markets urged that the seasonal payment plan be suspended for this year in the Southern Illinois, Central Illinois and St. Louis-Ozarks markets.

Signed at Washington, D.C., on March 11, 1974.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.74-5934 Filed 3-13-74; 8:45 am]

## FEDERAL AVIATION ADMINISTRATION

[14 CFR Part 71]

[Airspace Docket No. 74-SW-7]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Tulsa, Okla. (Riverside Airport), control zone and the Tulsa, Okla., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before April 15, 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 Chief, Airspace and Procedures Branch. 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.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (39 FR 440), the Tulsa, Okla. (Riverside Airport), control zone is amended to read:

TULSA, OKLA. (RIVERSIDE AIRPORT)

Within a 5-mile radius of Riverside Airport (latitude 36°02'19" N., longitude

## PROPOSED RULES

95°59'00" W.) and within 2 miles each side of the Riverside TVOR 349° T (341° M) radial extending from the 5-mile radius zone to the TVOR. This control zone is effective during 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.

In § 71.181 (39 FR 440), the Tulsa, Okla., transition area is amended to read:

## TULSA, OKLA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Tulsa International Airport (latitude 36°12'00" N., longitude 95°53'15" W.); within 8 miles west and 5 miles east of the Tulsa ILS localizer north course extending from the OM to 12 miles north; and within 8 miles north and 5 miles south of the Tulsa VORTAC 088° T (080° M) radial extending from the 9-mile radius area to 33 miles east of the VORTAC.

Alteration of the existing 3-mile radius of the Riverside Airport control zone to a 5-mile radius and associated extensions is in compliance with Handbook 7400.2A, Procedures for Handling Airspace Matters, paragraph 221.1. Alteration of the control zone and transition area will provide controlled airspace for IFR arrival and departure operations in the Tulsa, Okla., terminal area.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on March 6, 1974.

ALBERT H. THURBURN,

*Acting Director, Southwest Region.*

[FR Doc. 74-5849 Filed 3-13-74; 8:45 am]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 74-SO-23]

## TRANSITION AREA

## Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Tullahoma, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 15, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. 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 light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Tullahoma transition area described in § 71.181 (39 FR 440) would be amended as follows:

"\* \* \* excluding the portion within Shelbyville transition area \* \* \*" would be deleted and "\* \* \* within a 13.5-mile radius of Winchester Municipal Airport, Winchester, Tenn. (latitude 35°10'40" N., longitude 86°03'49" W.); excluding the portions within Shelbyville and Chattanooga transition areas \* \* \*" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Winchester Municipal Airport, Winchester, Tenn. A prescribed instrument approach procedure to this airport, utilizing the Boiling Ford (private) Nondirectional Radio Beacon, is proposed in conjunction with the alteration of this transition area.

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 of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 6, 1974.

PHILLIP M. SWATEK,  
*Director, Southern Region.*

[FR Doc. 74-5850 Filed 3-13-74; 8:45 am]

## DEPARTMENT OF LABOR

Occupational Safety and Health  
Administration

## [ 29 CFR Part 1910 ]

[S-74-4]

## MECHANICAL POWER PRESSES

Safeguarding Point of Operation, Design,  
Construction, Setting, and Feeding of Dies

In December, 1972, two petitions were received requesting revocation of the occupational safety and health standards set forth in paragraphs (d) (1) and (d) (2) of 29 CFR 1910.217. On January 26, 1973, a notice was published in the FEDERAL REGISTER (38 FR 2465) requesting information on work injury experience, effectiveness of safeguarding devices, estimates of time and cost for compliance, and other related information pertinent to the two paragraphs. On March 2, 1973 a notice was published in the FEDERAL REGISTER (38 FR 5644) extending the comment period on paragraphs (d) (1) and (d) (2) from February 24, 1973 to April 24, 1973, to give associations and unions more time to collect information from their memberships. More than three hundred responses have been received, most from employers and their representatives. Comments from representatives of employees unanimously support the two standards as written. Comments submitted by employers and their representatives support revocation

of the two standards, with or without modification of other standards. Some employers recommend revocation of paragraphs (d) (1) and (2) provided that, in some cases, additional safeguards be required. Comments representing other interests indicate that present technology permits compliance with paragraph (d) (1) and (2).

The Assistant Secretary also requested the American National Standards Institute (ANSI) B11.1 Committee, which developed the standard from which § 1910.217 was derived, and which is representative of all interests, to supply the Department of Labor with recommendations on the two paragraphs in question. The Committee met several times between January and October in 1973 to develop a consensus solution. A draft of the committee's recommendations has been reviewed by the Office of Standards Development.

The proposals contained herein reflect many comments and suggestions received in response to the request for information published January 26, 1973 in the Federal Register, and the recommendations of the ANSI B11.1 Committee:

1. Two new definitions are proposed to be incorporated into § 1910.211(d). The term "control system" would define what controls usually mean in a press component operating mechanism. The term "brake monitoring device" would be defined according to the function it is designed to perform.

2. Section 1910.217(b) (8) (vi) would be revoked and replaced by requirements for a control system and a brake monitoring device when such devices are used as a means to safeguard the point of operation.

3. Section 1910.217(c) (2) (v) would be revised to conform with the recommendations of the ANSI B11.1 Committee prohibiting the use of the hinged or movable section of an interlocked barrier guard in feeding operations.

4. Section 1910.217(c) (3) (i) would be revised to conform with the ANSI B11.1 Committee's recommendations to recognize two additional alternative types of safeguarding devices, and more clearly define the requirements for the devices currently listed in § 1910.217(c) (3) (i) (b) and (c) (3) (i) (e). Section 1910.217(c) (3) (i) (f) and (c) (3) (i) (g) would allow interlocked barrier devices to be used.

5. Section 1910.217(c) (3) (ii) would be revised to conform with the ANSI B11.1 Committee's recommendations to recognize the use of the interlocked barrier device as acceptable for safeguarding the point of operation. Section 1910.217(c) (3) (iii) would be revised to conform with the ANSI B11.1 Committee's recommendations concerning presence sensing devices by adding a requirement for minimum safety distance which takes into account the stopping time of the press and a hand speed constant.

6. The only change proposed in § 1910.217(c) (3) (v) is to prohibit the use of sweep devices as a point of operation

device after December 31, 1976. This reflects a recommendation of the ANSI B11.1 Committee.

7. Section 1910.217(c)(3)(vii) and (c)(3)(viii) would be revised, and (c)(3)(ix) would be revoked, to conform with the ANSI B11.1 Committee's recommendation that when a two hand control device or a two hand trip device is used, a minimum safety distance would have to be maintained. Section 1910.217(c)(3)(ix) would be replaced by the proposed changes in § 1910.217(c)(3)(viii).

8. A new paragraph, § 1910.217(c)(5) is proposed to prescribe additional requirements for both two hand controls and presence sensing devices when used as point of operation safeguarding devices for operations where hands are required to enter the point of operation for feeding purposes. The additional requirements deal with the reliability of the control system and the reliability of the braking system. The effective date of this provision would be July 1, 1975. The requirements of 1910.217(b)(7)(xi), dealing with dual air valves on part revolution clutch presses, would be imposed on all such presses using alternative safeguarding for "hands in dies" feeding operations.

9. The requirement for "no hands in dies" prescribed in § 1910.217(d)(1) would be revoked and a performance type regulation would replace it. The requirements in § 1910.217(d)(2) dealing with ejecting stock and scrap would also be revoked.

10. A new requirement for report of point of operation injuries is proposed. The information so obtained would help determine the effectiveness of the revised point of operation safeguarding methods.

Written data, views, and arguments concerning the proposed amendments may be sent, in triplicate, to J. Goodell, Occupational Safety and Health Administration, U.S. Department of Labor, 1726 M Street, NW, Room 240, Washington, D.C. 20210, no later than April 15, 1974. The data, views and arguments will be available for public inspection and copying at the Office of Standards Development. In addition to comments on the proposed amendments, interested persons are invited to submit written views and arguments on the issue whether the existing effective date of § 1910.217(d)(1) (August 31, 1974), should be delayed pending this rule making proceeding, if it should appear that the proceeding cannot be concluded by that date.

Oral data, views and arguments on the proposed amendments will be received by an administrative law judge, to be assigned by the Chief Administrative Law Judge of the United States Department of Labor, at a hearing to begin at 10 a.m. on May 13, 1974, in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW, Washington, D.C. Persons desiring to appear at the hearing must file, in triplicate, with J. Goodell a notice of intention to appear to be delivered or postmarked no later than April 26, 1974. A notice must state the

name and address of the person to appear, the capacity in which he will appear, and the approximate amount of time required for his presentation. The notice must also include, or be accompanied by, a statement of the position to be taken with regard to any proposed amendment, and of the evidence to be adduced in support of it. All persons who file notices of appearance are invited to attend a pre-hearing conference in the Departmental Auditorium, at 9:30 a.m. on May 13, 1974.

The hearing shall be conducted in accordance with the rules of procedure in 29 CFR Part 1911.

Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29, Code of Federal Regulations, as follows:

1. In § 1910.211, paragraph (d) is proposed to be amended by adding paragraph (d)(59) and (60) to read as follows:

#### § 1910.211 Definitions.

(d) \* \* \*

(59) "Control system" means sensors, manual input and mode selection devices, interlocking and decision-making circuitry, and output devices to the press component operating mechanism.

(60) "Brake monitoring device" means a device designed, constructed, and arranged to observe the effectiveness of the braking system of the press.

2. Section 1910.217 is proposed to be amended as follows:

a. In paragraph (b) by revoking subparagraph (8)(vi) and adding new subparagraphs (13) and (14).

b. In paragraph (c) by revising subparagraphs (2)(v), (3)(i)(b) and (e), (ii), (iii), (v), (vii), and (viii); by revoking subparagraph (3)(ix); and by adding subparagraphs (3)(i)(f) and (g) and (5).

c. In paragraph (d) by revoking subparagraph (2) and revising subparagraph (1).

e. By adding a new paragraph (g).

As amended, § 1910.217 will read as follows:

#### § 1910.217 Mechanical power presses.

(b) Mechanical power press guarding and construction, general \* \* \*

(8) Electrical \* \* \*

(vi) [Revoked]

(13) Control component failure. Every control system shall be constructed so that a failure within the system does not prevent the proper stopping action from being applied to the press component when required, but does prevent the press from stroking until the failure is corrected, and so that the failure is detectable by a simple test, or indicated by the control system.

(14) Brake monitoring device. (1) A brake monitoring device shall be so constructed as to automatically prevent activation of a successive press stroke if the stopping time or braking distance exceeds the values determined by the press manufacturer.

(ii) The press shall be equipped with a means, in addition to the prevention of a successive press stroke, which will indicate when the performance of the braking system has deteriorated beyond the values determined by the press manufacturer.

(c) Safeguarding the point of operation. \* \* \*

(2) Point of operation guards. \* \* \*

(v) The hinged or movable sections of an interlocked barrier guard shall not be used for feeding. The guard shall be designed to prevent opening of the interlocked section and reaching into the point of operation prior to die closure or prior to the cessation of slide motion.

(3) Point of operation devices. (1) \* \* \*

(b) Withdrawing the operator's hands, if they are inadvertently located in the point of operation as the dies close; or

(e) Requiring application of both of the operator's hands to machine operating controls located at such a safety distance from the point of operation that the slide completes the downward travel before the operator can reach into the point of operation with his hands; or

(f) Enclosing the point of operation before a press stroke can be initiated, and maintaining this condition until the motion of the slide driving mechanism has ceased; or

(g) Enclosing the point of operation before a press stroke can be initiated, so as to prevent a person from reaching into the point of operation prior to die closure during the downward stroke.

(ii) A gate or movable barrier device shall protect the operator in accordance with paragraphs (c)(3)(i)(f) or (c)(3)(i)(g) of this section.

(iii) A presence sensing point of operation device shall protect the operator as provided in paragraph (c)(3)(i)(a) of this section, and shall be interlocked into the control circuit to prevent or stop slide motion of the operator's hand or other part of his body is within the sensing field of the device during active checking portions of the stroke.

(a) The device shall not be used on machines using full revolution clutches.

(b) The device shall not be used as a tripping means to initiate slide motion.

(c) The device shall be designed for fail safe (i.e. designed to shut the press off, or revert to a safeguarding condition, in the event of a power or component failure, detrimental ambient conditions (excessive light, etc.), or other conditions which might affect the safeguarding ability of the device).

(d) Muting of such device, after the hazard of the downstroke has ceased or during the upstroke of the press, may be

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permitted to enable parts ejection, or to enable circuit checking.

(e) The safety distance (D) from the sensing field to the point of operation shall be greater than the distance determined by the following formula:

$$D = 1.6 \text{ meters/second} \times T_s$$

where:

D = minimum safety distance (meters);  
1.6 meters/second = hand speed constant; and

$T_s$  = stopping time of the press measured at approximately 90° of crankshaft rotation (seconds).

(v) The sweep device, shall protect the operator as specified in paragraph (c) (3) (i) (b) of this section, by removing his hands safely to a safe position if they are inadvertently located in the point of operation, as the dies close or prior to tripping the clutch. Devices operating in this manner shall have a barrier attached to the sweep arm in such a manner as to prevent the operator from reaching into the point of operation past the trailing edge of the sweep arm on the downward stroke of the press. This device shall not be used for point of operation safeguarding after December 31, 1976.

(a) The sweep device must be activated by the slide or by motion of a foot pedal triprod.

(b) The sweep device must be designed, installed and operated so as to prevent the operator from reaching into the point of operation before the dies close.

(c) The sweep device must be installed so that it will not itself create an impact or shear hazard between the sweep arm and the press tie rods, dies, or any other part of the press or barrier.

(d) Partial enclosure conforming with this subparagraph, as to the area of entry which they protect, must be provided on both sides of the point of operation to prevent the operator from reaching around or behind the sweep device and into the point of operation after the dies start to close. Partial enclosures shall not themselves create a pinch point or shear hazard.

(vii) The two hand control device shall protect the operator as specified in paragraph (c) (3) (i) (d) of this section.

(a) In press operations requiring more than one operator, separate two hand controls shall be provided for each operator.

(b) The two hand control shall meet the construction requirements of paragraph (b) (7) (v) of this section.

(c) The safety distance (D) between each two hand control device and the point of operation shall be greater than the distance determined by the following formula.

$$D = 1.6 \text{ meters/second} \times T_s$$

where:  
D = minimum safety distance (meters);  
1.6 meters/second = hand speed constant; and

$T_s$  = stopping time of the press measured at approximately 90° of crankshaft rotation (seconds).

(viii) The two hand trip device shall protect the operator as specified in paragraph (c) (3) (i) (e) of this section.

(a) In press operations requiring more than one operator, separate two hand trips shall be provided for each operator.

(b) The two hand trip shall meet the construction requirements of paragraph (b) (6) of this section.

(c) The safety distance (D) between each two hand trip and the point of operation shall be greater than the distance determined by the following formula:

$$D = 1.6 \text{ meters/second} \times T_m; \text{ where:}$$

D = minimum safety distance (meters);  
1.6 meters/second = hand speed constant;

and  
 $T_m$  = the maximum time the press takes for die closure after it has been tripped (seconds). For full revolution clutches with only one engaging point, the time would be for one and one-half revolutions of the crankshaft.

(ix) [Revoked]

(c) *Safeguarding the point of operation.*

(5) *Alternative safeguarding.* When manual feeding with hands within the point of operation is necessary because of the work to be done, and either a two hand control or a presence sensing device is used for safeguarding, the following requirements must be complied with after June 30, 1975:

(i) the two hand control shall meet the requirements of paragraph (b) (13) of this section and shall be used in conjunction with a brake monitoring device meeting the requirements of paragraph (b) (14) of this section;

(ii) the presence sensing device must meet the requirements of paragraph (b) (13) of this section and be used in conjunction with a brake monitoring device meeting the requirements of paragraph (b) (14) of this section; and in either case,

(iii) the control of air clutch machines shall be designed to prevent a significant increase in the normal stopping time due to a failure within the operating valve mechanism, and to inhibit further operation if such failure does occur, where a part revolution clutch press is employed. The limitations set forth in paragraph (b) (7) (xi) of this section do not apply to this paragraph (c) (5).

(d) *Design, construction, setting, and feeding of dies*—(1) *General requirements.* Effective [30 days after publication], the employer shall: (i) Use dies and operating methods designed to eliminate hazards to operating personnel, and (ii) furnish and enforce the use of hand tools specifically designed for the purpose of freeing and removing stuck work or scrap pieces from the die to avoid requiring the operator or other personnel from reaching into the point of operation.

(2) [Revoked]

(g) *Reports of injuries to employees operating mechanical power presses.* Effective immediately, the employer shall within 5 days of the occurrence, report to either the Director of the Office of Standards Development, OSHA, U.S. Department of Labor, Washington, D.C.

20210, or the State agency administering a plan approved by the Assistant Secretary of Labor for Occupational Safety and Health, all point of operation injuries to operators or other employees. The following information is to be included in the report:

(i) Employer's name, address and location of workplace (establishment).

(ii) Employee's name, injury sustained, and job being performed (operation set-up, maintenance, or other).

(iii) Type of clutch used on the press (full revolution, part revolution, or direct drive).

(iv) Type of safeguard(s) being used (two hand control, pull out device, etc.). If the safeguard is not described in section 1910.217(c), give a complete detailed description.

(v) Cause of accident (repeat of press, safeguard failure, removing stuck part of scrap, no safeguard in use, etc.).

(Sec. 6(b), Pub. Law 91-596, 84 Stat. 1593 (29 U.S.C. 655), Secretary of Labor's Order No. 12-71, 36 FR 8754)

Signed at Washington, D.C., this 8th day of March, 1974.

JOHN STENDER,  
Assistant Secretary of Labor.  
[FR Doc. 74-5921 Filed 3-13-74; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education  
[45 CFR Part 155]

### TALENT SEARCH, SPECIAL SERVICES FOR DISADVANTAGED STUDENTS, AND UP- WARD BOUND

#### Proposed Criteria for Funding for Fiscal Year 1974

1. Pursuant to the authority contained in Title IV, Part A, Subpart 4 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070d-1070d-1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the criteria set forth below in Appendix A, on the basis of which applications for the development and operation of Talent Search programs submitted for Fiscal Year 1974 by institutions of higher education, public and private agencies and organizations, and secondary schools and secondary vocational schools under section 417B of Title IV-A-4 of the Act (20 U.S.C. 1070d-1) will be judged. Talent Search programs are designed to identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training, publicize existing forms of student financial aid, including aid furnished under Title IV, and encourage secondary school or college dropouts of demonstrated aptitude to reenter educational programs, including postsecondary school programs.

2. Pursuant to the authority contained in Title IV, Part A, Subpart 4 of the Higher Education Act of 1965, as

## PROPOSED RULES

amended (20 U.S.C. 1070d-1070d-1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the criteria set forth below in Appendix B, on the basis of which applications for the development and operation of Special Services for Disadvantaged Students programs submitted for Fiscal Year 1974 by eligible applicants under section 417B of Title IV-A-4 of the Act (20 U.S.C. 1070d-1) will be judged. Programs of Special Services for Disadvantaged Students are programs of remedial and other special services for students with academic potential who are enrolled or accepted for enrollment at the institution which is the beneficiary of the grant and who, by reason of deprived background or physical handicap, are in need of such services to assist them to initiate, continue, or resume their postsecondary education.

3. Pursuant to the authority contained in Title IV, Part A, Subpart 4 of the Higher Education Act of 1965 (20 U.S.C. 1070d-1070d-1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 155 of Title 45 of the Code of Federal Regulations, "Upward Bound," by revising the criteria contained in section 155.7 thereof, to read as set forth below in Appendix C, on the basis of which applications for the development and operation of Upward Bound programs submitted for Fiscal Year 1974 by eligible applicants under section 417B of Title IV-A-4 of the Act (20 U.S.C. 1070d-1) will be judged. Upward Bound programs are designed to generate skills and motivation necessary for success in education beyond high school and are programs in which enrollees from low-income backgrounds and with inadequate secondary school preparation participate on a substantially full-time basis during all or part of the program.

4. Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed criteria, including the regulatory amendment for Upward Bound, to the Office of Student Assistance, Bureau of Postsecondary Education, U.S. Office of Education, Seventh and D Streets, SW., Room 4642, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant material received not later than March 29, 1974, will be considered.

Dated: January 9, 1974.

JOHN OTTINA,  
U.S. Commissioner of Education.

Approved: March 8, 1974.

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

(Catalog of Federal Domestic Assistance Programs Numbers 13.488 Talent Search, 13.482 Special Services for Disadvantaged Students, and 13.492 Upward Bound)

## APPENDIX A

## CRITERIA FOR TALENT SEARCH

The Commissioner will select applicants to be funded under the Talent Search Program on the basis of the criteria set forth in 45 CFR 100a.26(b) as well as the following criteria:

(a) *Continuation grants.* A request for funds for the continuation of a project begun in a prior fiscal year will be given priority over an application for the initiation of a new project. Requests for continuation grants will be approved only if satisfactory progress has been made in the implementation of the earlier phases of the project and if the project is successful or continues to offer promise of success in placing students suffering from financial need or cultural isolation in postsecondary educational institutions.

Before any proposal for the continuation of a project is evaluated, all required reports, including fiscal audits, data collection forms, quarterly fiscal reports, and semi-annual and annual narrative reports must be received and accepted by the appropriate Office of Education staff.

(b) *Initial year grants.* (1) The extent to which the target area of the proposed project is characterized by (i) high concentrations of secondary school dropouts; (ii) low level of postsecondary school attendance; (iii) persons having family income at or below the Federal poverty level; (iv) students from low-income families having low aspiration levels and special needs resulting from cultural isolation, language disabilities, and educational deficiencies.

(2) The scope and variety of methods to be used in the recruitment of Talent Search youth;

(3) Evidence of prior involvement with the community to be served;

(4) The ability of the applicant to work with members of the academic community in the area to be served, especially in the areas of admissions and financial aid, as reflected by previous and projected activities of the applicant;

(5) The projected impact upon the target community in terms of:

(i) expanding opportunities for postsecondary opportunities;

(ii) securing admissions and financial assistance for target students;

(iii) developing non-traditional methods of assessing students' abilities for success in postsecondary education;

(6) The comprehensiveness of counseling services to be offered;

(7) The extent to which other educational and community resources will be utilized in providing services which the Talent Search project cannot itself provide;

(8) The extent to which project staff are representative of the ethnic/racial background of project participants and are sensitive to their needs.

(20 U.S.C. 1070d-1)

## APPENDIX B

## CRITERIA FOR SPECIAL SERVICES FOR DISADVANTAGED STUDENTS

The Commissioner will select applicants to be funded under the Special Services for Disadvantaged Students programs on the basis of the criteria set forth in 45 CFR 100a.26(b) as well as the following criteria:

(a) *Continuation grants.* A request for funds for the continuation of a project begun in a prior fiscal year will be given priority over an application for the initiation of a new project. Requests for continuation grants will be approved only if satisfactory progress has been made in the implementation of the earlier phases of the project, and if the project is successful in enabling students to re-

sume or to continue their postsecondary education with adequate financial aid.

Before any proposal for the continuation of a project is evaluated, all required reports, including fiscal audits, data collection forms, quarterly fiscal reports, and semi-annual and annual narrative reports must be received and accepted by the appropriate Office of Education staff.

(b) *Initial grants.* 1. Evidence of the enrollment of physically disabled and/or low-income students at the institution whose educational background, cultural isolation, or physical disability is such that they would not likely be successful in a program of postsecondary education without special supportive services.

2. Evidence of the availability and distribution of financial assistance to meet adequately the needs of low-income students enrolled in the applicant institution.

3. Delineation of a clear and precise plan for the selection of students, including a comprehensive needs assessment of supportive services needed.

4. A work program including: (i) A comprehensive counseling program, including student personnel, career, and academic counseling; special classes, remedial and other; tutoring; and other services necessary to meet the needs of those enrolled in the program; (ii) evidence of institutional policies in such areas as retention, grading, course options, and other administrative or academic policies which have as their purpose the maximization of a student's chances for successful completion of postsecondary education.

5. Method and extent of orientation to program objectives and institutional commitment to the Special Services Project and its goals.

6. A method of assessing and documenting the effects of the program services, progress made and follow-up of students enrolled or formerly enrolled in the program.

7. Plans for implementing and assessing the impact of the project upon the academic community.

8. Extent to which grantee and other resources may be utilized to supplement or extend the work program of the project.

(20 U.S.C. 1070d-1)

## APPENDIX C

## CRITERIA FOR UPWARD BOUND

Section 155.7 of Title 45 of the Code of Federal Regulations is amended to read as follows:

## § 155.7 Criteria for evaluating proposals.

(a) Proposals for new projects will be selected on the basis of a review in light of the following factors, which are not necessarily listed in order of weight or importance:

(1) Knowledge of the specific needs of an identifiable student population to be served in terms of income, educational achievement, educational and related problems, and conditions and/or attitudes which are barriers to educational advancement.

(2) Comprehensiveness of recruiting sources and methods.

(3) Experience in serving low-income students including cooperation with other agencies providing services to the target community.

(4) Evidence of the commitment of the applicant to see that all of its Upward Bound students are provided with opportunities to attend postsecondary institutions, by assisting students in receiving

## PROPOSED RULES

[45 CFR Part 186]

## INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE

## Notice of Proposed Rulemaking

special review from the admissions and financial aid personnel of the host institution, and by assisting students in learning about and applying for admission to other postsecondary institutions.

(5) A work program which is designed to develop critical thinking, effective expression and positive attitudes toward learning and which: (i) Is realistic and practicable; (ii) diagnoses individual student needs and abilities, including academic deficiencies, at the time of entry into the project; (iii) contains an individualized curriculum design appropriate for each student's identified needs, and which involves a variety of methods and levels of instruction appropriate to individual needs; (iv) contains a mechanism for measuring the effectiveness of the project, and each student's progress, in remedying academic deficiencies; (v) provides for a timetable for implementation and development; (vi) contains supportive services directly related to the application of formal learning experiences, and designed to enhance the academic, personal and social effectiveness and the cultural development of the student; (vii) contains a prognostic evaluation of individual student performance, including documentation of student growth and development, academic and personal; (viii) contains internal evaluation mechanisms to test program effectiveness; (ix) includes a comprehensive counseling program.

(6) Clearly delineates the lines of authority and communication between the applicant institution and the project staff, and

(7) Outlines the composition and responsibilities of the Advisory Committees.

(8) The criteria set forth in 45 CFR 100a26(b).

(b) Proposals for the continuation of previously funded projects will be reviewed in the light of the following factors:

(1) Satisfactory progress has been made in the implementation of the earlier phases of the project.

(2) Necessary modifications of the previously approved proposal Work Program to improve project performance.

(3) The effectiveness of the internal evaluation techniques to test program effectiveness.

(4) Evidence that all of its Upward Bound students are provided with opportunities to attend postsecondary institutions, are receiving special review from the admissions and financial aid personnel of the host institution, and are learning about and applying for admission to other postsecondary institutions.

(5) Before any proposal for the continuation of a project is evaluated, all required reports, including fiscal audits, data collection forms, quarterly fiscal reports, and semi-annual and annual narrative reports must be received and accepted by the appropriate Office of Education staff.

(20 U.S.C. 1070d-1)

\* \* \*

[FR Doc. 74-5930 Filed 3-13-74; 8:45 am]

the control of the Indian community in which they are located.

Assistance under section 303(b) of the Act and this Subpart will be subject to the appropriate requirements of the Act and this Part, and to the provisions set forth in 45 CFR Part 100a (38 FR 30662, November 6, 1973).

Interested persons are invited to submit written comments suggestions, or objections regarding the proposed criteria to the Office of the Deputy Commissioner of Indian Education, U.S. Office of Education, Room 4043, 400 Maryland Avenue, SW., Washington, D.C. 20202, on or before April 15, 1974. Comments received shall be available for public inspection at the above office, Monday through Friday between the hours of 8 a.m. and 4:30 p.m.

Dated: February 14, 1974.

JOHN OTTINA,  
U.S. Commissioner of Education.

Approved: March 8, 1974.

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

## Subpart D—Nonlocal Educational Agencies

Part 186 is amended as set forth below: (1) § 186.22 is deleted; and (2) Subpart D is added as follows:

## § 186.31 Eligibility; purpose.

(a) The Commissioner may, in accordance with section 303(b) of the Act (as defined in § 186.2), provide financial assistance to schools on or near reservations which are: (1) Nonlocal educational agencies (as defined in § 186.2) or (2) local educational agencies (i) which have been local educational agencies for less than three years, and (ii) which enroll a substantial proportion of Indian children, and (3) which best satisfy the selection criteria set forth in § 186.33.

(b) Assistance under this subpart is to be used for the purpose of developing and carrying out, in such agencies, elementary and secondary school programs specially designed to meet the special educational needs of Indian students.

(c) Assistance may be made available under this subpart to meet the costs incurred in connection with the establishment of such agencies.

(20 U.S.C. 241bb(b); S. Rept. 92-346, 92d Cong., 1st Sess. 1971, p. 99.)

## § 186.32 Eligibility factors.

(a) *Eligibility of nonlocal educational agencies.* In determining whether an applicant is a nonlocal educational agency (as defined in § 186.2), eligible to apply for assistance under this subpart, the Commissioner shall consider such factors as the following:

(1) Whether the governing body of the school or school system was selected by, is representative of, and is solely responsible to the Indian tribe or community which that school or school system serves; and

(2) Whether the governing body derives authority from such community to carry out such functions as:

- (i) Employing, managing, and terminating personnel;
- (ii) Developing and revising curricula;
- (iii) Establishing attendance, academic, and other relevant standards;
- (iv) Developing and approving budgets;
- (v) Establishing operational policies; and
- (vi) Raising funds.

(b) *Applications of nonlocal educational agencies.* To assist the Commissioner in making eligibility determinations regarding nonlocal educational agencies, an application shall contain:

(1) Adequate documentation of the authority to carry out the functions contained in paragraph (a) of this section such as:

- (i) Incorporation certificate or other organizational charter;
- (ii) By-laws or charter;
- (iii) Contract or other agreement to administer the school or school system;
- (iv) A certified description of the duties of the governing body; and

(2) A description of the policies under which the governing body carries out the functions described in paragraph (a) of this section.

(c) *Applications of local educational agencies.* To assist the Commissioner in making eligibility determinations regarding local educational agencies, an application shall contain certified documentation of the date on which that

agency was established as a local educational agency.

(20 U.S.C. 241bb(b))

**§ 186.33 Criteria for selection of applications.**

(a) In considering whether to approve applications, and in determining the amount of the awards under approved applications, the Commissioner will take into account, in addition to criteria contained in 45 CFR 100a.26(b), criteria such as the following:

(1) The number of Indian children enrolled in the agency applying for assistance, and the number that would be involved in the proposed program or project;

(2) The degree to which costs for which assistance is sought are connected to start up costs incurred in the establishment of community control of a school or school system or of a new local educational agency;

(3) The degree to which the program or project to be assisted addresses the particular educational and cultural needs of Indian children;

(4) The degree to which the proposed program or project offers activities and services not previously available to Indian children in sufficient quantity or quality;

(5) The adequacy of planning to provide significant long-term improvement of educational opportunities for the Indian children to be served by the school system;

(6) The degree to which the proposed program or project is related to the educational plan and priorities of the Indian community to be served; and

(7) Whether the application satisfies appropriate requirements of Subpart B of this Part.

(b) Applications submitted under this subpart must satisfy the following requirements of Subpart B of this Part:

(1) Sections 186.11 and 186.12, dealing with required contents of applications;

(2) Section 186.13(b), requiring utilization of the best available talents and resources (including persons from the Indian community);

(3) Sections 186.13(c)(1) and 186.17, requiring an assurance that the proposed program or project will be developed, operated and evaluated in open consultation with the Indian community, including at least one public hearing at which all interested community members will have an opportunity to understand the program and to offer recommendations thereon; and

(4) Section 186.14, describing appropriate subjects for discussion at the public hearing required in paragraph (b)(3) of this section.

(c) Applications submitted under this subpart are not required to satisfy the provisions in §§ 186.13(c)(2) and 186.15-186.17 of subpart B of this Part relating to the nomination, selection, and functions of a Parent Committee.

(20 U.S.C. 241dd(b)(2))

[FR Doc. 74-5932 Filed 3-13-74; 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-119]

### U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

#### Notice of Meeting

The U.S. Advisory Commission on International Educational and Cultural Affairs will meet in open session on Friday, March 22, 9 a.m. to 4 p.m.; Saturday, March 23, 9 a.m. to 5 p.m.; and Sunday, March 24, 9 a.m. to 12 noon. The Friday meeting will be held in the Asia Room, East-West Center, Honolulu, Hawaii. The agenda will include a review of East-West Center programs and future plans, with Chancellor Everett Kleinjans; a discussion of the programs of the Culture Learning Institute with the Institute's Director, Dr. Verner C. Bickley; a discussion of the Population Institute programs with Institute leaders and scholars; informal luncheon discussions with staff and scholars attending all five Institutes at the East-West Center, including the aforementioned and the Communication Institute, Food Institute, and Technology and Development Institute; and an open discussion with a question and answer period at the end of the day.

The sessions scheduled for Friday, March 25, and Saturday, March 26, will be held in a meeting room at the Sheraton-Waikiki Hotel. The agenda will include a review and finalization of the Commission's annual report to the Congress; a status report on the project initiated by the Commission, "Panel on Information, Education, and Cultural Relations"; a review of teenage exchange programs; and new business.

More details about this meeting may be obtained by phoning the Staff Director in advance of the meeting. Telephone (202) 632-2764.

Dated: March 7, 1974.

MARGARET G. TWYMAN,  
Staff Director,  
Commission Secretariat.

[FR Doc.74-5868 Filed 3-13-74;8:45 am]

### Agency for International Development FRIENDS OF CHILDREN OF VIETNAM, INC. Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promul-

gated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Friends of Children of Vietnam, Inc.  
600 Gilpin Street  
Denver, Colorado 80218

Dated: February 26, 1974.

JAROLD A. KIEFFER,  
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.74-5920 Filed 3-13-74;8:45 am]

## DEPARTMENT OF THE TREASURY

### Fiscal Service

[Dept. Circ. 570, 1973 Rev., Supp. No. 13]

### AMERICAN LIBERTY INSURANCE CO. Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of \$280,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

American Liberty Insurance Company  
Birmingham, Alabama  
Alabama

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Government Financial Operations, Audit Staff, Washington, D.C. 20226.

Dated: March 11, 1974.

[SEAL] JOHN K. CARLOCK,  
Fiscal Assistant Secretary.

[FR Doc.74-5926 Filed 3-13-74;8:45 am]

## DEPARTMENT OF DEFENSE

Department of the Air Force

### PROPOSED MINUTEMAN II OPERATIONAL BASE LAUNCH

#### Notice of Public Hearing

March 11, 1974.

Notice is hereby given that in accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.) the United States Air Force will conduct informal public hearings in Boise, Idaho, March 19, 1974 and Salem, Oregon, March 21, 1974 on the draft environmental statement concerning the launch of Minuteman II Missiles. Air Force Colonel Vincent A. Jordan will preside at the informal hearings scheduled to begin at 7:30 p.m. in the Big Four Room, Student Union Building, Boise State University, Boise, Idaho and at 7:30 p.m. in the Salem Armory Auditorium, 2310 17th Street NE, Salem, Oregon.

The draft environmental statement on the Operational Base Launch Program (called Giant Patriot) discusses a demonstration launch program of four unarmed Minuteman II Missiles from operational silos near Malmstrom Air Force Base, Montana. The other launches in the program will be discussed in another environmental statement.

The space trajectory will carry the missiles up to 400 statute miles (350 nautical miles) over portions of Montana, Idaho, and Oregon enroute to a Pacific Ocean target in a lagoon at Canton Island in the Phoenix Islands. Depending on which launch sites are selected, the trajectory may also cross the extreme southeast corner of Washington or the northeast top of California.

Persons desiring to participate in the hearings are asked to submit a request in writing to Colonel Jordan, c/o CINCSAC/JA, Offutt Air Force Base, Nebraska 68113, or by calling his office, 402-254-5132.

Copies of the draft environmental statement have been made available to the Boise City Library, Boise State University, State Clearing House, Boise, Idaho, and Oregon State Library, Civic Center Library, State Clearing House, Salem, Oregon. Copies may be obtained from HQ USAF/PREV, Washington, D.C. 20330 and 341 SMW/Office of Information, Malmstrom Air Force Base, Montana 59402.

STANLEY L. ROBERTS,  
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-6026 Filed 3-13-74;8:46 am]

## Office of the Secretary

DEFENSE INTELLIGENCE AGENCY  
SCIENTIFIC ADVISORY COMMITTEE

## Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held at Denver, Colorado on: Monday and Tuesday, April 8th and 9th, 1974. These meetings commencing at 9 a.m. will be to discuss classified matters.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, OASD (Comptroller).

MARCH 11, 1974.

[FR Doc.74-5927 Filed 3-13-74; 8:45 am]

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## IDAHO

## Notice of Proposed Classification

Lands located in Owyhee County, known locally as Indian Hills, have been developed pursuant to the provisions of the Desert Land Act by the Hood Construction Company. The lands have been returned to the Federal Government due to a court finding of fraud. They have been examined and appear to be suitable for continued agricultural development.

Notice is hereby given of a proposal to classify these lands for disposal through State Indemnity Lieu Selection (43 CFR Part 2620), Carey Act Selection (43 U.S.C. 641), or exchange (43 CFR Part 2200). The classification would be made pursuant to Section 7 of the Act of June 28, 1934, as amended (43 U.S.C. 315(f)).

The lands affected by this proposed classification are described as follows:

T. 6 S., R. 8 E., B.M.  
Sec. 4, W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 8, N $\frac{1}{2}$ , N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 9, all;  
Sec. 10, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 15, W $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

Containing 2,860 acres of public land. The proposal for classification as suitable is based on the following reasons:

1. The lands are physically suitable and adaptable to the uses and purposes for which they are being classified.

2. Present and potential uses and users of the lands have been taken into consideration. All other things being equal, the land classification will achieve maximum future uses.

3. The classification is consistent with Federal, State and local Government programs, plans, zoning and regulations.

4. The lands are valuable for the public purpose of transfer to the State in satisfaction of a state land grant.

5. The lands have been found to be chiefly valuable for the public purpose of exchange because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal Program.

6. The lands are non-mineral in character.

7. Pursuant to 43 U.S.C. 641 (the Carey Act), the lands are suitable to be irrigated, reclaimed and occupied.

8. The lands are considered chiefly valuable for agriculture, which represents their highest and best use.

Information concerning the lands is available for inspection and study at the Bureau of Land Management's Boise District Office, 230 Collins Road, Boise, Idaho 83702. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Boise District.

ROBERT C. KRUMM,  
District Manager.

[FR Doc.74-5871 Filed 3-13-74; 8:45 am]

## ROCK SPRINGS DISTRICT ADVISORY BOARD

## Notice of Meeting

March 8, 1974.

Notice is hereby given that the Rock Springs District Advisory Board will meet at 9:30 a.m., April 16, 1974, at the Bureau of Land Management Office, Highway 187 North, Rock Springs, Wyoming. The agenda will include adoption of an Advisory Board charter, allocation of Advisory Board funds, and presenting the project work schedule for Fiscal Year 1975.

The meeting will be open to the public as space is available. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting of the Board. Any interested persons may file a written statement with the Board for its consideration.

Written statements and requests to appear before the Board should be submitted to John W. Hay, Jr., Chairman, c/o District Manager, Bureau of Land Management, P.O. Box 1088, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,  
Acting District Manager.

[FR Doc.74-5857 Filed 3-13-74; 8:45 am]

## National Park Service

COMMITTEE FOR THE RECOVERY OF  
ARCHAEOLOGICAL REMAINS

## Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Committee for the Recovery of Archaeological Remains will be held at 9 a.m., e.d.t. on April 1 and 2, 1974, in the Department of the Interior building, Washington, D.C. The

committee will meet in Room 7000-B both days for all sessions.

The purpose of the Committee for the Recovery of Archaeological Remains is to provide independent advice and assistance to Government agencies, through the Inter-Agency Archeological Salvage Program administered by the National Park Service, in order to provide an effective program for the salvage of archeological remains threatened with loss by reason of Federal programs and activities.

The members of the Committee are as follows:

Dr. J. O. Brew (Chairman)  
Cambridge, Massachusetts z  
Dr. James F. Deetz  
Plymouth, Massachusetts  
Dr. Emil W. Haury  
Tucson, Arizona  
Dr. Charles R. McGlimsey III  
Fayetteville, Arkansas  
Dr. Douglas W. Schwartz  
Santa Fe, New Mexico  
Dr. Raymond H. Thompson  
Tucson, Arizona  
Dr. Fred Wendorf  
Dallas, Texas

The committee will meet in open session with members of the National Park Service on April 1, 1974. The matters to be discussed at this meeting include:

1. Review of the National Park Service's accomplishments and administration of the Inter-Agency Archeological Salvage Program for 1973.

2. National Park Service guidelines and responsibilities to other Federal agencies regarding environmental impact statements and implementation of Executive Order 11593, of May 13, 1971, in relation to archeological and other cultural remains.

3. Salvage contract costs and contract administration with State and local institutions.

4. Legislation pending before Congress for amending the Reservoir Salvage Act of 1960 (Public Law 86-523; 74 Stat. 220).

5. Federal responsibilities for archeological materials recovered as the result of the Inter-Agency Archeological Salvage Program.

6. Review of the National Park Service's archeological publications program.

This 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 10 persons will be able to attend the meeting. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

The committee will meet in general session with representatives from other Federal agencies on April 2, 1974. The matters to be discussed at this session include:

1. Activities of the agencies represented regarding the protection and preservation of archeological remains on lands under their control. Brief reports will be presented to the committee by agency representatives.

## NOTICES

2. Significance and status of legislation pending before Congress for amending the Reservoir Salvage Act of 1960 (Pub. L. 88-523; 74 Stat. 220).

3. Federal agencies; responsibilities and National Park Service's role in implementing Executive Order 11593 of May 13, 1971.

This meeting session 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 10 persons will be able to attend the meeting. 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 Mr. Rex L. Wilson, Chief, Interagency Services Division, National Park Service, Department of the Interior, Washington, D.C., at (202) 523-5185. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Chief, Interagency Services Division, Room 3109-A, 1100 "L" Street, N.W., Department of the Interior, Washington, D.C. 20240.

Dated: March 4, 1974.

ROBERT M. LANDAU,  
Liaison Officer, Advisory Com-  
missions, National Park Serv-  
ice.

[FR Doc. 74-5842 Filed 3-13-74; 8:45 am]

**GATEWAY NATIONAL RECREATION AREA  
ADVISORY COMMISSION**

**Notice of Meeting**

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gateway National Recreation Area Advisory Commission will be held, commencing at 9:30 a.m., Thursday, March 28, 1974, at the Floyd Bennett Field Headquarters Building, Brooklyn, New York. At approximately 11:00 a.m., the Commission will leave on an inspection tour of the Jamaica Bay and Breezy Point areas.

The Commission was established by Pub. L. 92-592 to advise the Secretary of the Interior or his designee in regard to matters relating to the development of the Gateway National Recreation Area.

The members of the Commission are as follows:

Hon. Alfred E. Driscoll, Haddonfield, NJ (Chairman)  
Mr. Alexander Aldrich, Brooklyn, NY  
Mr. Chester Apy, Little Silver, NJ  
Mr. Donald H. Elliott, Brooklyn, NY  
Mrs. Marian S. Heiskell, New York, NY  
Mr. Gustav Heningburg, Newark, NJ  
Mr. Ernest W. Lass, Interlaken, NJ  
Mr. Edward H. Tuck, New York, NY  
Rev. Horace Tyler, Brooklyn, NY  
Mr. Nathaniel Washington, Philadelphia, PA  
Hon. Joseph B. Williams, Brooklyn, NY

The purpose of the meeting is for Commission members to receive status reports on matters relating to the recreation area,

and for Commission members to observe the Jamaica Bay and Breezy Point units.

The meeting will be open to the public. Transportation will not be provided members of the public for the onsite inspection, but members of the public may participate by providing their own transportation. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wanting further information concerning this meeting, or who wish to file written statements, may contact Joseph Antosca, Superintendent, Gateway National Recreation Area, 26 Wall Street, New York, New York 10005 (212-264-4429). Minutes of the meeting will be available for public inspection three weeks after the meeting at the Office of the Superintendent.

Dated: March 5, 1974.

ROBERT M. LANDAU,  
Liaison Officer, Advisory Com-  
missions, National Park Serv-  
ice.

[FR Doc. 74-5841 Filed 3-13-74; 8:45 am]

**Office of Hearings and Appeals**

[Docket No. M 74-66]

**EASTERN ASSOCIATED COAL CORP.**

**Petition for Modification of Application of  
Mandatory Safety Standard**

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Eastern Associated Coal Corporation has filed a petition to modify the application of section 303(y)(1), also published as 30 CFR 75.326, to the 8 Right longwall section of its Harris No. 2 Mine.

Section 303(y)(1) reads as follows:

In any coal mine opened after the operative date of this subchapter, the entries used as intake and return aircourses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane, and such air shall not be used to ventilate active working places. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to the operative date of this subchapter which has been developed with more than two entries, that the conditions in the entries, other than belt haulage entries, are such as to permit adequately the coursing of intake or return air through such entries, (1) the belt haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate active working places, and (2) when the belt haulage entries are not necessary to ventilate the active working places, the operator of such mine shall limit the velocity of the air coursed through the belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane.

Petitioner is the operator of the Harris No. 2 Mine, in Boone County, Bald Knob, West Virginia. The mine was opened prior to March 30, 1970. Petitioner employs a longwall mining system in the 8 Right longwall section of such mine.

Petitioner describes the present conditions in the mine as follows:

1. The 8 Butt Right North Mains entries (Nos. 1, 2, 3 and 4) intersect the head end of the longwall face. The No. 1 entry is the return entry; the No. 2 entry is a track entry with intake air; the No. 3 entry is the main intake entry; and the No. 4 entry is the belt conveyor entry.

2. Under the approved ventilation plan, the belt entry (No. 4) is isolated by block stoppings, and it is ventilated with intake air which is coursed through tubing directly to the return entry (No. 1); the No. 3 entry is the main intake entry, and the air from the No. 3 entry is used to ventilate the longwall face and then it is coursed away from the section via a return entry at the tail end of the face; and the track entry (No. 2) is ventilated with intake air which is also used to ventilate the longwall face.

3. Two unintentional roof falls have occurred in the main intake entry (No. 3); the falls occurred: (1) from a point near the head end of the longwall face to a point approximately 100 feet outby the face, and (2) from a point approximately 750 feet outby the longwall face to a point approximately 1,400 feet outby the longwall face.

4. The two falls are the entire width of the entry and are approximately 40 feet high.

5. The falls almost completely block the air ventilating the No. 3 entry.

6. As a result of the falls, Petitioner caused the ventilation to by-pass the two fall areas by directing the air through a crosscut and into the No. 2 entry and then past the fall areas and back into the No. 3 entry. The air from the No. 3 entry would then ventilate the face.

7. This ventilation system is unworkable as the longwall face is advanced past the two fall areas because sufficient air cannot be coursed to the face area as a result of the falls.

8. To alleviate this problem at the first fall area, Petitioner coursed the air from the No. 3 entry to the No. 4 entry (the belt entry) and the air from the No. 4 entry is used to ventilate the working face.

9. The conveyor belt in the No. 4 entry is attended by a belt attendant at all times; the belt is made of fire-resistant material; and the belt is equipped with all of the required fire detection and fire suppression devices.

Petitioner states that on February 20, 1974, Federal Coal Mine Inspector Carl L. Worthington issued Notice of Violation No. 1 CLW on the 8 Right longwall section of the mine for an alleged violation of 30 C.F.R. § 75.326 based on his finding that the air ventilating the belt was also used to ventilate the longwall face. The Notice has not been abated or terminated, and Petitioner has filed an Application for Review of

the Notice with the Office of Hearings and Appeals.

Petitioner submits that the condition in the 8 Right longwall section requires that the air ventilating the belt entry be used to maintain sufficient ventilation in the working face and using the air from the belt entry provides no less than the same measure of protection to the miners in said mine than if the air ventilating the belt entry was coursed directly to the return, and, in fact, coursing the belt air directly to the return entry or requiring Petitioner to remove these falls would increase the danger to the miners in said mine because there would be insufficient ventilation at the working face and there would be great danger in attempting to eliminate the fall areas, thus resulting in a diminution of safety to said miners.

As an alternative, Petitioner believes that the safety of the miners can best be maintained by using the air ventilating the belt entry to also ventilate the working face until the longwall face reaches a point outby the outby end of the second fall approximately 1,400 feet outby the present location of the longwall face.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 15, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MARCH 5, 1974.

[FR Doc.74-5879 Filed 3-13-74;8:45 am]

**Office of the Secretary**

[INT DES 74-31]

**EASTERN CLARK COUNTY SERVICE**

**Notice of Availability of Draft Supplement  
to Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared two additional Draft Facility Location Supplements to the Fiscal Year 1975 Environmental Statement. This Supplement covers the proposal for Eastern Clark County Service (Sifton Substation).

The proposed plan involves the construction of a 1.3 mile, 230-kv transmission line connecting the Sifton Substation, northeast of Vancouver, Washington, with BPA's existing North Bonneville-Ross transmission corridor.

Copies of the Draft Supplement are available for inspection in the library of the headquarters office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C. office in the Interior Building, Room 5600; and at the Portland Area Office, 919 NE. 19th Avenue, Room 201, Portland, Oregon 97232; the Seattle Area Office, 415 1st Avenue North, Room 250, Seattle, Washington 98109; and the Walla Walla Area Office, West 101 Poplar, Walla Walla, Washington 99362.

Avenue, Room 201, Portland, Oregon 97232.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Portland Area Manager, Seattle Area Manager, or Walla Walla Area Manager at the above addresses. Comments on the Supplement should be sent to the Environmental Office by April 29, 1974.

WILLIAM A. VOGLEY,  
Acting Deputy Assistant  
Secretary of the Interior.

MARCH 11, 1974.

[FR Doc.74-5907 Filed 3-13-74;8:45 am]

[INT DES 74-22; 74-23; 74-24; 74-25]

**MT. PLEASANT SERVICE ET AL.**

**Notice of Availability of Draft Supplement  
to Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared four additional Draft Facility Location Supplements to the Fiscal Year 1975 Environmental Statement. These Supplements cover the proposals for the Mt. Pleasant (Substation) Service, Lane Electric Cooperative Service East (Lowell Substation), Sappho (Substation) Service, and the Ashe-Hanford 500-kV Transmission Line.

The proposal for the Mt. Pleasant Service involves construction of a new substation and tapline occupying from 3.2 to 4.2 acres of land, depending upon final site location, in Skamania County, Washington.

The proposal for Lane Electric Cooperative Service East involves construction of a new substation, near the town of Lowell, Oregon, and tapline requiring approximately 4 to 11 acres of land depending upon final site location.

The Sappho Service proposal involves the construction of a new substation occupying 3.6 acres of land near the town of Sappho located in Clallam County, Washington.

The proposed Ashe-Hanford 500-kV Transmission Line involves construction of a 17.8-mile single-circuit line running from BPA's Ashe Substation site near the Hanford No. 2 nuclear powerplant site to the existing Hanford Switching Station. This facility would be located entirely within the Hanford Reservation of the Atomic Energy Commission north of the City of Richland in Benton County, Washington.

Copies of the Draft Supplements are available for inspection in the library of the headquarters office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C. office in the Interior Building, Room 5600; and at the Portland Area Office, 919 NE. 19th Avenue, Room 201, Portland, Oregon 97232; the Seattle Area Office, 415 1st Avenue North, Room 250, Seattle, Washington 98109; and the Walla Walla Area Office, West 101 Poplar, Walla Walla, Washington 99362.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Portland Area Manager, Seattle Area Manager, or Walla Walla Area Manager at the above addresses. Comments on the Supplements should be sent to the Environmental Office by April 29, 1974.

Dated: March 8, 1974.

WILLIAM A. VOGLEY,  
Acting Deputy Assistant  
Secretary of the Interior.

[FR Doc.74-5908 Filed 3-13-74;8:45 am]

[FES 74-12]

**PLAN FOR MINING AND RECLAMATION OF  
FEDERAL COAL LEASES, BIG SKY MINE,  
SOUTHEASTERN MONTANA**

**Availability of Final Environmental Impact  
Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the U.S. Geological Survey, Department of the Interior, has prepared a final environmental impact statement relating to Peabody Coal Company's proposed plan for mining and reclaiming Federal leases at the Big Sky Mine near the town of Colstrip, Montana.

Reading copies of the two volume final environmental impact statement on "Proposed Plan of Mining and Reclamation, Big Sky Mine, Peabody Coal Company, Coal Lease M-15965 Colstrip, Montana" are available at the following places:

U.S. Geological Survey Library  
Room 1033, GSA Building  
18th & F Streets, NW.  
Washington, D.C. 20244

U.S. Geological Survey Library  
Building 25, Denver Federal Center  
Denver, Colorado 80225

Billing Public Library  
510 N. Broadway  
Billings, Montana 59101

Helena Public Library  
325 N. Park Avenue  
Helena, Montana 59601

Hardin Public Library  
Hardin, Montana 59034

Missoula City-County Library  
Prime and Pattee  
Missoula, Montana 59801

Great Falls Public Library  
Great Falls, Montana 59401

Miles City Public Library  
Miles City, Montana 59301

Sheridan Public Library  
Sheridan, Wyoming 82801

Bozeman Public Library  
Bozeman, Montana 59715

Individual copies may be obtained from the Chief, Conservation Division, National Center Mail Stop 650, Reston, Virginia 22092.

WILLIAM A. VOGLEY,  
Deputy Acting Assistant  
Secretary of the Interior.

MARCH 11, 1974.

[FR Doc.74-5911 Filed 3-13-74;8:45 am]

## NOTICES

[INT DES 74-21]

**PROPOSED ALEUTIAN ISLANDS WILDERNESS AREA, ALASKA****Notice of Availability of Draft Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for the Proposed Aleutian Islands Wilderness Area, Alaska, and invites written comments on or before April 29.

The proposal recommends that approximately 1,395,357 acres of the Aleutian Islands National Wildlife Refuge, Third Judicial Division, Alaska, be designated as wilderness within the National Wilderness Preservation System.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife  
813 "D" Street  
Anchorage, Alaska 99501

Headquarters  
Aleutian Islands National Wildlife Refuge  
Box 5251  
Adak, Alaska 98791

Bureau of Sport Fisheries and Wildlife  
Office of Environmental Coordination  
Department of the Interior  
Room 2246  
18th and "C" Streets, NW.  
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Coordination. Please refer to the statement number above.

Dated: March 7, 1974.

WILLIAM A. VOGELY,  
Acting Deputy Assistant Secretary—Program Development and Budget.

[FR Doc.74-5912 Filed 3-13-74;8:45 am]

[INT DES 74-26; 74-27]

**SAN JUAN ISLAND SERVICE AND SKAMANIA COUNTY SERVICE****Notice of Availability of Draft Supplement to Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared two additional Draft Facility Location Supplements to the Fiscal Year 1975 Environmental Statement. These Supplements cover the proposals for San Juan Island Service and Skamania County PUD Service.

The proposal for the San Juan Island Service involves construction of a 1.7 mile 34.5-kv transmission line crossing Decatur Island, San Juan County, Washington. In addition, this proposal involves construction of a substation located on Lopez Island, Washington.

The proposal for Skamania County PUD Service involves the construction

of a new substation and tap line near Stevenson, Washington, located in Skamania County.

Copies of the Draft Supplements are available for inspection in the library of the headquarters' office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C. office in the Interior Building, Room 5600; and at the Seattle Area Office, 415 1st Avenue North, Room 250, Seattle, Washington 98109, and the Portland Area Office, 919 NE. 19th Avenue, Room 201, Portland, Oregon 97232.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Seattle Area Manager or Portland Area Manager at the above addresses. Comments on the Supplement should be sent to the Environmental Office by Monday, April 29, 1974.

Dated: March 8, 1974.

WILLIAM A. VOGELY,  
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.74-5910 Filed 3-13-74;8:45 am]

[INT DES 74-30]

**WHOLESALE POWER RATE INCREASE****Notice of Availability of Draft Environmental Statement**

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a Draft Environmental Statement covering its proposed wholesale power rate increase scheduled for December 20, 1974.

Written comments on the draft environmental statement are invited and will be accepted on or before April 29, 1974.

Copies of the draft environmental statement are available for inspection at the following locations:

Bonneville Power Administration  
1002 NE. Holladay Street  
Portland, Oregon 97232

Bonneville Power Administration  
5600 Interior Building  
Washington, D.C. 20240

Bonneville Power Administration  
Idaho Falls Area Office  
529 Lomax Street

Idaho Falls, Idaho 83401

Bonneville Power Administration  
Portland Area Office  
Lloyd Plaza Building, Room 201  
919 NE. 19th Avenue  
Portland, Oregon 97208

Bonneville Power Administration  
Eugene District Office  
834 Pearl Street  
Eugene, Oregon 97401

Bonneville Power Administration  
Seattle Area Office  
415 1st Avenue North  
Room 250

Seattle, Washington 98109

Bonneville Power Administration  
Spokane Area Office  
Room 561  
U.S. Court House  
W. 920 Riverside Avenue  
Spokane, Washington 99201

Bonneville Power Administration  
Wenatchee District Office  
U.S. Federal Building and Post Office  
Room G-35  
301 Yakima Street  
Wenatchee, Washington 98801  
Bonneville Power Administration  
Walla Walla Area Office  
West 101 Poplar  
Walla Walla, Washington 99362

Copies of the draft environmental statement have also been placed in the Federal Depository Libraries in the BPA service area.

A limited number of single copies are available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

Dated: March 11, 1974.

WILLIAM A. VOGELY,  
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.74-5909 Filed 3-13-74;8:45 am]

**DEPARTMENT OF AGRICULTURE****Forest Service****CIBOLA NATIONAL FOREST GRAZING ADVISORY BOARD****Notice of Meeting**

The Cibola National Forest Grazing Advisory Board will meet on March 31, 1974, at the Hilton Inn, 1901 University NE., Albuquerque, New Mexico at 12 noon. The agenda of this meeting is as follows:

12 noon to 12:30 p.m.—Election of Board Officers.  
12:30 p.m. to 1:00 p.m.—Luncheon.  
1 p.m. to 2:00 p.m.—Discussion of the Baldy Grazing Allotment.

The meeting will be open to the public. Persons who wish to attend should notify Supervisor Lloyd through telephone number 766-2185 or at 10308 Candelaria NE., Albuquerque, New Mexico 87112. Written statements may be filed with the Board before or after the meeting.

Dated: March 8, 1974.

W. L. LLOYD,  
Forest Supervisor.

[FR Doc.74-5859 Filed 3-13-74;8:45 am]

**GILA NATIONAL FOREST GRAZING ADVISORY COMMITTEE****Notice of Meeting**

The Gila National Forest Grazing Advisory Board will meet at 10:00 A.M., March 22, 1974 at Forest Service Conference Room, 304 North Hudson Street, Silver City, New Mexico.

The purpose of this meeting is:

1. Election of Officers.
2. Review and discussion of the Land Use Planning process to be used by the Forest Service.
3. Items the Board or others may wish to bring up for discussion.

The meeting will be open to the public.  
Dated: March 5, 1974.

GENE R. MILLER,  
Acting Forest Supervisor.

[FR Doc.74-5874 Filed 3-13-74;8:45 am]

**LAUREL FORK UNIT****Notice of 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 the Laurel Fork Unit, USDA Forest Service (R-8), DES (Admin.)-74-6.

This environmental statement concerns the proposed plan of management for the Laurel Fork Unit, George Washington National Forest and Monongahela National Forest, Highland County, Virginia, and Pendleton County, West Virginia.

The Unit contains 14,752 acres of National Forest land with 8,310 acres proposed for Eastern Wilderness.

Management will emphasize protection of scenic beauty while providing for wildlife habitat development and timber production.

Environmental impacts will be on soils, water quality, vegetation, wildlife, and forest aesthetics. The degree of impact varies depending on the nature of the activity proposed in each environmental area. The highest impact will be the visual effect of timber harvest, road and trail construction, and temporary site disturbances from improvements in the Laurel Fork area.

This draft environmental statement was transmitted to CEQ on February 28, 1974. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service  
South Agriculture Bldg., Room 3230  
12th St. & Independence Ave., SW  
Washington, D.C. 20250

USDA, Forest Service  
1720 Peachtree Road, NW, Room 804  
Atlanta, Georgia 30309

USDA, Forest Supervisor  
George Washington National Forest  
Harrisonburg, Virginia 22801

USDA, Forest Supervisor  
Monongahela National Forest  
Elkins, West Virginia 26241

A limited number of single copies are available upon request of Forest Supervisor, George Washington National Forest, Harrisonburg, Virginia 22801.

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 Council on Environmental Quality 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 Forest Supervisor, Robert W. Cermak, George Washington National Forest, Harrisonburg, Virginia 22801, or Forest Supervisor Alfred H. Troutt, Monongahela National Forest, Elkins, West Virginia 26241, within sixty days after filing with CEQ in order to be considered in the preparation of the final environmental statement.

ROBERT W. CERMAK,  
Forest Supervisor, George  
Washington National Forest, Va.

FEBRUARY 28, 1974.

[FR Doc.74-5878 Filed 3-13-74;8:45 am]

**MALHEUR NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE****Notice of Meeting**

The Malheur National Forest Grazing Advisory Board will meet at 1:30 P.M., PDT, on March 27, 1974, in the Conference Room, Fourth Floor, Federal Building, North Broadway, Burns, Oregon 97720.

The purpose of this meeting is a special meeting to make the Board's recommendations to the Forest Supervisor concerning grazing applications received for temporary permits on the Murderers Creek Allotment. Also, the Forest Supervisor will respond to the Board's recommendations made at the 1974 annual meeting.

The meeting will be open to the public. Persons who wish to attend should notify Mr. Billy Drinkwater, Prairie City, Oregon 97869, Telephone 503-923-5415. Written statements may be filed with the Board before or after the meeting.

The Board has established no specific rules for public participation. The public may speak up at any time unless the President of the Board announces otherwise after the meeting convenes.

A. G. OARD,  
Forest Supervisor.

MARCH 7, 1974.

[FR Doc.74-5919 Filed 3-13-74;8:45 am]

**MODOC NATIONAL FOREST GRAZING ADVISORY BOARD****Notice of Meeting**

The Modoc National Forest Grazing Advisory Board will meet at 2 p.m., April 2, 1974 in the Forest Supervisors Office, 441 N. Main, Alturas, California.

The purpose of this meeting is to discuss the proposed Wildhorse Management Plan, land exchanges, the final environmental statement on Rangeland Enhancement, grazing permits, and other items related to grazing on the Modoc National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Don Bolander, Box 611, Alturas, California 96101, Telephone 916-233-3521. Written statements may be filed

with the committee before or after the meeting.

The committee has established the following rules for public participation: Public members may speak up at meetings after the regular board meeting is completed.

KENNETH C. SCOGGIN,  
Forest Supervisor.

MARCH 6, 1974.

[FR Doc.74-5855 Filed 3-13-74;8:45 am]

**PROPOSED AQUATIC WEED CONTROL****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 Proposed Aquatic Weed Control, Apache National Forest, USDA-FS-DES (Adm) R3 74-01.

The environmental statement considers probable environmental effects of various alternative methods for the control of aquatic weeds in several lakes on the Apache National Forest.

The draft environmental statement was filed with CEQ on March 6, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service  
South Agriculture Bldg., Rm. 3230  
12th St. & Independence Ave., SW  
Washington, D.C. 20250

USDA, Forest Service  
Southwestern Region  
517 Gold Avenue, SW  
Albuquerque, New Mexico 87102  
Apache National Forest  
Supervisors Office Bldg.  
Springerville, Arizona 85938

A limited number of single copies are available upon request to the Forest Supervisor, Apache National Forest, P.O. Box 640, Springerville, Arizona 85938.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151; and from the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. 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, 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 the Forest Supervisor, Apache National Forest, P.O. Box 640, Springerville, Arizona 85938. Comments must be received on or before

## NOTICES

May 13, 1974 in order to be considered in the preparation of the final environmental statement.

W. L. EVANS,

*Acting Regional Forester, R3.*

[FR Doc.74-5854 Filed 3-13-74;8:45 am]

considered in the preparation of the final environmental statement.

C. MERLE HOFFERBER,  
*Acting Regional Forester.*

MARCH 6, 1974.

[FR Doc.74-5856 Filed 3-13-74;8:45 am]

## TIMBER MANAGEMENT PLAN FOR THE DESCHUTES NATIONAL FOREST

### 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 the Timber Management Plan for the Deschutes National Forest, USDA-FS-R6-DES (Adm)-74-4.

The environmental statement concerns a proposed revision of the Timber Management Plan for the Deschutes National Forest for the period July 1, 1974 to June 30, 1983.

This draft environmental statement was transmitted to CEQ on March 6, 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 97204  
Deschutes National Forest  
211 N.E. Revere  
Bend, Oregon 97701

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 May 5, 1974 in order to be

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Center for Disease Control VENEREAL DISEASE CONTROL COMMITTEE

#### Notice of Meeting

Pursuant to Public Law 92-463, the Director, Center for Disease Control, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble during the month of March 1974.

Committee name	Date, time, place	Type of meeting and/or contact person
Venerereal Disease Control Advisory Committee	March 28-29, 1974, 9:00 a.m., Room 207, Bldg. 1, Center for Disease Control, Atlanta, Ga. 30333.	Open-Contact Mr. Joe H. Miller, Room 320, Building B, Center for Disease Control, Atlanta, Ga. 30333. Code: 404-633-2937.

**Purpose:** The Committee is charged with advising on means and methods of implementing venereal disease control programs, reviewing current and proposed program operations and suggesting new areas of control emphasis.

**Agenda:** Items will include reports on the distribution of Federal resources to venereal disease control program priorities; information and education activities conducted on a national and project area basis; and the impact of current venereal disease control methodologies. Discussions will include the fiscal year 1975 plan for venereal disease control and its implementation and new areas of program emphasis.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: March 6, 1974.

DAVID J. SENCER,  
*Director,*

*Center for Disease Control.*

[FR Doc.74-5877 Filed 3-13-74;8:45 am]

## Food and Drug Administration

### PROCESSED FRUITS AND VEGETABLES

#### Request for Data and Information on Label Declaration of Drained Weight; Extension of Time for Filing Comments

In the *FEDERAL REGISTER* of December 5, 1973 (38 FR 33512) the Commissioner of Food and Drugs gave notice that a

petition had been filed by Consumers Union of United States, Inc. (Consumers Union), Washington Office, 1714 Massachusetts Ave., NW, Washington, DC 20036, proposing establishment of regulations or the amendment of existing regulations under 21 CFR Part 1 to require that, in addition to other labeling provisions under 21 CFR Chapter I, all processed fruits and vegetables packed with sugar or other syrup, water, brine, or their own juice, shall bear on their labels a statement of the drained weight of the solid food contents of the container.

In the notice the Commissioner concluded that he does not have sufficient current information to allow him to determine whether promulgation of the regulations requested by Consumers Union would be in the best interest of consumers. He therefore requested the submission, on or before March 5, 1974, of all possible data and information on label declaration of drained weight of processed fruits and vegetables.

The National Canners Association, 1133 20th St. NW, Washington, DC 20036, has requested that the time for filing comments in this matter be extended for a period of 60 days on the ground that the additional time is required for the collection and review of the requested data and information and preparation of a comprehensive response to the notice.

Good reason therefor appearing, the time for filing comments in this matter is hereby extended to May 6, 1974.

Dated: March 8, 1974.

SAM D. FINE,  
*Associate Commissioner  
for Compliance.*

[FR Doc.74-5863 Filed 3-13-74;8:45 am]

## Office of Education

### ENVIRONMENTAL EDUCATION

#### Change of Closing Date for Receipt of Applications

Pursuant to the authority contained in the Environmental Education Act (P.L. 91-516, 84 Stat. 1312-1315, 20 U.S.C. 1531-1536), notice was published in the *FEDERAL REGISTER* on January 31, 1974, establishing a closing date for receipt of applications for grants under the Environmental Education Act. The purpose of this notice is to establish a changed final closing date for receipt of applications.

Pursuant to the Environmental Education Act, cited above, the final closing date for receipt of such applications is April 5, 1974.

Applications must be received by the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW, Washington, D.C. 20202 (mailing address: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW, Washington, D.C. 20202), on or before April 5, 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. 1581-1586)

(Catalog of Federal Domestic Assistance Number 13.522, Environmental Education)

Dated: March 11, 1974.

JOHN OTTINA,  
U.S. Commissioner of Education.

[FR Doc. 74-6063 Filed 3-13-74; 8:45 am]

#### FOLLOW THROUGH PROGRAM

##### Notice of Closing Date for Receipt of Applications

Pursuant to the authority contained in Title II of the Economic Opportunity Act as amended (42 U.S.C. 2701 *et seq.*), notice is hereby given that the Commissioner of Education has established a final closing date for receipt of: (1) Applications for continuation grants under section 222(a)(2) of the Act (grants for local Follow Through Projects—including, where appropriate, provisions for supplementary training under section 230); (2) applications for grants under sections 230 and 231 of the Act (grants to State educational agencies for Follow Through technical assistance and leadership); and (3) applications for continuation grants under section 232(a) of the Act (grants to Follow Through sponsors for research and demonstration).

1. Applications for these continuation grants must be received by the U.S. Office of Educational 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: 13.433) on or before April 19, 1974.

2. An application sent by mail will be considered to be received on time by the Application Control Center if: (a) 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 (b) 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.)

3. The regulations containing the criteria for approval of applications for the following grants are published in the **FEDERAL REGISTER** at 39 FR 8341 (March 5, 1974):

- (a) Local Follow Through projects
- (b) State Educational Agencies
- (c) Follow Through Sponsors

(Catalog of Federal Domestic Assistance Program No. 13.433, Follow Through Program.)

Dated: March 7, 1974.

JOHN OTTINA,  
U.S. Commissioner of Education.

[FR Doc. 74-5906 Filed 3-13-74; 8:45 am]

#### TALENT SEARCH, SPECIAL SERVICES FOR DISADVANTAGED STUDENTS, AND UPWARD BOUND PROGRAMS

##### Closing Date for Receipt of Applications

Pursuant to the authority contained in Title IV, Part A, Subpart 4 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070d-1070d-1) notice is hereby given that the Commissioner of Education has established a closing date for receipt of applications for grants under the Talent Search, Special Services for Disadvantaged Students, and Upward Bound Programs.

Applications for the funding of proposals as National Demonstration programs must be submitted to the Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.488 (Talent Search), 13.482 (Special Services for Disadvantaged Students), and/or 13.492 (Upward Bound). All other applications must be submitted to the appropriate Regional Office of Education. Applications must be received on or before April 16, 1974.

Application forms may be obtained from the appropriate Regional Office of Education.

An application sent by mail will be considered to be received on time if:

(a) 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

(b) 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 room. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail room or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

Dated: January 9, 1974.

JOHN OTTINA,  
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Programs, Numbers 13.488 Talent Search, 13.482 Special Services for Disadvantaged Students, and 13.492 Upward Bound)

[FR Doc. 74-5931 Filed 3-13-74; 8:45 am]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### Office of Interstate Land Sales Registration

[Docket No. N-74-221; Administrative Docket No. 74-6]

##### KINGSTON CANYON STREAM SITES, ET AL.

###### Notice of Hearing

In the matter of Kingston Canyon Stream Sites *et al.*, Administrative Division Docket No. 74-6.

Notice is hereby given that:

1. Recreation Unlimited, Incorporated, 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 Proceedings and Opportunity for Hearing dated January 23, 1974, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the Developer's Statement of Record for Kingston Canyon Stream Sites, located in Lander County, Nevada, and the failure of the Developer to amend the pertinent sections of the Statement of Record and Property Report.

2. The Respondent filed an answer February 13, 1974, in answer to the allegations of the Notice of Proceedings and Opportunity for a Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and opportunity for a Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *It Is Herby Ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before

## NOTICES

Administrative Law Judge John Underwood, in Room 7155, Department of HUD Building, 451 7th Street, SW., Washington, D.C. on March 15, 1974, at 10:00 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 March 8, 1974.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: March 5, 1974.

GEORGE K. BERNSTEIN,  
Interstate Land  
Sales Administrator.

[FR Doc. 74-5904 Filed 3-13-74; 8:45 am]

## ATOMIC ENERGY COMMISSION

[Docket Nos. 50-400-50-403]

CAROLINA POWER AND LIGHT CO.  
Assignment of Members of Atomic Safety  
and Licensing Appeal Board

In the matter of The Carolina Power & Light Company (Shearon Harris Nuclear Power Plant, Units 1, 2, 3 and 4).

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Alan S. Rosenthal, Chairman  
Dr. John H. Buck, Member  
Michael C. Farrar, Member

Dated: March 8, 1974.

MARGARET E. DU FLO,  
Secretary to the Appeal Board.

[FR Doc. 74-5914 Filed 3-13-74; 8:45 am]

[Docket Nos. 50-400-50-403]

## CAROLINA POWER AND LIGHT CO.

## Notice of Change in Hearing Date

In the matter of The Carolina Power & Light Company (Shearon Harris Nuclear Power Plant, Units 1, 2, 3, and 4); Docket Nos. 50-400, 50-401, 50-402, and 50-403.

Please take notice that the public evidentiary hearing before an Atomic Safety and Licensing Board ("the Board") concerning the merits of an exemption issued to the Applicant, Carolina Power and Light Company, which had been scheduled for March 14-16, 1974 has been postponed to March 25-26, 1974. The hours of the hearing and the courtroom loca-

tion remain the same: 9:30 a.m. to 6 p.m. daily, in the U.S. Courthouse, 7th Floor, 310 New Bern Avenue, Raleigh, North Carolina 27611.

As set forth in the Board's March 6 Notice of Hearing, this evidentiary hearing is being held pursuant to the March 4, 1974 Order of the Commission directing that such a hearing be held to determine the merits of an exemption issued to the Applicant pursuant to § 50.12 of the Commission's Regulations (10 CFR 50.12), which permitted the Applicant to engage in certain specified pre-construction activities on the site of its proposed four-unit nuclear powerplant in Wake and Chatham Counties, North Carolina, about 20 miles southwest of Raleigh.

An additional change affecting counsel for the parties is a new, more accelerated requirement for filing post-hearing submissions. All parties will file their proposed findings of fact and conclusions of law (and briefs, if any) by no later than COB March 29, 1974.

The above changes are in accordance with the Board's granting of a telegraphic motion of Intervenor's counsel to postpone the hearing to March 25. The AEC Staff supported that motion and the Applicant, while ready for the earlier hearing, had no objection to a later date. The abbreviated post-hearing submissions period was a Staff suggestion to permit the Board to still comply with the Commission's 30-day deadline for a decision in this matter (expires April 3).

The foregoing changes have already been transmitted to counsel for all parties via a telephone conference call 4 p.m., March 7.

It is so ordered.

Issued at Washington, D.C., this 8th day of March 1974.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,  
Chairman.

[FR Doc. 74-5861 Filed 3-13-74; 8:45 am]

[Docket Nos. 50-454A-50-457A]

## COMMONWEALTH EDISON CO.

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 March 4, 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 April 15, 1974, (1) by delivery to the AEC Public Document Room at 1717 H Street, NW, 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,  
Chief, Office of Antitrust and  
Indemnity, Directorate of Li-  
censing.

## APPENDIX "A"

Re: Byron Station, Units 1 and 2, Braidwood Station, Units 1 and 2, Commonwealth Edison Company, AEC Docket Nos. 50-454A, 50-455A, 50-456A, 50-457A.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act, as amended, in regard to the above-cited application.

1. *The applicant.* Byron Station, Units 1 and 2, and Braidwood Station, Units 1 and 2, will be located respectively near the towns of Byron and Braidwood, Illinois. Each of these stations will consist of two generating units with outputs of approximately 1120 mw each. The estimated cost of the Byron units at completion is \$731.5 million; the Braidwood units, \$771.7 million. Byron Unit 1 is scheduled to go into operation between 1978 and 1979; Byron Unit 2, between 1979 and 1980. Braidwood Unit 1 is expected to go on line between 1979 and 1980; Braidwood Unit 2, between 1980 and 1981. All units will be constructed, owned and operated by Commonwealth Edison Company.

Commonwealth Edison Company (Commonwealth) is an investor-owned integrated electric utility which serves a 13,000 square mile area in northern Illinois which has a population of approximately 7,900,000. Its service area, which includes the City of Chicago, comprises nearly two thirds of the entire Illinois electric power market. At present, Commonwealth supplies the full bulk power requirements of five municipal electric utilities and the partial bulk power requirements of two municipal utilities and one investor-owned utility. In 1972, Commonwealth had electric operating revenues of approximately \$1.14 billion. Its 1972 peak load was 11,750 mw; its generating capacity at that time was 14,413 mw, consisting of 13,754 mw of installed capacity and 659 mw of purchases.

Commonwealth has extra high voltage interconnections with a number of neighboring major systems. These include interconnections with the American Electric Power System (AEP), through the latter's operating subsidiary, Indiana & Michigan Electric Company, with Illinois Power Company, Wisconsin Electric Power Company, and Iowa-Illinois Gas & Electric Company. Commonwealth is also interconnected with Central Illinois Light Company, Central Illinois Public Service Company, Northern Indiana Public Service Company, Interstate Power Company and it participates in the Mid-America Interpool Network (M-A-I-N). Through AEP, Commonwealth interconnects with Consumers Power Company of Michigan and is participating with the latter in coordinated hydro-electric development.

Applicant's load projections indicate that its 1982 load will be more than twice the size of its 1972 load. Commonwealth estimates that its load will grow by 1,000 to 1,600 mw per year through 1982 and by 1,700 to 2,700 mw per year through the following decade. These large annual increments of load growth over a large load area, the risk-spreading effect of Commonwealth's integrated transmission system, and the support which it can receive from interconnections and emergency power agreements with adjacent systems, permit it to use some of the

largest, most economic and efficient generating units now being installed by electric utilities.

*II. Competitive considerations.* On December 20, 1972, the Department rendered antitrust advice on Commonwealth's application to construct two nuclear generating units: LaSalle County Station, Units 1 and 2 (AEC Docket Nos. 50-373A and 50-374A). Because of a number of commitments made by Commonwealth prior to our advice on LaSalle, the Department did not recommend that an antitrust hearing be held. We noted in our advice letter, however, that Commonwealth's commitments did not reach three practices which might raise questions under the antitrust laws. It is these practices which were the focal point of our present inquiry.<sup>1</sup>

Our prior advice letter noted that Commonwealth's wholesale tariff included a provision which limited sales of electric power for resale to those customers presently receiving such service from the company. The restrictive provision reads as follows:

This rate is available only to municipal customers which were purchasing electric service and were reselling electricity to other parties on the effective date of this rate and which have not subsequently discontinued doing so. If a customer discontinues service under this rate for any reason, it shall not again be served thereunder.

Applicant characterized this restriction as a "wholesale freeze" and stated that it did not generally hold itself out to offer wholesale service. While the Department is unaware of any evidence suggesting that Commonwealth's "wholesale freeze" policy has, in the past, served to impede or prevent the establishment of a municipal distribution system, it seems clear that this type of restriction is in direct contravention of the principle that monopoly power in bulk power supply may not be used to retain and extend monopoly power in retail distribution markets. *Otter Tail Power Company v. United States*, 410 U.S. 336, 378 (1973). Commonwealth has made a commitment to the Department to eliminate the restrictive provision set out above and to substitute the following language: "This rate applies to service rendered to any municipality for resale."

In the LaSalle advice letter, we also noted that in November 1971, six municipal systems in Commonwealth's service area indicated a possible interest in participation in the LaSalle units. Since that time, a number of meetings and conversations between representatives of Commonwealth and the municipal systems have taken place. Com-

<sup>1</sup> The first of the practices referred to in the LaSalle advice letter was set forth in the complaint of several of Commonwealth's municipal all-requirements wholesale customers to the Federal Power Commission of a "price squeeze" by Commonwealth consisting of a "discrimination" between wholesale and retail rates which allegedly restrained competition by the municipal systems in attracting large industrial customers. Commonwealth maintains that any such "discrimination" is cost justified. At the time of our advice on LaSalle, we noted that an FPC Administrative Law Judge had found that there are remedies for a "price squeeze" under the Federal Power Act. Subsequently, the Commission reversed this finding and held that the relief requested was beyond its jurisdiction. Commonwealth Edison Co., et al., FPC Dockets Nos. 3-7578, IN-989, IN-991; Opinion and Order, January 7, 1974. The issue of the Commission's jurisdiction to provide a remedy for "price squeeze" has been appealed to the courts and no final judicial determination has been obtained.

monwealth has supplied a substantial amount of economic and operating information relevant to participation, but has declined to make a specific initial offer to the municipal systems. Counsel for the municipal systems has reaffirmed to the Department that his clients have a sincere interest in participation in LaSalle, although they have not yet made any type of offer to Commonwealth. As evidence of its good faith negotiation of the issues generated by the question of access to LaSalle, Commonwealth has agreed to accept a condition on the Byron/Braidwood license which provides for participation by the municipal systems in the LaSalle units. The language of the proposed condition is set forth in the attachment to the attached letter from Commonwealth to the Department dated February 22, 1974.

*III. Conclusion.* Applicant's commitment to remove the restrictive provision from its wholesale tariff will eliminate the only remaining contractual restraint on competition of which the Department is aware. There has been no indication of interest by any utility in either participating in or buying unit power from either the Byron or Braidwood Stations. Those utilities which have sought participation with Commonwealth in large-scale nuclear generating facilities prefer the LaSalle units because of their lower overall cost. Commonwealth's acceptance of a license condition providing for access by its municipal wholesale customers to the LaSalle units should go far toward invigorating the competitive situation and offsetting any possible adverse effects of the alleged "price squeeze". In view of Commonwealth's willingness to accept the access condition and the fact that there has been no final determination concerning Federal Power Commission jurisdiction over a "price squeeze", this latter issue alone would not appear to warrant an antitrust hearing at this time.

Under these circumstances, it is our opinion that an antitrust hearing will not be necessary with respect to the instant application if it is conditioned in the manner outlined above.

FEBRUARY 22, 1974.

Re: Byron Station, Units 1 and 2, Braidwood Station, Units 1 and 2, Commonwealth Edison Company, AEC Docket Nos. 50-454A, 50-455A, 50-456A, 50-457A.

DEAR MR. SAUNDERS: Attached to this letter is an affirmation of the corporate policy of Commonwealth Edison Company. This affirmation is made with the understanding that the Department of Justice will recommend to the Atomic Energy Commission that no antitrust hearing will be required and, on that basis, Commonwealth agrees that this affirmation may be included as a condition to the AEC construction permit and operating license for the Byron and Braidwood Stations.

Commonwealth further commits itself to modify its wholesale tariff (FPC Electric Tariff, Rate 78) to delete the following provision:

"This rate is available only to municipal customers which were purchasing electric service and were reselling electricity to other parties on the effective date of this rate and which have not subsequently discontinued doing so. If a customer discontinues service under this rate for any reason, it shall not again be served thereunder."

and substitute the following language:

"This rate applies to service rendered to any municipality for resale."

Commonwealth continues to maintain that its policies and practices have been consistent with the antitrust laws but is willing to make this affirmation in order to eliminate any question as to the policies that it intends

to follow during the period of the Byron and Braidwood license.

In connection with the proposed commitment to allow participation in the LaSalle units, you are informed that the Company has supplied, and will continue to supply to the municipal systems affected, all data which is relevant and material to the financing and operation of those units. It is our intention to negotiate in good faith concerning any offer or proposal made by the municipal systems to the Company. However, it is the Company's view that, while it has supplied all relevant data to the municipal systems, any initial offer or proposal for participation should emanate from those systems.

The undersigned has been authorized by Commonwealth to act on its behalf and to submit the foregoing and the attached affirmation of policy.

Very truly yours,

HUBERT H. NEXON,  
Senior Vice-President.

POLICY COMMITMENT ATTACHED TO COMMONWEALTH EDISON COMPANY LETTER DATED FEBRUARY 22, 1974

The Company will afford an opportunity to participate in the LaSalle County Station, Units 1 and 2, for the term of the license, or any extension or renewal thereof, to those municipal electric systems which have indicated an interest in such participation by December 31, 1973, through a reasonable ownership interest in such unit(s) or through contractual purchases of unit power subject to reasonable terms and conditions and on a basis that will fully compensate the Company for its costs (including a reasonable return on investment). Such opportunity to participate shall include arrangements for reasonable reserve protection and associated transmission service by the Company, on a basis that will fully compensate the Company for its costs (including a reasonable return on investment). The municipal systems must enter into executory agreements to accomplish the foregoing no later than December 31, 1974.

[FR Doc.74-5697 Filed 3-13-74; 8:45 am]

Docket No. 50-335]

FLORIDA POWER AND LIGHT CO.

Assignment of Members of Atomic Safety and Licensing Appeal Board

In the matter of Florida Power and Light Company (St. Lucie Nuclear Power Plant, Unit 1)

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding:

William C. Farler, Chairman  
Michael C. Farrar, Member  
Dr. Lawrence R. Quarles, Member

Dated: March 8, 1974.

MARGARET E. DU FLO,  
Secretary to the  
Appeal Board.

[FR Doc.74-5915 Filed 3-13-74; 8:45 am]

## NOTICES

## CIVIL AERONAUTICS BOARD

[Docket No. 25280; Order 74-3-28]

INTERNATIONAL AIR TRANSPORT  
ASSOCIATION

## Order Regarding Specific Commodity Rates

Issued under delegated authority  
March 7, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated February 26, 1974.

Specific  
commodity  
item No.

Description and Rate
8207---- Musical Instruments, n.e.s. 336 cents per kg. minimum weight 500 kgs from Los Angeles to Sydney. 342 cents per kg, minimum weight 500 kgs from Los Angeles to Melbourne.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 24242 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc. 74-5924 Filed 3-13-74; 8:45 am]

[Docket No. 25476]

## AIRLINE TARIFF PUBLISHERS, INC.

## Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of

1958, as amended, that a hearing in this proceeding will be held on March 12, 1974, at 10 a.m. (local time) in Room 1031, North Universal Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., March 11, 1974.

[SEAL] RICHARD M. HARTSOCK,  
Administrative Law Judge.

[FR Doc. 74-5925 Filed 3-13-74; 8:45 am]

[Docket No. 24706; Order 74-3-48]

SUMMA CORP. & LINEAS AEREAS DE  
NICARAGUA, S.A.

## Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1974.

Hughes Tool Company, hereinafter referred to as Summa Corporation (Summa)<sup>1</sup> and Lineas Aereas De Nicaragua, S.A. (LANICA) request that the Board disclaim jurisdiction over, grant an exemption for, or approve, pursuant to the applicable provisions of the Federal Aviation Act of 1958, as amended, (the Act) various transactions pursuant to an agreement between the parties. Specifically, the transactions involve (1) the purchase by LANICA from Summa of two used Convair 880 (Model 22) aircraft, together with certain spare engines and other equipment,<sup>2</sup> (2) the issuance to Summa of 25 percent of LANICA's then issued and outstanding capital stock, in addition to promissory notes, and (3) the undertaking of Summa to provide training of LANICA flight crews, and at the option of LANICA, to make Summa personnel available to LANICA on a consulting basis.

According to the applicants, Summa is a Delaware corporation which is presently engaged in the operation of resort hotels and related facilities and of a television station in Las Vegas, Nevada, and in the manufacture of two-, three-, and five-place helicopters for military flight training, agricultural spraying, law enforcement and private use. Also, Summa holds 79 percent of the issued and outstanding stock of Hughes Air Corp., doing business as Hughes Airwest (Airwest), an air carrier.<sup>3</sup> It conducts business as a fixed-base operator at Alamo Airport and North Las Vegas Airport in Clark County, Nevada; and owns four Convair 880 (Model 22) aircraft, 18

<sup>1</sup> See Order 73-3-100, March 26, 1973, reflecting the change of name.

<sup>2</sup> On July 14, 1972 Summa made the first aircraft available to LANICA on an interim basis pending execution and Board approval of the lease-purchase agreement, and on August 23, 1972 delivered the second aircraft to LANICA.

<sup>3</sup> Airwest's domestic route certificate does not include the right to serve any U.S. point east of Tucson, Arizona, or Salt Lake City, Utah. However, Airwest also has a certificate authorizing it to engage in foreign air transportation to six points in the Western part of Mexico; Guayamas, La Paz, San Jose del Cabo, Mazatlan, Puerto Vallarta, and Guadalajara.

light propeller aircraft and 10 small jet aircraft. In its air taxi operations Hughes Aviation Services, a division of Summa, uses a Cessna and two Beech aircraft.<sup>4</sup>

LANICA is a foreign air carrier authorized to engage in scheduled air transportation of persons, property and mail between Nicaragua, El Salvador, Honduras and Miami, Florida, and in non-scheduled air transportation of cargo only between Managua, Nicaragua and San Juan, Puerto Rico.<sup>5</sup> It operates a turnaround flight from Managua to Mexico City with jet aircraft three days each week. However, it does not operate to any point served by Airwest. (Airwest has no route authority to serve Mexico City.)

LANICA presently is authorized to issue 24,000 shares of common capital stock having a par value of 500 cordobas (approximately \$71.) per share. Of these shares 22,508 are issued and outstanding among the following persons, entities or groups in approximately the following proportions: Government of Republic of Nicaragua, 28.30 percent; Somoza Debayle family (Nicaragua citizens), 40.30 percent; Sevilla Somoza family (Nicaragua citizens), 6.30 percent; other Nicaraguan citizens and companies, 14.35 percent and Pan American World Airways, Inc., 10.75 percent.

The agreement between Summa and LANICA provides, *inter alia*, for the sale by Summa to LANICA of two used Convair 880 (Model 22) aircraft, three used General Electric CJ-805-311 turbo-jet aircraft engines, and spare parts consigned for withdrawal by LANICA from Summa's warehouse inventory. In consideration therefor, LANICA and/or its shareholders will deliver to Summa stock certificates of LANICA aggregating 25 percent of the foreign air carrier's issued and outstanding capital stock, free from dilution, and three promissory notes.<sup>6</sup> Two of these notes pertain to the aircraft and each provides for the payment of \$8,500 per month on each aircraft for a period not in excess of 48 months, and are secured by a first lien and security interest in the aircraft;<sup>7</sup> the remaining note pertains to the three aircraft engines, and provides for a payment of

<sup>4</sup> By Order 70-7-6, July 1, 1970, Summa was granted an exemption from section 298.3(a) of the Board's Economic Regulations to engage in air taxi operations other than in scheduled and/or individually ticketed air transportation.

<sup>5</sup> LANICA's current authority was issued pursuant to Order 71-10-5, approved September 30, 1971. In addition to a permit for operations in its own right, LANICA has a second permit authorizing operations between El Salvador and Miami, which is limited to transportation performed for TAN, the Honduran carrier, pursuant to a joint operating agreement with that carrier.

<sup>6</sup> Summa has advised that it contemplates that this 25% will be derived from the Nicaraguan Government's 28.30% holdings. The Somoza Debayle family will retain its 40.3% interest.

<sup>7</sup> The precise period is to be determined by the difference between 48 months and the number of months for which lease payments have been made by LANICA to Summa on the aircraft made available to LANICA on an interim basis in advance of Board approval of the sales transaction agreement.

\$5,500 per month for 48 months.<sup>8</sup> Also, the agreement provides for the establishment of an inventory of Convair 880 parts at Las Vegas and Miami which LANICA may draw upon at a 15 percent discount from market price. In addition to furnishing training for LANICA's flight crews, Summa agreed to make its personnel available to LANICA on a consulting basis at the latter's option.<sup>9</sup>

In support of their application, the applicants state that Summa owns, *inter alia*, four Convair 880 aircraft, two of which are the subject of the agreement with LANICA, and the other two are currently in storage, but may also be leased or sold if the opportunity presents itself; that LANICA is faced with the problem of maintaining scheduled operations; and that the agreement provides LANICA with a unique opportunity to acquire the aircraft, engines, spare parts and expertise it needs to conduct its foreign air transportation and other air operations in a manner that would not place an undue strain on LANICA's financial resources.

Summa contends that the subject transaction does not and cannot involve any real acquisition of control within the provisions of the Act.

No objections to the application or requests for a hearing have been received.

The first significant question presented by the application is whether, by reason of the terms of the agreement, Summa, a person controlling an air carrier (Airwest) will acquire control of LANICA, a foreign air carrier and, hence, a person engaged in a phase of aeronautics within the meaning of section 408(a)(6) of the Act. If so, the application raises the further question whether such acquisition of control should be approved under the provisions of section 408(b) and, if so, whether such approval should be subject to conditions.

In view of Summa's acquisition of a 25 percent stock interest in LANICA and its position as a creditor of the carrier for an amount in excess of \$1,000,000 coupled with the arrangements under which Summa will provide aircraft parts and training assistance, we believe that, absent a full evidentiary hearing, the Board would not be warranted in finding that Summa has not acquired control over

<sup>8</sup> In addition to the 25% stock interest in LANICA, the consideration to be received by Summa is calculated to approximate a principal amount of \$1,000,000 (including \$300,000 for each of the two Convair aircraft and \$264,000 for the three spare engines).

<sup>9</sup> From information furnished the Board by the applicants it appears that Mr. Bruce Stedman, a financial analyst, formerly vice president of Northeast Airlines, spent approximately 90 days between July 14, 1972 and March 30, 1973, acting as a financial and management consultant to LANICA, and that LANICA intends to call upon Summa to make Mr. Stedman available in the future. Also Mr. Ed Schroeder, likewise a former vice-president of Northeast Airlines, has been serving since July 14, 1972 as a full-time maintenance consultant, and his services are expected to be required for an indefinite period.

LANICA<sup>10</sup> within the meaning of section 408(a)(6) of the Act.<sup>11</sup> We, therefore, tentatively conclude that by reason of the transaction at issue, Summa will acquire control of LANICA.

The applicant's request for an exemption, pursuant to section 416(b) of the Act, is not supported by any showing that the requirements thereof have been met, and it will, therefore, be denied.

The proposed acquisition of control of LANICA, a foreign air carrier, raises an issue which has come before the Board on a number of occasions in the past. Since 1951, it has been the clearly enunciated policy of the Board that the ownership and control of foreign air carriers should be vested in nationals of the country of origin. The Board has not looked with favor upon the acquisition by U.S. carriers of substantial interests in or control of foreign air carriers operating into the United States. In 1951, in the *Havana-New York Foreign Air Carrier Permit Case*, 14 C.A.B. 399, the Board stated that henceforth it would work toward the objective of eliminating substantial ownership and effective control of foreign air carriers by U.S. air carriers.<sup>12</sup> While stating that it was not unmindful of the fact that American capital may often be of considerable assistance to the establishment of air service, the Board stated that its experience had demonstrated that ownership or control of foreign carriers by American air carriers can have deleterious effects upon the interests of the United States.<sup>13</sup> The Board granted a foreign air carrier permit to Cubana, an applicant in that case, on the express understanding that Pan American would continue to reduce its holdings in the foreign air carrier to the point where Pan American would ultimately have neither control nor a substantial stock interest. The Board believes that the same considerations are applicable here.

The Board has recognized in the past that with proper safeguards and in appropriate circumstances, there may be a public interest in permitting the control of a foreign carrier by U.S. interests for a limited period of time and with the understanding that divestiture will occur.

<sup>10</sup> Railroad Control of Northeast Airlines, 4 C.A.B. 379, 381 (1943).

<sup>11</sup> It does not appear that LANICA's acquisition of the two Convair 880 aircraft from Summa would constitute a purchase, lease or contract to operate a substantial part of the properties of an air carrier under section 408(a)(2) of the Act. These aircraft have been in storage, and have not been utilized, or authorized for use by Summa in its air taxi operations. Neither does it appear that they have been utilized by, or constitute a substantial part of the aircraft properties of Summa's subsidiary air carrier, Airwest.

<sup>12</sup> This is the so-called "Cubana Doctrine." It has been reiterated in *Aerovias Venezolanas, Foreign Permit*, 20 C.A.B. 746 (1955); *Compania Dominicana, Cap-Haitien and Port-au-Prince Service*, 19 C.A.B. 823 (1955); and others.

<sup>13</sup> The Board referred to such problems as restraint of competition, conflicts of interest, possible diversion of funds, complication of foreign relations, and the diversion of traffic from U.S. certificated air carriers.

cur.<sup>14</sup> Upon consideration of all the relevant factors the Board believes that this case falls in that category and, accordingly, we have tentatively decided to approve the proposed transaction subject to conditions. We do, however, expect that Summa will take action to divest itself of its interest in LANICA as rapidly as circumstances permit.

There are several pertinent factors which warrant this action. First, it appears that LANICA has a critical need for the aircraft. The applicant states that as a result of an attempted hijacking of its BAC-111 in December 1971, the one and only jet aircraft owned by the carrier and utilized by it in connection with its international operations between Nicaragua and the United States was lost for a long and indefinite period of time. The carrier was thus forced to maintain scheduled operations without backup jet equipment.

The two CV-880's offered by Summa were deemed by LANICA to be best suited for its current operations and future needs. The availability from Summa of spare engines, other spare parts and the expertise required by LANICA at this critical stage in its development was also seen by LANICA as a substantial additional benefit to be gained from the transaction.

It appears moreover that the grant of a 25 percent stock interest in LANICA to the Summa Corporation was a vital element in the transaction. The applicants state that without Summa's agreement to accept a minority stock interest in LANICA and to grant liberal terms as to the aircraft engines and spares in connection therewith, the transaction in question would have been impracticable from LANICA's point of view. In short, LANICA believes that the agreement provides it with a unique opportunity to acquire at this time the equipment it needs to operate currently and for orderly growth—in a manner that has been fashioned so as not to place an undue strain on its financial resources. The Board also takes account of the fact

<sup>14</sup> *Air Jamaica, Foreign Permit Case*, 44 C.A.B. 169 (1966) (to enable the carrier of a new nation to operate to the United States); *Air Jamaica (1968) Limited, Order 69-4-3*, approved March 28, 1969 (to accommodate Jamaica's efforts to develop a sound national carrier to serve the market); *California Eastern Aviation, Inc., et al., Control and Interlocking Relationships and Lease Agreement and Exemption Application*, 26 C.A.B. 272 (1958) (to assist a foreign carrier initially endeavoring to launch service into the United States); *Pan American Acquisition of LACSA*, 35 C.A.B. 343 (1962) (national security considerations involved in a possible non-U.S. affiliation); *Leeward Islands Air Transport Services Limited*, 46 C.A.B. 546 (1967) (to permit regional operations by an airline representing a consortium of national interests). See also, *TACA International Air*, 18 C.A.B. 737 (1954) in which the Board waived the policy of national ownership and temporarily renewed the permit of an El Salvador carrier substantially owned and controlled by U.S. non-air carrier financial interest (the Watermans) on grounds that it was the only carrier available to the country and there was insufficient capital available in El Salvador to promote a new carrier.

## NOTICES

that the Government of Nicaragua has for many years authorized Pan American World Airways to operate scheduled services between Nicaragua and the United States. The Board therefore tentatively concludes that in the circumstances presented here and in order to assist the national air carrier of a friendly foreign country to maintain its scheduled services, it is in the public interest to temporarily permit the acquisition of control of LANICA by Summa.

We find, moreover, that the acquisition of control of LANICA by Summa at the same time that Summa controls Airwest will not jeopardize Pan American or any other air carrier not a party to the arrangement. LANICA serves only Miami and San Juan. It does not have authority to serve any point in the United States or in Mexico served by Airwest. The possibility of unfair competition by Airwest and LANICA with other U.S. carriers through joint or connecting operations is not present here, nor in these circumstances does this appear to be an effort to extend Airwest's route system in the guise of assisting a foreign air carrier.<sup>15</sup> In order to avoid any unwarranted linking of the two airlines' route systems, we will provide in the final order that in the absence of a prior Board order to the contrary, the Board's approval of this transaction will automatically terminate upon the inauguration of scheduled service by either carrier to any point which the other is authorized to serve.<sup>16</sup> We will also include a requirement for the filing of reports relating to interline traffic, shared expenses, and other inter-carrier transactions between Summa and LANICA and their subsidiaries or affiliates as long as the control relationship exists.<sup>17</sup>

The parties should also be on notice that the provisions of Sec. 399.82 of the Board's regulations will be considered applicable to the relationship between LANICA, Summa and Airwest, and we expect all parties to comply with the minimum safeguards established by the Board under that policy statement to foreclose one carrier from passing off its services as those of an affiliated carrier.<sup>18</sup>

We will retain jurisdiction in this proceeding for the purpose of reexamining

the final order of approval and for imposing such further terms and conditions as may be found to be just and reasonable. In this connection, the Board will have an additional opportunity to review the relationship between Summa and LANICA in any future section 402 proceeding to renew the foreign air carrier permits of LANICA, which expire by their terms on August 14, 1975.

In view of the foregoing, we tentatively find that the acquisition of control of LANICA by Summa arising from the arrangements between Summa and LANICA, which are the subject of the present application, will not result in creating a monopoly and thereby restrain competition or jeopardize another air carrier not a party to the transaction, will not be adverse to the public interest, and that such acquisition of control should therefore be approved under section 408 of the Act, subject to the conditions discussed above.

The Board further tentatively finds, under the third proviso of section 408(b), that the acquisition by Summa of 25 percent of the stock of LANICA and the creditor-debtor relationships, resulting from the subject aircraft sale transaction, and the other provisions of the agreement do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing. The Board therefore tentatively concludes that the public interest does not require a hearing.

The Board also finds that the arrangements pursuant to which Summa will provide training for LANICA's flight crews, and under which it will provide spare parts, constitute cooperative working arrangements subject to the Board's jurisdiction under section 412 of the Act. The Board tentatively finds, nevertheless, that such arrangements will not be adverse to the public interest nor in violation of the Act and therefore should be approved pursuant to section 412.<sup>19</sup>

Accordingly, it is ordered, That:

1. Board action with respect to the transactions herein be and it hereby is deferred;

2. Interested persons are hereby afforded until March 22, 1974, to file comments or request a hearing with respect to the Board's proposed action on the application in Docket 24706;<sup>20</sup> and

<sup>15</sup> Our determination under section 412 does not include LANICA's option to request Summa to furnish management consultant personnel to LANICA. It will be expected that the terms of any such arrangement, if implemented, will be reduced to writing and filed with the Board for separate approval under section 412.

<sup>16</sup> Comments shall conform to the requirements of the Board's Rules of Practice for filing comments. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

3. The Attorney General of the United States shall be furnished a copy of this order within one day of publication.

This order shall be published in the *FEDERAL REGISTER*.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FRC Doc. 74-5922 Filed 3-13-74; 8:45 am]

[Docket Nos. 26047-26048; 26096-26100;  
Order 74-3-43]

## VARIOUS CARRIERS

## Order Denying Petitions for Reconsideration Regarding Domestic Passenger-Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.; on the 8th day of March 1974.

By Order 73-11-93 dated November 20, 1973, the Board dismissed various complaints and permitted all domestic trunk-line and regional carriers operating within the 48 contiguous states and the District of Columbia to increase the level of their passenger fares by five percent.

Petitions for reconsideration of that order have been filed by the National Passenger Traffic Association, Inc. (NPTA), the Honorable John E. Moss, et al., Members of Congress (MOC), and the General Services Administration (GSA). The petitioners all request that the Board reconsider its action in Order 73-11-93 and suspend and investigate the tariffs in question.<sup>1</sup> Answers in opposition to the petitions have been filed by American Airlines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

Upon consideration of the petitions, the answers thereto, and all other relevant matters, the Board concludes that the petitions do not set forth facts sufficient to warrant investigation, and the requests for reconsideration of Order 73-11-93 will therefore be denied.<sup>2</sup>

The major thrust of NPTA's argument revolves around the possible impact of the fuel shortage on carrier operations, and challenges the fare increase in relation to the quality (and hence value) of the resultant service reductions. NPTA alleges that the Board's discussion of the impact of the energy crisis in Order 73-11-93 is outdated; that the seriousness of

<sup>1</sup> In addition, MOC has filed a petition for review of staff action (Order 73-12-24, December 6, 1973, issued by the Chief, Tariffs Section, under delegated authority) which dismissed the proceeding ordered in Docket 25936. Inasmuch as the petition was late filed without explanation, it will not be considered. Even on its merits, however, the petition raises no valid basis for Board review of the matter. It is noted that the staff action in Order 73-12-24 is entirely consistent with the Board's conclusion in Order 73-11-93 that a general fare investigation is not desirable at this time, a view herein reaffirmed.

<sup>2</sup> Since the tariffs are now in effect, the Board has no authority to grant the petitions to the extent they seek suspension.

the situation has substantially exceeded predictions then advanced by the Board; that it is no answer to state that the carriers "allege" anticipated fuel cost increases in the next few months; and that the issue of the propriety and lawfulness of the proposed increases cannot be cavalierly dismissed as merely a matter of whether excessive profits will result. NPTA concludes that the issue is whether the fares are just and reasonable in terms of the service performed.<sup>2</sup>

Like NPTA, GSA alleges that, in view of the cutbacks in service prompted by the fuel shortage, the appropriate test of the proposed fare increase is not whether it is needed to alleviate a carrier revenue deficiency, but rather whether a resulting reduction in cost would suffice in whole or part; and that the Board acknowledged the likelihood of increased profitability as a probable short-term result of the fuel crisis. GSA further contends that the guidelines the Board has traditionally used and did use in its order may be in jeopardy in both the short and long term; that by applying the 55 percent load-factor standard only as to adjustment in revenue, the Board failed to recognize the extent to which present capacity is excessive and so to insure that the cost burden is not solely upon the traveling public.

Neither NPTA nor GSA attempt to challenge the validity of the Board's analysis of the probable short-run impact of the fuel shortage, other than to allege that the Board understated the degree of the problem. This allegation is not persuasive, however, since the same analytical approach assuming a greater fuel (and hence capacity) cutback would further reduce rather than increase the carriers' return on investment, as adjusted to reflect the Board's recently adopted rate-making standards. The allegations made by NPTA regarding the basis of the Board's decision are quite ingloriously form no basis for a reversal of that Order 73-11-93 will reveal, and are clearly erroneous as a cursory reading of decision. By the same token, GSA's principal arguments are based on the erroneous conclusion that the Board failed to

<sup>2</sup> NPTA also reiterates its earlier claim that the carriers should not be permitted a fare increase while continuing to oppose NPTA's cost-sharing proposal, alleging that the Board erred in characterizing this as a narrow issue relative to industry costs; and that the fares should have been suspended due to the failure of the carriers to present any reasonable analysis of the impact on net earnings of the upward trend in commercial agency commissions. The Board continues to be of the view expressed in Order 73-11-93 that the carriers' apparent decision in this regard does not constitute a valid basis for suspension or investigation of the fares in question. The immediate effect of NPTA's plan would be a significant loss of revenue to the carriers which, in view of the uncertainties confronting the industry, may well not be prudent to undertake at this time. In any event, the Board continues to be of the opinion that a general fare increase proposal is not the proper forum for evaluation of the merits of NPTA's proposal.

make adjustment for a 55 percent load factor on the cost side of the ledger and, as a result, the essential thrust of its petition must fall.

NPTA alleges that the vital question is whether or not the proposed fares are just and reasonable in terms of the service now being performed. In essence, this contention challenges the reasonableness of charging more for less service, and appears to suggest that the carriers must not only absorb the total financial impact resulting from escalating fuel prices, but must also compensate passengers (through lower fares) for a quantum of service less than would otherwise have been available. The Board is unable to concur in such a view. The Board is, of course, attempting in every way possible to see that the public continues to be provided convenient service, subject only to circumstances dictated by the fuel crisis, an event clearly beyond the industry's control. On the other hand, the carriers demonstrated and the Board's own analyses confirmed that a revenue deficiency exists based on known cost increases, employing the long-run rate-making standards developed in the *DPFI*, and that even in the short run there is no reason to believe that profits under the proposed fares would be excessive. In light of this, the Board continues to be of the opinion that the fares which became effective on December 1, 1973, have not been shown to be unreasonable. NPTA has presented no factual evidence to the contrary.

MOC argues, on the basis of asserted current trends in consumer confidence surveys, that the demand for air transportation has become much more price-elastic than the Board determined in Phase 7 of the *DPFI*, and contends that a general increase in fares will so deter traffic that the carriers will actually realize less revenue than at prior fare levels. MOC argues that the Board should now extensively reexamine the question of price elasticity, and to that end should require the carriers to supply detailed data on market demand and consumer surveys.

It would be fruitless to review here all the difficulties the Board found in Phase 7 in attempting to determine the price elasticity of demand for air transportation. Suffice it to say that the Board found none of the studies there in evidence completely convincing, but wound up placing the greatest reliance on time-series studies covering the longest possible span of years, in preference to other studies conducted on a more short-term basis. In view of this conclusion, and considering the known difficulties in assigning probative weight to consumer surveys conducted on a variety of bases,<sup>3</sup> there appears to be little likelihood that an extensive reexamination of the elasticity question would now lead the Board to alter its earlier determination. Moreover, a dominant purpose of the *DPFI* was the establishment of long-term

<sup>3</sup> See, e.g., the Board's decision in Phase 5 of the *DPFI*.

standards which would enable the Board to deal more expeditiously with future fare changes, and this purpose would be frustrated if the Board were obliged to reopen and redetermine a particular long-term standard in the absence of a reasonably convincing *prima facie* showing that it was no longer valid. No such showing has been made here.

Moreover, even assuming the correctness of MOC's assertion that the demand for air transportation has become relatively more price-elastic, it would not follow that the proposed fare increases are unwarranted. As the Board determined in the *DPFI*, the level of passenger fares must be based on the long-term unit costs of providing air transportation. The fact that a fare increase might temporarily depress revenues would not warrant disapproval if the increase were necessary to cover the unit costs of operation. Failure to permit such increases would in the long run result either in an insufficient level of earnings for the carriers or an inadequate level of service to the public. In sum, the Board is not persuaded that the various petitions for reconsideration have sufficient merit to warrant investigation of the fares now in effect. The fares now in effect have been evaluated against and are consistent with the standards prescribed and policies adopted by the Board in its decisions in the various phases of that proceeding. Moreover, at the present time of uncertainty not only in the airline industry but in the economy as a whole, the evidence adduced in a formal investigation would be of doubtful reliability and probative value at best.<sup>4</sup>

Finally, it should be added that the Board has become aware of an error in Appendix B of Order 73-11-93. The data therein inadvertently included the expenses stemming from the security program but failed to reflect attendant revenues. This had the result of understating the various rate-of-return computations shown for 1973 by about 0.16 point. However, this slight understatement would not have altered our conclusion that the proposed fares should neither be suspended nor investigated. In addition, this error is largely offset by a decline in rate of return (0.14 point) which stems from use of a revised seating-configuration adjustment which we have completed subsequent to issuance of Order 73-11-93.<sup>5</sup> The net effect of

<sup>4</sup> For the reasons articulated, MOC's request that the Board direct the carriers to supply certain market-demand information and consumer-demand surveys will also be denied.

<sup>5</sup> The seating adjustment originally made was based on June 30, 1972 data. We have since been able to update this to June 30, 1973, and the more recent data reveal that a lesser seating adjustment is required. This reflects such factors as greater seating densities on wide-body equipment due to selective elimination of coach lounges. Thus, the revised seating adjustment adds fewer seats to the capacity base and, as a result, a smaller load-factor adjustment (and hence expense disallowance) than we originally made is required. The smaller expense adjustment, in turn, results in a lower rate of return on investment.

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these factors is that the general fare level does not reflect the cost of the security program, and that present fares are not excessive by virtue of the initial error.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

*It is ordered*, that:

1. The petitions of the National Passenger Traffic Association, the Honorable John E. Moss, *et al.*, Members of Congress, and the General Services Administration requesting reconsideration of Order 73-11-93, dated November 20, 1973, are hereby denied; and

2. The petition for review of staff action in Docket 25936 is dismissed.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

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

[FR Doc.74-5923; Filed 3-13-74; 8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

### BICYCLE SAFETY STANDARDS

#### Notice of Meeting

Notice is given that a meeting will be held on Thursday, March 21, 1974, at 10 a.m., in room 235, 5401 Westbard Avenue, Bethesda, Md., between Mr. Charles Bishop, Chairman, and other members of the Standards Coordinating Committee for Bicycles, Cycle Parts and Accessories Association, and staff of the Bureau of Engineering Sciences, Consumer Product Safety Commission. (Mr. Bishop is an employee of Bright Star Industries.) Discussion will concern participation in the Association's bicycle standards activities.

Persons interested in attending the meeting are requested to contact Mr. Russ Smith, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207 (phone (301) 496-7197).

Dated: March 11, 1974.

**SADYE E. DUNN,**  
*Secretary, Consumer Product Safety Commission.*

[FR Doc.74-5913 Filed 3-13-74; 8:45 am]

## FIRE HAZARDS ASSOCIATED WITH ELECTRICAL WIRING SYSTEMS UTILIZING ALUMINUM CONDUCTORS

#### Notice of Public Hearings

In the **FEDERAL REGISTER** of February 28, 1974 (39 FR 7835), the Commission scheduled public hearings on the safety aspects of residential electrical wiring systems utilizing aluminum conductors.

Notice is given that the hearing scheduled for 10 a.m. on April 15 and 16, 1974, in Los Angeles, Calif., at the Los Angeles Convention Center, 1201 South Figueroa and Pico Streets, Room 211, will be held

instead at 10 a.m. on April 17 and 18, 1974, at that location.

Dated: March 12, 1974.

**SADYE E. DUNN,**  
*Secretary, Consumer Product Safety Commission.*

[FR Doc.74-6075 Filed 3-13-74; 8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. E-8550, etc.]

### APPALACHIAN POWER CO. ET AL.

#### Motion To Accept Rate Schedules for Short Term and Limited Term Services and To Rescind and Terminate Portion of Proceedings

MARCH 11, 1974.

In the matter of Appalachian Power Co., Ohio Power Co., Wheeling Electric Co., Monongahela Power Co., West Penn Power Co., (E-8550), Ohio Power Co., The Dayton Power and Light Co., Columbus and Southern Ohio Electric Co., Indiana & Michigan Electric Co., Consumers Power Co., The Detroit Edison Co., (E-8591), Monongahela Power Co., The Potomac Edison Co., West Penn Power Co., Virginia Electric and Power Co., (E-8567), Appalachian Power Co., Virginia Electric and Power Co., (E-8565), Louisville Gas and Electric Co., Public Service Company of Indiana (E-8614).

Affiliates of American Electric Power Co., Inc. (AEP), Appalachian Power Co. (Appalachian), Ohio Power Co. (Ohio Power), and Wheeling Electric Power Co. (Wheeling), on March 5, 1974, tendered for filing a document which is described as a "Statement" and which requests the Commission to issue an order in these consolidated proceedings, accepting for filing the supplemental rate schedules listed below insofar as they effect an increase in the demand charge for Short Term Power from 40¢ to 45¢ per kilowatt week and an increase in the demand charge for Limited Term Power from \$2.15 to \$2.50 per kilowatt month; effective as of the dates specified below, and for such purposes to rescind any obligation to proffer any reduction in rates, and terminating the consolidated proceedings to such extent as to such supplemental rate schedules:

AEP Respondents	Supplement to rate schedule	Effective date (1974)
Appalachian	Supplement No. 6 to Rate Schedule FPC No. 55 (Docket No. E-8550).	Jan. 12
Do.....	Supplement No. 9 to Rate Schedule FPC No. 16 (Docket No. E-8565).	Jan. 26
Ohio Power	Supplement No. 6 to Rate Schedule FPC No. 73 (Docket No. E-8550).	Jan. 12
Do.....	Supplement No. 16 to Rate Schedule FPC No. 36 (Docket No. E-8591).	Feb. 10
Wheeling	Supplement No. 6 to Rate Schedule FPC No. 5 (Docket No. E-8550).	Jan. 12

Alternatively, AEP Respondents' Statement purports to notify the Commission that they desire to withdraw from the consolidated proceeding those supple-

mental rate schedules which contain the increased demand charges for Short Term Power and Limited Term Power deemed by AEP Respondents to be effective 30 days after date of the Statement. Respondents also state that it is intended, in event of such withdrawal to refile the proposed increases in demand charges for such services in order that the Commission may, if it so desires, treat such filings as the subject of separate proceedings from the remaining and principal issues in these consolidated proceedings, i.e., the issues relating to Respondents' rate filings which propose to offer new Fuel Conservation Power and Energy service schedules.

In support of the proposed increases in such demand charges, the Respondents submit cost analysis schedules. Respondents state that they believe that such data demonstrates upon the basis of fully distributed or incremental costs that power sales of a limited duration and of an anticipated reciprocal character, involving the mutual benefits of coordination of operations, contemplated in the subject rate schedule supplements, are wholly different from the types of long term wholesale electric service which are the subject of other proceedings. Respondents assert that the mutual benefits of these services may be inhibited during the pendency of these proceedings and that the public interest does not require a public hearing be held.

Respondents certify that copies of the Statement have been served upon each person designated in the Commission's official service list. The filing contains no proposed notice for publication in the **FEDERAL REGISTER**, pursuant to § 1.19(c) (3) and § 35.8(a) of the Commission's rules of practice and procedure (Orders 463 and 487).

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 March 22, 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.74-5962 Filed 3-13-74; 8:45 am]

[Docket No. E-8187]

### BOSTON EDISON CO.

#### Extension of Time and Postponement of Hearing and Prehearing Conference

MARCH 8, 1974.

On February 22, 1974, Boston Edison Co. filed a motion for an extension of

time within which to file its rebuttal testimony as required by notice issued January 30, 1974. The motion states that no one had any objection to the motion.

On March 6, 1974, the New England Power Co. filed a motion for postponement of the hearing. Also on March 6, 1974, New England Power Co. advised that all counsel have consented to the postponement.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of rebuttal evidence by Boston Edison Company, March 5, 1974.

Prehearing Conference, April 19, 1974 (10 a.m. E.D.T.).

Hearing, To commence upon the conclusion of the Prehearing Conference.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-5963 Filed 3-13-74; 8:45 am]

[Docket No. E-7355]

BUCKEYE POWER, INC.

Notice of Application

MARCH 8, 1974.

Take notice that on June 30, 1971, Buckeye Power, Inc. (Buckeye) filed Post-Effective Amendment No. 1 (Application) to its Supplemental Application in these proceedings. The Application is filed pursuant to section 204(b) of the Federal Power Act, 16 U.S.C. 824c(b). Buckeye proposes to amend § 7.02 of the Mortgage and Deed of Trust dated April 1, 1968, which secured Buckeye's first mortgage bonds, series due 1997 and any additional series of bonds permitted to be issued thereunder.

Specifically, Buckeye requests authorization and approval to amend § 7.02 of the Mortgage and Deed of Trust by changing the date appearing in the last paragraph thereof from "July 1, 1977" to "July 1, 1978." Buckeye's Application also proposes to amend the definition of "Buckeye Members" contained in the Mortgage and Deed of Trust to make clear that the definition includes each of the corporations, other than Buckeye, set forth in Clause(e) of Granting Clause Second thereof without regard to whether or not any such corporation is actually a member of Buckeye on the date of execution and delivery of the Mortgage.

The Mortgage and Deed of Trust was filed with and made a part of the Joint Application of Buckeye Power, Inc. and the Ohio Power Co. filed May 22, 1967, as supplemented and amended on January 22, 1968 and March 26, 1968, respectively.

Any person desiring to be heard or to make any protest with reference to this Application should on or before March 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to

participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. 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. The Application referred to above is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-5966 Filed 3-13-74; 8:45 am]

[Docket No. RI74-47]

CHAMPLIN PETROLEUM CO.

Order Granting Petition for Special Relief

MARCH 7, 1974.

On September 12, 1973, Champlin Petroleum Co. (Champlin) filed a petition for special relief pursuant to § 2.77 of the Commission's rules of practice and procedure for sales from Morton County, Kansas, Hugoton-Anadarko Area. Champlin requests a rate increase from 16 cents per Mcf to the area ceiling of 20 cents per Mcf at 14.65 psia inclusive of taxes, plus 1.0 cent per Mcf gathering charge, and an upward Btu adjustment from 1000. The current Btu content of the gas is 1101.

The production from the subject acreage is casinghead gas, which is being flared, vented and wasted at present due to Champlin's averments that the current effective rate for such sales is insufficient to warrant the installation of compression and gathering facilities necessary to deliver the gas to the purchaser, Panhandle Eastern Pipe Line Co. (Panhandle Eastern).

A petition to intervene in support of the application was filed by Panhandle Eastern.

In Order No. 482, \_\_\_\_\_ FPC \_\_\_\_\_, issued April 12, 1973, we amended Section 2.77 of the Commission's general rules of practice and procedure to provide:

§ 2.77 Policy Relating To The Availability Of Special Relief To Encourage The Recovery Of Natural Gas Which Would Otherwise Be Flared Or Vented For Sale In Interstate Commerce.

(a) To induce the recovery of natural gas which would otherwise be flared or vented for sale in interstate commerce, producers may apply for special relief from area rates or may seek to sell such gas pursuant to the provisions of §§ 2.70, 2.75 and 157.29.

In this time of critical gas shortage it is imperative that we apply the policy announced in Order No. 482 to encourage the recovery of natural gas which, as here, would otherwise be flared or vented.

Upon consideration of the petition filed herein, we find that, consistent with our policy announced in Order No. 482, the increase in price from the current rate to 20.0 cents per Mcf initial rate, plus 1.0 cents per Mcf gathering charge, and upward Btu adjustment from 1,000 is consistent with the public interest.

The Commission orders:

(1) For the reasons stated above the petition of Champlin is granted. Champlin is hereby authorized to collect a rate of 20.0 cents per Mcf initial rate plus 1.0 cents per Mcf gathering charge and Btu adjustment upward from 1000 for sale under its FPC Gas Rate Schedule No. 105 effective as of the date of this order.

(2) The petition to intervene in this proceeding filed by Panhandle Eastern is granted.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-5945 Filed 3-13-74; 8:45 am]

[Docket No. RI74-46]

DALPORT OIL CORP.

Order Fixing Hearing Date; Correction

FEBRUARY 28, 1974.

In the order fixing hearing date issued February 26, 1974, and published in the FEDERAL REGISTER March 6, 1974, 39 FR 8657; Page 8658, Paragraph (D), Line 3:

Change "February 12, 1974." to "March 8, 1974."

Page 8658, Paragraph (E), Line 4: Change "February 26, 1974." to "March 15, 1974."

Page 8658, Paragraph (F), Line 3: Change "March 8, 1974." to "March 20, 1974."

Page 8658: Delete Paragraphs (G) and (H).

MARY B. KIDD,  
Acting Secretary.

[FR Doc. 74-5943 Filed 3-13-74; 8:45 am]

[Docket Nos. CP73-132, etc.]

DISTRIGAS CORP. ET AL.

Further Extension of Time

MARCH 8, 1974.

In the matter of Distrigas Corp., Dockets Nos. CP73-132, CP73-135; Distrigas of New York Corporation, Docket Nos. CP73-230, CP74-122; Distrigas of Massachusetts Corporation, Docket No. CP74-137; Distrigas Pipeline Corporation, Docket No. CP73-148.

On February 20, 1974, Distrigas Corp., Distrigas of Massachusetts Corp., Distrigas of New York Corp., and Distrigas Pipeline Corp. filed a motion for an extension of time to file a portion of Applicants' direct case to and including March 22, 1974.

Upon consideration, notice is hereby given that the time is extended to and including March 22, 1974, within which Applicants shall file and serve the remainder of their case-in-chief.

MARY B. KIDD,  
Acting Secretary.

[FR Doc. 74-5961 Filed 3-13-74; 8:45 am]

## NOTICES

[Docket No. RP72-134]

## EASTERN SHORE NATURAL GAS CO.

## Purchased Gas Cost Adjustment to Rates and Charges

MARCH 11, 1974.

Take notice that Eastern Shore Natural Gas Co. (Eastern Shore) on February 26, 1974, tendered for filing Eighth Revised Sheet No. 3A and Eighth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1 to become effective April 1, 1974. The proposed changes would increase revenues from jurisdictional sales and service by approximately \$20,047 annually based on sales for the 12-month period ending December 31, 1973.

Pursuant to the Purchased Gas Adjustment Clause contained in its tariff, Eastern Shore proposes to increase the commodity or delivery charges in its rate Schedules CD-1, CD-E, G-1, PS-1, E-1, and I by 0.6¢ per Mcf, equivalent to the increases in the similar rates of its supplier, Transcontinental Gas Pipe Line Corp., as contained in the latter's filing in Docket No. RP73-3 dated February 13, 1974. Eastern Shore requests waiver of the notice requirements of § 154.22 of the Regulations under the Natural Gas Act and Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the proposed tariff sheets to become effective as of April 1, 1974, coincident with the proposed effective date of Transcontinental's rate changes.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

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 March 22, 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 available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FIR Doc.74-5965 Filed 3-13-74;8:45 am]

[Docket No. E-8644]

## INDIANAPOLIS POWER AND LIGHT CO.

## Proposed Change in Rate

MARCH 8, 1974.

Take notice that on February 25, 1974 Indianapolis Power and Light Co. (IP&L) tendered for filing data supporting a change in the demand charge for Unit Power included in the Kentucky-Indiana Pool Planning and Operating Agreement between East Kentucky Rural Electric Cooperative Corp., IP&L, Kentucky Utili-

ties Co. and Public Service Company of Indiana, dated July 9, 1971.

IP&L asserts that the filing is in accordance with Part 35 of the Commission's regulations. IP&L also asserts that the rates are to be based on Plant Cost per kilowatt, Fixed Charge Rate and Annual Plant Operation and Maintenance Expense. The Company requested an effective date of April 1, 1974.

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 and protests should be filed on or before March 18, 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.

[FIR Doc.74-5969 Filed 3-13-74;8:45 am]

[Docket No. E-8644]

## IOWA-ILLINOIS GAS AND ELECTRIC CO.

## Proposed Cancellation

MARCH 8, 1974.

Take notice that on February 25, 1974, Iowa-Illinois Gas and Electric Co. (IIG&E) tendered for filing the proposed cancellation of its Rate Schedule FPC No. 24, Quad-Cities Station Participation Agreement dated June 30, 1967, between IIG&E and Corn Belt Power Cooperative (Corn Belt). IIG&E states that the said Rate Schedule will have expired by its own terms on April 30, 1974. IIG&E further states that notice of the proposed cancellation has been served upon Corn Belt by mail. IIG&E alleges that a certificate of concurrence has not been requested of Corn Belt because of Corn Belt's nonjurisdictional status and its status as purchaser.

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 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 should be filed on or before April 10, 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.

[FIR Doc.74-5967 Filed 3-13-74;8:45 am]

[Docket No. CP74-213]

## MICHIGAN WISCONSIN PIPE LINE CO.

## Notice of Application

MARCH 11, 1974.

Take notice that on February 22, 1974, Michigan Wisconsin Pipe Line Co. (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74-213 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to perform a short term transportation service and make available a related storage service for Northern Indiana Public Service Co. (Nipsco), Northern Natural Gas Co. (Northern), Natural Gas Pipeline Company of America (Natural), and The Peoples Gas Light and Coke Co. (Peoples), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that, pursuant to Commission order issued June 9, 1972, in Docket No. CP72-147, it was authorized to render a short term transportation service for Nipsco, transporting 5 million Mcf of natural gas for delivery to Michigan Consolidated Gas Co. (Consolidated) during the storage injection cycle for storage for the account of Nipsco and redelivering equivalent volumes to Nipsco during the storage withdrawal cycle. Under the existing authorization, this arrangement will terminate as of March 1, 1974, but Applicant states that Nipsco has requested Applicant and Consolidated, and they have agreed, to extend the arrangement for one year to March 1, 1975, with no change in the existing terms and conditions.

Applicant further states that, pursuant to Commission orders issued October 2, 1972, and October 9, 1973, in Docket No. CP72-277, it was authorized to render short term transportation services for Northern and Natural and to provide for a related storage service by Consolidated. During the storage injection cycle, Applicant transports and delivers to Consolidated for storage 2.8 and 5.8 million Mcf of natural gas for Northern and Natural, respectively, and redelivers equivalent volumes during the storage withdrawal cycle. Under existing authorizations, these arrangements will terminate as of March 1, 1974, but Applicant states that Northern and Natural have requested Applicant, and it has agreed, to extend the arrangement for one year to March 1, 1975, with no change in the existing terms and conditions.

Applicant also states that Peoples has requested it, and it has agreed, to render a one-year transportation service and to provide for a related storage service by Consolidated. Arrangements have been made pursuant to which Applicant will transport and deliver to Consolidated for storage 6 million Mcf of gas for Peoples during the 1974 storage injection cycle and will redeliver equivalent volumes during the 1974-75 storage withdrawal cycle. Applicant proposes to charge Peoples the same rate as that

paid by Nipsco to Applicant and Consolidated for the same service.

Applicant requests authority to extend for one year the services presently being provided for Nipsco, Northern and Natural and to render a one-year transportation service and provide for a related storage service for Peoples. To provide these services, Applicant states that it intends to increase the volume of gas to be exchanged with Great Lakes Gas Transmission Co. (Great Lakes) as authorized in Docket No. CP70-21 and requests authority to construct and operate (i) 19.7 miles of 42-inch main line loop in Michigan and Indiana; (ii) three 7,500 horsepower compressor units, one each to be located on the existing site of Great Lakes' Compressor Station No. 8 near Crystal Falls, Michigan,<sup>1</sup> at a new compressor station near Mountain, Wisconsin, and at its existing Lincoln Compressor Station in Clare County, Michigan; and (iii) a measuring station to be located east of Joliet, Illinois, for the redelivery of gas to Peoples. Applicant estimates the cost of these facilities at \$18,235,560, which it proposes to finance with treasury funds, retained earnings and other funds generated internally, together with borrowings from banks under short term lines of credit as required.

The application states that the effect of increasing the exchange of gas with Great Lakes is to minimize the looping of Applicant's facilities which would otherwise be required between Applicant's storage field area and Wisconsin to transport the storage volumes herein proposed while also meeting the increased peak day requirements of applicant's Wisconsin markets. The Crystal Falls and Mountain compressor facilities are said to be required to transport the increased Great Lakes exchange volumes into and within Wisconsin, while the Lincoln compressor facilities are said to be required for the redelivery to Great Lakes of the increased exchange volumes. The 19.7 miles of 42-inch main line loop

are said to be required to redeliver the storage gas herein proposed to be transported, and the East Joliet Measuring Station is said to be required for the proposed redelivery of gas to Peoples. Applicant states that subsequent to termination of the transportation service proposed herein, the facilities, other than the East Joliet Measuring Station, will be utilized to meet the increasing peak day requirements of Applicant's markets. The East Joliet Measuring Station will be retained as an emergency interconnection.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 1, 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.74-5956 Filed 3-13-74;8:45 am]

[Docket No. CP74-81]

NATIONAL GAS PIPELINE COMPANY OF AMERICA

Order Granting Interventions, Scheduling Formal Hearing, and Establishing Procedures

MARCH 8, 1974.

On September 26, 1973, Natural Gas Pipeline Company of America (Applicant) filed in Docket No. CP74-81, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 10-inch tap connection on its existing 24-inch transmission line in Hutchinson County, Texas. The proposed tap connection would be for the purpose of receiving synthetic gas to be purchased by Applicant from Phillips Petroleum Co. (Phillips), pursuant to a contract between Applicant and Phillips dated June 29, 1973. The estimated cost of the facilities is \$22,000.

[Docket No. E-7757]

MINNESOTA POWER & LIGHT CO.

Notice of Application

MARCH 11, 1974.

Take notice that on February 27, 1974, Minnesota Power & Light Co. (Applicant) filed a supplemental application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance and sale from time to time prior to December 31, 1975, of promissory notes to evidence bank borrowings and com-

mercial paper up to \$40 million in aggregate principal amount with final maturity dates not later than December 31, 1975.

Applicant is incorporated under the laws of the State of Minnesota, with its principal place of business at Duluth, Minnesota, and is engaged in the electric utility business within the State of Minnesota.

Bank notes issued will bear interest at a rate not to exceed the prime commercial bank rate in effect at the time of issue. The commercial paper will mature not later than 270 days from date of issue and will carry an interest rate which will be dependent on the terms of the notes and the money market conditions at the time of issuance.

According to the application, proceeds from the notes to be issued will provide funds to meet expenditures in connection with the Company's construction program which will require an estimated \$11.5 million in 1974 and approximately \$28.5 million in 1975, the bulk of which will be spent on generation, transmission and distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 4, 1974, file with the Federal Power Commission's rules of practice and procedures to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-5959 Filed 3-13-74;8:45 am]

## NOTICES

The synthetic gas to be purchased from Phillips is to be used for injection into Applicant's existing and planned underground storage facilities as cushion gas. Applicant will take delivery of the synthetic gas at a point near a synthetic gas manufacturing plant to be constructed by Phillips at its Borger, Texas refinery. The synthetic gas will then be transported approximately 15 miles by a 16-inch pipeline to be constructed by Applicant<sup>1</sup> for delivery into Applicant's existing pipeline in Hutchinson County by means of the proposed tap connection for which authorization is sought. Under the terms of the contract with Phillips, the base cost of the synthetic gas is \$1.50 per MMBTU, subject to indefinite escalations, which Applicant estimates have increased the cost to \$1.66 per MMBTU as of September 1, 1973. Applicant proposes to record the cost of the synthetic gas in its Account No. 117 for the recoverable portion of its cushion gas requirements and in Account No. 101 for the non-recoverable portion, for inclusion in Applicant's rate base in future proceedings.

In support of its application, Applicant states that it anticipates augmenting substantially its present storage inventory and capacity over the next several years. Beginning in 1974, Applicant plans to increase its storage inventory volume by 32.5 Bcf each year, which will require injection of additional cushion gas volumes of 18.6 Bcf annually. Applicant intends to satisfy this requirement with the synthetic gas volumes to be purchased from Phillips. Applicant contends that the need for development of storage facilities is intensified by the gas shortage, and that the Commission has recently recognized such need.

Petitions to intervene have been filed in this proceeding by Northern Indiana Public Service Co., Phillips Petroleum Co., Iowa Southern Utilities Co., Illinois Power Co., Iowa-Illinois Gas and Electric Co., The People's Gas Light and Coke Co., North Shore Gas Co., Northern Illinois Gas Co., Mississippi River Transmission Corp., and Laclede Gas Co. Formal hearing has been requested by Laclede Gas Co., which raised questions concerning the costs, as well as the reliability of supply and availability of feedstock. Having reviewed the petitions to intervene, we are convinced that the petitioners all have sufficient interest in this proceeding to warrant intervention. Accordingly, we shall grant intervention to all those who have so petitioned.

The Commission believes that the instant application raises issues which can best be resolved at a formal hearing, as requested by Laclede Gas Co. Among the issues to be considered at such hearing, which we shall herein schedule, is the proposed accounting procedure and resulting rate treatment that would result from the purchase of the synthetic gas. Specifically, the question arises as to whether the inclusion of the high-priced cushion gas in Applicant's rate base is

desirable and in the public interest. While no jurisdictional resale is apparently contemplated at this time as a part of the instant project, the effect of the proposed rate treatment may be to "roll in" the cost of the synthetic gas to be purchased from Phillips with the overall cost of the storage gas to be sold by the Applicant. The method of accounting, for the cushion gas therefore is an issue for resolution in this hearing. As part of the rate treatment issue, the effect on the public interest of the synthetic gas purchase contract, particularly with regards to the uncertainty of the volumes involved, the ultimate price of such gas, and the availability of it, as well as other aspects of supply, is also pertinent. Furthermore, the nature and economic reasonableness of the related transaction whereby Applicant will deliver natural gasoline to Phillips, in exchange for credit against sums due Phillips under the synthetic gas contract, must also be considered, together with any other exchanges or transactions connected to the synthetic gas volumes involved herein.

Additional related issues include the possible jurisdictional nature of and cost treatment for the additional storage and pipeline facilities contemplated by Applicant, the make-up of the additional volumes of gas necessary to fill Applicant's projected storage needs, the overall manner in which applicant's contemplated storage plan will be implemented, and the end use of the synthetic gas to be purchased from Phillips.

The Commission finds:

(1) It is necessary and appropriate that the instant application be set for hearing, for the proper resolution of the issues delineated above.

(2) It is desirable and in the public interest that the above-named petitioners be allowed to intervene in these proceedings in order that they may establish the law and the facts from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the proper administration of the Natural Gas Act.

The Commission orders:

(A) The above-named petitioners are permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The direct case of Natural Gas Pipeline Company of America and all intervenors in support thereof shall be filed and served on all parties on or before April 9, 1974.

(C) A formal hearing shall be convened in this proceeding in a hearing

<sup>1</sup> These facilities will be used to transport only synthetic gas and are, accordingly, non-jurisdictional.

room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on April 30, 1974, at 10 a.m. (d.s.t.). The Chief Administrative Law Judge shall designate an appropriate officer of the Commission to preside at the formal hearing of this matter, pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL]

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-5946 Filed 3-13-74;8:45 am]

[Docket No. RP73-110]

**NATURAL GAS PIPELINE COMPANY OF AMERICA**

**Notice Postponing Hearing**

MARCH 11, 1974.

On March 1, 1974, Staff Counsel filed a motion to extend the hearing date. The motion stated that the Administrative Law Judge Litt stated on the record that he would be unable to preside in this proceeding at that time.

Upon consideration, notice is hereby given that the hearing in the above matter is postponed to March 18, 1974, at 10 a.m. (e.d.t.) in a Hearing Room of the Federal Power Commission at 825 North Capitol Street NE., Washington, D.C.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-5958 Filed 3-13-74;8:45 am]

[Docket No. E-8465, et al]

**NEW YORK STATE ELECTRIC AND GAS CORP.**

**Further Extension of Time and Postponement of Prehearing Conference and Hearing**

MARCH 8, 1974.

On March 1, 1974, Staff Counsel filed a motion for a further extension of the procedural dates fixed by notice issued January 11, 1974, in the above-designated matter. The motion states that no party has any objection to this motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Testimony by Company, March 29, 1974.

Service of Testimony by Staff, May 3, 1974. (e.d.t.).

Service of Testimony by Intervenors, May 28, 1974.

Service of Company Rebuttal, June 11, 1974. Hearing, June 18, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-5964 Filed 3-13-74;8:45 am]

[Docket No. CP74-160]

**PACIFIC INDONESIA LNG CO.**

**Supplement to Application**

MARCH 11, 1974.

Take notice that on February 15, 1974, Pacific Indonesia LNG Co. (Applicant),

720 West Eighth Street, Los Angeles, California 90017, filed in Docket No. CP74-160 a supplement to its application, filed in said docket on November 30, 1973, pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing the importation of liquefied natural gas (LNG) into the United States from the Republic of Indonesia, to include the pricing provisions for the subject LNG omitted from the original application and to provide definitive agreements for the precedent agreements referred to in the original filing, all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

Applicant omitted from its original application pricing provisions in the Pertamina Contract at the request of Perusahaan Pertambangan Minyak Dan Gas Bumi Negra (Pertamina), the Indonesian seller of the gas, until Pertamina completed its negotiations which were then in progress with other parties for the sale of LNG. Applicant to include these now supplements its application of November 30, 1973, to include these omitted pricing provisions.

The supplement states that on September 6, 1973, Pacific Lighting International, S.A. (PLI), entered into the Pertamina Contract for the purchase of liquefied natural gas from Pertamina. The Pertamina Contract provides the following formula for calculation of the Contract Sales Price:

The Contract Sales Price applicable to the quantities of LNG to be delivered pursuant to this Contract, expressed in United States dollars per million Btu delivered FOB LNG ships at dockside Indonesian coast, shall be a price calculated four times each year, to become effective on the first days of January, April, July and October of each year and applicable to deliveries to take place during the respective three-month periods commencing on each such date (hereafter referred to as calendar quarters), in accordance with the following formula:

$$F = Po \times (1.020)^n \times B$$

in which:

P = the calculated Contract Sales Price, rounded to the fourth decimal place; Po = U.S. \$0.6300;

n = the whole number equal to 0 in the calendar year 1977, and which increases by one on January 1st of each calendar year thereafter;

B = the Currency Revaluation Factor.

provided, however, that the Contract Sales Price shall never be less than Po  $\times$  (1.020)<sup>n</sup> calculated as of the date of the first initial delivery, and the Contract Sales Price in effect in any calendar year shall never be more than  $1.25 \times Po \times (1.020)^n$ , regardless of the value of B at the time of calculation of the Contract Sales Price in that year.

The Currency Revaluation Factor B shall be one until the date of the first initial delivery, and thereafter shall be one plus the arithmetic average of the results obtained by applying the formula

C<sub>2</sub>  
— — 1  
C<sub>1</sub>

to each of the eleven following currencies:

Australian Dollar  
Belgian Franc  
British Pound  
Sterling  
Canadian Dollar  
French Franc  
German (Fed. Repub-  
lic) Mark  
Italian Lira  
Japanese Yen  
Netherlands Guilder  
Swedish Kroner  
Swiss Franc

in which:

C<sub>2</sub> = the commercial rate of exchange in effect on the date of the first initial delivery, for each of the currencies.

C<sub>1</sub> = the arithmetic average of the commercial rates of exchange in effect on the dates of determination of the applicable three-month period for each of the currencies.

The application states that concurrently with the subject Pertamina Contract Applicant entered into a liquefied natural gas shipping agreement with Pacific Lighting Marine Co. (PL Marine) and a natural gas sales agreement with Southern California Gas Co. (SoCal). On February 4, 1974, Applicant entered into an agreement with PLI relating to the sale and purchase of LNG in which PLI dedicates and commits to the performance of the subject agreement quantities of LNG equivalent to such quantities that Pertamina is obligated to sell and deliver to PLI pursuant to the Pertamina Contract.

Under the terms of this latter agreement in consideration for the LNG to be sold and delivered thereunder and for services rendered by PLI in connection therewith, Applicant agrees to pay to PLI an LNG Sales Price consisting of the sum of the following:

(1) All amounts which PLI has paid to Pertamina pursuant to invoices under the Pertamina Contract and all amounts billed but not paid pursuant to such invoices at the time of PLI's invoices to Applicant under the subject agreement;

(2) Chargeable costs and expenditures to include the total actual costs and expenditures incurred or accrued in connection with the performance by PLI of its obligations under this agreement and the Pertamina Contract;

(3) Return on working capital which shall be an annual after tax return on the working capital allowance provided in the subject agreement calculated at a rate equivalent to the annual rate of return on equity set forth in Applicant's rate schedule, but in any event not less than fifteen percent per year;

(4) Accruals and deferrals for the items listed in the subject agreement which shall be adjusted to reflect the actual amounts thereof when conclusively determined; and

(5) Credits for payments received from others attributable to PLI's performance of the subject agreement and the Pertamina Contract.

The supplement states further that in the event that capital costs other than for ships, which are not presently contemplated by the parties, are required to be incurred by PLI in the performance of the agreement with PLI and the Pertamina Contract, there shall be added to the above items a capital cost rate covering return, depreciation and amortization, income tax on such return chargeable at the ongoing statutory rate for corporate income tax, and other capital related expenses and charges, if any, calculated pursuant to the methods then being applied and at the rate of return set forth in Applicant's rate schedule, but in any event such return shall include an after tax return on equity of not less than fifteen percent per year. Charges for transportation in any ships provided in accordance with Article 6 of the subject agreement shall, however, not be included in the LNG sales price, but shall be invoiced and accounted for in a separate shipping rate.

Applicant, additionally, supplements its application, in which reference was made to certain precedent agreements between Applicant and PL Marine and SoCal, with definitive agreements. In this regard Applicant has included definitive agreements both dated February 4, 1974, between Applicant and PL Marine, from whom Applicant will obtain ships for the transportation of the subject LNG from Indonesia to the United States and between Applicant and SoCal, to which Applicant will sell natural gas derived from said LNG.

Any person desiring to be heard or to make any protest with reference to said supplement should on or before April 1, 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. Persons who have heretofore filed protests and petitions to intervene need not file again.

KENNETH F. PLUMB,  
Secretary.

[FIR Doc.74-5957 Filed 3-13-74 8:45 am]

[Docket No. RP71-119, RP74-31-20]

PANHANDLE EASTERN PIPE LINE CO.

Petition for Extraordinary Relief

MARCH 8, 1974.

By order issued November 6, 1973, in Docket No. RP71-119, we accepted and made effective as of November 1, 1973,

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revised tariff sheets tendered by Panhandle Eastern Pipe Line Co. (Panhandle). Those revised tariff sheets contain Panhandle's proposed curtailment plan which conformed to the curtailment procedures contained in the Commission's Statement of Policy, issued in Docket No. R-469, Order No. 467-B.

Numerous petitions for extraordinary relief have been filed by Panhandle's customers. The Commission by order issued on December 13, 1973, in Docket Nos. RP74-31-1, et al. granted temporary extraordinary relief to many of the petitioners alleging that irreparable injury would ensue unless immediate relief was granted.

Take notice that on March 4, 1974, Anchor Hocking Corp. ("Anchor Hocking"), whose principal offices are located at 109 North Broad Street, Lancaster, Ohio 43130 (Attention: Mr. Robert H. Seeley, Assistant General Counsel), filed a petition for permanent, extraordinary relief through October 31, 1974, from natural gas curtailments imposed under the 467-B curtailment plan of Panhandle Eastern Pipe Line Co. ("Panhandle") at Anchor Hocking's Winchester, Indiana plant. Anchor Hocking, a direct sale customer of Panhandle, states that due to the fact that natural gas is the only form of fuel that can be utilized in its feeders and lehrs without which these processes must be shut down and, further, due to the Federal Government's regulations allocating petroleum supplies, it will not be able to obtain fuel oil as an alternative fuel in sufficient quantities to maintain operation of those manufacturing processes that are capable of using oil as alternative fuel. Anchor Hocking states that unless relief is granted, it will be forced to shut down two thirds of its operations in February and totally shut down in March or April 1974, with substantial irreparable injury to its employees, itself and the public unless relief is granted then.

Accordingly, Anchor Hocking has moved for immediate, temporary relief pending Commission action on its request for permanent relief. Anchor Hocking has pledged itself to exercise due diligence to obtain oil supplies and to use oil as an alternative fuel to the fullest extent possible.

Anchor Hocking seeks a total of up to 1,109,990 Mcf of gas from Panhandle during the months of February through October 1974 in order to continue operations and avoid irreparable injury.

Anchor Hocking states that such volumes are within the 6,000 Mcf per day specified as Panhandle's maximum delivery obligation under the contract between Panhandle and Anchor Hocking.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said petition 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) on or before March 18, 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 in accordance with the Commission's rules. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-5968 Filed 3-13-74; 8:45 am]

[Docket Nos. CI74-264 and CI74-408]

**PENNZOIL CO. AND ANADARKO PRODUCTION CO.**

**Order Consolidating Proceedings, Providing for Interventions and Testimony in Support Thereof, and Amending Date of Issuance of Initial Decision; Correction**

FEBRUARY 28, 1974.

In the order consolidating proceedings, providing for interventions and testimony in support thereof, and amending date for issuance of initial decision, issued February 25, 1974, and published in the **FEDERAL REGISTER** March 5, 1974, 39 FR 8385;

Page 8385, Paragraph (B), Line 4: Add the word "with" after the word "file".

Page 8386, Paragraph H: Change Paragraph H to read as follows:

(H) The Administrative Law Judge's decision shall be rendered on or before May 10, 1974. All briefs on exceptions shall be due on or before May 17, 1974, and replies thereto shall be due on or before May 24, 1974.

MARY B. KIDD,  
Acting Secretary.

[FR Doc. 74-5944 Filed 3-13-74; 8:45 am]

[Docket No. CP74-94]

**UNITED GAS PIPE LINE COMPANY, ET AL.**

**Order Joining Necessary Party as Additional Respondent**

MARCH 5, 1974.

On November 27, 1973, a show cause order was issued in the above-captioned proceeding. The order was predicated upon a complaint filed by United Gas Pipe Line Co. (United) against Billy J. McCombs, R. James Stillings, d/b/a Gastill Co., David A. Onsguard, Basin Petroleum Corp. (McCombs Group), Louis H. Haring, Jr. (Haring), National Exploration Co. (NEC) and E. I. du Pont D'Neumours & Co. (du Pont). United alleged that the above-named producer groups, denominated as Respondents herein, had refused to deliver volumes of gas dedicated to United and the interstate market under a certificate of public convenience and necessity issued in Docket No. G-12694.

On February 8, 1974, United filed a petition, styled Petition To Add Additional

Respondent, alleging that since the filing of its complaint, United has learned that Bill Forney, operator for the McCombs Group, has a working interest in the lease which is the subject of this proceeding. So too has Commission Staff filed on February 12, 1974, a motion to join Mr. Forney as a necessary party respondent. Both United and Staff argue that in the event this Commission determines that the gas in question was earlier dedicated to United and the interstate market, as alleged, that Mr. Forney, as operator for, and a member of the McCombs Group, would necessarily have to be included in any order requiring delivery to United of the instant gas. As Staff concludes, it seems that "Mr. Forney, then, having privity with, and a real interest in the pending controversy, is a legally indispensable party . . .".

We note that no party has filed an answer in opposition to the applications for joinder. In this same connection, it has been pointed out by United and Staff that Mr. Forney has already submitted testimony on behalf of the McCombs Group so that his joinder will not necessitate a delay in the hearing schedule, now concluded, or result in disadvantage to the McCombs position.

The Commission finds:

Inasmuch as Bill Forney's participation is necessary to a complete determination of the pending controversy and that his joinder as a necessary party will not result in prejudice to any party, good cause exists to join Mr. Forney as a respondent to the show cause order and proceeding herein.

The Commission orders:

That Bill Forney be, and hereby is, joined as a party respondent to the above-captioned proceeding and all orders of this Commission herein are made applicable to him as operator for, and member of the McCombs Group.

By the Commission.

[SEAL]

MARY B. KIDD,  
Acting Secretary.

[FR Doc. 74-5947 Filed 3-13-74; 8:45 am]

**NATIONAL GAS SURVEY COORDINATING COMMITTEE**

**Order Designating a Member**

MARCH 11, 1974.

By orders issued May 10, 1971, April 16, 1973, and December 28, 1973, the Federal Power Commission established and renewed the Coordinating Committee of the National Gas Survey.

1. Membership. A new member to the Coordinating Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

G. Patrick Sanders, Jr., General Engineer, Systems Operations Division, Bureau of Natural Gas, Federal Power Commission.

Mr. Sanders is to fill the position vacated by the resignation of Mr. Charles

A. Gallagher, Federal Power Commission, from this Committee.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-5949 Filed 3-13-74; 8:45 am]

#### NATIONAL GAS SURVEY COORDINATING COMMITTEE

##### Order Designating Secretary

MARCH 11, 1974.

By orders issued May 10, 1971, April 16, 1973, and December 28, 1973, the Federal Power Commission established and renewed the Coordinating Committee of the National Gas Survey.

1. Secretary. A new Secretary to the Coordinating Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Russell B. Mamone, Trial Attorney, Office of the General Counsel, Federal Power Commission.

Mr. Mamone will fill the position vacated by the resignation of Mrs. D. Jane Nix, Federal Power Commission, from this Committee.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-5950 Filed 3-13-74; 8:45 am]

#### NATIONAL GAS SURVEY COORDINATING TASK FORCE

##### Order Designating Coordinating Representative

MARCH 11, 1974.

By orders issued December 21, 1971, and December 28, 1973, the Federal Power Commission established and renewed the Coordinating Committee Task Force of the National Gas Survey.

1. FPC Survey Coordinating Representative. The new FPC Survey Coordinating Representative to the Coordinating Task Force, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

G. Patrick Sanders, Jr., General Engineer, Systems Operations Division, Bureau of Natural Gas, Federal Power Commission.

Mr. Sanders is to fill the position vacated by the resignation of Mr. Charles A. Gallagher, Federal Power Commission, from this Task Force.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-5954 Filed 3-13-74; 8:45 am]

#### NATIONAL GAS SURVEY DISTRIBUTION TECHNICAL ADVISORY TASK FORCES

##### Order Designating Survey Coordinating Representative and Secretary

MARCH 11, 1974.

By orders issued December 21, 1971, and May 25, 1971, the Federal Power

Commission established the above Distribution Technical Advisory Task Forces of the National Gas Survey and by order issued December 28, 1973, it renewed the Distribution-TATF-General.

1. FPC Survey Coordinating Representative and Secretary. A new FPC Survey Coordinating Representative and Secretary to the Distribution-Technical Advisory Task Forces-General, Facilities, Finance and Regulation and Legislation, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

G. Patrick Sanders, Jr., General Engineer, Systems Operations Division, Bureau of Natural Gas, Federal Power Commission.

Mr. Sanders is to fill the positions on the Distribution-Technical Advisory Task Forces vacated by the resignation of Mr. Charles A. Gallagher, Federal Power Commission, from the above Task Forces.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-5953 Filed 3-13-74; 8:45 am]

#### NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEES

##### Order Designating Additional Members

MARCH 11, 1974.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committees.

2. Membership. Additional members of the Technical Advisory Committees, as selected by the Chairman of the Commission, with the approval of the Commission, are as follows:

TECHNICAL ADVISORY COMMITTEE ON FUELS  
Mr. Duke R. Ligon, Assistant Administrator, Federal Energy Office.

TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY  
Mr. Eric Zausner, Assistant Administrator, Federal Energy Office.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-5952 Filed 3-13-74; 8:45 am]

#### NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEE—DISTRIBUTION

##### Order Designating Coordinating Representative and Secretary

MARCH 11, 1974.

By orders issued April 6, 1971, February 23, 1973, and December 28, 1973, the Federal Power Commission established and renewed the Technical Advisory Committee—Distribution of the National Gas Survey.

1. FPC Survey Coordinating Representative and Secretary. A new FPC Survey Coordinating Representative and Secretary to the Technical Advisory Committee—Distribution, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

G. Patrick Sanders, Jr., General Engineer, Systems Operations Division, Bureau of Natural Gas, Federal Power Commission.

Mr. Sanders is to fill the position on the Technical Advisory Committee—Distribution vacated by the resignation of Mr. Charles A. Gallagher, Federal Power Commission, from the above Committee.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-5955 Filed 3-13-74; 8:45 am]

#### NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FUELS

##### Order Designating Additional Member

MARCH 11, 1974.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committees.

2. Membership. An additional member of the Technical Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Mr. C. Howard Hardesty, Jr., Executive Vice President, Continental Oil Company.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-5951 Filed 3-13-74; 8:45 am]

#### FEDERAL RESERVE SYSTEM COMMUNITY BANCORPORATION

##### Order Approving Formation of Bank Holding Company

Community Bancorporation, Columbus, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 83.55 per cent of the voting shares of Community National Bank, Mount Gilead, Ohio ("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, a nonoperating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank, Bank (\$10.3 million in deposits) is the smaller of two banks in Morrow County, Ohio, and controls approximately 30.6 per cent of the total deposits held by commercial banks in the county.<sup>1</sup> Upon acquisition of Bank, Applicant would control 0.03 per cent of total commercial bank deposits in the State. Since the purpose of the proposed transaction is essentially a reorganization to effect a transfer of the ownership of Bank from individuals to a corporation owned by

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the same individuals, consummation of the proposal would not eliminate any existing competition, nor would it appear to have any adverse effects on other banks or on the development of future competition in the relevant area. Therefore, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant are dependent upon those of Bank. The financial and managerial resources and future prospects of Bank are regarded as generally satisfactory. Considerations relating to the banking factors are consistent with approval of the application. Although consummation of the transaction would have no immediate effect on area banking needs, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be consistent with 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 made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,<sup>2</sup> effective March 6, 1974.

[SEAL]

CHESTER B. FELDBERG,  
*Secretary of the Board.*

<sup>2</sup> Voting for this action: Vice Chairman Mitchell and Governor Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns and Governor Daane.

[FR Doc. 74-5870 Filed 3-13-74; 8:45 am]

Board of Governors of the Federal Reserve System, March 6, 1974.

THEODORE E. ALLISON,  
*Assistant Secretary of the Board.*  
[FR Doc. 74-5872 Filed 3-13-74; 8:45 am]

**FORT WORTH NATIONAL CORP.**  
**Order Approving Acquisition of Bank**

The Fort Worth National Corporation, Fort Worth, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire all of the voting shares of Southern National Corporation ("Corporation"), Houston, Texas, which in turn owns 100 percent, less directors' qualifying shares, of the voting shares of Southern National Bank of Houston ("Bank"), Houston, Texas.<sup>1</sup> Applicant plans to dissolve Corporation after consummation of this transaction and will thus directly own voting shares of 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 nine banks<sup>2</sup> with aggregate deposits of \$941.7 million, representing slightly less than 3 percent of total deposits in commercial banks in Texas.<sup>3</sup> In addition, Applicant controls between 5 and 25 percent of three other banks having aggregate deposits of \$86 million. Acquisition of Bank (deposits of \$129 million) would add less than one-half of 1 percent to Applicant's control of the total deposits in commercial banks in Texas and would not represent a significant increase in the concentration of banking resources in the State.

Bank is the eleventh largest commercial bank in the Houston SMSA and controls about 1.5 percent of the total deposits in commercial banks in the relevant banking market.<sup>4</sup> There is no substantial existing competition between

<sup>1</sup> Corporation also owns less than 5 percent of two other corporations, and such interests are eligible for retention by Applicant on the basis of § 4(e) (6) of the Act, which permits a bank holding company to own 5 percent or less of the voting shares of any company.

<sup>2</sup> Bank of Fort Worth, Riverside State Bank, and Tarrant State Bank, all located in Fort Worth, are deemed subsidiaries of Applicant for purposes of the Bank Holding Company Act by virtue of Applicant's fiduciary holdings in said banks and § 2(a) (5) (a) of the Act.

<sup>3</sup> All banking data are as of June 30, 1973, and represent bank holding company formations and acquisitions approved through January 31, 1974.

<sup>4</sup> The relevant banking market is approximated by the Houston SMSA.

any of Applicant's banking subsidiaries and Bank in view of the fact that the closest banking subsidiary of Applicant to Bank is located approximately 260 miles from Bank. Moreover, due to the distances involved and Texas branching laws, among other factors, there is also no reasonable probability of substantial future competition developing between Applicant's present banking subsidiaries and Bank. While Applicant could enter the relevant market through *de novo* entry, Bank does not appear to be a substantial competitor in the relevant market, and the amount of potential competition that would be foreclosed by its acquisition by Applicant is not regarded as being significant. On the other hand, Applicant's acquisition of Bank could enhance competition in the market by enabling Bank to be a more effective competitor to the large banking organizations operating in the market.

Applicant does have a nonbanking subsidiary, Foster Financial Corporation, Fort Worth, Texas ("Foster"), which is engaged to some extent in the mortgage banking business in the Houston SMSA where Bank also engages in making mortgage loans. However, both Foster and Bank are only minor factors in the mortgage banking markets in the Houston area, and there would be only a slight effect on competition through Applicant's acquisition of Bank.<sup>5</sup> On the basis of these factors and other facts of record, the Board concludes that competitive considerations relating to this application are consistent with approval.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank appear to be generally satisfactory particularly in view of Applicant's commitment to increase the capital of Bank and several of Applicant's other subsidiary banks. These considerations, therefore, lend weight in support of approval of the application. Considerations relating to the convenience and needs of the community to be served also support approval of the application in that Applicant proposes to improve the quality of Bank's services by reducing service charges on checking accounts and providing new drive-in facilities. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

Applicant directly owns two nonbanking subsidiaries that were acquired between June 30, 1968, and December 31, 1970. One of these is Foster, which engages in the mortgage banking business. The other is Foster Insurance Managers, Inc., Fort Worth, Texas, a fire and cas-

<sup>5</sup> Applicant, in connection with the Board's approval on March 30, 1973, of the application to acquire Exchange Bank & Trust Company, Dallas, Texas, committed itself to terminate by March 30, 1975, Foster's land development activities and those of Foster's subsidiary, Westcliff Company. (See 38 FR 8694, April 5, 1973.)

<sup>1</sup> Banking data are as of June 30, 1973.

uity insurance agency. In approving this application, the Board finds that there is no evidence in the record to indicate that the combination of an additional subsidiary bank with Applicant's existing nonbanking subsidiaries is likely to have adverse effects on the public interest at the present time. However, Applicant's nonbanking activities remain subject to Board review, and the Board retains the authority to require Applicant to modify or terminate its nonbanking activities or holdings if the Board at any time determines that the combination of Applicant's banking and nonbanking activities is likely to have adverse effects on the public interest.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be executed (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,  
effective March 6, 1974.

[SEAL] **CHESTER B. FELBERG,**  
*Secretary of the Board.*

[FR Doc.74-5869 Filed 3-13-74;8:45 am]

#### OLD KENT FINANCIAL CORP.

#### Order Denying Merger of Bank Holding Companies

Old Kent Financial Corporation, Grand Rapids, Michigan (Old Kent), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with Century Financial Corporation of Michigan, Saginaw, Michigan (Century Financial), under the charter and title of Old Kent.

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)).

Old Kent controls four banks with aggregate deposits of \$774.7 million, representing 3 percent of deposits held by commercial banks in Michigan, and is the sixth largest banking organization in the State.<sup>1</sup> Century Financial is the sixteenth largest banking organization in the State and controls one bank with de-

posits of about \$240 million, representing 0.9 percent of deposits in commercial banks in the State. Upon consummation of the proposed merger, Old Kent would control 3.9 percent of total commercial bank deposits in the State and would rank as the fifth largest banking organization in Michigan.

Old Kent's lead bank, Old Kent Bank and Trust Company (deposits of \$647.3 million) is the largest banking organization in the Grand Rapids banking market, with 49.3 percent of total market deposits, and is more than twice the size of the second largest banking organization which controls 22.6 percent of deposits in that market.<sup>2</sup> In the past year Old Kent has shown an interest in expanding into other banking markets in the State. In August, Old Kent consummated a proposed acquisition of a bank in Cadillac, Michigan,<sup>3</sup> and has recently consummated significant acquisitions in the Holland and Fremont banking markets as well.<sup>4</sup> It seems likely that this organization, one of the major bank holding companies in Michigan, will continue an aggressive policy of expansion by reason of its capability and incentive to enter those banking markets in Michigan which appear most attractive.

Century Financial's sole subsidiary bank, the Second National Bank of Saginaw (Bank),<sup>5</sup> is the largest of six banking organizations in the Saginaw banking market, with 49.9 percent of total market deposits. Bank is nearly twice as large as the next largest bank in its market. In terms of IPC demand deposits in accounts under \$20,000 Bank controls 54.1 percent of market deposits; and in terms of IPC deposits in accounts over \$100,000 Bank controls 61.4 percent of the market total (see Table 1, attached). The market is highly concentrated, with the two largest banking organizations controlling 78.4 percent of market deposits. The second largest banking organization in the market is currently limited to one office and is prohibited

<sup>1</sup> Banking data for the Grand Rapids and Saginaw banking markets are as of June 30, 1972.

<sup>2</sup> See Board's Order dated June 27, 1973, approving the application of Old Kent Financial Corporation, Grand Rapids, Michigan, to acquire the First National Bank of Cadillac, Cadillac, Michigan.

<sup>3</sup> See Board's Order dated October 12, 1973, approving the application of Old Kent Financial Corporation, Grand Rapids, Michigan, to acquire the successor by merger to The Peoples State Bank of Holland, Holland, Michigan. An application by Old Kent Financial Corporation, Grand Rapids, Michigan, to acquire Fremont Bank and Trust, Fremont, Michigan, was approved by the Reserve Bank of Chicago on September 12, 1973, acting under delegated authority.

<sup>4</sup> Century Financial became a bank holding company on January 22, 1973, through the acquisition of Bank. Century Financial has not engaged in any activities other than the operation and control of Bank; therefore, the significance of this proposed merger is the acquisition of all the voting shares (less directors' qualifying shares) of Bank.

from further branching,<sup>6</sup> and the remaining four banking organizations control deposits ranging from 2.8 to 8.7 percent of total market deposits. Acquisition of Bank by Old Kent through the proposed merger would tend to solidify Bank's leading position in the Saginaw banking market. On the other hand, there is a probability that a trend towards deconcentration would result should Old Kent enter the Saginaw area either *de novo* or through the acquisition of a foothold bank. In the Board's judgment, a trend towards deconcentration would be in the public interest by offering the promise of more vigorous competition within the Saginaw market.

Applicant's recent record of expansion indicates that it may be viewed as one of the most likely entrants into the Saginaw banking market, one of the six major banking markets in Michigan.<sup>7</sup> This market is considered attractive for new entry relative to the other major markets. While the population of the City of Saginaw has decreased, the population of the market area increased approximately 14 percent for the period 1960-70, relative to a State increase of 13 percent. The deposits per banking office ratio is \$17.5 million relative to \$15.3 million for the State; and the population per banking office ratio is 7,480 relative to the ratio of 5,340 for the State. Furthermore, there would appear to be a number of smaller banks in the market that may be available for acquisition. On the basis of the facts of record, including the facts that the Saginaw banking market is concentrated, that Applicant is a likely potential entrant into the market, and that opportunities exist for *de novo* or foothold entry, the Board concludes that consummation of the proposed merger would have a substantially adverse effect on potential competition in the Saginaw banking market.

The Board is also concerned with the effect that consummation of this proposed merger would have in eliminating Century Financial as a large independent which, whenever its management becomes so inclined, would seem capable of anchoring a regional holding company system. As previously discussed, Old Kent is presently the largest banking organization in the Grand Rapids banking market and has control of a significant share of deposits in two other banking markets also located in western Michigan. Thus, in addition to eliminating Old Kent as a potential entrant into the Saginaw banking market, consummation

<sup>5</sup> The Board approved the acquisition of Valley National Bank, Saginaw, Michigan, by Michigan National Corporation, Bloomfield Hills, Michigan, on October 18, 1973. This acquisition would permit Michigan National to expand through *de novo* branching. However, consummation of the acquisition is enjoined pending the outcome of a suit filed by the Department of Justice.

<sup>6</sup> The six major banking markets in Michigan include the Grand Rapids, Saginaw, Detroit, Flint, Kalamazoo, and the Lansing banking markets.

<sup>7</sup> Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governor Daane.

<sup>1</sup> State banking data are as of June 30, 1973, and reflect holding company formations and acquisitions approved through December 31, 1973.

## NOTICES

of the proposed merger would present the additional adverse factor of eliminating Century Financial as a possible entrant into those areas in which Old Kent presently competes, or into those areas in which Old Kent is likely to expand in the future. Finally, such a market extension merger, as proposed here, will knit together banking organizations that are each dominant in their own local markets and further solidify each firm's position in a major market in Michigan.

On the basis of the foregoing and all other facts in the record, the Board concludes that consummation of Applicant's proposal would have substantially adverse effects on competition, and unless such anticompetitive effects are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the communities to be served, the application should be denied.

The financial condition and managerial resources and future prospects of Old Kent and its subsidiary banks appear satisfactory. The financial condition and managerial resources and future prospects of Century Financial and Bank are also considered satisfactory. Thus, banking factors are consistent with approval but provide no significant support for such action.

Old Kent proposes to assist Bank in agricultural lending, minority lending,

mortgage lending, international services, computer services and trust services. While these improved services lend some weight toward approval, most of these innovations may be expected to be made by Bank in any event, and the Board does not consider these convenience and needs considerations sufficient to outweigh the anticompetitive effects of the proposed merger. It is the Board's judgment that consummation of the proposed acquisition would not be in the public interest and that the application should be denied.

On the basis of the record,<sup>8</sup> the application is denied for the reasons summarized above.

By order of the Board of Governors,<sup>9</sup> effective March 5, 1974.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

<sup>8</sup> Dissenting Statements of Governors Mitchell and Sheehan filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

<sup>9</sup> Voting for this action: Chairman Burns and Governors Brimmer, Bucher and Holland. Voting against this action: Governors Mitchell and Sheehan. Absent and not voting: Governor Daane.

[Attachment]

TABLE 1.—Saginaw banking market<sup>1</sup>

[Dollars in millions]

Bank in market	Banking organization	Total deposits		IPC demand deposits \$20,000 or less		Total IPC deposits \$100,000 or over	
		Amount	Percent	Amount	Percent	Amount	Percent
1	Century Financial Corp., Saginaw	\$218.5	49.9	\$28.1	54.1	\$30.4	61.4
2	Michigan National Corp., <sup>2</sup> Lansing	124.5	28.5	10.4	20.0	16.4	33.1
3	Frankenmuth State Bank, Frankenmuth	37.9	8.7	4.5	8.7	2.2	4.4
4	Valley National Bank, Saginaw	30.4	6.9	4.2	8.1	.2	.4
5	First State Bank, Saginaw	14.2	3.2	2.9	5.6	.3	.6
6	Community State Bank, St. Charles	12.1	2.8	1.8	3.5	0	0
	Total	437.6	100.0	51.9	100.0	49.5	100.0

<sup>1</sup> Summary of deposits June 30, 1972.

<sup>2</sup> Total organization deposits \$2.2 billion.

[FR Doc. 74-5715 Filed 3-13-74; 8:45 am]

## INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

### IMPLEMENTATION OF SECTION 102 OF THE "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969"

#### Operational Procedures

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MARCH 5, 1974.

The National Environmental Policy Act of 1969 (NEPA or the Act) (Pub. L. 91-190), Executive Order 11514 (E.O. 11514) dated March 5, 1970, and the Guidelines of the Council on Environmental Quality (CEQ or Council) dated August 1, 1973, provide that environmental considerations are to be given careful attention and appropriate weight in every recommendation or report on proposals for legislation and for other major Federal actions significantly affecting the quality of the human environment.

1. *Purpose and scope.* This manual provides general policies, procedures and guidance required by section 102 of the NEPA to:

- Identify actions requiring environmental impact statements;
- Obtain information and internal United States Section review required for the preparation of environmental statements;
- Designate the official(s) who are to be responsible for preparation, review and approval of the statements;

(d) Consult with and take into account the comments of appropriate Federal, State and local agencies, as well as interested individuals, associations, and groups.

(e) Meet requirements for providing timely public information on proposals for legislation and for other major actions having a potential significant adverse effect on the human environment.

2. *Applicability.* This manual applies to all elements of this section concerned with the investigation, planning, development, construction and management of projects (including leasing and licensing of land and issuing of permits in regard thereto) or activities that affect ecological systems and the human environment.

#### 3. References.

(a) Environmental Control—Message from the President (H. Doc. No. 91-225); Congressional Record, February 10, 1970, pp. H-743-748.

(b) Budget Message of the President, 1971; Congressional Record, February 2, 1970; see pages S-968, S-970, and S-973.

(c) The State of the Union Address by the President (H. Doc. No. 91-226); Congressional Record, January 22, 1970; pp. H-186-188.

(d) Executive Order No. 11752; Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities, December 17, 1973; 38 FR 34793 (December 19, 1973)—(supersedes Executive Order No. 11507 of February 4, 1970).

(e) Executive Order 11514; Protection and Enhancement of Environmental Quality, March 5, 1970; 35 FR 4247 (March 7, 1970).

(f) National Environmental Policy Act of 1969 (Pub. L. 91-190).

(g) Water Quality Improvement Act of 1970 (Pub. L. 91-224).

(h) Section 309 of the Clean Air Act Amendments of 1970 (Pub. L. 91-604).

(i) Freedom of Information Act (5 U.S.C. 552).

(j) National Historic Preservation Act of 1966 (Pub. L. 89-665).

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(k) Guidelines of the Council on Environmental Quality, August 1, 1973 (38 FR 20550-20562).

(l) Bulletin No. 71-3, August 31, 1970, Executive Office of the President, Office of Management and Budget.

(m) Circular No. A-95, dated June 15, 1970, and all revisions thereto, Executive Office of the President, Office of Management and Budget.

(n) Memo entitled "Federal Agencies with jurisdiction by law or special expertise to make comments with respect to various types of environmental impact of proposed actions," dated July 29, 1970, by Timothy Atkeson, General Counsel, Council on Environmental Quality.

(o) Memo entitled "Environmental impact statements prepared by the International Boundary and Water Commission," dated April 21, 1971, by Timothy Atkeson, General Counsel, Council on Environmental Quality.

(p) Memo entitled "Revision of agency procedures for preparation of Environmental Impact Statements," dated August 2, 1973, by Russell E. Train, Chairman, Council on Environmental Quality.

(q) Department of State Final Procedures for Compliance with Federal Environmental Statutes, 37 FR 19167 (Sept. 19, 1972).

(r) Forest Service NEPA procedures, 36 FR 23670 (1971).

(s) Water Resources Council "Principles and Standards for Planning Water and Related Resources," 36 FR 24778 (1973).

4. Requirements of the National Environmental Policy Act of 1969. Section 101 of the National Environmental Policy Act of 1969, hereinafter referred to as the Act or NEPA, establishes a broad Federal policy on environmental quality. Sec. 102 directs that policies, regulations, and public laws will be interpreted and administered to the fullest extent possible in accordance with the policies of the Act, and imposes upon all Federal agencies the requirement to—

(a) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment (sec. 102(2)(A)).

(b) Identify and develop methods and procedures which will give the environment appropriate consideration in decision making along with economic and technical considerations (sec. 102(2)(B)).

(c) Include with every recommendation, report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed environmental statement (sec. 102(2)(C)).

(d) Study, develop and describe appropriate alternatives (sec. 102(2)(D)).

(e) Recognize the worldwide and long-range character of environmental problems (sec. 102(2)(E)).

(f) Make available to States, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment (sec. 102(2)(F)).

(g) Initiate and utilize ecological information in the planning and develop-

ment of resources-oriented projects (sec. 102(2)(G)).

(h) Assist the Council on Environmental Quality (sec. 102(2)(H)).

Both section 102(2)(C), which requires a detailed five-point statement of environmental impact, and section 102(2)(D), which requires analysis of alternatives where unresolved conflicts occur, are interpreted to be applicable to feasibility reports and to requests for funds to initiate construction of previously authorized projects. Under certain conditions they are also applicable to continuing construction and maintenance projects and to the granting of leases, licenses and permits.

5. Policy. In formulating plans for construction, operation and maintenance, water resource development or management, impact on the environment will be fully considered from the very initiation of preauthorization planning. Early and continuing search in cooperation with appropriate local, State and Federal agencies, as well as interested individuals, associations and groups, will be undertaken to develop alternatives and measures which will enhance, protect and restore the quality of the environment, or, at least, minimize and mitigate unavoidable deleterious effects. Preparation of the five-point statement required by the Act will constitute an integral part of the preauthorization feasibility report process. The statement will serve as a summation of evaluations of the effects that alternative actions will have on the environment and as an explanation of the alternatives considered in arriving at the finally recommended plan. The preliminary environmental assessment, draft or final environmental statement and comments thereon, as appropriate to the status of the proposal, shall accompany the proposal through the agency review process.

6. Responsibility within the United States Section. (a) The Chief, Planning and Reports Section, Engineering Division, under the supervision of Principal Engineer, Supervising, is hereby designated as the responsible official within the meaning of Section 102 of the Act and is responsible for the implementation of the requirements of the Act as it relates to the making of environmental assessments and the preparation of and the processing of environmental statements. When appropriate to supplement work in evaluating the environmental impact of a proposed action, he will solicit information from within the United States Section, other Government agencies (Federal, State and local) with jurisdiction by law or special expertise with respect to any environmental impact involved, and interested individuals, associations or groups. He shall consult with the Special Legal Assistant concerning legislative actions covered by the Act and for interpretations of the Act, the Executive Orders and the Guidelines, and for advice on legal requirements for filing environmental impact statements and on legal requirements regarding their contents.

In the case of an agency or agencies acting as agent for the United States Section in the design and construction of a project (as distinguished from merely preparing an environmental statement for the Section's use) that agent will prepare, distribute and coordinate the review of the statement according to its established procedures. This includes transmittal to CEQ. However, the agent has the responsibility to confer with the United States Section and to keep it fully informed.

When uncertainty persists within the United States Section as to the requirement in a specific case for filing an environmental impact statement, the Special Legal Assistant will initiate consultations with the Office of Environmental Affairs, (SCI/EN—Department of State) and the Assistant Legal Adviser for Environmental Affairs (L/EN—Department of State) and follow through to a final determination. In every case where the United States Section determines that no environmental impact statement is required, it shall so inform SCI/EN.

(b) The Special Legal Assistant will be responsible for the publishing of the necessary notices in the *FEDERAL REGISTER* and shall act as coordinator of the United States Section's activities.

7. Procedure for preparation, planning, and coordination of the statement—(a) Preparation. Statements to be meaningful for review and decision making shall utilize, along with any other points the responsible official deems appropriate, the following categories of criteria:

(1) Describe physical and environmental aspects sufficiently to permit evaluation and independent appraisal of the favorable and adverse environmental effects, including secondary impacts, of each proposal. They should be simple and concise, yet should include all pertinent facts. Length would depend upon the particular proposal and the nature of its impacts and the environmental setting.

(2) Be submitted as a separate document, not as an inclosure or appendix to other documents such as preauthorization studies or design memorandums. Such reports and design memorandums must contain adequate background information to support fully the conclusions and recommendations on environmental matters. The statements should not be construed as a further means for assisting or supporting project justification.

(3) Not be limited to ultimate conclusions, but should demonstrate that the United States Section has adequately considered the potential impact of the proposal and alternatives upon the environment. The statement should summarize information and cite sources of overall appraisals which are based upon judgments of complex matters (e.g., water quality by Environmental Protection Agency (EPA)). In most cases any activity that will significantly affect the quality of the following elements of the human environment will require an environmental statement:

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- (a) Rare and endangered species—plants or animals.
- (b) Formally classified areas, such as wilderness areas, primitive areas, wild and scenic rivers, national recreation areas, natural areas, scenic areas, historical areas, archeological areas, geological areas, and national trails.
- (c) Municipal watersheds.
- (d) Shorelines.
- (e) Open and green spaces.
- (f) Large unroaded areas.
- (g) Lakes.
- (h) Beaches and shores.
- (i) Scenic attractions, and other areas of natural beauty.
- (j) Wetlands and estuaries.
- (k) Adjacent national parks and monuments, wildlife refuges, or similar State and locally designated areas.
- (l) Free-flowing streams.
- (m) Air quality.
- (n) Water quality.
- (o) Key wildlife or fish areas.
- (p) Prescribed burning program, including roller chopping, rock raking, shearing, cabling, etc.
- (q) Rights-of-way permits for major transmission lines.
- (r) Major sewage treatment facilities.
- (s) Major acquisition or exchange.
- (t) Estuaries.
- (u) Biological resources.
- (v) Ecological systems.
- (w) Water supply.

A definitive list of activities requiring environmental statements cannot be specified. The above list is certainly not all-inclusive, nor will all plans and actions within the activities require statements. The responsible official must consider all available factors.

(4) In the final statement include and comment on the views of those opposing the proposal for environmental reasons, if any. The summarized views of agencies having environmental responsibilities, and with which the proposals have been coordinated, should be included.

(5) Include a full and objective appraisal of the environmental effects, good and bad, and of available alternatives. Where available, include the benefit to cost ratio of alternatives, or differences in annual costs. In no case will adverse effects, either real or potential, be ignored or slighted in an attempt to justify an action previously recommended. Similarly, care must be taken to avoid overstating favorable effects.

(6) Discuss the proposal's impact on environmental resources of regional significance (draw attention to national versus regional and local importance) whenever the impact extends beyond the immediate area.

(7) Discuss the significant relationships between the proposal and other developments (existing and authorized). For example, a statement on a project which would convert a free-flowing section of a stream into a reservoir should contain information on the amount of flowing and flat water available in the area. Draw attention to cumulative effects of many small actions, and the chain reactions or secondary effects of interrelated activities.

(8) Where possible, the statements should show an indication of the magni-

tude of the effect including short-term changes. This may include changes in flow in cfs for both peak and low-flow periods or changes in dissolved oxygen or temperature, which are key parameters for measuring water quality, and other factors vital to the ecology of the area, such as degree of ecosystem disturbance—both on site and off site effects.

(9) Include an appropriate summary. Regardless of the type of summary used within the Section for review purposes, when the statements (draft and final) are submitted to the Council, the Council's prescribed format for a summary shall be utilized.

(10) Discuss the probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish and marine life.

(11) Point out any probable adverse environmental effects which cannot be avoided.

(12) Review all reasonable alternatives to the proposed action, and the environmental impacts of each.

(13) Discuss the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(14) Comment on any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(15) Where appropriate, discuss problems and objections raised by other Federal, State, and local agencies and by interested individuals, associations and groups, in the review process and the disposition of issues involved.

(16) Contain a bibliography to assist readers and reviewers to determine the sources of information used.

(17) Discuss any existing State or Federal legislation, program, or study that concerns the study area or would have an effect upon it. Examples of such legislation and studies are those dealing with wild and scenic rivers, wilderness or wild areas, national recreation areas, estuaries, or preservation of natural areas and Fish and Wildlife coordination.

(18) Indicate that (a) the National Register of Historic Places has been consulted and that no National Register properties will be affected by the project or (b) a listing of the properties to be affected, an analysis of the nature of the effects, a discussion of the ways in which the effects were taken into account, and an account of steps taken to assure compliance with section 106 of the National Historic Preservation Act of 1966 (80 Stat. 915) in accordance with procedures of the Advisory Council on Historic Preservation as they appear in the *FEDERAL REGISTER*, February 20, 1971. In the case of properties under the control or jurisdiction of the United States Government, the statement should include a discussion of steps taken to comply with section 2(b) of Executive Order 11593 of May 13, 1971. The statement should contain evidence of contact with the State Liaison Officer for Historic Preservation

for the State involved and a copy of his comments concerning the effect of the undertaking upon historical and archeological resources.

(19) Develop uniqueness or rareness of resources.

(20) Draw attention to scope of anticipated public involvement and controversy anticipated.

The Guidelines dated August 1, 1973, of CEQ, Appendix A,<sup>1</sup> and the guidance contained in Appendix B, will be considered and utilized in preparing environmental statements, using the prescribed format or any revision thereto.

In each instance where it is determined, after the necessary investigation and assessment, that no environmental impact statement will be prepared by the United States Section, a memorandum will be prepared for United States Section files indicating the extent of the investigation and assessment conducted and the reasons for the determination that no impact statement will be prepared.

A list of such actions, along with a list of impact statements to be prepared, will be submitted to the Council not less than quarterly. The Council will publish such list in the *FEDERAL REGISTER*.

(b) *Planning relationships.* (1) In the development of new projects or proposals, the rationale of environmental statement and assessment of environmental considerations will be integrated into the planning process from the beginning. Preliminary identification and assessment of possible environmental impacts and effects will be integrated into the planning process from the beginning. Preliminary identification and assessment of possible environmental impacts and effects will be made and fully discussed at an early stage in the study. Even where it is clear from the start that a proposed action will not require an environmental impact statement, the results of that investigation will be an integral part of the decision making process. When kept current, such an environmental assessment can provide valuable assistance in the investigation and study process. The first meeting with the public should be scheduled early in the development stages so that the environmental "pulse" may be felt from the beginning. Agencies and conservation associations will be advised of the initiation of the investigation, and be requested to provide environmental information for the area.

The following actions will be taken early in an investigation:

(a) Data need will be determined initially and actions scheduled to obtain such information to have it available for use in environmental assessments.

(b) An initial preliminary environmental assessment, including assembly of data, will be made of the present envi-

<sup>1</sup> Filed as part of original document. See issue of Wednesday, August 1, 1973, 38 FR 20550. Effective date corrected on Tuesday, August 7, 1973, 38 FR 21265.

ronment of the area being considered, and of the effects of each reasonable alternative considered. This preliminary assessment will be updated as significant additional data become available or as additional alternatives are considered, and will be used as a planning reference.

(c) In the event preliminary planning studies indicate a possibility of a future major Federal action, a determination will be made of whether an environmental statement is warranted on the basis of the criteria described later herein.

(2) Environmental evaluations will be prepared and incorporated into the planning and review process as follows:

(a) In initial planning, the responsible officer will provide a preliminary environmental assessment to the appropriate staff officers for their use prior to their forwarding for review any intermediate study recommendations. This preliminary assessment shall accompany any such recommendation memoranda.

(b) As planning progresses, the environmental assessment shall be kept current, as appropriate, and revisions provided as in paragraph (a).

(c) Following a determination of the need for an environmental statement, and its preparation, the draft statement will be provided to the appropriate officers, together with copies of any substantive comments received, for consideration before completion of the proposal.

(d) The final environmental statement will be included with any staff recommendations made to the Principal Engineer, Supervising, together with a discussion, as appropriate of environmental effects of the proposal.

(e) All recommendations being transmitted to the Commissioner for action which may have a significant environmental effect, will be accompanied by the appropriate environmental information.

(3) Beginning with the formulation stage, all anticipated environmental impacts and effects of each solution under consideration will be identified and discussed. This may entail the preparation of an environmental memorandum. After consideration of all the preliminary factors, including those which may have been forthcoming as a result of the first meeting with the public, a second meeting with the public should be scheduled. Any environmental factors known to the United States Section should be summarized and made available prior to the meeting. This will generate a meaningful and thorough discussion during the meeting. Interested citizens and citizen groups must be informed of the fact a public meeting is scheduled so that their views may be considered.

By the time the late stage in the planning has been reached, the United States Section's environmental position should have been formulated. A third meeting with the public should be scheduled so that the environmental discussions regarding any proposal and alternatives will be specific and thorough insofar as the environmental impacts and effects are concerned.

A draft environmental impact statement will be made available at one of the

public meetings. The particular meeting will depend upon the stage of the preparation of the statement and the extent of the input received at the time a meeting is held.

(4) On projects which were recommended, authorized or under construction prior to the National Environmental Policy Act of 1969, the range of alternatives and the opportunity to study and evaluate them may be more limited. However, to the maximum extent feasible, alternative solutions and opportunities for environmental enhancement, preservation, and mitigation will be investigated prior to preparation of the statement. Regardless of the level at which formal coordination is to take place, the environmental impact of all reasonable alternatives will be carefully examined and evaluated in coordination with appropriate Federal, State and local agencies prior to preparing a recommendation or an environmental statement.

(5) As a "follow-up" the public will be informed of the general content of all statements before or at the time that the recommendation or report is furnished to the Council by publishing of an appropriate notice in the *FEDERAL REGISTER*, by public notice to all parties known to be interested, by press release, or by a combination of such means. In addition, prior to formulation of recommendations and preparation of the statement, in all cases where public hearings are held, there will be presented a notice of the hearing and at the hearing a discussion setting forth the information upon which a statement is based will be conducted. The discussion will include a listing of alternatives; the environmental impacts—positive or negative—associated with each fundamental alternative; the nature of environmental trade-off implied by various alternatives; including irretrievable commitments of each alternative; and the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity under the various alternatives. Whenever public announcement of recommendations or reports is made prior to submission of the statement to the Council, the announcement will contain an appropriate summary of the proposed statements and comments of other agencies. The draft statement may be provided interested agencies, groups and citizens. In certain cases, where critical and sensitive environmental effects and widespread public concern have been identified, a pre-announcement clearance to hold a public meeting will be requested. Requests will be supported by full recitation of the problems at issue with analysis of the pros and cons of the proposed and alternative courses of action.

Section 2(b) of Executive Order 11514 envisions use of public hearings wherever appropriate. Public hearings will be employed by the United States Section on any occasion where it is felt same will enable the taking of the "environmental pulse" unless it is determined that the requirements of carrying on interna-

tional relations, including the constraints of time and the posture of the United States in negotiation, do not allow such hearings to be carried out without prejudice to the national interest. The provisions of the Administrative Procedures Act do not apply to hearings involving "foreign affairs functions"; however, in each case where hearings are employed in accordance with this paragraph, a public notice of the hearing indicating the time and place of the hearing and the matters to be considered will be made available to the public at least fifteen days prior to the hearing. Chief, Planning and Reports, shall arrange for the hearing and the publication of the prescribed notice, and shall conduct the hearing. If such hearings cannot be carried out, arrangements should still be made, where practicable, for an expedited opportunity for members of the public to present their views orally.

(c) *Coordination of Statement.* Coordination of the statement with Federal, State and local agencies, as well as interested individuals, associations and groups, will be in accordance with existing policies and the following clarification:

(1) Coordination with responsible agencies will include transmittal of draft environmental statements for their review and comment. Upon receipt, agency comments will be reviewed and summarized in the statement. Copies of the agency comments will be included as an attachment to the statement when forwarded for further action. The agency comments and the views expressed should be no older than three calendar years for previously authorized projects. More recent coordination will be required if significant changes in the proposal or in the associated environment have occurred in the meantime, or if there have been changes in legislation or regulations which may affect an agency's views on a proposed project. Copies of the statement will be forwarded to the appropriate contact points listed in Appendix III, CEQ's Guidelines dated August 1, 1973, as well as to the field offices. The transmittal letter to field offices will advise that a statement has been furnished to the contact listed in Appendix III. Insofar as distribution of statements within a State is necessary, the clearing house established by Budget Circular No. A-95 dated June 15, 1970, or any revisions thereto, will be utilized.

(2) In the event environmental statements are being prepared on two or more units in the same area, the work on preparing statements will be scheduled and consolidated to result in one statement being transmitted to the Department and Council for all units in an area.

8. *Administrative action.* No administrative action—to the maximum extent practicable—is to be taken sooner than ninety (90) days after a draft environmental statement has been furnished to and received by the Council, circulated for comment, and, except where advance public disclosure will result in significantly increased cost of procurement to

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the Government, made available to the public pursuant to the Guidelines. Further, no administrative action should be taken sooner than thirty (30) days after the final text of an environmental statement (together with comments) has been received by the Council and made available to the public. In the event the final text of an environmental statement is filed within ninety (90) days after a draft statement has been circulated for comment, received by the Council and made public pursuant to this manual, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap. The time periods shall be computed from the date the Council on Environmental Quality publishes in the *FEDERAL REGISTER* that the statement has been received and is available for public comment.

9. *Criteria for determining whether a Federal project or activity will significantly affect the quality of the human environment.* The action must be (1) a "major" action, (2) which is a "Federal" action, (3) which involves the quality of the human environment—either by directly affecting human beings or by indirectly affecting human beings through adverse effects on the environment. The following criteria will be employed in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(1) Projects that are part of treaties and which significantly affect the quality of the human environment in the United States or in countries other than that in which the project is located.

(2) Recommendations or reports to the Congress on proposals for legislation affecting proposals to authorize projects.

(3) Recommendations or reports on proposals for authorization of projects except for emergency measures.

(4) Initiation of construction or land acquisition on projects which are not yet started for which funds have been appropriated or are provided by an Appropriation Act.

(5) Budget submissions requesting funds for the initiation of construction or real estate acquisition on authorized projects.

(6) Policy—and procedure making, especially proposed actions which are highly controversial.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated) and reasonable alternatives thereto (including those not within the authority of the United States Section). Such actions may be localized in their impact, but if there is potential that the quality of the human environment may be significantly affected, the statement is to be prepared. Proposed action, the environmental impact of which is likely to be highly controversial or unresolved conflicts concerning alternative use of

available resources exist, should be covered in all cases.

In considering what constitutes major action significantly affecting the quality of the human environment, United States Section personnel should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years put into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant effect on the quality of the human environment from the Federal action.

(c) Section 101(b) of the NEPA indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The NEPA also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment or serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

(d) Careful attention should be given to identifying and defining the purpose and scope of the action which would most appropriately serve as the subject of the statement. In many cases broad program statements will be required in order to assess the environmental effects of a number of individual actions on a given geographical area, or environmental impacts that are generic or common to a series of agency actions, or the overall impact of a large-scale program or chain of contemplated projects. Subsequent statements on major individual actions will be necessary where such actions have significant environmental impacts not adequately evaluated in the program statement. An assessment will be made to form the basis for determining whether a subsequent statement on a major individual action is necessary.

(e) Not every United States Section activity will be considered a major Federal action significantly affecting the quality of the human environment for the purposes of the Act. For example, the following general classes of actions ordinarily do not require the filing of an environmental impact statement:

(1) Participation in research or study projects.

(2) Mandatory actions required under any treaty or international agreement to which the United States is a party, or required by the decision of international organizations (including courts), authorities, or consultations in which the United States is a member or participant.

(3) Mapping and surveying activities.

(4) Stream gaging, routine hydrologic test drilling, well logging, aquifer response testing, and similar data gathering activities in connection with water resources investigations.

(5) Administrative procurements (e.g., general supplies).

(6) Contract for personal services.

(7) Legislative proposals originating in another agency.

10. *Use of statements in United States Section's review process; distribution to Council on Environmental Quality.*

(a) The principle to be applied is to obtain views of other agencies at the earliest possible time in the development of a program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed, an environmental statement should be provided.

(b) Ten (10) copies of draft environmental statements (when prepared) and ten (10) copies of the final text of environmental statements (together with all comments received thereon by the responsible agency from Federal, State and local agencies and from interested individuals, associations and groups) shall be supplied to the Council in the Executive Office of the President. (This will serve as making environmental statements available to the President.) Copies of the draft and final environmental impact statements will be provided, concurrent with their transmittal to CEQ, to appropriate Federal, State, and local agencies, associations and individuals. It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved.

11. *Availability of environmental statement and comments to public.* The United States Section, when it prepares the statement, is responsible for making such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C.A. 552).

A copy of the final environmental statement will be furnished to each agency, individual, or association providing substantive comments on the draft statement.

12. *Publication in the FEDERAL REGISTER.* Notices will be placed in the *FEDERAL REGISTER* when:

(a) The draft statement has been approved by the Commissioner and transmitted to CEQ.

(b) The final statement has been approved by the Commissioner and transmitted to CEQ.

(c) Comments are received after the final statement has been approved, transmitted to CEQ and publication regarding final statement has previously been published.

(d) Public meetings are held if deemed feasible.

The notice will contain sufficient information to inform those reading it of the location, purpose, nature and scope of a project, where copies of the statement may be obtained and where the meeting is to be held.

When comments are being sought by a publication, a time limit of not less than forty-five (45) days, beginning from the date CEQ publishes the availability of the statement in the *FEDERAL REGISTER*, may be established for local, State and Federal agencies to reply. The United States Section will, in all cases possible, allow private individuals sixty (60) days in which to comment. In cases where extensions of time are requested in which to comment, an endeavor will be made to comply with requests for extension of time up to fifteen (15) days. If no reply is received within the period allowed for comments, it will be presumed the agency consulted has no comments to make.

13. *Budget process.* The requirement of NEPA, Water Quality Improvement Act, Executive Order 11514, the Guidelines, and Office of Management and Budget Bulletin No. 72-6 shall be met through the United States Section's budget process to the maximum extent practicable. The following requirements of the budget process will be met:

(a) *Legislation.* This section is responsible for identifying those of its legislative proposals, or favorable reports on bills on which it is the principal agency concerned, that would require the preparation of the statements and receipt of the comments required under section 102 of the Act. When there is doubt as to which is the principal agency concerned, Special Legal Assistant shall consult with the Office of Management and Budget's Legislative Reference Division.

The proposed section 102(2)(C) statements and the required comments shall accompany legislative proposals and reports when these are sent to the Office of Management and Budget for clearance. Copies of this material shall have been previously furnished directly to the Council for its information. As a part of the normal clearance process, the Office of Management and Budget will circulate the proposed statements, along with the proposals or reports, to appropriate Federal agencies, and will consult with the Council. In certain cases, the clearance process may disclose the need for a section 102(2)(C) statement where none has been prepared. In this event, the Office of Management and Budget will request the United States Section to develop and submit such a statement.

After differences with other agencies over the legislative proposal or report have been resolved, and after the legisla-

tive proposal or report has been cleared by the Office of Management and Budget, the final statement and comments shall accompany the proposal or report to the Congress as supporting material.

(b) *Annual budget estimates.* In the event the United States Section has major program actions which significantly affect the quality of the human environment, annual budget estimates shall be accompanied by a special summary statement explaining generally the environmental impact expected to result from those activities and programs for which it is not possible to make an assessment of the potential impact on specific areas of the environment. Special summary statements shall include relevant information about general environmental impact and alternatives, and, to the extent possible, important environmental problems that may be caused by proposed actions but which still must be assessed as plans for programs and activities are further refined. The special summary statement shall also include, in the form illustrated in Appendix C, the following information by appropriation or fund account:

Column A—*Action, project, or activity.* Identify the agency actions and individual projects and activities and the amounts of funds involved, that are considered subject to section 102(2)(C). Where the action is a part of a larger activity, identify only the project or action subject to section 102(2)(C) and the amount involved.

Column B—*Final statement completed.* Check the appropriate category. If there are significant unresolved issues with other agencies, include a copy of the statement with the submission to the Office of Management and Budget.

Column C—*Statement being prepared.* Give the status (e.g., awaiting comments from interested agencies) and estimated completion date.

Agencies that prepare section 102(2)(C) statements for annual authorizing legislation shall submit the proposed section 102(2)(C) statements in lieu of a special summary statement required by paragraph (b) above, except that the information required for the special summary exhibit shall be submitted along with the proposed section 102(2)(C) statement. Copies of the special summary statement or proposed section 102(2)(C) statement (accompanied by information for the special summary exhibit) shall be furnished directly to the Council.

14. *Lease, License and Permit Applications.* As required by existing regulations, lease, license and permit applications will be coordinated with Federal, State and local agencies which are authorized to develop and enforce environmental standards, unless granting of the lease, license or permit could not significantly affect the quality of the human environment. Comments from such agencies or from the United States Section will be presented to the applicant who will be given the opportunity to modify his application so as to remove the cause, if any, for an agency's objection that there

will be a significant affect on the quality of the human environment.

In the event an applicant does not take action to remove an objection, the United States Section will prepare the statement required by section 102(2)(C) of NEPA. The applicant is required to carry out at his expense the necessary environmental assessment and investigation as may be required by the United States Section for use in preparation of the statement, in addition to any information the applicant may wish to furnish in order to demonstrate that granting of the lease, license or permit is in the public interest. A summary of the information on which the statement is based will be furnished to the public in the Notice of Public Hearing and at the hearing, if one be held.

The granting of the lease, license or permit is the "Federal action" which may require the statement. While applicant has the duty and responsibility to undertake the environmental assessment and investigation, the United States Section has primary and nondelegable responsibility for determining environmental impact of an action at every distinctive and comprehensive stage. The preparation of a statement by an applicant and the later adoption of same by the United States Section would be abdication by the United States Section of a significant part of its responsibility to determine environmental impact.

Failure of an applicant to furnish the requested information shall result in the denial of an application.

Leases, licenses or permits granted or approved by the United States Section will contain provisions to assure compliance with applicable air and water quality standards; to conserve and protect the environment; and to avoid, minimize or correct hazards to the public health and safety. The lessee, licensee or permittee will be required to provide adequate measures to avoid, control, minimize or correct erosion, contamination, or other abuses and damages to the environment within or without the premises under lease, license or permit that may result from or have been caused by operations conducted on the premises.

Farming and grazing operations shall be conducted in accordance with recognized principles of good practice, conservation, and prudent management. Land use stipulations or conservation plans to define such use and the measures necessary for the conservation, protection and control of the environment shall be incorporated in and made a part of the lease, license or permit.

Commercial and industrial developments shall be constructed and operations conducted on the premises under lease, license or permit to control and minimize environmental pollution and abuses so that the quality of the human environment will not be significantly affected. Leases, licenses and permits shall contain provisions for the lessee, licensee or permittee to submit, for advance approval, general and comprehensive plans of any proposed construction or

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developments for the use and conduct of operations as authorized for the premises prior to commencing any actual construction or development activities. Such plans, including architects' designs; construction specifications, machinery or equipment installation and operation or specifications for other operations or developments, shall provide measures necessary to protect, control or abate environmental pollution or abuses and avoid, minimize, or correct hazards to the public health and safety.

Other uses as authorized by leases, licenses or permits issued shall conform to the requirements and provisions formulated for each such use as adapted to local conditions and the environmental factors which are in need of protection and control measures.

Due to the nature of this Section's leasing, licensing and permit program, all factors are to be carefully considered before determining what is needed for the protection of the environment, conservation and land use requirements.

Applications involving power transmission lines will be prepared in accordance with Bureau of Land Management, Department of the Interior, regulations as published in Subchapter B, Subpart 2850 of Title 43 CFR § 2851.2-1(c)(6) or any revisions or amendments thereto. (Reference attached Appendix D<sup>2</sup>.)

15. *Operations at Construction Sites.* Some operations that contribute to pollution and noise at construction sites and therefore require close surveillance, are enumerated in the following list:

(a) *Air Pollution*

- (1) Burning
- (2) Earth moving operations (dust)
- (3) Sandblasting
- (4) Sprayed-on coatings
- (5) Soil stabilization operations (cement or lime)
- (6) Concrete mixing plant (dust)
- (7) Batch truck operation (dust)
- (8) Winter heating equipment (smoke and fumes)
- (9) Gunite operations (rebound)
- (10) Asphalt operations (dust—smoke-volatiles)

(b) *Water Pollution*

- (1) Solid wastes
- (2) Earth moving operations (runoff)
- (3) Clearing operations (erosion)
- (4) Core drilling and grouting operations (waste water)
- (5) Wellpoint system runoff (erosion)
- (6) Concrete operations:
  - (a) Aggregate washing
  - (b) Spillage
  - (c) Water curing
- (d) Washing of mixers and batch trucks

(c) *Noise*

- (1) Pile driving
- (2) Equipment noise
- (3) Drilling and blasting
- (4) Rock crushing

The construction engineer should ascertain that the contractor complies with:

- (1) The current applicable Federal regulations

<sup>2</sup> Filed as part of original document.

(ii) The current applicable local regulations

(iii) Methods and restrictions of operations that are contract, permit and license requirements.

On projects where regulations and contract requirements do not specifically outline procedures, the contractor's cooperation should be encouraged in an effort to run a clean and safe operation.

Appropriate provisions will be included in the contract specifications for the works to be performed requiring compliance with Federal, State and local pollution laws, regulations and rules. Examples of contract specifications are attached at Appendix E.

16. *Section 309 of the Clean Air Act Amendments of 1970.* Section 1500.3(a), 1500.9(b) and 1500.10(b) of the Council's Guidelines requires that, in addition to normal coordination procedures, the following rules apply to coordination with EPA:

(a) Comments of the Administrator or his designated representative will accompany each final statement on matters related to air or water quality, noise control, solid waste disposal, radiation criteria and standards, or other provisions relating to the authority of EPA.

(b) Copies of basic proposals (studies, proposed legislation, rules, leases, permits, etc.) will be furnished to EPA with each statement. For actions for which statements are not being prepared but which involve the authority of EPA, EPA will be informed that no statement will be prepared and that comments are requested on the proposal.

Upon circulation of draft statement to the EPA, comments shall be requested under both the NEPA and section 309 of the Clean Air Act.

17. *Exceptions.* The nature of negotiations and relations at the international level may make it necessary to depart in some instances from the procedures in the Guidelines. CEQ foresaw the need for such departures in its Guidelines 1500.4 and 1500.11(e). Exceptions applicable to the United States Section are set forth below.

(a) The statements which are written to comply with the Act should not normally include any classified or administratively controlled material, nor should they normally include statements with respect to positions other than the optimum position of the United States in any ensuing negotiation or discussion. Although environmental impact statements should, whenever possible, be unclassified and hence available to the public, there may be situations where such statements cannot adequately discuss environmental effects without disclosure of classified information. In these instances, the statement should be appropriately classified. Whenever possible, the classification should terminate on a specified date or upon the happening of a described event. Such statements, so long as they are classified, will not be made available to the public.

(b) Since final statements may not be available until the conclusion of nego-

tiations for an agreement or of a discussion, the 30-day time delay between submission of such a document and final Federal action set out in CEQ Guideline 1500.11(b) will not apply to actions taken in these situations. Every attempt will be made to comply with the 90-day period which Guideline 1500.11(b) requires between submission of the draft statement and final action. Where schedules of international conferences make this impossible, the United States Section will notify the CEQ as soon as possible of the circumstances, with the purpose of fulfilling the intent of the Act insofar as possible.

(c) In certain exceptional instances it may be necessary at times to reduce the 45-day period for agency comments set out in CEQ's Guidelines of August 1, 1973 at sec. 1500.11(e). When this is the case, all agencies to whom the draft statement has been sent will be informed by the United States Section of the reduced time period. The reduced time period must also be included in the public notice published in the *FEDERAL REGISTER*.

(d) Section 2(b) of Executive Order 11514 establishes requirements for providing public information on Federal actions and impact statements and envisions extensive use of public hearings. Public hearings will be employed by the United States Section only upon a determination by the United States Commissioner that the requirements of carrying on international relations, including the constraints of time and the posture of the United States in negotiation, allow such hearings to be carried out without prejudice to the national interests.

(e) In those instances wherein the draft and/or final statement is submitted to the Department (SCI/EN) for concurrence before distribution outside the United States Section, the Department has agreed to make its comments within thirty (30) days of receipt of a statement from the United States Section.

18. *Responsibility as a Commenting Agency.* The Chief, Planning and Reports, will review draft and final environmental statements submitted by other agencies and prepare a letter of comments for the Principal Engineer, Supervising. Such comments should be as specific, substantive and factual as possible without undue attention to matters of form in the statement. Emphasis should be placed on the assessment of the environmental impacts of the proposed action, including the international aspects and the acceptability of those impacts on the quality of the environment, particularly as contrasted with impacts of reasonable alternatives to the action. The agency may in its comments recommend modifications to the proposed action and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts. Our comments should indicate the environmental interrelationship of the proposed action to any of our existing projects, or those being planned. The comments may include the nature of any

monitoring of the environmental effects of the proposed project that appears particularly appropriate. If comments cannot be provided in the forty-five (45) day comment period, a request should be made for an extension of time, normally of fifteen (15) days. In the event there is a significant international factor to be considered, and completion of comments will require a longer extension of time, the request should explain the reason for the longer period.

19. *Effective date.* These procedures supersede any draft of proposed procedures which has been published in the **FEDERAL REGISTER** or circulated to other agencies (local, State or Federal), interested individuals, associations or groups. These procedures become effective upon the date of their publication in final form in the **FEDERAL REGISTER**.

FRANK P. FULLERTON,  
Special Legal Assistant.

#### APPENDIX B

##### PREPARATION OF ENVIRONMENTAL STATEMENTS

1. *General.* Preparation of environmental statements will be based on considerations discussed in the procedures to which this appendix forms a part, the Guidelines and the detailed guidance to follow. These directions are intended to assure consistency of effort in preparing statements and are not proposed to induce unthinking uniformity or limit flexibility when preparing statements. These statements have several levels of importance with reference to the decision-making process, United States Section relations with the public, and internal project planning activities. A careful, objective detailing of environmental impacts, alternatives, and implications of a proposed project should give reviewers both within and outside the United States Section insight into the particular trade-offs and commitments associated with the action. The general public, environmental agencies, and Congressional committees will all expect the statements to be a valid source of information on project effects, as well as a reflection of how this Section views environmental factors and seeks to accommodate them. Since the statements must be made available to the public and may receive broad exposure in the media, it can be assumed that they will receive careful scrutiny. Most importantly, preparation of the statements should cause systematic consideration of environmental impacts. An imaginative evaluation of alternatives and their implications should begin in the earliest stages of project formulation, with planners contemplating the criteria and range of information to be employed in preparation of final statements.

2. *Working papers.* In order to assure a comprehensive treatment of environmental concerns, a working document checklist of pertinent environmental elements should be compiled and periodically updated by the environmental planners. A discussion of these elements should establish their importance, placing emphasis on whether they are unique, endangered, old, popular, etc.—in essence, explore the ecological, aesthetic, cultural and other values which appear to make the elements environmentally significant. The manner in which economic considerations affect those values should also be discussed. For projects on which initial formulation has been completed, much of the information needed to characterize the elements may already be contained in existing

survey documents, design memorandum and project files. Conversely, the organization of working papers at an early stage in the planning process will assist in subsequent survey studies and post-authorization design. Planners should keep abreast of current literature and information sources to aid in compiling environmental data.

3. *Environmental Elements.* Logical categories and sample elements for the working papers follow.

(a) *Geological elements.* land forms (mountains, canyons), rock and mineral features, paleontologic items (fossils), structures (faults, synclines).

Related: soils, erosion, strip mined areas, caves.

(b) *Hydrological elements.* lakes, reservoirs, estuaries, rivers, streams, subsurface water, marshes, swamps, valley storage, springs, canals.

Related: turbidity, pollutants, aquifer recharge areas, surf.

(c) *Botanical elements.* trees, shrubs, aquatic plants, microflora. Related: seasonal colors, virgin forests.

(d) *Zoological elements.* mammals, birds, amphibians, fish, shellfish, microfauna. Related: migration routes, breeding characteristics.

(e) *Archeological/historical/cultural elements.* ruins, artifact sites, ghost towns, battlefields, cemeteries, festival sites, ethnic colonies.

(f) *Miscellaneous elements.* scientific areas, National Parks or forests, hunting clubs, wildlife refuges, contemporary human features (buildings, transportation systems).

It should be noted that the elements under the last two categories are relevant to the human environment and are not strictly environmental in nature. Their consideration is essential to assure treatment responsive to the full concern of the NEPA.

4. *Format.* Environmental statements will constitute a separate document from other United States Section papers. Statements will include a cover sheet and a summary statement and will be prepared on 8½ x 11 white paper (without letterhead), with clear black type. The cover sheet identifying the project will contain the following:

Date: \_\_\_\_\_

(Draft, Final) Environmental Statement

Official Project Name  
associated water feature, State

prepared by

United States Section,  
International Boundary and Water  
Commission, El Paso, Texas

5. *Content of Statement.* The body of environmental statements will contain, as a minimum, the following eight separate sections (and attachment containing coordination letters) with the length of each being adequate to identify and develop the required information.

(a) *Project description.* Describe the proposal by name, specific location, purposes, authorizing document (if applicable), current status, and benefit-cost ratio. Generally delineate the project purpose and what the plan of the proposal entails.

(b) *Environmental setting without the project.* Describe the area, the present level of economic development, existing land and water uses, and other environmental determinants. Discuss the environmental setting without focusing only on the immediate area at the risk of ignoring important regional aspects critical to the assessment of environmental impacts. It is possible and often desirable to treat the project setting in rela-

tion to river basins, watersheds or functional ecosystems. Discuss the interrelations of projects and alternatives proposed, under construction or in operation by any agency or organization.

(c) *The environmental impact of the proposed action.* (1) Identify environmental impacts viewed as changes or conversions of environmental elements which result from the direct and indirect consequences of the proposed action. Identification should include, and the statement should set forth: the relation of the proposed action to secondary environmental effects likely to result from the proposed action; and indication of what other interests and considerations of Federal policy, including international considerations, are thought to offset the proposed action's adverse environmental effects; and, where appropriate, alternative designs or details of their proposed actions which would significantly conserve energy. A thoughtful assessment of the environmental elements under both a "with" and "without the project" condition should aid in determining impacts. For example, the filling of a portion of the wetlands of an estuary would involve the obvious conversion of aquatic/marsh areas to terrestrial environments, the loss of wetland habitats and associated organisms, a gain in area for terrestrial organisms, a change in the nutrient regime of the runoff water entering that portion of the estuary, alteration of the hydrology of some given area, perhaps the introduction of buildings or roads, curtailment of certain commercial uses, disruption of water-based recreational pursuits, conversion of wildland aesthetics to less-pristine attributes, perhaps the removal of some portion of popular duck hunting grounds or unique bird nesting area, etc. Such impacts shall be detailed in a dispassionate manner to provide a basis for a meaningful treatment of the trade-offs involved. Quantitative estimates of losses or gains (e.g., areas of marshland, number of ducks nesting or harvested) will be set forth whenever practicable.

(2) Discuss both the beneficial and detrimental aspects of the environmental changes or conversions on both the national and international environment placing some relative value on the impacts described. A distinction should be observed here, whereby the *impacts* (changes) were initially detailed without making value judgments which at this point are discussed in terms of their *effects* (who or what is affected by the changes). Identify the recipient (environmental element, interest group, industry, agency) of these effects and the nature and extent of the impacts on them. Discuss these effects not only with reference to the project area, but in relation to any applicable region, basin, watershed or ecosystem. In the example given, the loss of wetland might have relevance to different areas depending on the uniqueness of the filled area, the developmental plans and state of adjacent and regional wetlands, and the extent of the secondary effects of the filling (alteration of estuarine salinity wedge, sedimentation effects on adjacent shellfish, the modification of the surficial and groundwater hydrology of contiguous marsh and upland areas, etc.).

(3) Identify remedial, protective, and mitigation measures which would be taken in response to adverse effects of environmental impacts. Such measures taken for the minor or short-lived negative aspects of the project will be discussed in this section. The adverse effects which cannot be satisfactorily dealt with will be considered in greater detail along with their abatement and mitigation measures in the following section.

(d) *Any adverse environmental effects which cannot be avoided should the proposal*

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be implemented. Discuss the unavoidable adverse effects that significantly affect the quality of the human environment and the implications thereof, and identify the abatement or mitigation measures proposed to rectify these and the extent of their effectiveness. The loss of a given acreage of wetland by filling may be mitigated by purchase of a comparable land area, but this does not eliminate the adverse effect. Certainly the effects on the altered elements will not disappear simply because additional land is purchased. Identify the nature and extent of the principal adverse effects and the parties affected. For example, the effects of the filled wetland might include the loss of shellfish through sedimentation actions (turbidity and burial), the loss of organisms through the leaching of toxic substances from polluted marsh sediments used in the fill, the loss of a popular/valuable waterfowl census site in the estuary or the burial of ancient Indian midden sites of indeterminate archeological value. Present and comment on the objections of all concerned parties.

(e) *Alternatives to the proposed action.* Describe the various alternatives considered, their general environmental impact, and the reason(s) why each was not recommended. Identify alternatives as to their beneficial and detrimental effects on the environmental elements, specifically taking into account the alternative of no action. This latter alternative requires a projection of the future environmental setting if the project is not accomplished. Discuss both natural and man-induced changes. Discuss economically justified alternatives predicated upon standard evaluation methods, but additionally, insofar as possible, identify and evaluate other ways of providing functions similar to those provided by the proposed project but which were specifically formulated with environmental quality objectives in mind. For example, the environmental trade-offs involved in filling the marsh would be different for alternatives such as: utilizing an inland site rather than filling in the marsh, hauling fill material from an upland borrow pit rather than dredging it from the estuary, or providing construction on piles or floats rather than on fill material.

(f) *The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Assess the cumulative and long-term impacts of the proposed action with the view that each generation is a trustee of the environment for succeeding generations. Give special attention to considerations that would narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. The propriety of any action should be weighed against the potential for damage to man's life support system—the biosphere—thereby guarding against the short-sighted foreclosure of future options or needs. It is appropriate to make such evaluations on land-use patterns and development, alterations in the organic productivity of biological communities and ecosystems and modifications in the proportions of environmental components (water, uplands, wetland, vegetation, fauna) for a region or ecosystem. For example, if a coastal marsh is extensively filled, the ability of an associated estuary to support its normal biota might be seriously impaired. Altered sediment, nutrient and biocide additions to the waters might well affect the inherent biological productivity of the estuary. In other words, if the estuary's marshes are modified enough to affect basic estuarine processes, certain amenities, biota, products, industry and recreation opportunities could be lost. The long-term implications of these changes

are directly related to the degree that the losses are sizeable or unique.

(g) *Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* Discuss irrevocable uses of resources, changes in land use, destruction of archeological or historical sites, unalterable disruptions in the ecosystem, and other effects that would curtail the diversity and range of beneficial uses of the environment should the proposal be implemented. For example, in filling a marsh there could be a number of potential irreversible or irretrievable effects. The particular aquatic habitat filled in the marsh would be permanently lost for aquatic organisms and fill would be removed from one area and deposited in another.

(h) *Coordination with other agencies.* List all government and private entities with whom coordination has been accomplished, as well as a discussion of public participation efforts and specific coordination measures with environmental interests. All views expressed, both pro and con, concerning the environmental effects of the proposal should be summarized, identified, and included. When formal coordination measures have been accomplished, a copy of all comments received concerning the proposal will be attached to the statement. If formal comments are not included, state what coordination measures have been taken and the resultant comments.

(i) *Bibliography.* Statements should indicate at appropriate points in the text any underlying studies, reports and other information obtained and considered in preparing the statement with these references included in a bibliography. In the case of documents not likely to be easily accessible (such as internal studies or reports), the bibliography should indicate how such information may be obtained.

## APPENDIX E

## EXAMPLES OF CONTRACT SPECIFICATIONS

SC. *Landscape Preservation*—(a) *General.* The Contractor shall exercise care to preserve the natural landscape and shall conduct his construction operations so as to prevent any unnecessary destruction, scarring, or defacing of the natural surroundings in the vicinity of the work. Except where clearing is required for permanent works, for approved construction roads and for excavation operations, all trees, native shrubbery, and vegetation shall be preserved and shall be protected from damage which may be caused by the Contractor's construction operations and equipment. Movement of crews and equipment within the right-of-way and over routes provided for access to the work shall be performed in a manner to prevent damage to grazing land, crops, or property.

No special reseeding or replanting will be required under these specifications; however, on completion of the work and in addition to the requirements of any general conditions of a contract, all work areas shall be smoothed and graded in a manner to conform to the natural appearance of the landscape. Where unnecessary destruction, scarring, damage, or defacing may occur as a result of the Contractor's operations, as determined by the Contracting Officer, the same shall be repaired, replanted, reseeded, or otherwise corrected at the Contractor's expense.

(b) *Construction roads.* The location, alignment and grade of construction roads shall be subject to approval of the Contracting Officer. When no longer required by the Contractor, construction roads shall be made impassable to vehicular traffic and the surfaces shall be scarified and left in a condition which will facilitate natural revegetation.

APPENDIX C.—Status of section 102(e)(C) statements, U.S. section, International Boundary and Water Commission, appropriation or fund account (account identification code)

Column A— Action, project, or activity	Column B—Final statement completed (check 1 column)		Column C— Statement being prepared
	Un- resolved	No un- resolved issues	

(c) *Contractor's yard area.* The Contractor's shop, office, and yard area shall be located and arranged in a manner to preserve trees and vegetation to the maximum practicable extent. On abandonment all storage and construction buildings including concrete footings and slabs, and all construction materials and debris shall be removed from the site, or subject to the Contracting Officer's approval, may be buried on the site. The yard area shall be left in a neat and natural appearing condition.

(d) *Borrow areas and quarry sites.* Before being abandoned, the sides of borrow pits and quarry sites shall be brought to stable slopes with slope intersections rounded and shaped to provide a natural appearance. All rubbish, Contractor's equipment and structures shall be removed from site. Waste piles shall be leveled and trimmed to regular lines and shaped to provide a neat appearance.

(e) *Blasting precautions.* In addition to the requirements of Paragraph SC. *Prevention of Water Pollution.* The Contractor shall comply with applicable Federal and State laws, orders, and regulations concerning the control and abatement of water pollution.

(f) *Costs.* The cost of all work required by this paragraph shall be included in the price bid in the schedule for other items of work.

SC. *Prevention of Water Pollution.* The Contractor shall comply with applicable Federal and State laws, orders, and regulations concerning the control and abatement of water pollution.

The Contractor's construction activities shall be performed by methods that will prevent entrance, or accidental spillage, of solid matter, contaminants, debris, and other objectionable pollutants and wastes into streams, flowing or dry watercourses, lakes, and underground water sources. Such pollutants and wastes include, but are not restricted to, refuse, garbage, cement, concrete, sewage effluent, industrial waste, radioactive substances, oil and other petroleum products, aggregate processing tailings, mineral salts, and thermal pollution. Sanitary wastes shall be disposed of in accordance with State and local laws and ordinances.

Unwatering work for structure foundations or earthwork operations near streams or watercourses shall be conducted in a manner to prevent excessive muddy water and eroded materials from entering the streams or watercourses by construction of intercepting ditches, bypass channels, barriers, settling ponds, or by other approved means.

Waste waters from aggregate processing, concrete batching, or other construction operations shall not enter streams, watercourses, or other surface waters without the use of such turbidity control methods as settling ponds, gravel-filter entrapment dikes, approved flocculating processes that are not harmful to fish, recirculation systems for washing of aggregates, or other approved methods. Any such waste waters discharged into surface waters shall be essentially free of settleable material. For the purpose of these specifications, settleable material is defined as that material which will settle from

## NOTICES

the water by gravity during a 1-hour quiescent detention period.

Sanitary facilities shall be provided and maintained in accordance with Section III of the Corps of Engineers' Manual "General Safety Requirements."

The costs of complying with this paragraph shall be included in the prices bid in the schedule for the various items of work.

SC. *Abatement of Air Pollution.* The Contractor shall comply with applicable Federal, State, interstate, and local laws and regulations concerning the prevention and control of air pollution.

In conduct of construction activities and operation of equipment, the Contractor shall utilize such practicable methods and devices as are reasonably available to control, prevent, and otherwise minimize atmospheric emissions or discharges of air contaminants. Equipment and vehicles that show excessive emissions shall not be operated until corrective repairs or adjustments are made.

The Contractor's methods of storing and handling cement and pozzolans shall include means of controlling atmospheric discharges of dust.

Burning of rubbish will not be permitted. Rubbish, trash, and combustible materials shall be removed from the site and disposed of in an approved manner.

During the performance of the work required by these specifications or any operations appurtenant thereto, whether on right-of-way provided by the Government or elsewhere, the Contractor shall furnish all the labor, equipment, materials, and means required, and shall carry out proper and efficient measures wherever and as often as necessary to reduce the dust nuisance, and to prevent dust which has originated from his operations from damaging land and dwellings, or causing a nuisance to persons. The Contractor will be held liable for any damage resulting from dust originating from his operations under these specifications on Government right-of-way or elsewhere.

The costs of complying with this paragraph, including the cost of sprinkling for dust control or other methods of reducing formation of air pollution shall be included in the prices bid in the schedule for the various items of work.

[FR Doc. 74-5737 Filed 3-13-74; 8:45 am]

## NATIONAL INSTITUTE OF EDUCATION

### GRANT REVIEW PANELS

#### Notice of Establishment

After consultation with the Director, Office of Management and Budget, the Secretary of Health, Education and Welfare has certified that the formation of the following proposal review panels is in the public interest in connection with performance of duties imposed on the Department by law and that such duties can best be performed through the advice and counsel of such a group:

- a. Panel on Learning and Instruction.
- b. Panel on Social Thought and Processes.
- c. Panel on Organization and Administration.

These panels will be utilized to review, discuss, evaluate, and rank proposals submitted in response to the Institute's announcement of the Office of Research Grants Program appearing in the FEDERAL REGISTER, Vol. 39, No. 3 at page 1085, January 4, 1974. Meeting dates for each

panel will be announced in the FEDERAL REGISTER.

Dated: March 7, 1974.

THOMAS K. GLENNAN, Jr.,  
Director,  
National Institute of Education.

[FR Doc. 74-5970 Filed 3-13-74; 8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### REQUESTS FOR CLEARANCE OF REPORTS

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 11, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

### NEW FORMS

#### DEPARTMENT OF DEFENSE

Department of the Navy, Instructor Evaluation Summary, Form ----, Semi-annual, Sheftel, High Schools.

#### FEDERAL ENERGY OFFICE

FEO Open Eyes and Ears, Form ----, Annual, Weiner, Gasoline Service-Stations.

#### DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Health Resources Administration, Dental Auxiliaries Education Study, Form HRADHRD 0222, Single Time, Caywood, Dental Auxiliary Educators.

Health Services Administration, Assessment of the Scope of Laboratory Services Performed in Physicians Offices, Form HSA BQA 1227, Single Time, Caywood, Physicians' Office Laboratories.

#### REVISIONS

#### EXTENSIONS

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, National Cooperative Study of Dialysis-Associated Infections, Forms HSM 4.283, 4.284, Occasional, Evinger, Individuals on Dialysis.

National Communicable Disease Surveillance, Program—I. Case Reports, Form CDCBC 0222, Occasional, Caywood, Individuals.

Health Resources Administration, Short-Term Traineeship Grant Application, Form HRA 23-1, Annual, Caywood, Professional Societies & Voluntary Agencies.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit Cooperative Membership Exhibit—Section 213, Form FHA 3203, Occasional, Evinger, Business Firms.

Permission to Occupy—Section 213, Form FHA 3219, Occasional, Evinger, Business Firms.

PHILLIP D. LARSEN,  
Budget and Management Officer.

[FR Doc. 74-6029 Filed 3-13-74; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[70-5469]

### ALABAMA POWER CO.

#### Proposed Issuance and Sale of Preferred Stock

MARCH 6, 1974.

Notice is hereby given that Alabama Power Company, 600 North 18th Street, Birmingham, Alabama 35291 ("Alabama"), an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Alabama proposes to issue and sell 350,000 shares of a new series of its preferred stock, cumulative, par value \$100 per share ("Preferred Stock"), at competitive bidding for a price to Alabama of not less than \$100 or more than \$102.75 per share. The dividend rate of the Preferred Stock will be determined by the competitive bidding. The terms of the Preferred Stock will be established by resolution of the Board of Directors of Alabama and will include a prohibition until April 1, 1979 against refunding the Preferred Stock, directly or indirectly, with funds derived from the issuance of securities carrying a lower effective dividend or interest cost.

Alabama proposes to use the proceeds from the sale of the Preferred Stock estimated to be \$35 million together with (1) cash contributions to capital of \$115,000,000 by The Southern Company (\$37,000,000 of which is authorized by Commission Orders issued in respect of File No. 70-5261: the remainder to be the subject of a subsequent filing), (2) the receipt of proceeds from the proposed sale of tax exempt bonds by The Industrial Development Board of the Town of Wilsonville, Alabama, for construction of certain pollution control facilities (Commission Order dated January 30, 1974, Holding Company Act Release No. 18269) and (3) cash on hand in excess of operating requirements, interest and dividends, to finance in part its 1974 construction program (estimated at \$466,900,000), to pay short-term promissory notes payable in the form of bank notes

## NOTICES

[70-5149]

## ALLEGHENY POWER SYSTEM, INC.

**Post-Effective Amendment Regarding Issue and Sale of Notes to Banks and to Commercial Paper Dealers and Exception From Competitive Bidding**

MARCH 6, 1974.

Notice is hereby given that Allegheny Power System, Inc., 320 Park Avenue, New York, New York 10022 ("Allegheny"), a registered holding company, has filed with this Commission a post-effective amendment to its application hereto filed in this proceeding pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application as amended by the post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By prior order in this proceeding dated March 31, 1972 (Holding Company Act Release No. 17522), Allegheny was authorized to make borrowings from time to time through March 31, 1974, up to a maximum aggregate amount outstanding at any one time of \$60,000,000. Notes issued to effect such borrowings are to mature not later than September 30, 1974.

157.1 Allegheny has now filed a post-effective amendment, requesting that for the period from April 1, 1974, to March 31, 1976, the exemption from the first sentence of section 6(b) of the Act, relating to the issue and renewal of short-term notes, be increased to the extent necessary to permit it to issue and sell, from time to time, such notes to banks and to a dealer or dealers in commercial paper up to a maximum aggregate amount outstanding at any one time of \$60,000,000. The notes and commercial paper will be issued and renewed from time to time prior to September 30, 1975, provided that no such notes or commercial paper shall mature later than March 31, 1976.

Assuming the entire \$60,000,000 amount of notes and commercial paper were issued, the total outstanding principal amount of Allegheny's unsecured debt would be approximately 19.15 percent of Allegheny's capitalization (on a corporate basis) as at December 31, 1973.

Each bank note will be dated as of the date of the borrowing and will mature not more than 270 days after the date of issue or renewal thereof. Each such note will bear interest at the prime or equivalent interest rate in effect at the bank from which the borrowing is made at the time of issue or from time to time thereafter and will be prepayable at any time without premium or penalty.

The banks from which such borrowings are proposed to be effected and the maximum amount of the proposed borrowings to be outstanding from each at any one time are as follows: First National City

Bank of New York; \$60,000,000; The Chemical Bank, New York, N.Y.; \$35,000,000; Mellon Bank, N.A., Pittsburgh, Pa.; \$35,000,000; Pittsburgh National Bank, Pittsburgh, Pa. \$5,000,000; Manufacturers Hanover Bank, New York, N.Y.; \$10,000,000; Irving Trust Company, New York, N.Y.; \$5,000,000; Chase Manhattan Bank, New York, N.Y.; \$5,000,000. Allegheny maintains balances with these banks in various amounts to meet regular operating requirements. If such balances were maintained solely to satisfy a 20 percent compensating balance requirement, the effective interest cost to Allegheny on the basis of a prime rate of 9.0 percent would be approximately 11.25 percent.

The commercial paper notes will be in the form of promissory notes in denominations of not less than \$50,000 nor more than \$5,000,000 and will be on varying maturities, with no maturity more than 270 days after the date of issue. The commercial paper notes will be sold directly to a dealer or dealers in commercial paper at a discount not in excess of the discount rate per annum prevailing at the time of issue for commercial paper of comparable quality and of the particular maturity sold by issuers to dealers in commercial paper. The dealer or dealers, as principal or principals, may reoffer the commercial paper at a discount rate of  $\frac{1}{8}$  of 1 percent per annum less than the discount rate then available to Allegheny. It is proposed that Allegheny may issue commercial paper notes if (1) the interest cost thereof is equal to or less than the effective interest cost at which Allegheny could borrow the same amount from the banks named herein at that time or (2) Allegheny cannot at that time borrow the same amount for the same period of time from the banks named herein. The dealer or dealers will reoffer the commercial paper notes in a manner which will not constitute a public offering and such reoffer will be to not more than 200 of its or their customers identified and designated in a list (non-public) prepared in advance and filed with this Commission with the understanding that the list will be kept confidential. It is expected that the commercial paper customers will hold such notes to maturity, but if the customers wish to resell prior to maturity, the dealer or dealers, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to other identified customers.

The proceeds from the sale of the proposed short-term notes will be used from time to time by Allegheny to acquire additional shares of common stock of or to make cash capital contributions to its electric utility subsidiary companies to aid them in financing their construction programs. Construction expenditures of the subsidiary companies for the years 1974, 1975, and 1976 are estimated to total approximately \$540,900,000. The application states that Allegheny will retire all short-term notes to banks and all commercial paper outstanding on March

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

[FR Doc.74-5898 Filed 3-13-74;8:45 am]

31, 1976, with the proceeds of the sale of common stock and other securities as the Commission may by then authorize. Allegheny estimates that as of March 31, 1974, it will have no outstanding short-term bank notes.

Allegheny requests an exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. Allegheny states that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as Allegheny are published daily in financial publications. Allegheny also requests authority to file certificates under Rule 24 on a quarterly basis with respect to the commercial paper.

The amended application states that fees and expenses related to the proposed transactions are estimated not to exceed \$2,000. It is further stated 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 March 28, 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 post-effective amendment to the application 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 applicant 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, as amended by the post-effective amendment, or as may be further amended, may be granted as provided in Rule 23 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.74-5890 Filed 3-13-74;8:45 am]

**BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE**

**Public Meetings**

Pursuant to section 10(a)(2) of the Federal Advisory Committee's Act, Pub.

L. 92-463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meeting.

The Commission's Advisory Committee on a Model Compliance Program for Broker-dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9835), will hold a meeting on March 20, 1974 at the Securities and Exchange Commission, 500 North Capitol Street N.W., Washington, D.C., Room 858. The meeting will commence at 10:30 a.m. local time.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this Committee's work, the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The Committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers, but to inform broker-dealers as to the existing requirements and how they may comply with them.

The Committee's schedule meeting will be for the purpose of considering the Preliminary Draft of the Guide and discussing matters relating to the further work of the Advisory Committee.

The Committee's meetings are open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Advisory Committee.

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

MARCH 4, 1974.

[FR Doc.74-5900 Filed 3-13-74;8:45 am]

**CHICAGO BOARD OPTIONS EXCHANGE, INC.**

**Proposed Amendment to Option Plan**

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed a proposed amendment to its Option Plan pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1). The proposed amendment would restrict opening transactions (subject to specified exceptions) in certain CBOE options series in which the market price of the underlying stock is substantially below the exercise price during the last two calendar months of the term of the option series.

The proposed amendment will become effective upon the 30th day after this notice appears in the **FEDERAL REGISTER**, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 132-37784. The proposed amendment is, and all such comments will be, available for public inspection at the Securities and Exchange Commission at 100 L Street, N.W., Washington, D.C.

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

FEBRUARY 28, 1974.

[FR Doc.74-5899 Filed 3-13-74;8:45 am]

[70-5462]

**DELMARVA POWER & LIGHT CO.**

**Proposed Issue and Sale of Common Stock by Holding Company at Competitive Bidding**

MARCH 4, 1974.

Notice is hereby given that Delmarva Power & Light Company, 800 King Street, Wilmington, Delaware 19899 ("Delmarva"), a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act ("Act"), designating sections 6 and 7 of the Act and Rule 50 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.

Delmarva proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, 1,400,000 additional shares of its authorized but unissued common stock, par value \$3.37 1/2 per share. At December 31, 1973 Delmarva had 13,548,446 shares of common stock outstanding.

The net proceeds received from the proposed issue and sale of common stock will be applied toward the retirement of short-term indebtedness incurred for interim financing of the construction program of Delmarva and its subsidiaries. On February 7, 1974, such indebtedness amounted to \$48,950,000. Construction expenditures for 1974 are estimated at \$115,355,000, which includes an allowance for funds used during construction of \$8,095,000. Delmarva states that it expects to finance the foregoing construction program in part with the proceeds of additional issuances of securities in 1974.

The fees, expenses and commissions incurred or to be incurred in connection with the proposed transaction will aggregate \$78,000, of which \$10,000 will be incurred for legal fees, \$8,500 for accountants' fees and \$33,000 for printing services. The Public Service Commission of Delaware has jurisdiction over the proposed transaction, and a copy of the order to be issued by that commission will be supplied by amendment. It is

## NOTICES

stated that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 28, 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 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 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 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 such rules as provided in Rule 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.74-5887 Filed 3-13-74;8:45 am]

[File Nos. 7-4564-7-4572]

**FUQUA INDUSTRIES, INC., ET AL.**

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 6, 1974.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Fuqua Industries, Inc.	7-4564
W.T. Grant Co.	7-4565
Hospital Corp. of America	7-4566
The Lehman Corp.	7-4567
Louisiana-Pacific Corp.	7-4568
Lucky Stores, Inc.	7-4569
Manufacturers Hanover Corp.	7-4570
J. Ray McDermott & Co., Inc.	7-4571
Ponderosa Systems, Inc.	7-4572

Upon receipt of a request, on or before March 22, 1974 from any interested per-

son, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any

particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

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

[FR Doc.74-5892 Filed 3-13-74;8:45 am]

[File Nos. 7-4573, 7-4574]

**SIMPLICITY PATTERN CO. AND WICKES CORP.**

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 6, 1974.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

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

[FR Doc.74-5891 Filed 3-13-74;8:45 am]

[File Nos. 7-4555-7-4563]

**AMP INC., ET AL.**

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 6, 1974.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
AMP, Inc.	7-4555
Arizona Public Service Co.	7-4556
Beneficial Corp.	7-4557
H. and R. Block Inc.	7-4558
Dr Pepper Co.	7-4559
Eastern Gas & Fuel Associates	7-4560
Fleetwood Enterprises, Inc.	7-4561
Fluor Corp.	7-4562
Franklin Mint Corp.	7-4563

Upon receipt of a request, on or before March 22, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any

*File No.*  
Simplicity Pattern Co., Inc. .... 7-4573  
The Wickes Corp. .... 7-4574

Upon receipt of a request, on or before March 22, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

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

[FR Doc.74-5894 Filed 3-13-74;8:45 am]

[File No. 500-1]

**NATIONAL ALFALFA DEHYDRATING AND MILLING CO.**

Suspension of Trading

MARCH 6, 1974.

The common stock of National Alfalfa Dehydrating and Milling Company being

traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of National Alfalfa Dehydrating and Milling Company 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 March 7, 1974 through March 16, 1974.

By the Commission.

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

[FR Doc. 74-5895 Filed 3-13-74; 8:45 am]

[70-5465]

#### HARTFORD ELECTRIC LIGHT CO.

**Proposal To Issue and Sell First Mortgage Bonds and Preferred Stock at Competitive Bidding**

MARCH 4, 1974.

Notice is hereby given that The Hartford Electric Light Company, 176 Cumberland Avenue, Wethersfield, Connecticut 06109 ("HELCO"), an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transactions. All interested parties are referred to said application, which is summarized below, for a complete statement of the proposed transactions.

HELCO proposes to issue and sell, at competitive bidding, \$30 million principal amount of its First and Refunding Mortgage Bonds, 1974 Series ("Bonds"), due April 1, 2004. The interest rate, which shall be a multiple of  $\frac{1}{8}$  of 1 percent, and the price, which will be not less than 99 percent nor more than 102.75 percent of the principal amount thereof, will be determined by competitive bidding. The Bonds will be issued under the First Mortgage Indenture and Deed of Trust dated as of January 1, 1958 ("Indenture") between HELCO and The First National Bank of Boston, Trustee, as supplemented and amended from time to time, and as further supplemented by a supplemental indenture to be dated April 1, 1974 ("Supplemental Indenture"). The Supplemental Indenture provides, among other things, that Bonds shall not be redeemed at the applicable general redemption price prior to April 1, 1979, from the proceeds of borrowings secured by HELCO at an effective inter-

est cost to HELCO of less than the effective interest cost of the Bonds.

HELCO further proposes to issue and sell, at competitive bidding, 300,000 shares of its preferred stock, 1974 Series ("Preferred Stock"), par value \$50 per share. The dividend rate, which shall be a multiple of 0.08 percent, and the price to be paid to HELCO, which shall be not less than \$50 nor more than \$51.375 per share, will be determined by competitive bidding. The terms of the Preferred Stock will be established by resolution of the Board of Directors amending HELCO's Certificate of Incorporation. Such terms include the provision that Preferred Stock shall not be redeemed prior to April 1, 1979, from the proceeds of borrowings or from the proceeds of any sale of stock ranking prior to or on a parity with the Preferred Stock as to dividends or assets, if such borrowed funds or such shares have an effective interest or dividend cost to HELCO of less than the effective dividend cost to HELCO of the Preferred Stock.

The application states that HELCO will use the net proceeds from the sale of Bonds and Preferred Stock, estimated to be approximately \$45 million, together with a capital contribution of \$5 million which Northeast Utilities will make in April 1974, to repay short-term borrowings incurred for the purpose of financing HELCO's construction program (estimated to total \$73 million for 1974). Such short-term borrowings aggregated \$40,300,000 as of December 31, 1973, and will aggregate an estimated \$50 million at the time of the aforementioned sales.

A statement of the fees, commissions and expenses incurred or to be incurred in connection with the proposed transaction will be supplied by amendment. The approval of the Connecticut Public Utilities Commission is required for the issuance of the Bonds and Preferred Stock. No other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 28, 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 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 applicant of 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, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Com-

mission 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. 74-5886 Filed 3-13-74; 8:45 am]

[812-3333]

#### KEYSTONE CUSTODIAN FUNDS, INC. ET AL.

**Filing of Application for Order Pursuant to Section 6(c) of the Act for Modification of Two Prior Orders**

MARCH 4, 1974.

In the matter of Keystone Custodian Funds, Inc. as Trustee For Keystone Custodian Funds, Series B-1, B-2, B-4, K-1, K-2, S-1, S-2, S-3 and S-4, The Keystone Co. of Boston and CORNERSTONE FINANCIAL SERVICES, INC., 99 High Street, Boston, Massachusetts 02104. (812-3333).

Notice is hereby given that Keystone Custodian Funds, Inc. ("Keystone"), a Delaware corporation, as trustee of each of nine trusts, namely, Keystone Custodian Funds, Series B-1, B-2, B-4, K-1, K-2, S-1, S-2, S-3 and S-4 ("Funds"), each registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, The Keystone Co. of Boston ("Keystone-Boston"), a Delaware corporation, and Cornerstone Financial Services, Inc. ("Cornerstone"), a Delaware corporation (collectively "Applicants"), have filed an application for an order pursuant to section 6(c) of the Act, modifying two prior orders (Investment Company Act Release Nos. 4361 and 7643) of the Commission (the "Prior Orders"), to extend the time within which shareholder approval of the underwriting contracts between Keystone and Keystone-Boston and between Keystone and Cornerstone must be obtained, from April 1, 1974, to and including May 1, 1974. 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 Prior Orders exempted Keystone-Boston and Cornerstone from the provisions of Section 15(b)(1) of the Act on condition that the principal underwriting contracts dated April 1, 1971, between Keystone and Keystone-Boston and between Keystone and Cornerstone, and any future contracts of the type required by section 15(b) of the Act so entered into, shall continue in effect with respect to any of the Funds only so long as the continuance is specifically approved at least every three years by

## NOTICES

either written approval of the holders of a majority of the outstanding shares of each of the Funds, or by vote of a majority of such outstanding shares cast in person or by proxy at a meeting called for such purpose. If the requested Prior Orders had not been granted, such approval would be required annually. The exemption was not operative with respect to any approval required from and after December 31, 1980.

Applicants believe that, under the Prior Orders, the current requisite shareholder approval of the underwriting contracts must be obtained on or before April 1, 1974. Applicants state that the proxy material for the shareholders' meetings was filed with the Commission on February 8, 1974. Applicants believe that each of the Funds may not receive its requisite shareholder approval by April 1, 1974. Applicants further state that failure to obtain such approval by April 1, 1974, might make future sales of shares impossible and thus have a serious adverse effect on Keystone and the Funds. Accordingly, Applicants request that the time within which such approvals must be obtained be extended from April 1, 1974 to and including May 1, 1974.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if 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 March 26, 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 case of any 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 said date 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. 74-5884 Filed 3-13-74; 8:45 am]

[File No. 24D-3017]

## KIOWA REAL ESTATE INVESTMENT TRUST

Order Temporarily Suspending Exemption,  
Statement of Reasons Therefor and No-  
tice of Opportunity for Hearing

MARCH 6, 1974.

In the matter of Kiowa Real Estate Investment Trust c/o Kiowa State Bank, P.O. Box 8, Kiowa, Colorado 80117.

I. Kiowa Real Estate Investment Trust ("Issuer"), organized in Colorado, with offices located in Kiowa, Colorado, filed with the Commission on September 9, 1970, a notification on a Form 1-A and an offering circular relating to an offering of 30,000 shares of beneficial interest at \$10 per share for an aggregate of \$300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3(b) thereof, and Regulation A adopted thereunder. Mr. A. Paul Williams, vice-president and sales manager of the Issuer, 9076 East Mansfield Avenue, Denver, Colorado, was designated as underwriter for the Issuer and was to receive a 10 percent commission. The Issuer's Form 2-A Report filed on July 8, 1971 showed that the offering commenced on October 23, 1970.

II. Based on information reported by the staff, the Commission has reason to believe:

A. The Issuer's Notification and Offering Circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The financial condition of the Issuer as of the date of the certified balance sheet appearing in the offering circular.

2. Failure to disclose that the offering commenced without meeting the requirements of the Securities Division of the State of Colorado.

B. The terms and conditions of Regulation A have not been compiled with in that:

1. Form 2-A Report failed to accurately show the date on which the offering commenced.

2. The Notification and Offering Circular failed to disclose that the offering commenced without meeting the requirements of the Securities Division of the State of Colorado.

3. The offering circular failed to accurately show the financial condition of Issuer.

C. The offering was made in violation of Section 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of Kiowa Real Estate Investment Trust under Regulation A be temporarily suspended,

*It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.*

*It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.*

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 74-5897 Filed 3-13-74; 8:45 am]

[70-5466]

MISSISSIPPI POWER & LIGHT CO. AND  
MIDDLE SOUTH UTILITIES, INC.Proposed Issuance and Sale of Common  
Stock to Holding Company by Subsidiary

MARCH 1, 1974.

In the matter of Mississippi Power & Light Co., P.O. Box 1640, Jackson, Mississippi 39205 and Middle South Utilities, Inc., Two Eighty Park Avenue, New York, N.Y. 10017.

Notice is hereby given that Middle South Utilities, Inc. ("MSU"), a registered holding company, and its electric utility subsidiary company, Mississippi Power & Light Company ("MP&L"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10 and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

MP&L proposes to issue and sell to MSU, and MSU proposes to acquire from MP&L, 435,000 presently authorized but unissued shares of MP&L's common stock without par value ("Common Stock") at

its present stated value of \$23 per share, or \$10,005,000 in the aggregate. The source of the funds to be utilized by MSU in connection with its proposed acquisition of the Common Stock will be provided from treasury funds and the proceeds of short-term borrowings (File No. 70-5366, HCAR Nos. 18065, 18178).

The net proceeds to be derived by MP&L from the issuance and sale of the Common Stock are proposed to be used by it to retire short-term obligations and to provide funds to carry forward its construction program and for other corporate purposes. (See File No. 70-5337, HCAR No. 17977.)

No special fees or expenses are anticipated in connection with the proposed transactions. Applicants-declarants state that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 26, 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 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 addresses, 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 filed or as it may be 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 Corporation Regulation, pursuant to delegated authority.

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

[FR Doc.74-5883 Filed 3-13-74;8:45 am]

[70-5459]

**OHIO EDISON CO.**

**Proposed Amendment to Articles of Incorporation To Increase Authorized Preferred Stock and Election of Directors; Order Authorizing Solicitation of Stockholders' Proxies**

MARCH 6, 1974.

In the matter of Ohio Edison Co., 47 North Main Street, Akron, Ohio 44308. (70-5459)

Notice is hereby given that Ohio Edison Company ("Ohio Edison"), a registered holding company and an electric public utility company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 (a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Ohio Edison proposes to amend Article FOURTH of its Articles of Incorporation so as to increase the authorized number of shares of preferred stock, par value \$100 per share, from 1,800,000 to 3,000,000. Its adoption requires the favorable vote of two-thirds of the outstanding shares of the common stock of Ohio Edison. Upon completion of the sale in February of this year of 450,000 shares of preferred stock, all of the 1,800,000 shares which the company is presently authorized to issue were outstanding. The company presently contemplates construction expenditures during the years 1974, 1975 and 1976, estimated as of January 31, 1974, of at least \$660,000,000 and additional construction expenditures in the years that follow and that a substantial portion may have to be financed through the sale of preferred stock. The company presently anticipates the issue and sale of approximately 400,000 shares in the years 1975 and 1976 and expects that by the end of 1977 it will have issued and sold all of the 1,200,000 shares by which it is proposed to increase the authorized amount of preferred stock.

Ohio Edison further proposes to submit the proposed amendment, the ratification of the appointment of Arthur Andersen & Company as auditors for 1974, the election of directors, and the stockholder's proposal with respect to pre-emptive rights to its stockholders for consideration and vote, and to solicit the proxies from their common stockholders at a meeting to be held on April 25, 1974.

The fees, commissions and expenses paid or incurred or to be paid or incurred, directly or indirectly, in connection with the proposed increase of the authorized shares of preferred stock are estimated at \$8,575, including legal fees

of \$2,500. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 28, 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 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 or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulation 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.

It appearing to the Commission that the declaration, insofar as it proposes the solicitation of proxies from Ohio Edison's common stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

*It is ordered*, That the declaration regarding the proposed solicitation of proxies from Ohio Edison's common stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.74-5883 Filed 3-13-74;8:45 am]

[File No. 81-128]

**PAIN LUMBER CO., INC.**

**Application and Opportunity for Hearing**

MARCH 1, 1974.

Notice is hereby given that Paine Lumber Company, Inc. ("the Company") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934 ("the Act"), as amended, requesting an exemption from the provisions of

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sections 12(g), 13, 14, and 16 of the Act with respect to the shares of common stock of Paine Lumber Company, Inc.

Section 12(h) of the Act provides in part that the Commission may upon application of an interested person, by order, after notice and opportunity for hearing, exempt in whole or in part any issuer or class of issuer from the provisions of section 12(g) or from section 13 or 14 or may exempt from section 16 any officer, director, or beneficial owner of any issuer, any security which is required to be registered pursuant to section 12(g) of the Act, upon such terms and conditions and for such period as it deems necessary or appropriate, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such action is not inconsistent with the public interest or the protection of investors.

The Company states the following as the basis for the requested exemption:

1. The Company was incorporated for the purpose of acquiring the assets of the Paine Lumber Company Division of the General Plywood Corporation after the Division had been closed by the General Plywood Corporation. The company, organized by the employees of the Division to preserve their jobs, has more than \$1 million in assets.

2. Many of the stockholders are members of the various families in the community and although the company has 516 stockholders of record in reality there are only approximately 417 distinct individuals and family groups holding the stock.

3. There is very little trading in the company stock.

4. The stockholders are adequately informed about the company by the company's Annual Report to Stockholders containing certified financial statements and the proxy material sent to the stockholders which counsel states substantially conforms with the requirements of section 14 of the Act.

5. The income of the company would be disproportionately affected by the cost of registration and compliance with the reporting requirements of the Act.

The company has waived a hearing in connection with this matter.

For a more detailed statement of the matters of fact, all persons are referred to said application, which is a public document on file in the Office of the Commission, at 500 North Capitol Street, Washington, D.C. 20549.

Notice is Further Given that any interested person may, not later than March 26, 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 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, 500 North Capitol Street, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in

the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-5888 Filed 3-13-74; 8:45 am]

[File No. 500-1]

SEABOARD CORP.

Suspension of Trading

MARCH 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, units and warrants of Seaboard 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 March 7, 1974 through March 16, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-5893 Filed 3-13-74; 8:45 am]

[Release No. 34-10631]

SINGLE NATIONAL CLEARING AND SETTLEMENT ORGANIZATION

Response to Memorandum of Understanding

Securities and Exchange Commission response to memorandum of understanding providing for establishment of committee to develop plan for Single National Clearing and Settlement Organization.

The Securities and Exchange Commission today announced its response to a memorandum of understanding ("Memorandum") among the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, Inc. ("NYSE"), and such other registered national securities exchanges as may elect to become parties, executed on December 18, 1973 by the NASD and the NYSE. The NYSE and NASD submitted the Memorandum to the Commission.

The Memorandum is intended to make possible the development of a single, national facility for clearing and settling securities transactions under one system and under uniform rules. To that end, the Memorandum provides for the establishment of a joint committee to develop and recommend to the parties to the Memorandum a plan providing for the establishment and implementation of a single securities clearance and settlement organization.

The Commission's letter to the NASD and the NYSE is as follows:

You have submitted to the Commission a Memorandum of Understanding (the "Memorandum") among the New York Stock Exchange, Inc. ("NYSE"), the National Association of Securities Dealers, Inc. ("NASD") and such other registered national securities exchanges as may elect to become parties thereto, executed on December 18, 1973 by the NASD and the NYSE.

The Memorandum is intended to make possible the development of a single, national facility for clearing and settling securities transactions under one system and under uniform rules. To that end, the Memorandum provides for the establishment of a joint committee (the "Committee") to develop and recommend to the parties to the Memorandum a plan providing for the establishment and implementation of a single securities clearance and settlement organization. Pursuant to the Memorandum, the Committee is directed to consider a number of matters, including: Operating facilities presently available to the subsidiary clearing corporations of the NASD and the Committee's exchange participants; financial resource considerations expected to affect the subsidiaries (including operating results and assets and liabilities of the subsidiaries and implementation costs and ownership of the system); costs of available, alternative clearance and settlement systems; and the manner and means by which the NASD and the exchange participants will have access to information and data in the system necessary to satisfy their regulatory responsibilities. The Memorandum directs the Committee to submit a progress report to the NASD and the exchange participants within 120 days of the Committee's formation and thereafter to report monthly until the Committee's work is completed. The Memorandum, which by its terms will expire one year from its execution, provides that the Committee's expenses will be defrayed by the NASD and exchange participants.

The proposals made in the Memorandum represent a significant step toward the establishment of a nationwide system for the clearance and settlement of securities transactions. In the interest of achieving in the near future the efficiencies in securities clearing and processing, the reductions in systems costs and the economies for broker-dealers and others involved in securities processing which the Commission anticipates will result from the implementation of a nationwide system, the Commission encourages the formation of the Committee and believes that its work should be completed at the earliest possible date.

While it would be premature to make specific suggestions as to the shape of a national clearing system, at this time the Commission believes that a nationwide clearing and settlement system should have certain fundamental characteristics in order to insure its equitable operation. All qualified broker-dealers and such other qualified entities as may be appropriate should have access to the system. In addition, means should be provided for indirect access. Each participant in the system should be able to relate to one clearing and settlement entity only, whether or not a choice of entities is available, and each participant should be able to clear and settle trades in issues included in the system, regardless of the market involved or the location of the other party to the trade, through the clearing entity through which the participant relates to the system.

The Commission believes that the clearing and settlement facilities already in existence, together with the technological and operational expertise presently available

## NOTICES

[811-2419]

## D.P. CO., INC.

Filing of Application for Order Pursuant to  
Section 8(f) of the Act Declaring That  
Company Has Ceased To Be an Investment  
Company

MARCH 6, 1974.

In the matter of The D.P. Co., Inc.,  
P.O. Box 64, Monroe Bridge, Massachusetts 01350. (811-2419).

Notice is hereby given that The D.P. Company, Inc. ("Applicant"), registered as a closed-end, diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

(a) Efficiency in the clearing and settlement of securities transactions;

(b) Reductions in costs and fees related to the clearing and settlement of securities transactions (including an analysis of the areas in which such reductions would be experienced, *viz.* the back offices of participating broker-dealers, equipment and non-equipment costs of operating the system, etc.);

(c) Qualifications for access by broker-dealers and such other qualified entities as may be appropriate and standards for securities included in the system;

(d) Compatibility with existing and future regulatory standards, including financial responsibility standards, for broker-dealers;

(e) Timing of implementation and time required to become fully operative;

(f) Innovativeness and responsiveness to change;

(g) Interaction with existing and envisioned depositories and transfer agent depositories ("TADS");

(h) Compatibility with a central market system;

(i) Compatibility with competitively determined rates;

(j) Effect on incentives for continued exchange memberships of participants;

(k) Effect on existing clearing entities which do not join the system; and

(l) Responsiveness to needs of banks, small broker-dealers and other participants with unique clearing and settlement needs.

In considering requests for new or amended rules of self-regulatory organizations made in connection with the implementation of a national clearing and settlement system, the Commission will want to compare the effectiveness of alternative approaches and ascertain their impact on the factors described in the Memorandum, the factors listed above and such additional factors as the Commission determines should be considered in the public interest. To expedite the Commission's consideration of such new rules or rule amendments as self-regulatory organizations may submit to the Commission, the submissions should be accompanied by the supportive analysis made by the self-regulatory organizations in comparing alternative approaches and evaluating the factors pertinent to the organization's decisions.

Once again, we believe that the Memorandum represents an important effort in the establishment of a nationwide system for clearing and settling securities transactions, and we will follow with interest the progress which the Committee may make.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

FEBRUARY 7, 1974.

[FR Doc.74-5901 Filed 3-13-74;8:45 am]

served is located more than 500 miles from the point of mailing) upon the Applicant 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 as of course following April 1, 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.74-5896 Filed 3-13-74;8:45 am]

[70-5471]

## SOUTHERN CO. ET AL.

Proposed Issuance and Sale of Notes to  
Banks and to Dealers in Commercial  
Paper by Holding Company and Three  
Subsidiary Companies; Exception From  
Competitive Bidding; Proposed Capital  
Contributions to Subsidiary Companies  
by Holding Company

MARCH 1, 1974.

In the Matter of The Southern Co., P.O. Box 720071, Atlanta, Georgia 30346, Alabama Power Co., P.O. Box 2641, Birmingham, Alabama 35291, Gulf Power Co., P.O. Box 1151, Pensacola, Florida 32502 and Mississippi Power Co., P.O. Box 4079, Gulfport, Mississippi 39501.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, and three of its electric utility subsidiary companies, Alabama Power Company ("Alabama"), Gulf Power Company ("Gulf") and Mississippi Power Company ("Mississippi"), have filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7 and 12 of the Act and Rules 45 and 50 promulgated thereunder as applicable to the following transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern, Alabama, Gulf, and Mississippi propose to issue and sell unsecured notes to banks and/or commercial paper to dealers from time to time through March 31, 1975, up to an aggregate principal amount of \$160,000,000 outstanding at any one time in the case of Southern, and \$80,000,000, \$25,000,000 and \$26,500,000, respectively, in the cases of Alabama, Gulf, and Mississippi.

Southern, Alabama, and Mississippi state that, by post-effective amendment hereto, they may request authorization to increase their respective amounts of

## NOTICES

short-term financing to \$200,000,000, \$135,000,000 and \$28,000,000. The foregoing proposals are in addition to those contained in a separate application-declaration filed by Georgia Power Company ("Georgia") for interim financing of \$250,000,000 by Georgia during the same period (See File No. 70-5463).

Each of the three operating subsidiaries has arranged to issue and sell the proposed bank notes to local territorial banks, as follows:

Company	Number of local banks	Aggregate amount
Alabama Power Co.	75	\$61,005,000
Gulf Power Co.	18	14,123,000
Mississippi Power Co.	40	10,592,500
Total.		85,720,500

In addition, an aggregate of up to \$60,000,000 will be borrowed by Southern from a group of eight non-local banks—a portion of such aggregate, however, to be available to Alabama, Gulf, Mississippi, or Georgia. The bank notes, to be dated as of the date of issue, are to mature not more than one year thereafter in the case of Southern (but not later than June 30, 1975) and nine months in the cases of Alabama, Gulf, and Mississippi, and will bear interest at a rate not in excess of the prime rate in effect at the lending bank. The notes may be prepaid, in whole or in part, without penalty or premium. Alabama, Gulf, and Mississippi request that the exemption afforded by Section 6(b) of the Act relating to the issuance of short-term notes be increased to permit issue and sale of the notes herein proposed.

Alabama, Gulf, and Mississippi state their respective average daily operating balances with their local banks will be adequate to meet the compensating balance requirements of such banks. Although no arrangements have yet been made as to borrowings from non-local banks, it may reasonably be expected that such banks will require compensating balances, so that the effective cost of money from that source would be 10.93 percent per annum, assuming an 8 1/4 percent prime rate and a 20 percent compensating balance.

Changes may be made in the maximum amount of bank notes to be outstanding for each company after the filing of a post-effective amendment setting forth such changes and upon the issuance of a further order of the Commission granting and permitting such post-effective amendment to become effective.

Southern and Alabama further propose that, in lieu of portions of the bank borrowings hereinabove proposed, each may from time to time borrow, from the trust department of one or more of the following commercial banks, up to the specified amount:

Bank trust department	Maximum aggregate principal amount
Southern: Bankers Trust Co., New York City	\$25,000,000
Alabama: Birmingham Trust National Bank, Birmingham, Ala.	8,000,000
The First National Bank of Birmingham, Birmingham, Ala.	10,000,000
The First National Bank of Montgomery, Montgomery, Ala.	5,000,000
First National Bank of Mobile, Mobile, Ala.	3,000,000

Such trust department borrowings will be made in each case pursuant to a master note agreement with the lending trust department and will bear interest at a rate or rates per annum equivalent to the rate currently charged by such trust department to other borrowers for similar borrowings, provided that such interest rate shall not exceed the currently quoted discount rate on directly placed commercial paper of 90 to 180 day maturities issued by one or more financial credit companies as specified in the applicable master note agreement. No master note shall remain due later than 12 months in the case of Southern or 9 months in the case of Alabama from the date of issuance thereof. Each trust department will have the right to demand payment of all or any part of the outstanding principal on any master note, and such principal will be prepayable at any time without penalty. Each master note agreement will be terminable by either party upon 30 days notice.

Southern, Alabama, Gulf, and Mississippi also propose, from time to time through March 31, 1975, to issue and sell commercial paper in the form of short-term promissory notes to dealers in commercial paper ("dealers"). The commercial paper notes will be issued in denominations of not less than \$50,000 and not more than \$5,000,000 with varying maturities not to exceed 270 days, and will not be prepayable prior to maturity. The commercial paper will be sold by each issuing company directly to or through a dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for prime commercial paper of comparable quality and similar maturity. No commercial paper notes will be issued having a maturity of more than 90 days at an

effective interest cost which exceeds the effective interest cost at which the issuer could borrow from banks.

The dealer will reoffer such commercial paper at a discount rate of  $\frac{1}{8}$  of 1 percent per annum less than the prevailing interest rate to the issuer. The commercial paper of each company will be reoffered, respectively, to not more than 200 customers of the dealer identified and designated in a non-public list prepared in advance by the dealer. No additions will be made to such list of customers without the approval of the Commission.

Southern proposes to use the proceeds of the proposed bank notes and commercial paper sales and trust borrowings, together with general treasury funds and other available funds, to make equity investments in the form of capital contributions to Alabama, Mississippi, Gulf, and Georgia. The capital contributions proposed to be made through March 31, 1975 (other than those heretofore authorized by the Commission) are as follows: \$117,250,000 to Alabama; \$122,500,000 to Georgia; \$12,000,000 to Mississippi; \$7,500,000 to Gulf.

Alabama, Gulf, and Mississippi will employ the proceeds of the short-term bank borrowings and commercial paper to finance their future construction programs, to reimburse their treasuries for prior expenditures for their respective construction programs, and to pay at maturity bank notes and commercial paper notes issued for such purposes. The applicant-declarants state that the bank borrowings and/or commercial paper to be issued pursuant to their proposals herein are expected to be retired from the proceeds of debt and/or equity financings unless otherwise authorized by the Commission.

The issuance of Alabama of its notes has been expressly authorized by the Alabama Public Service Commission, and the issuance by Gulf of its notes has been expressly authorized by the Florida Public Service Commission. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Fees and expenses paid or incurred, or to be incurred, in connection with the proposed transactions are estimated as follows:

	Southern	Alabama	Gulf	Mississippi	Total
Legal fees	\$2,000	\$750	\$750	\$750	\$4,250
Miscellaneous	500	500	500	500	2,000
	2,500	1,250	1,250	1,250	6,250

Applicant-declarants request authority to file certificates of notification under Rule 24 in respect of sales of their herein proposed borrowings within 30 days after the end of each calendar quarter.

Notice is further given that any interested person may, not later than

March 26, 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 addresses, 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. 74-5885 Filed 3-13-74; 8:45 am]

**SMALL BUSINESS ADMINISTRATION**  
**MUTUAL SMALL BUSINESS INVESTMENT**  
**CORP.**

**Surrender of License**

Notice is hereby given that, pursuant to § 107.105 of the Small Business Administration (SBA) Rules and Regulations governing Small Business Investment Companies (38 FR 30836) Mutual Small Business Investment Corporation, 31 St. James Street, Boston, Massachusetts 02116 incorporated under the laws of the Commonwealth of Massachusetts has surrendered its license, No. 01/01-0020 issued by the SBA on September 4, 1961.

Mutual Small Business Investment Corporation has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the above cited regulation the license of Mutual Small Business Investment Corporation is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: March 6, 1974.

**JAMES THOMAS PHELAN,**  
*Deputy Associate Administrator*  
*for Investment.*

[FR Doc. 74-5875 Filed 3-13-74; 8:45 am]

**SBA-GUARANTEED SBIC DEBENTURES  
DUE 1984**

**Notice of Invitation to Bid**

The Small Business Administration (SBA), pursuant to the authority of the Small Business Investment Act of 1958; as amended, invites bids for an issue of approximately \$30,000,000 debentures issued by small business investment companies (SBIC's) and guaranteed as to principal and interest by SBA. The exact principal amount will be determined on March 21, 1973, and incorporated in the final papers. A description of the debentures and SBA's guaranty, together with the bid requirements, are set forth in the Notice of Sale. The documents referred to therein are available from SBA. Bids should be submitted in the manner provided by the Official Form of Proposal. The Notice of Sale and the Official Form of Proposal are as follows:

**NOTICE OF SALE OF \$-----**  
**% DEBENTURES DUE MARCH 1, 1984**  
**FULLY GUARANTEED AS TO PRINCIPAL AND**  
**INTEREST BY THE**  
**SMALL BUSINESS ADMINISTRATION**  
**ISSUED BY**

**SMALL BUSINESS INVESTMENT COMPANIES**  
As more fully described in the Preliminary Prospectus relating thereto, \$----- aggregate principal amount of Debentures due March 1, 1984 (the "Debentures") will be issued by certain Small Business Investment Companies and will be fully guaranteed as to principal and interest by the Small Business Administration (the "SBA"). Sealed proposals for the purchase of all of the Debentures shall be hand delivered to the SBA at the office of Brown, Wood, Fuller, Caldwell & Ivey, One Liberty Plaza, 35th Floor, New York, New York on March 21, 1974 and must be received by the SBA at such place prior to 11:00 o'clock a.m. (E.D.T.), at which time and place all proposals will be publicly opened and announced.

The SBA reserves the right to advance or postpone from time to time in its discretion the time for presentation and opening of bids and to change the place where bids must be presented to the SBA and will give notice, confirmed in writing or by telegram, of any such advancement or postponement or change in the place where bids are to be presented to each bidder who shall have advised the SBA in writing of an intention to bid. In the event of any such postponement, each bid theretofore presented shall be returned unopened to the bidder.

Timely payment of the principal of and interest on the Debentures will be guaranteed by the SBA acting pursuant to Section 303(b) of the Small Business Investment Act of 1958, as amended, which provides that the full faith and credit of the United States is pledged to the payment of all amounts required to be paid pursuant to this guaranty.

The Debentures, to be issued in principal amounts of \$10,000 each, will be dated and bear interest from April 4, 1974 and will mature on March 1, 1984. The Debentures will not be subject to redemption or pre-payment prior to maturity.

The Debentures will bear interest at the rate specified in the proposal of the success-

ful bidder in accordance with this Notice of Sale. Interest will be payable on March 1 and Sept. 1 in each year. The principal of and interest on the Debentures will be payable at the principal office of the Federal Reserve Bank of New York, as Fiscal Agent of the SBA.

As described in the Preliminary Prospectus, the Debentures will be offered pursuant to Guaranty Agreements covering a specific Debenture or Debentures identified in a debenture register maintained by the SBA. The Debentures represented by the Guaranty Agreements will be held by, and be payable to, the SBA, as bailee for holders of Guaranty Agreements, and the SBA, as collection agent, will remit payments of principal and interest on the Debentures to such holders through its Fiscal Agent. The successful bidder (the term "bidder" as used herein applying to a single bidder or, in the case of a group of bidders, to such group) shall be deemed to have designated the SBA to act as bailee of the Debentures in accordance with the Guaranty Agreements.

Each proposal must be submitted on the Official Form of Proposal referred to in the closing paragraph of this Notice of Sale and must represent a bid of not less than 99% nor more than 101% of the principal amount of all the Debentures, plus interest, if any, accrued thereon to the date of delivery, and must specify in a multiple of  $\frac{1}{16}$  or  $\frac{1}{32}$  of 1% the rate per annum of interest which the Debentures are to bear. Only one interest rate may be specified for the Debentures. Each proposal must be enclosed in a sealed envelope and should be addressed to the Small Business Administration in care of the addressee specified in the first paragraph hereof and be marked on the outside, in substance, "Proposal for Debentures." Each proposal must be submitted in duplicate, and each counterpart must be signed by the bidder.

Each bid must be accompanied by a certified or official bank check or checks in the amount of \$750,000, payable in New York Clearing House funds to the order of the Federal Reserve Bank of New York, to be held and disposed of by the SBA as herein-after provided.

The right is reserved by the SBA pursuant to authority vested in it by the issuing SBICs to reject all proposals, or any proposal not conforming to this Notice of Sale or not on the Official Form of Proposal (without alteration except for the insertions required by the form). The right is also reserved to waive, if permitted by law, any irregularity in any proposal.

As between legally acceptable proposals complying with this Notice of Sale, the Debentures will be sold to the bidder whose bid shall result in the lowest basis cost of money computed from April 4, 1974 to the maturity date of the Debentures. Such lowest basis cost of money will be determined by reference to a specially prepared table of bond yields, a copy of which is available for examination by prospective bidders at the national office of the SBA. Straight-line interpolation will be applied if necessary. If it should be necessary to make such a determination for a coupon rate not shown in said table of bond yields, reference will be made to other tables of bond yields. The decision of the SBA, acting pursuant to authority vested in it by the issuing SBICs, as to the lowest basis cost of money shall be conclusive. If two or more bids provide the identical lowest basis cost of money, the SBA (unless it shall reject all bids) will give the makers of such identical resulting bids an opportunity to submit improved bids within such time as the SBA shall specify, but in no case later than two hours after the opening of such bids. If no improved bid is made by the makers of such

<sup>1</sup> Filed as part of the original document.

## NOTICES

identical resulting bids within the time specified by the SBA, or if upon such rebidding two or more improved bids again provide the identical basis cost of money, the SBA in its discretion may, within two hours after the time specified for such rebidding, accept by lot any one of the identical resulting bids or may reject all bids.

Proposals will be accepted or rejected promptly but not later than 3:00 o'clock p.m. E.D.T. on the date set for receiving proposals. When the successful bidder has been ascertained, the SBA will promptly accept the proposal of such bidder by executing and delivering to such successful bidder the duplicate of its proposal, whereupon the Purchase Agreement attached as an exhibit to the Official Form of Proposal will become effective without any separate execution thereof, and thereafter all rights of SBA, the issuing SBICs and the successful bidder shall be determined solely in accordance with the terms thereof.

If a bid is not accepted, the SBA will return to the bidder the check or checks deposited with such bid. If a bid is accepted, the amount of the check or checks deposited therewith will be retained by the SBA as security for the performance of the obligation of the bidder under such bid and will be held and disposed of in accordance with the terms of the Purchase Agreement.

As soon as practicable after the successful bidder is ascertained, the SBA will modify the Preliminary Prospectus relating to the Debentures to reflect the effect of the proposal of the successful bidder, and the document so modified will constitute the Prospectus. The SBA will then furnish the successful bidder with copies of the Prospectus in reasonable quantity as required by it in connection with the public offering and sale of the Debentures, including one copy thereof signed manually on behalf of SBA by its authorized representative.

The successful bidder will be furnished, without cost, the opinion of the General Counsel or Acting General Counsel of the SBA,<sup>2</sup> as to the validity of the Debentures and the guaranty by the SBA of the payment of the principal of and interest on such Debentures, such opinion to be in substantially the form annexed to the Purchase Agreement.

Messrs. Brown, Wood, Fuller, Caldwell & Ivey, New York, New York, will act as counsel for the successful bidder and will furnish an opinion at the closing substantially in the form annexed to the Purchase Agreement. Such counsel will also prepare memoranda with respect to (1) the status of the Debentures for sale under the securities or Blue Sky laws of various states and (2) the legality of the Debentures for investment by certain institutions in various states. The compensation and disbursements of such counsel are to be paid by the successful bidder under the terms of the Purchase Agreement. Said counsel will, on request, advise any prospective bidders of the amount of such compensation and estimated disbursements to be paid by the successful bidder.

A Guaranty Agreement (in temporary form) representing all the Debentures will be delivered at the Office of the Federal Reserve Bank of New York, 90 William Street, New York, N.Y., on April 4, 1974, at 10:00 o'clock a.m. E.D.T., or such other place, date and time as may mutually be agreed upon, at which time the Representatives of the Purchasers shall pay the balance of the purchase price by one or more checks payable in federal funds to the order of "Federal Reserve Bank of New York."

Guaranty Agreements representing the Debentures will be delivered in definitive form, in exchange for the Guaranty Agreement is-

sued in temporary form, on the 5th full business day subsequent to the day on which the Representatives of the Purchasers supply the Federal Reserve Bank of New York with the names and denominations (in integral multiples of \$10,000) in which such Guaranty Agreements are to be registered. Should such names and denominations be supplied to the Federal Reserve Bank of New York by the Representatives prior to March 28, 1974, then the definitive Guaranty Agreements will be issued in lieu of the temporary Guaranty Agreement at the Closing.

Copies of the Preliminary Prospectus dated March 14, 1974, relating to the Debentures, the Official Form of Proposal, the Purchase Agreement with the form of Guaranty Agreement attached and the preliminary Blue Sky and legal investment memoranda will be furnished upon application to the SBA.

Dated: March 14, 1974.

SMALL BUSINESS  
ADMINISTRATION  
DAVID A. WOLLARD,  
Associate Administrator for  
Finance and Investment.

OFFICIAL FORM OF PROPOSAL FOR

\$-----

% DEBENTURES DUE MARCH 1, 1984

FULLY GUARANTEED AS TO PRINCIPAL AND  
INTEREST BY THE

SMALL BUSINESS ADMINISTRATION

ISSUED BY

SMALL BUSINESS INVESTMENT COMPANIES

SMALL BUSINESS ADMINISTRATION,  
c/o Brown, Wood, Fuller, Caldwell & Ivey,  
One Liberty Plaza,  
New York, New York 10006.

GENTLEMEN: Subject to the provisions and in accordance with the terms of the Notice of Sale (the "Notice of Sale"), which is hereby made a part of this proposal, the undersigned (the "Representatives"), on behalf of the persons, firms and corporations named in Schedule A<sup>1</sup> of the Purchase Agreement attached hereto (the "Purchase Agreement"), as the same may be changed by the Representatives subject to the provisions hereof (the "Purchasers"), severally and not jointly, hereby offer to purchase (for resale to the public) on the terms and conditions set forth in this proposal and the Purchase Agreement all of the \$----- aggregate principal amount of Debentures due March 1, 1984 to be issued by certain Small Business Investment Companies ("SBICs") and to be fully guaranteed as to principal and interest by the Small Business Administration (the "SBA") (such \$----- principal amount of Debentures being hereinafter referred to as the "Debentures"), at the price of ---% of the principal amount thereof plus interest, if any, accrued thereon from April 4, 1974 to the date of their delivery. The Representatives are Purchasers and represent and warrant to the SBA that they have all necessary power and authority to act for each of the Purchasers.

Said Debentures shall bear interest at the rate of ---% per annum.

Receipt of the Notice of Sale, the Purchase Agreement and the Preliminary Prospectus, dated March 14, 1974, prepared in connection with the sale of the Debentures, is hereby acknowledged.

Changes may be made by the Representatives as to the Purchasers (other than the Representatives) set forth in Schedule A and as to the respective principal amounts of Debentures set opposite their respective names in Schedule A, provided that if any Debenture is to be in the principal amount of \$10,000 and is to bear interest at the rate set forth in the Official Form of Proposal to which

tures are not agreed to be purchased as a result of such changes then the Representatives, severally, shall agree to purchase such Debentures in proportion to their respective commitments hereunder.

If this bid shall be approved by the SBA as resulting in the lowest basis cost of money, computed as provided in the Notice of Sale, the Representatives will, promptly upon receipt of notification from the SBA and prior to completion by the SBA of the form of acceptance set forth below, supply to the SBA any such changes to Schedule A.

There are enclosed herewith a certified or official bank check or checks in the aggregate amount of \$750,000 being the deposit required by the Notice of Sale, payable in New York Clearing House funds to the order of the Federal Reserve Bank of New York, to be held and disposed of by the SBA in accordance with the Notice of Sale.

In consideration of the agreement of the SBA set forth in the Notice of Sale, the Representatives agree on behalf of each of the Purchasers that: (a) the offer of such Purchaser included in this proposal shall be irrevocable until 3 o'clock P.M., E.D.T. on the date hereof unless sooner rejected by the SBA; and (b) when all changes, if any, to Schedule A to the Purchase Agreement attached hereto shall be made and this bid accepted by the SBA by execution of the form of acceptance set forth below, said Purchase Agreement shall become effective without any separate execution thereof and shall be deemed to be dated the date hereinbelow set forth, and thereafter all rights of the SBA, the SBICs and of the Purchasers shall be determined solely in accordance with the terms of said Purchase Agreement.

This Official Form of Proposal must be submitted in duplicate and shall be deemed rejected by the SBA unless accepted by the SBA prior to 3 o'clock P.M., E.D.T. on the date hereof.

Very truly yours,

By-----

On behalf of and as the Representatives of the person(s), firm(s) and/or corporation(s) named or to be named in Schedule A to the Purchase Agreement hereto attached.

Accepted this 21st day of March 1974.

SMALL BUSINESS ADMINISTRATION

By-----

\$-----

% Debentures due March 1, 1984

Fully Guaranteed as to Principal and Interest

by the

SMALL BUSINESS ADMINISTRATION

Issued by

SMALL BUSINESS INVESTMENT COMPANIES

PURCHASE AGREEMENT

The person(s), firm(s), and/or corporation(s) who executed the Official Form of Proposal to which this Purchase Agreement is attached (the "Representatives"), acting for and in behalf of themselves and the other Purchasers named in Schedule A hereto (herein called the "Purchasers") for whom they are acting as Representatives for the purposes of this Agreement as set forth below, hereby confirm their agreement with the Small Business Administration (herein called "SBA"), an agency of the United States acting pursuant to authorization on behalf of certain Small Business Investment Companies ("SBICs"), for the purchase by the Purchasers, acting severally and not jointly, and the sale by the SBICs of \$---- aggregate principal amount of Debentures due March 1, 1984 to be issued by the SBICs and to be fully guaranteed as to principal and interest by SBA (such \$---- principal amount of Debentures due March 1, 1984 being hereinafter referred to as the "Debentures"). Each Debenture is to be in the principal amount of \$10,000 and is to bear interest at the rate set forth in the Official Form of Proposal to which

<sup>2</sup> Filed as part of original document.

<sup>1</sup> Filed as part of original document.

this Purchase Agreement is attached. Ownership of the Debentures is to be evidenced by Guaranty Agreements (herein called the "Guaranty Agreements") in substantially the form attached hereto as Schedule B. The Representatives represent and warrant that as such Representatives they have been authorized by the other Purchasers to enter into and execute this Agreement on their behalf and to act for them in the manner provided herein.

**Section 1. Purchase and Sale.** Upon the terms and conditions and upon the basis of the representations, warranties and agreements herein set forth, SBA agrees, pursuant to authorization from the SBICs, to cause such SBICs to sell to the Purchasers and the Purchasers agree, severally and not jointly, to purchase from the SBICs, the respective principal amounts of Debentures set forth opposite the names of the Purchasers in Schedule A hereto at the purchase price set forth in the Official Form of Proposal to which this Purchase Agreement is attached, plus interest, if any, accrued thereon from April 4, 1974 to the date of Closing (hereinafter defined). The Purchasers contemplate a public offering of the Debentures. SBA agrees to (a) assemble the Debentures as agent for the SBICs for sale to the Purchasers; (b) accept delivery of the Debentures as bailee pursuant to the Guaranty Agreements; (c) make delivery of the Guaranty Agreements as provided in Section 3 hereof; and (d) direct the Federal Reserve Bank of New York to distribute to the SBICs the purchase price for the Debentures, less any costs incident to the sale of the Debentures (see Section 7 herein), paid by the Purchasers to the Federal Reserve Bank of New York for the account of the SBICs.

**Section 2. Representations, Warranties and Agreements of SBA.** SBA represents, warrants, and agrees with the Purchasers that:

(a) The Guaranty Agreements, when executed and delivered at the Closing, will be in substantially the form attached hereto as Schedule B<sup>1</sup> and will be legal, valid, and binding undertakings of SBA in accordance with their terms.

(b) The Debentures are identified in a debenture register maintained at SBA, and SBA has full power and authority on behalf of the SBICs to deliver such Debentures in accordance herewith and to receipt for the purchase price therefor upon payment thereof by the Purchasers to the Federal Reserve Bank of New York for the account of the SBICs.

(c) SBA has full power and authority to accept the Debentures as bailee on behalf of the holders of Guaranty Agreements and, upon delivery thereof to SBA as herein and in the Guaranty Agreements provided, the holders of Guaranty Agreements will have title to the Debentures, subject to no prior liens or restrictions.

(d) The guaranty by SBA of the Debentures is in conformity with Section 303(b) of the Small Business Investment Act of 1958, as amended, and will be within the limitations set forth in Section 4(c)(4)(B) of the Small Business Act and the authority of SBA under and pursuant to the relevant appropriation act, in each case after giving effect to all other loans, guarantees and other obligations or commitments outstanding pursuant to Title III of the Small Business Investment Act of 1958.

**Section 3. Payment for and Delivery of Debentures—Closing.** Payment of the purchase price (subject to adjustment as provided in Section 4 hereof) for the Debentures shall be made at the office of the Federal Reserve

Bank of New York, 90 William Street, New York, New York, or at such other place as shall be agreed upon by SBA and the Representatives, at 10:00 a.m., E.D.T. on April 4, 1974 (the "Closing"). The Closing may be postponed to such later time or date as shall be agreed upon by SBA and the Representatives. Such payment shall be made to the Federal Reserve Bank of New York for the account of the SBICs by the Purchasers, or the Representatives on their behalf, in federal funds, against delivery of the Debentures to SBA, as bailee, pursuant to the Guaranty Agreements and against delivery of the Guaranty Agreements to or upon the order of the Representatives for the respective accounts of the Purchasers. Delivery of the Guaranty Agreements at the Closing shall be effected by delivery to such person, firm or corporation as shall be designated by the Representatives of one Guaranty Agreement in temporary form evidencing ownership of the Debentures.

Guaranty Agreements representing the Debentures will be delivered in definitive form, in exchange for the Guaranty Agreement issued in temporary form, on the 5th full business day subsequent to the day on which the Representatives of the Purchasers supply the Federal Reserve Bank of New York with the names and denominations (in integral multiples of \$10,000) in which such Guaranty Agreements are to be registered. Should such names and denominations be supplied to the Federal Reserve Bank of New York by the Representatives prior to March 28, 1974, then the definitive Guaranty Agreements will be issued in lieu of the temporary Guaranty Agreement at the Closing.

**Section 4. Security.** SBA acknowledges receipt of an amount equal to that required to be deposited in connection with the bid by the Notice of Sale from the Representatives on behalf of the several Purchasers, which deposit has been made by the Purchasers in proportion to the principal amount of Debentures set forth opposite their names in Schedule A hereto. If the Purchasers comply with their obligations hereunder to accept and pay for the Debentures, such amount, without interest, shall be applied to the aggregate purchase price of the Debentures as provided in Section 1 hereof. In the event of termination of this Agreement by reason of failure by SBA to deliver the Guaranty Agreements on the date of Closing, or for any other reason permitted by this Agreement, other than pursuant to Section 10 hereof, such amount shall be returned immediately, without interest, by SBA to the Representatives for the accounts of the several Purchasers. If, on the date of Closing, any Purchaser shall not accept and pay for the Debentures which such Purchaser has agreed to purchase, then (i) as to any Purchaser whose nonacceptance or nonpayment constituted a default hereunder, the portion of such sum delivered to SBA on behalf of such Purchaser shall be retained by SBA as liquidated damages for such failure, provided, that if any Debentures agreed to be purchased by such Purchaser shall be purchased and paid for by the remaining Purchasers, or by any substitute Purchaser or Purchasers procured by non-defaulting Purchasers, as provided in Section 10 hereof, SBA shall return to the Representatives such portion, less the amount of any expenses of SBA caused by the failure or refusal of such Purchaser to purchase and pay for Debentures, and (ii) as to any Purchaser whose nonacceptance or nonpayment did not constitute a default hereunder, SBA shall return to the Representatives, for the account of such Purchaser, without interest, the amount of the deposit made on its behalf.

**Section 5. Prospectus.** SBA has heretofore furnished to the Representatives copies of a

Preliminary Prospectus relating to the Debentures and Guaranty Agreements. SBA agrees that, as soon as practicable after this Agreement becomes effective, it will complete the Preliminary Prospectus and will make such changes therein as it may deem advisable and as shall be approved by the Representatives as to form and substance and as not involving a material adverse change from the Preliminary Prospectus, and that one or more copies thereof as so completed and changed (the "Prospectus") will be executed on behalf of SBA by its authorized representative, dated the date the proposal was accepted by SBA, and delivered to the Representatives on or prior to the date of Closing. SBA hereby authorizes the Purchasers to use the Prospectus in connection with the public offering and sale of the Debentures.

SBA represents and warrants to each of the Purchasers that the statements and information contained in the Prospectus at the date thereof and at the date of Closing will be true, correct and complete in all material respects, and the Prospectus as of such times will not omit any statement or information which should be included therein for the purpose for which it is to be used or which is necessary to make the statements and information contained therein not misleading in any material respect, except as such statements and information may have been furnished in writing by the Purchasers expressly for use in the Prospectus.

**Section 6. Blue Sky Qualification.** SBA agrees to cooperate with the Purchasers in qualifying the Debentures for offering and sale under the securities or Blue Sky laws of such jurisdiction as may be designated by the Representatives, provided that SBA shall not be required to file any general consent to service of process under the laws of any such jurisdiction, and that any applications required in connection therewith shall be prepared on behalf of SBA by counsel for the Purchasers and, to the extent permitted by law, filed by such counsel on behalf of SBA.

**Section 7. Payment of Expenses.** The Purchasers shall be under no obligation to pay any expenses incident to the performance of the obligations of SBA hereunder including, but not limited to, the cost of printing or other reproduction and delivery of the Notice of Sale and Official Form of Proposal, the Preliminary Prospectus, the Prospectus, the Debentures, the Guaranty Agreements, the memoranda referred to in the Notice of Sale, and the opinion of the General Counsel or Acting General Counsel of SBA. The Purchasers agree to pay all their expenses, including the fees and disbursements of counsel for the Purchasers, incurred in connection with the Debentures or Guaranty Agreements.

**Section 8. Conditions of Purchasers' Obligations.** The obligations of the Purchasers to purchase and pay for the Debentures shall be subject to the accuracy of the representations and warranties on the part of SBA and to the performance of its obligations to be performed hereunder prior to the Closing, and to the following further conditions:

(a) At the time of Closing, the Representatives shall have received the favorable opinions of the General Counsel or Acting General Counsel of SBA and Brown, Wood, Fuller, Caldwell & Ivey, counsel for the Purchasers,<sup>2</sup> each dated the date of Closing, substantially in the forms of Exhibits A and B to this Agreement.

(b) At the time of Closing, the Representatives shall have received a certificate of SBA dated the date of Closing, signed by the Administrator or Deputy Administrator of SBA, to the effect that:

<sup>1</sup> Filed as part of original document.

## NOTICES

(i) the representations and warranties of SBA contained herein are true and correct as if made as of the time of Closing; and  
 (ii) the Debentures have been delivered to SBA, as bailee, in accordance herewith and pursuant to the Guaranty Agreements.

If any conditions contained in this Agreement shall not be satisfied or if the obligations of the Purchasers shall be terminated for any reason permitted by this Agreement, this Agreement shall terminate neither the Purchasers nor SBA nor the SBIC's shall be under further obligation hereunder except that the deposit referred to in Section 4 shall be returned by SBA to the Representatives.

*Section 9. Termination of Agreement.* The Representatives shall have the right to terminate this Agreement by giving the notice indicated below in this Section, at any time at or prior to the Closing (a) if there shall have occurred any new outbreak of hostilities or other national or international calamity or development the effect of which on the financial markets of the United States shall be such as, in the judgment of the Representatives, makes it impracticable for the Purchasers to sell the Debentures, (b) if trading on the New York Stock Exchange shall have been suspended or maximum or minimum prices for trading shall have been fixed, or maximum ranges for prices for securities on the New York Stock Exchange shall have been required by that Exchange or by order of any governmental authority having jurisdiction, (c) if a banking moratorium shall have been declared by Federal authorities, or (d) if there shall have been enacted legislation which would adversely affect SBA's power as described in the Prospectus to guarantee the Debentures. If the Representatives shall elect to terminate this Agreement as provided in this Section, SBA shall be notified promptly by the Representatives, by telephone or telegram, and such notice confirmed by letter. If this Agreement shall be terminated as provided in this Section, neither the Purchasers nor the SBICs nor SBA shall be under further obligation hereunder except that the deposit referred to in Section 4 shall be returned by SBA to the Representatives.

*Section 10. Substitution of Purchasers or Increase in Purchasers' Commitments.* If for any reason one or more of the Purchasers shall fail at the Closing to purchase the Debentures which they have agreed to purchase hereunder (the "Unpurchased Debentures"), then:

(a) If the aggregate principal amount of Unpurchased Debentures does not exceed \$3,000,000, the remaining Purchasers shall be obligated to purchase the full amount thereof in proportion to their respective commitments hereunder.

(b) If the aggregate principal amount of Unpurchased Debentures exceeds \$3,000,000, any of the remaining Purchasers selected by the Representatives, or any other purchasers the Representatives select, shall have the right within 24 hours after the Closing to purchase or procure purchasers for all, but not less than all, of such Unpurchased Debentures in such amounts as may be agreed upon; and if the remaining Purchasers shall not agree to purchase and/or procure a party or parties to agree to purchase such Debentures on such terms within such period, then SBA shall be entitled to an additional period of 24 hours in which to procure another responsible party or parties to agree to purchase such Debentures on such terms. If neither the remaining Purchasers nor SBA shall procure another party or parties to

agree to purchase such Debentures within the aforesaid periods, then SBA may, at its option, by written notice delivered to the Purchasers no later than 72 hours after the Closing, elect to proceed with the sale to the remaining Purchasers of the Debentures which they have agreed to purchase. In the absence of the exercise of such option this Agreement shall terminate.

The termination of this Agreement pursuant to this Section shall be without liability on the part of SBA, the SBICs or any of said remaining Purchasers.

Nothing herein shall relieve any Purchaser so defaulting from liability, if any, for such default.

In the event of a default by any one or more Purchasers as set forth in this Section, either the Representatives or SBA shall have the right to postpone the Closing for an additional period of not exceeding 5 business days in order that any required changes in any documents or arrangements may be effected.

*Section 11. Representations, Warranties and Agreements to Survive Delivery.* All representations, warranties, agreements and covenants contained in this Agreement shall remain operative and in full force and effect regardless of any investigation made by or on behalf of any Purchaser or by or on behalf of SBA, and shall survive delivery of the Debentures to the Purchasers.

*Section 12. Notices.* Except as herein otherwise provided, all communications hereunder shall be in writing and, if sent to the Purchasers, shall be mailed, delivered, or telegraphed and confirmed in writing to the Representatives to the care of and at the address of the first Representative appearing in Schedule A hereto or, if sent to SBA, shall be mailed, delivered or telegraphed and confirmed in writing to 1441 L Street, N.W., Washington, D.C. 20416, attention of the Administrator or Acting Administrator, and a copy of each notice shall be furnished to the General Counsel or Acting General Counsel of SBA.

Bids will be opened at the office of Brown, Wood, Fuller, Caldwell & Ivey, One Liberty Plaza, 35th Floor, New York, New York at 11 a.m., e.d.t., March 21, 1974. SBA reserves the right to reject all bids.

Dated: March 14, 1974.

DAVID A. WOLLARD,  
 Associate Administrator  
 for Finance and Investment.

PRELIMINARY PROSPECTUS DATED MARCH 14,  
 1974

\$-----

% DEBENTURES DUE MARCH 1, 1984

FULLY GUARANTEED AS TO PRINCIPAL AND INTEREST BY THE SMALL BUSINESS ADMINISTRATION (AN AGENCY OF THE UNITED STATES OF AMERICA)

ISSUED BY

SMALL BUSINESS INVESTMENT COMPANIES

Interest payable March 1 and Sept. 1 of each year.

Price ----% plus accrued interest, if any, from debentures, identical as to interest rate and maturity and in the principal amount of \$10,000 each, issued by Small Business Investment Companies, are being offered by this Prospectus. Timely payment of the principal of, and interest on, each Debenture offered hereby will be fully guaranteed by the Small Business Administration, an agency of the United States. The Debentures are not redeemable prior to maturity.

The Debentures are offered under and pursuant to Guaranty Agreements covering a specific Debenture or Debentures identified in a debenture register maintained by the Small Business Administration. The Debentures represented by the Guaranty Agreements will be held for the purchasers and holders of the Guaranty Agreements by the Small Business Administration, as Bailee, and will be payable to the Small Business Administration which, as collection agent for the holders of Guaranty Agreements, will remit payments of principal and interest on the Debentures to such holders on the dates set forth above. Principal and interest on any defaulted Debentures will be paid directly on the dates set forth above to the holders of Guaranty Agreements relating thereto by the Small Business Administration in accordance with its guaranty. Since the Debentures were issued by the Small Business Investment Companies in \$10,000 denominations only, any Guaranty Agreement may represent ownership of a Debenture or Debentures aggregating any integral multiple of \$10,000.

Section 303(b) of the Small Business Investment Act of 1958, as amended, provides that the Small Business Administration has authority to guarantee the timely payment of all principal and interest on Debentures issued by Small Business Investment Companies and further provides that "The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this subsection".

Interest is not exempt from Federal income taxes. It is expected that a Guaranty Agreement in temporary form will be available for delivery at the Closing on April 4, 1974 and that Guaranty Agreements in definitive form will be available, in exchange for the Guaranty Agreement in temporary form, on the 5th full business day subsequent to the day on which the Representatives of the Purchasers supply the Federal Reserve Bank of New York with the names and denominations (in integral multiples of \$10,000) in which such Guaranty Agreements are to be registered. Should such names and denominations be supplied to the Federal Reserve Bank of New York by the Representatives prior to March 28, 1974, then the definitive Guaranty Agreements will be issued in lieu of the temporary Guaranty Agreement at the Closing.

Each Guaranty Agreement covering a particular Debenture or Debentures is freely assignable by the registered holder thereof. Interest will be paid by check on the dates set forth above to the registered holders of Guaranty Agreements. The principal, and final installment of interest, will be paid on ----- on presentation and surrender of the Guaranty Agreements at the Federal Reserve Bank of New York.

More complete information regarding the Debentures and Guaranty Agreements appears later in this Prospectus.

The date of this Prospectus is -----, 197-----

## HISTORY AND ACTIVITIES

The Small Business Administration ("SBA" or the "Administration") is a permanent independent agency of the United States. The SBA was established on July 30, 1953 and is the fifth in a succession of agencies for the benefit of small business. The predecessor agencies included the Reconstruction Finance Corporation established in 1932, a Small Business Unit in the Bureau of Foreign and Domestic Commerce of the Department of Commerce established in 1941, the Smaller War Plants Corporation established in 1942, and the Small Defense Plants Administration established in 1951.

The SBA was created by the Small Business Act of 1953 and derives its present authority and existence principally from the

\* Filed as part of original documents.

Small Business Act of 1958, as amended (15 U.S.C.A. 631 et seq.). It also derives its authority from the Small Business Investment Act of 1958, as amended (15 U.S.C.A. 661 et seq.), Section 213(a) of the War Claims Act of 1948, as amended (50 U.S.C.A. App. 2107 I), Title IV of the Economic Opportunity Act of 1964, as amended (42 U.S.C.A. 2901 et seq.), and the Disaster Relief Act of 1970 as amended (42 U.S.C.A. 4401 et seq.).

In carrying out its broad legislative mandate, the SBA performs the following activities:

**Financial Assistance.** The SBA provides financial counseling and direct loans or lender participation loans to small concerns and small business loan guarantees to financial institutions. A "small business" concern is defined as one which is independently owned and operated and which is not dominant in its field of operations; in addition, SBA has established size standards which vary according to the type of assistance sought from industry to industry, and are based on such factors as number of employees or dollar volume of business. The SBA loans are made to small business concerns to finance plant construction, conversion or expansion; to finance the acquisition of equipment, facilities, machinery, supplies or materials; and, if necessary, to provide working capital. The SBA also makes, participates in, or guarantees economic opportunity loans made under provisions contained in Title IV of the Economic Opportunity Act. Loans are also made to non-profit public or private corporations operated for the benefit of handicapped individuals, and to handicapped individuals for business purposes.

The SBA provides loans to corporations formed and capitalized by a group of small business concerns for the purpose of obtaining raw materials, equipment, inventories, supplies, or the benefits of research and development for their own use, or for establishing facilities for such purpose. Loans are also made to development companies organized to promote and assist the growth and development of small business concerns.

Loans are also made to assist small businesses which have sustained substantial economic injury resulting from a major disaster; have been economically injured by a federally aided urban renewal or highway construction program, or by any construction program conducted with Federal funds; or suffered economic injury as a result of their inability to process or market a product for human consumption because of disease or toxicity occurring in the product through natural or undetermined causes; or from compliance with certain Federal laws relating to health and safety; or from reduction of Federal support for any project as a result of any international agreement limiting the development of strategic arms. The SBA also guarantees the payment of rentals under leases entered into by small business concerns, and guarantees to a surety up to 90 percent of a small contractor's surety bond.

The victims of floods, riots, civil disorders, and other catastrophes receive loans from the SBA to aid them in repairing, rebuilding, or replacing their homes, businesses, or other property.

**Procurement and Management Assistance.** Where appropriate, the SBA certifies to Government procurement officers the capacity of a small business to perform a specific Government contract. The SBA establishes "size standards" to designate what business enterprises shall be designated as small business concerns with respect to Government procurement, SBA lending, property disposal, the allocation or distribution of materials and supplies, and assistance from licensed small business investment companies or de-

velopment companies. The procurement procedures, records, and contract files of other agencies may be reviewed for the purpose of checking the administration and effectiveness of the "set-aside" program, under which Government procurements are being set aside for exclusive bidding by small business.

The SBA enters into Government prime contracts and sublets the contracts to small business concerns and encourages the letting of subcontracts to small business concerns by Government prime contractors. The SBA also participates and consults with other Government agencies in connection with their issuance of orders and formulation of policies affecting small business concerns.

The Administration inventories the productive facilities of small business concerns, and ascertains and coordinates the means whereby their productive capacity can be utilized most effectively.

The Administration also co-sponsors courses and conferences, prepares literature dealing with management problems of small business concerns and conducts management workshops for businessmen. It uses the volunteer aid of retired and active executives to assist small businessmen in overcoming their management problems, and renders management and financial assistance to small business concerns in order to promote their active participation in the Nation's foreign trade.

To provide technical assistance to small business concerns, the SBA assists small business concerns to obtain the benefits of Government-sponsored research and development. The SBA also approves small business defense production pools and research and development pools.

**Small Business Investment Companies.** In 1958, Congress established the Small Business Investment Company (SBIC) program. SBICs are privately owned, SBA licensed and regulated companies with the sole purpose of supplying equity capital and long-term financing to small firms for their expansion and modernization and the sound financing of their operations. SBICs may also provide management assistance.

For the purposes of the SBIC program, a concern is small if its assets do not exceed \$7.5 million, its net worth is not more than \$2.5 million and its two-year average income after taxes does not exceed \$250,000; a concern may also qualify under the regular business loan size standards. The statutory minimum private capitalization of an SBIC is \$150,000. SBA may require higher private investment, depending on the area to be served and the prospect for sound and profitable operations.

At December 31, 1973, there were 338 operating and licensed SBICs. At March 31, 1973 SBICs had private capital totaling approximately \$355.0 million, with the capital of most SBICs ranging from \$150,000 to \$2 million. At that time, then licensed SBICs reported outstanding loans and investments in approximately 5,000 small business concerns totaling approximately \$510.0 million with most loans ranging in size from \$18,000 to \$76,000.

The SBA may purchase debentures of SBICs to augment the funds available to SBICs for investment and may also guarantee debentures of SBICs which are issued to others. Such debentures, whether purchased or guaranteed by the SBA, are, unless otherwise determined by the SBA, subordinated and may have terms of up to 15 years. The total principal amount of outstanding debentures purchased or guaranteed by the SBA and issued by any particular SBIC may, in general, not exceed at any one time an amount equal to twice such SBIC's capital and paid-in surplus or \$15,000,000, which-

ever is less. However, SBICs specializing in venture capital financing and capitalized at \$500,000 or more may qualify for SBA loans in an amount equal to three times their capital up to an aggregate of \$20 million.

Prior to the 1972 Amendments to the Small Business Investment Act, SBA had administratively created special SBICs engaged only in financing small firms owned and managed by persons whose participation in the free enterprise system is hampered by social or economic disadvantages. These special SBICs were legislatively recognized by the 1972 Amendments. Pursuant to these amendments SBA may purchase 3% nonvoting preferred stock of such a special SBIC as follows: (A) from a company with a private capital of \$300,000 or more but less than \$500,000, an amount equal to its private capital in excess of \$300,000, and (B) from a company with a private capital of \$500,000 or more, the amount of its private capital. SBA may also purchase or guarantee such a company's debentures within these limits: (A) from a company having private capital of less than \$500,000, not to exceed 200 percent of its private capital, less the amount of preferred stock purchased by SBA and (B) from a company having private capital of \$500,000 or more and maintaining a prescribed venture capital ratio, 300 percent of its private capital less the amount of preferred stock purchased by SBA. Such debentures carry a 5-year interest subsidy of 3 percentage points. No such debentures are included in this issue. On December 31, 1973 there were 66 such special SBICs licensed by SBA.

The \$----- principal amount of Debentures offered hereby and guaranteed by the SBA represent loans to a total of SBICs.

#### DEBENTURES

The Debentures offered hereby evidence loans guaranteed by the SBA as described above pursuant to Section 303(b) of the Small Business Investment Act of 1958, as amended. Each Debenture is dated April 14, 1974, is in the principal amount of \$10,000, bears interest from April 14, 1974 at the rate set forth on the cover of this Prospectus payable March 1 and Sept. 1 of each year to maturity, matures March 1, 1984, is non-redeemable prior to maturity and is similar as to all other terms with each and every other Debenture offered hereby.

Each Debenture is payable to the SBA which, as collection agent and bailee for the holder, has agreed in the Guaranty Agreements to remit such payments from the obligors to the holders of the Debentures. The Debentures provide that the obligors thereon shall deposit with the SBA all principal and interest payments required to be made thereon no later than 12 o'clock noon on the last business day next preceding the applicable payment date. The SBA, in the Guaranty Agreements, covenants with the holders of Debentures that, if monies in the requisite amount shall not have been deposited with it by such time, the SBA will, pursuant to its guaranty, make such requisite payments to the holders.

#### FULL FAITH AND CREDIT

Timely payment of Debentures held pursuant to Guaranty Agreements is guaranteed by the SBA, which guaranty bears the full faith and credit of the United States. The SBA has determined that all statutory requirements for the guaranty of the Debentures have been met. See the cover of this Prospectus for an excerpt from the provisions of Section 303(b) of the Small Business Investment Act of 1958, as amended. Reference is also made to the last paragraph under "Guaranty Agreements" herein for a discussion respecting the means

## NOTICES

available to the SBA for the discharge of its guaranty of the Debentures.

## GUARANTY AGREEMENT

Ownership of the Debentures offered hereby is to be evidenced by Guaranty Agreements duly executed by the SBA and issued to the holders thereof. The Debenture or Debentures represented by any particular Guaranty Agreement are identified in a debenture register maintained by the SBA. Ownership of any number of Debentures may be represented by any particular Guaranty Agreement and, since the Debentures are issuable only in denominations of \$10,000, any particular Guaranty Agreement may represent ownership of a Debenture or Debentures aggregating any integral multiple of \$10,000.

By acceptance of a Guaranty Agreement a holder of Debentures will be deemed to have irrevocably approved the appointment of the SBA as bailee of the Debentures purchased by such holder. The holders of Guaranty Agreements shall bear no risk or responsibility with respect to the Debentures represented thereby and shall not be obligated in any manner whatsoever to pay any bailment fees or expenses.

The guaranty obligation of the SBA is to make timely payment of principal and interest on the Debentures in accordance with their terms without regard to any default by an issuing SBIC. Default or involuntary prepayment by an issuing SBIC will not result in payment of the principal or interest on such SBIC's Debentures by the SBA prior to the dates specified above under "Debentures" since the SBA, in the Guaranty Agreements, has undertaken to make payments of principal and interest on the Debentures over the stated life of such Debentures irrespective of defaults or involuntary prepayments by issuing SBICs. SBA's guaranty obligation respecting any defaulted Debenture may be satisfied (a) by payments from the SBA revolving fund applicable to the issuance of the Debentures or (b) through appropriations authorized by Congress pursuant to Section 4(c)(3) of the Small Business Act. The SBA considers it highly unlikely that any resort to appropriations by Congress will be necessary for it to satisfy its guaranty of the timely payment of principal and interest on the Debentures.

## GENERAL

**Transfers.** The ownership of Debentures will be evidenced by the registration of Guaranty Agreements on books maintained on behalf of the SBA by the Federal Reserve Bank of New York and such books will be closed for 15 calendar days next preceding any interest or principal payment dates. Such registered ownership may be changed on the transfer books by presentation of the Guaranty Agreement at such Bank, duly assigned, without charge to the owner by the Bank. Each Guaranty Agreement must include the identifying number of the registered owner as part of the registration.

Since the Debentures are in \$10,000 denominations only, any Guaranty Agreement may represent ownership of a Debenture or Debentures aggregating any integral multiple of \$10,000. Denominational exchanges of Guaranty Agreements may be effected at the Federal Reserve Bank of New York.

**Other Procedures Governing Registration and Transfer of Guaranty Agreements.** For the protection of registered owners of Guaranty Agreements, the SBA has adopted procedures to govern the manner in which Guaranty Agreements may be registered, transferred, exchanged or assigned and presented for payment. Such procedures are the same, insofar as applicable, as the Regulations of the United States Treasury Department governing registered obligations of the

United States as contained in Treasury Department Circular No. 300. Generally, the Federal Reserve Bank of New York will act for the SBA in such matters. A copy of Circular No. 300 may be obtained upon request from the Federal Reserve Bank of New York and the Treasury Department.

**Legality of Investments.** The Debentures as represented by the Guaranty Agreements are acceptable as security for the deposit of public moneys subject to the control of the United States or any of its officers, agents or employees, and are eligible as collateral for Treasury Tax and Loan Accounts. Under Federal law national banks and state banks which are members of the Federal Reserve System may deal in, underwrite, and purchase for their own account Debentures without regard to any limitation based on capital and surplus.

The Debentures as represented by the Guaranty Agreements are eligible as security for advances to member banks by Federal Reserve Banks.

**Tax Status.** By letter dated June 5, 1973 the Internal Revenue Service ruled to the effect that holders of Guaranty Agreements will be treated for Federal income tax purposes as holders of "Government securities" where that term is used in the relevant sections in the Internal Revenue Code of 1954, as amended, and that, accordingly, holders of Guaranty Agreements will be treated as the owners of (i) "obligations of the United States" within the meaning of Section 7701 (a) (19) (C) (ii), relating to federal and domestic savings and loan associations and certain other financial institutions; (ii) "government securities" within the meaning of Section 851(b) (4), relating to regulated investment companies; (iii) "obligations of the United States or of any agency or instrumentality thereof" within the meaning of Section 895 relating to foreign central banks of issue; and (iv) "government securities" within the meaning of Section 856(c)(5)(A) relating to real estate investment trusts.

While no ruling was requested or given on the points, in the opinion of Messrs. Brown, Wood, Fuller, Caldwell & Ivey, counsel for the Purchasers, holders of Guaranty Agreements will not be treated for Federal income tax purposes as owners of "qualifying real property loans" within the meaning of Section 593(e)(1) relating to reserves for losses on loans made by certain financial institutions or "obligations secured by mortgages on real property or interests in real property" within the meaning of Section 856(c)(3)(B) relating to real estate investment trusts.

In the opinion of such counsel, the Guaranty Agreements constitute "obligations of the United States" within the meaning of Title 31, Section 742 of the United States Code, as amended, and therefore such Agreements and the interest paid pursuant thereto are exempt from local taxation by or under state or municipal or local authority, except non-discriminatory franchise or other non-property taxes in lieu thereof imposed on corporations and except estate taxes or inheritance taxes.

**Legal Opinions.** The legality of the sale of the Debentures and the Guaranty Agreements will be passed upon by the General Counsel or Acting General Counsel of SBA and by Messrs. Brown, Wood, Fuller, Caldwell & Ivey, One Liberty Plaza, New York, New York 10006, counsel for the Purchasers.

## NOTICE

The statements herein with respect to the Guaranty Agreements and related documents are subject to the detailed provisions of such Guaranty Agreements and documents and the statements made herein are qualified in their entirety by reference thereto.

## PURCHASERS

The Purchasers named below have severally agreed to purchase the following respective principal amounts of the Debentures.

Name of purchaser	Address of purchaser	Principal amount
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SMALL BUSINESS  
ADMINISTRATION,

DAVID A. WOLLARD,  
Associate Administrator for  
Finance and Investment.

## SCHEDULE A

The names and addresses of the Purchasers and the principal amounts of Debentures which each of them severally agrees to purchase are as follows:

Purchaser	Address	Principal amount
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## SCHEDULE B

Small Business Investment Company  
Debentures  
Fully Guaranteed as to Principal and  
Interest by the  
U.S. Small Business Administration  
(An Agency of the United States of America)  
Guaranty Agreement

This Guaranty Agreement relates to the debenture or debentures in the principal amount of \$10,000 each (herein called the "Debentures") which are issued by the Small Business Investment Company or Companies named therein (herein called the "Obligor" or "Obligors"), are payable to the Small Business Administration, an agency of the United States of America (herein called "SBA"), as agent for the holder hereof (as hereinafter provided), are in the aggregate principal amount set forth above and are identified in the debenture register maintained by SBA. Subject to Section 4 hereof, the Debentures are owned and held by (herein called the "Holder").

**Section 1. Guaranty.** SBA hereby unconditionally guarantees to the Holder the due and timely payment of the principal of and interest on the Debentures, as set forth above and on the terms set forth herein. In case of the failure of any Obligor or Obligors to make timely payment of such principal or interest to SBA as collection agent for the Holder, SBA hereby agrees to make, and Holder agrees to accept, such timely payment to the Holder, under and pursuant to the terms of the Debentures to and until the maturity date indicated above, irrespective of any provision in the Debentures or in applicable regulations relating to acceleration of the maturity thereof, or otherwise.

SBA hereby agrees that its obligations hereunder shall be unconditional, irrespective of the validity, regularity or enforceability of the Debentures or any other circumstances which might constitute a legal or equitable discharge or defense of a guarantor.

SBA hereby waives diligence, presentment, demand of payment, any duty on the part of the Holder to proceed first against the Obligor or Obligors, protest, notice and all demands whatsoever, with respect to the Debentures and the indebtedness evidenced thereby, and covenants that the guaranty

contained herein will not be discharged except by complete performance of the obligations contained in the Debentures and in this Agreement.

**Section 2. Debentures Held by Bailee.** Subject to Section 4 hereof, actual possession of the Debentures is held by SBA, as bailee, pursuant to designation by the underwriters of the debentures, of which the Debentures constitute a part, issued by Small Business Investment Companies and guaranteed by SBA and purchased from Small Business Investment Companies in accordance with the Purchase Agreement referred to in the heading hereof, between such underwriters and SBA. By the acceptance of this Agreement the Holder hereby ratifies and confirms the appointment of SBA as bailee and hereby agrees that the Debentures shall be held by SBA as bailee with no right in the Holder to take possession thereof.

This Guaranty Agreement is continued on the reverse hereof and the additional provisions there set forth shall for all purposes have the same effect as if set forth at this place.

The Small Business Administration has caused this Guaranty Agreement to be executed in its name by the facsimile signature of its Administrator and a facsimile of its seal to be hereunto affixed.

Dated: April 4, 1974.

SMALL BUSINESS  
ADMINISTRATION,  
[SEAL] By \_\_\_\_\_  
(Administrator)

[Form of Reverse of Guaranty Agreement]

**Section 3. Payments to the Holder.** The Holder shall be entitled to all payments of the principal of and interest on the Debentures. All such payments shall be made by the Obligor or Obligors to SBA as collection agent for the Holder and remitted by SBA to the Holder. All payments of interest on the Debentures, except the final installment, will be remitted by SBA to the Holder by check. The principal and final installment of interest will be paid on presentation and surrender of this Agreement at the Federal Reserve Bank of New York.

The Debentures provide that the Obligor or Obligors with respect thereto shall deposit with SBA all principal and interest payments thereon no later than 12 o'clock noon on the last business day preceding the applicable payment date. SBA covenants with the Holder that if monies in the requisite amount shall not have been deposited with it by such time, SBA will make such payment to the Holder.

**Section 4. SBA's Right to Assignment.** By the acceptance of this Agreement the Holder hereby agrees that if, in the opinion of SBA, any act has occurred or any condition exists which would, under the terms of any or all of the Debentures or any agreement with SBA or any other debt instrument held or guaranteed by SBA, enable SBA to accelerate the maturity thereof whether or not held by SBA, SBA shall, notwithstanding its status as bailee, have the right to take any and all action as SBA shall deem desirable respecting such Debenture or Debentures (including assignment to SBA as principal by SBA as bailee) and the Obligor or Obligors thereon without notice to the Holder, provided, however, that no such action shall alter in any way SBA's obligations to the Holder pursuant to its guaranty as set forth in Section 1 hereof. In the event of any such assignment, acceleration or other liquidation of the indebtedness represented by any Debenture or Debentures, the Debenture or Debentures so assigned, accelerated or otherwise liquidated shall continue to be identi-

fied on the debenture register as being covered by this Guaranty Agreement, payments to the Holder being made in accordance with the terms of such Debenture or Debentures pursuant to SBA's guaranty thereof. Whenever in this Guaranty Agreement reference is made to a Debenture or Debentures, such reference shall be deemed to apply to the Debenture or Debentures listed in the debenture register as being covered by this Guaranty Agreement, irrespective of whether such Debenture or Debentures shall be then outstanding and/or held by SBA.

**Section 5. Revolving Fund; Full Faith and Credit.** The guaranty of SBA and its undertakings as collection agent set forth herein are backed by the revolving fund established under Section 4(c)(1)(B) of the Small Business Act, as amended, and by the full faith and credit of the United States.

**Section 6. No Modification by Holder.** The Holder will not, without the prior written consent of SBA, make, consent or agree to any amendment, modification, alteration or waiver of any of the terms of the Debentures. The servicing and enforcement of the Debentures, including all matters provided for or contemplated by any other agreements between the Obligor or Obligors and SBA, will be handled solely by SBA. In such servicing and enforcement, SBA reserves the right, in its discretion and without notice to the Holder, to exercise, refrain from exercising or waive any rights under the Debentures and other related documents, or to modify any provisions thereof; provided, however, that no such exercise, failure to exercise, waiver or modification shall adversely affect the rights of the Holder as provided in this Agreement or alter or impair the guaranty of SBA, which is absolute and unconditional, of the timely payment of the principal of and interest on the Debentures.

**Section 7. Sales, Split-Ups, Combinations, etc.** The Holder may, at any time, sell the Debentures with the benefits of this Agreement by completing the assignment form provided below and forwarding this Agreement to the Federal Reserve Bank of New York, or such other place as SBA may designate in writing. Upon receipt thereof, the Federal Reserve Bank of New York will register the transfer on its records and the transferee will thereafter receive a new Guaranty Agreement, executed by SBA. No transfer shall be binding on SBA unless and until the transfer is registered as provided in this Section\*7.

This Agreement may, with respect to the Debentures covered hereby, be divided into denominations of \$10,000 or integral multiples thereof and may be combined to evidence the guaranty of other like Debentures by forwarding this Agreement (and, in the case of combination, such other Guaranty Agreement(s)) with appropriate written instructions and the assignment form(s) completed, to the Federal Reserve Bank of New York, or such other place as SBA shall designate in writing. Upon receipt and approval thereof, the Federal Reserve Bank of New York will deliver a new Guaranty Agreement or Agreements, executed by SBA, reflecting the division or combination so effected, and specifying the principal amount of Debentures covered by such new Guaranty Agreement or Agreements.

#### ASSIGNMENT

FOR VALUE RECEIVED, the undersigned does hereby sell, assign, and transfer unto

-----  
(Name, address, and taxpayer identifying  
number of Transferee)

all its right, title and interest to the within instrument and the Debentures covered thereby.

-----  
(Name of Transferor)

-----  
(Signature)

-----  
(Title)

-----  
(Date)

Personally appeared before me the above-named person, whose identity is well known or proved to me, and signed the above assignment, acknowledging it to be his free act and deed. Witness my hand, official designation, and seal.

-----  
(Official Designation)

-----  
(Signature of Witnessing Officer)

Dated at \_\_\_\_\_ 19\_\_\_\_.

[SEAL]

#### EXHIBIT A

(Addressed to the Representatives of the Purchasers)

DEAR SIRS: As General Counsel for the Small Business Administration (the "SBA"), I am familiar with the various proceedings taken in connection with the authorization and execution by the SBA of the Purchase Agreement dated March 21, 1974 (the "Purchase Agreement"), between the SBA and you, as Representatives of the several Purchasers named in Schedule A to the Purchase Agreement (the "Purchasers"), which Purchase Agreement provides, among other things, for the purchase by the Purchasers, acting severally and not jointly, and the sale by the SBA, acting pursuant to authorization on behalf of certain Small Business Investment Companies ("SBICs"), an aggregate principal amount of % Debentures (the "Debentures") to be issued by the SBICs and to be fully guaranteed as to principal and interest by the SBA, each Debenture to be in the principal amount of \$10,000 and ownership thereof to be evidenced by Guaranty Agreements (the "Guaranty Agreements") in substantially the form attached to the Purchase Agreement as Schedule B. I have examined the Prospectus dated March 21, 1974 (the "Prospectus") relating to the sale of the Debentures, as well as such other records, certificates and documents and such questions of law as I have considered necessary or appropriate for the purposes of this opinion.

Based upon the foregoing, it is my opinion that:

(i) The SBA has due power and authority to execute and deliver the Guaranty Agreements and has taken all necessary action in connection therewith, and, when the Guaranty Agreements are duly executed and delivered to the Purchasers against payment of the agreed consideration for the Debentures, such Guaranty Agreements will be legal, valid and binding undertakings of the SBA in accordance with their terms. The full faith and credit of the United States is pledged to the obligations of the SBA set forth in such Guaranty Agreements respecting guaranty of the timely payment of the principal of, and interest on, the Debentures.

(ii) The Purchase Agreement has been duly and validly authorized, executed and delivered by the SBA on behalf of the SBICs

## NOTICES

and constitutes a valid and binding obligation of the SBA, such execution and delivery having been accomplished by the execution and delivery of the Official Form of Proposal to which the Purchase Agreement is attached.

(iii) No further approval, authorization, consent or other order of any public board or body is legally required for the sale and guaranty of the Debentures pursuant to the Purchase Agreement and the Guaranty Agreements.

(iv) The Debentures and the Guaranty Agreements conform, in substance, with the terms and provisions thereof summarized in the Prospectus. Nothing has come to my attention which would lead me to believe that the Prospectus at the date thereof or at the date of this letter contains any untrue statement of a material fact or omits to state any material fact necessary to make the statements therein not misleading.

(v) The guaranty by the SBA of the Debentures complies with all applicable laws and regulations and is in conformity with Section 303(b) of the Small Business Investment Act of 1958, as amended, and such guaranty is within the limitation set forth in Section 4(c) (4) (B) of the Small Business Act and the authority of the SBA under and pursuant to in each case after giving effect to all other loans, guaranties and other obligations or commitments outstanding pursuant to Title III of the Small Business Investment Act of 1958, as amended.

(vi) The SBA has full power and authority on behalf of the SBICs to deliver the Debentures in accordance herewith to itself as bailee for the holders in accordance with the Guaranty Agreements; the SBA has full power and authority on behalf of the SBICs to issue receipts for the purchase price for the Debentures upon payment thereof by the Purchasers to the Federal Reserve Bank of New York for the account of the SBICs; and, upon delivery of the Debentures to the SBA as bailee for the holders, as provided in the Purchase Agreement, the holders of Guaranty Agreements will have title thereto, subject to no prior liens or restrictions.

Very truly yours,

H. GREGORY AUSTIN,  
General Counsel.

EXHIBIT B

APRIL 4, 1974.

Re: % Debentures due March 1, 1984 Guaranteed by the Small Business Administration and Issued by Small Business Investment Companies.

GENTLEMEN: We have acted as counsel for the Purchasers named in the Purchase Agreement (consisting also of the Official Form of Proposal) dated (the "Purchase Agreement"), between such Purchasers and the Small Business Administration ("SBA"), an agency of the United States, relating to the purchase and public offering by the Purchasers of \$ aggregate unpaid principal amount of % Debentures due March 1, 1984 (the "Debentures") guaranteed by the Small Business Administration and issued by Small Business Investment Companies (the "SBICs") and evidenced by Guaranty Agreements executed by SBA (the "Guaranty Agreements").

As counsel for the Purchasers we have examined such documents and records as we deemed appropriate, including the following: (a) copies of the Small Business Act of 1953 and the Small Business Investment Act of 1958, certified by the General Counsel of SBA; (b) the Regulations of SBA; (c) executed Prospectus, dated March 21, 1974; (d) executed Purchase Agreement; (e) certified specimen Guaranty Agreement; (f) certifi-

cate as to the incumbency and signature of certain representatives of SBA; (g) Rules 3c-3 and 18c-2 adopted by the Securities and Exchange Commission under the Investment Company Act of 1940; (h) copy of letter, dated March 21, 1974 on behalf of the Secretary of the Treasury approving the terms of the offering; (i) certificate pursuant to Section 8 of the Purchase Agreement; (j) delegation from the Administrator of SBA to certain officials of SBA respecting the execution of certain documents; (k) signed statement of the General Counsel of SBA respecting adoption by the SBICs of corporate resolution substantially in the form attached thereto; and (l) signed opinion of the General Counsel of SBA, pursuant to Section 8(a) of the Purchase Agreement.

Based upon the foregoing we are of the opinion that:

(1) SBA has due power and authority to execute and deliver the Guaranty Agreements and has taken all necessary action in connection therewith and, when the Guaranty Agreements are duly executed and delivered to the Purchasers against payment of the agreed consideration for the Debentures, such Guaranty Agreements will be legal, valid and binding undertakings of SBA in accordance with their terms and the full faith and credit of the United States are pledged to the obligations of SBA set forth in such Guaranty Agreements respecting guarantee of the timely payment of the principal of, and interest on, the Debentures.

(2) The Purchase Agreement has been duly and validly authorized, executed and delivered by SBA on behalf of the SBICs and constitutes a valid and binding obligation of SBA, such execution and delivery having been accomplished by the execution and delivery of the Official Form of Proposal to which the Purchase Agreement is attached.

(3) No further approval, authorization, consent or other order of any public board or body is legally required for the sale and guaranty of the Debentures pursuant to the Purchase Agreement and the Guaranty Agreements.

(4) The Debentures and the Guaranty Agreements conform, in substance, with the terms and provisions thereof summarized in the Prospectus.

(5) The Guaranty Agreements are exempted securities within the meaning of laws administered by the Securities and Exchange Commission and the Debentures and Guaranty Agreements need not be registered under the Securities Act of 1933, as amended.

We have endeavored to see\* that the Prospectus contains no untrue statement of a material fact and does not omit to state a material fact or a fact necessary to make the statements therein not misleading, but we cannot, of course, make any representation to you as to the accuracy or completeness of statements of fact contained therein. Nothing, however, has come to our attention that would lead us to believe that the Prospectus (other than as to information contained therein under the caption "History and Activities" respecting which we express no opinion) at the date thereof and at the time hereof contains any untrue statement of a material fact or omits to state a material fact necessary to make the statements therein not misleading.

The opinion of the General Counsel of SBA, referred to above and delivered to you today pursuant to the Purchase Agreement, is in form and substance satisfactory to us.

Very truly yours,

BROWN, WOOD, FULLER,  
CALDWELL & IVEY.

[FR Doc.74-5549 Filed 3-13-74;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 464]

### ASSIGNMENT OF HEARINGS

MARCH 11, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after March 14, 1974.

MC 139206, F. M. S. Transportation, Inc., now assigned April 10, 1974, at St. Louis, Mo., is postponed indefinitely.

MC-126034 Sub-Nos. 1, 3 & 4, Bucks County Construction Co., is continued to April 4, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-125335 Sub 3, Good-Way, Inc., now assigned March 18, 1974, at Washington, D.C., is postponed indefinitely.

MC 95540 Sub 886, Watkins Motor Lines, Inc., and MC 107515 Sub 865, Refrigerated Transport Co., Inc., now assigned March 25, 1974, at Denver, Colo., is postponed indefinitely.

MC 105501 Sub 9, Terminal Warehouse Company, now assigned March 20, 1974, at Chicago, Ill., is cancelled and the application is dismissed.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-5937 Filed 3-13-74;8:45 am]

### FOURTH SECTION APPLICATION FOR RELIEF

MARCH 11, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before March 29, 1974.

FSA No. 42813—Pipeline Rates—Petroleum Products from the Southwest. Filed by Williams Brothers Pipe Line Company (No. 4), for interested rail carriers. Rates on petroleum products, in tank-car loads, as described in the application, from points in Kansas, Oklahoma, and Texas, to specified points in Iowa, Illinois, and Missouri.

Grounds for relief—Market and carrier competition.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-5942 Filed 3-13-74;8:45 am]

[Finance Docket No. 27463]

**GRAHAM COUNTY RAILROAD CO.**  
**Resumption of Service in Graham County,**  
**N.C.; Corrected Order<sup>1</sup>**

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

*It appearing*, That no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

*It is ordered*, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Graham County, N.C., within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

*And it is further ordered*, That a notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the **FEDERAL REGISTER**.

Dated at Washington, D.C., this 20th day of February, 1974.

By the Commission, Commissioner Deason.

[SEAL]

ROBERT L. OSWALD,  
*Secretary.*

The Interstate Commerce Commission hereby gives notice that by order dated February 20, 1974, it has been determined that the above-entitled proceeding that the proposed resumption of operations over a line of railroad between Topton Junction and Robbinsville, Graham County, N.C., a distance of 12.5 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA) 42 U.S.C. §§ 4321 et seq., and that preparation of a detailed environmental impact statement will not be required under section 4322(2)(C) of the NEPA.

It was concluded, among other things, that the proposed resumption of operations, if approved, would enhance the area's efforts to revitalize its heretofore depressed economy by providing local businesses a reliable means of public transportation not recently available. Adverse effects generally associated with the resumed rail service would be minimal because of the limited traffic expected and the pending conversion from steam to diesel power for the preponderance of the freight traffic. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

<sup>1</sup> Corrected to re-issue the notice which was not served February 25, 1974, with the order.

## NOTICES

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 29, 1974.

[FR Doc.74-5940 Filed 3-13-74; 8:45 am]

[Notice No. 43]

### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 15, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74835. By order of March 8, 1974, the Motor Carrier Board approved the transfer to Thomas W. Ahern, doing business as Ahern Movers & Riggers, Lynn, Mass., of the operating rights in Certificate No. MC-60897 issued June 2, 1941, to Raymond E. Hapgood and Edna F. Hapgood, a partnership, doing business as Hapgood's Express, Lynn, Mass., authorizing the transportation of general commodities, with usual exceptions, between Boston, Mass., and Swampscott, Mass., serving all intermediate points. Winslow F. Beckwith, 70 Washington Street, Salem, Mass. 01970, Attorney for applicants.

No. MC-FC-74992. By order of March 7, 1974, the Motor Carrier Board approved the transfer to Coastway Express, Inc., Torrance, Calif., of Certificate of Registration No. MC-96716 (Sub-No. 2), issued December 24, 1964, to Parker Truck Company, a corporation, National City, Calif., evidencing the authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority granted in Decision No. 61659, dated March 14, 1961, as amended by Decision No. 67842, dated September 15, 1964, by the Public Utilities Commission of the State of California. Mr. R. Y. Schureman, Attorney at Law, 1545 Wilshire Boulevard, Los Angeles, California 90017.

No. MC-FC-75001. By order of March 7, 1974, the Motor Carrier Board approved the transfer to Rutherford Moving Vans, Inc., Lyndhurst, N.J., of that portion of the operating rights set forth in Certificate No. MC-40023 (Sub-No. 2),

issued by the Commission June 30, 1955, to Lincoln Warehouse Corporation, New York, N.Y., authorizing the transportation of household goods, as defined by the Commission, between points in Essex, Union, and Hudson Counties, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, practitioner for applicants.

[SEAL]

ROBERT L. OSWALD,  
*Secretary.*

[FR Doc.74-5938 Filed 3-13-74; 8:45 am]

[Notice No. 20]

### Motor Carrier, Broker, Water Carrier and Freight Forwarder Applications

MARCH 8, 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<sup>1</sup> 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

## NOTICES

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 been assigned for oral hearing.

No. MC 732 (Sub-No. 10), filed February 1, 1974. Applicant: ALBINA TRANSFER COMPANY, INC., 705 North Cook Street, Portland, Oreg. 97204. Applicant's representative: Kenneth G. Thomas, 620 SW. Fifth Avenue, Suite 1010, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between Vancouver, Wash., and Portland, Oreg., on the one hand, and, on the other, points in Tillamook 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 Portland, Oreg.

No. MC 2484 (Sub-No. 49), filed February 4, 1974. Applicant: E & L TRANSPORT COMPANY, a Corporation, 14201 Prospect Avenue, Dearborn, Mich. 48126. Applicant's representative: Walter N. Bieneman, 100 W. Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes and recreational vehicles* in truckaway and driveway service, (1) in initial movements, from points in Lorain County, Ohio, to points in the United States (except Alaska and Hawaii); and (2) in subsequent and secondary movements, between points in Michigan, Ohio, Indiana, Illinois, Wisconsin, Kentucky, Virginia, West Virginia, District of Columbia, Maryland, Pennsylvania, and New York, restricted to the transportation of vehicles originally manufactured at various Ford Motor Company plantsites.

NOTE.—Common control was approved in MC-F-10158. 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 Detroit, Mich.

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 2754 (Sub-No. 23), filed January 31, 1974. Applicant: NEUENDORF TRANSPORTATION COMPANY, a Corporation, 121 S. Stoughton Road, P.O. Box 588, Madison, Wis. 53701. 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 alternate 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 Janesville, Wis., and Milwaukee, Wis.: From Janesville, Wis., over Wisconsin Highway 11 to Elkhorn, Wis., thence over Wisconsin Highway 15 to Milwaukee, Wis., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and service at Milwaukee, Wis., restricted to the transportation of shipments received from or delivered to connecting carriers at Milwaukee, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis. or Milwaukee, Wis.

No. MC 6078 (Sub-No. 76), filed February 4, 1974. Applicant: D. F. BAST, INC., P.O. Box 2288, Allentown, Pa. 18001. Applicant's representative: Bert Collins, 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: (1) *Graphite, foundry facings, coke and ground coal*, between Sunbury, Muncy, Saint Marys, West Elizabeth, Pa.; Buffalo, N.Y.; Roanoke, and Lynchburg, Va.; and Baltimore, Md., on the one hand, and, on the other, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia and Ohio; and (2) *materials, supplies and equipment* used or useful in the production, distribution or sale of the aforementioned commodities, from points in Massachusetts, Connecticut, Rhode Island, Pennsylvania, Virginia, West Virginia, and Ohio, to points in Asbury, N.J., and Bethlehem, Pa.

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 11207 (Sub-No. 341), filed January 31, 1974. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. 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 Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, 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 Washington, D.C., or New Orleans, La.

No. MC 13499 (Sub-No. 5), filed January 23, 1974. Applicant: PACIFIC TRANSPORTATION LINES, INC., 443 Delaware Avenue, Buffalo, N.Y. 14202. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such businesses, between the plantsite and warehouse facilities of Welch Foods Inc., located at or near North East and Erie, Pa., on the one hand, and, on the other, points in New York (except the Counties of Nassau and Suffolk, and the City of New York); and (B) *frozen foods*, from points in New York State on and west of Interstate Highway 81, to points in that portion of Ohio, Pennsylvania, Virginia, West Virginia, and Maryland in the territory bounded as follows: Beginning at Avon Lake, Ohio, thence over Ohio Highway 76 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 522, thence over U.S. Highway 522 to junction U.S. Highway 322, thence over Pennsylvania Highway 53 to junction Pennsylvania Highway 144, thence over Pennsylvania Highway 144 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Pennsylvania Highway 449, thence over Pennsylvania Highway 449 to the New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to Lake Erie, thence along the shore of Lake Erie to Avon Lake, Ohio; including all points on the described boundaries, and *return, rejected and refused shipments* in the reverse direction, under continuing contract with General Foods Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 20783 (Sub-No. 96), filed January 30, 1974. Applicant: TOMPKINS MOTOR LINES, INC., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food ingredients, food preparations, and foodstuffs* (except in bulk) in vehicles equipped with mechanical refrigeration, from the plant sites, warehouse and storage facilities of or used by J. H. Filbert Co., Inc. located in Fulton, Cobb, Clayton, DeKalb, Fayette, Henry, Gwinnett, Douglas, and Rockdale Counties, Ga., to points in Alabama, Louisiana, Mississippi, Tennessee, Virginia, and West Virginia, restricted to traffic originating at the said plantsites, warehouses, and storage facilities.

NOTE.—Applicant indicates that the requested authority cannot be tacked with its

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existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 20783 (Sub-No. 97), filed January 30, 1974. Applicant: TOMPKINS MOTOR LINES, INC., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food ingredients, food preparations, and foodstuffs* (except in bulk) in vehicles equipped with mechanical refrigeration, from the plant sites, warehouses and storage facilities of or used by J. H. Filbert Co., Inc., located in Fulton, Cobb, Clayton, DeKalb, Fayette, Henry, Gwinnett, Douglas and Rockdale Counties, Ga., to points in Illinois, Indiana, Kentucky, Ohio, Wisconsin and Michigan, restricted to the transportation of traffic originating at the said plantsites, warehouses and storage facilities.

NOTE.—Applicant indicates 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 20783 (Sub-No. 98), filed January 30, 1974. Applicant: TOMPKINS MOTOR LINES, INC., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food ingredients, food preparations, and foodstuffs* (except in bulk) in vehicles equipped with mechanical refrigeration, from the plant sites, warehouses and storage facilities of or used by J. H. Filbert Co., Inc. located in Fulton, Cobb, Clayton, DeKalb, Fayette, Henry, Gwinnett, Douglas, and Rockdale Counties, Ga., to points in Arkansas, Missouri, Iowa, Minnesota, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, and all states west thereof, restricted to traffic originating at the said plantsites, warehouses and storage facilities.

NOTE.—Applicant indicates 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 22182 (Sub-No. 24), filed February 1, 1974. Applicant: NU-CAR CARRIERS, INC., 950 Haverford Road, P.O. Box 172, Bryn Mawr, Pa. 19010. Applicant's representative: Gerald K. Gimmel, 303 No. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles and motor vehicle chassis, in initial movements, in driveway and truckaway service, and bodies, cabs, and parts of and accessories* for such vehicles, from the plant site of White Truck, Division of White Motor Corporation, Pulaski County, Va., 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 29684 (Sub-No. 7), filed January 29, 1974. Applicant: BURGMEYER BROS., INC., 50 North Fifth Street, P.O. Box 192, Reading, Pa. 19603. 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), (1) Between Newburgh, N.Y. and Hartford, Conn.: From Newburgh over Interstate Highway 84 to Hartford and return over the same route, serving Sandy Hook, Conn. for the purpose of joinder only; and (2) Between Sandy Hook, Conn. and the junction of Interstate Highway 95 and Rhode Island Highway 3 near Hopkinton, R.I.: From Sandy Hook, Conn. and the junction of Highway 34 to New Haven, Conn., and thence over Interstate Highway 95 to its junction with Rhode Island Highway 3 near Hopkinton, R.I., and return over the same route, serving New Haven and New London, Conn. and Hopkinton, R.I. for the purpose of joinder only in (1) and (2) above, serving no intermediate points, as alternate routes for operating convenience only, in connection with carrier's regular route operations.

NOTE.—Common control was approved in MC-F-11337 and MC-F-11876. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29910 (Sub-No. 141), filed February 4, 1974. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, 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: *Prefabricated houses, buildings, and parts thereto*, from Fletcher, N.C., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

NOTE.—Applicant states that the requested authority can be tacked at Fletcher, N.C., to provide a through service from points in North Carolina, South Carolina and Georgia to the destination states named above. If a hearing is deemed necessary, applicant requests it be held at Asheville or Charlotte, N.C.

No. MC 35807 (Sub-No. 43), filed January 30, 1974. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Melvin E. Baitel (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *United States bonds*, between points in the United States (except

Alaska and Hawaii), under a continuing contract or contracts with General Services Administration.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Atlanta, Ga.

No. MC 44605 (Sub-No. 42), filed February 4, 1974. Applicant: MILNE TRUCK LINES, INC., 2200 South 400 West, Salt Lake City, Utah 84115. Applicant's representative: Stuart L. Poelman, Seventh Floor, Continental Bank Bldg., Salt Lake City, Utah 84101. 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), serving Alchem, Wyo. as an off-route point in connection with the carrier's otherwise authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Rock Springs, Wyo.

No. MC 52704 (Sub-No. 114), filed February 4, 1974. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., Post Office Drawer "H" LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, crushed or ground or pulverized* (except in bulk), from the plantsite of Oil Dri Corporation of America in Thomas County, Ga., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, 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 Atlanta, Ga.

No. MC 48958 (Sub-No. 117) filed January 21, 1974. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Morris G. Cobb, P.O. Box 9050, 601 Ross Street, Amarillo, Tex. 79105. 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, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) Between Albuquerque, N. Mex. and Salt Lake City, Utah: From Albuquerque over Interstate Highway 25 (U.S. Highway 85 and New Mexico Highway 422) to junction New Mexico Highway 44, thence over New Mexico Highway 44 to junction New Mexico Highway 17, thence over New Mexico Highway 17 to junction U.S. Highway 550, thence over U.S. Highway 550 to junction U.S. Highway 666, thence over U.S. Highway 666 to junction U.S. Highway 163, thence over U.S. Highway 163

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to junction U.S. Highway 50 (Interstate Highway 70), thence over U.S. Highway 50 (Interstate Highway 70) to junction U.S. Highway 91 (Interstate Highway 15), thence over U.S. Highway 91 (Interstate Highway 15) to Salt Lake City, and return over the same route, serving no intermediate points; and (2) Between Gallup, N. Mex. and Salt Lake City, Utah: From Gallup over U.S. Highway 66 to junction U.S. Highway 163, thence over U.S. Highway 163 to junction U.S. Highway 50 (Interstate Highway 70), thence over U.S. Highway 50 (Interstate Highway 70) to junction U.S. Highway 91 (Interstate Highway 15), thence over U.S. Highway 91 (Interstate Highway 15) to Salt Lake City, and return over the same route, serving no intermediate points, in (1) and (2) above as alternate routes for operating convenience only in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 59856 (Sub-No. 56), filed February 4, 1974. Applicant: SALT CREEK FREIGHTWAYS, a Corporation, 3333 West Yellowstone, Casper, Wyo. 82601. Applicant's representative: Stuart L. Poelman, 7th Floor Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving Alchem, Wyo., and the plantsite of Texasgulf, Inc. (located seven miles east of Granger, Wyo.), as off-route points in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requires it be held at Salt Lake City, Utah or Rock Springs, Wyo.

No. MC 61396 (Sub-No. 267), filed February 1, 1974. Applicant: HERMAN BROS., INC., 2565 St. Mary's Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: J. R. Chesney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer solutions*, in bulk, in tank vehicles, from Grand Island, Nebr., to points in Kansas, North Dakota, South Dakota, Colorado, Missouri, Iowa and Minnesota; and (2) *phosphate fertilizer materials*, in bulk, in tank vehicles, from Topeka, Kans., to points in Nebraska, Minnesota, and South 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 Omaha or Lincoln, Nebr.

No. MC 61825 (Sub-No. 60), filed January 31, 1974. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Post Office Box 385, Collinsville, Va. 24078. Applicant's representative: J. C. Wilson (same address as applicant).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, not frozen, excluding commodities in bulk or tank vehicles, from Red Creek, Egypt, Rushville, Waterloo, Fairport, Lyons, Newark, and Syracuse, N.Y., to points in Georgia, Maryland, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

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 76266 (Sub-No. 126), filed January 30, 1974. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representative: Cecil L. Goetsch, 11th Floor Des Moines Building, Des Moines, Iowa 50309. 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), (1) (a) Between Milwaukee, Wis. and Des Moines, Iowa: From Milwaukee over Wisconsin Highway 15 to Beloit, Wis., thence over Wisconsin Highway 81 to junction Wisconsin Highway 11, thence over Wisconsin Highway 11 to junction U.S. Highway 151, thence over U.S. Highway 151 to Cedar Rapids, Iowa, thence over Iowa Highway 149 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Iowa Highway 209, thence over Iowa Highway 209 to junction Interstate Highway 80, thence over Interstate Highway 80 to Des Moines, and return over the same route, serving no intermediate points, and serving Darien, Wis. for the purpose of joinder only; and (b) Between Milwaukee, Wis. and Des Moines, Iowa: From Milwaukee over Interstate Highway 94 to Chicago, Ill., thence over Interstate Highway 80 to Des Moines, and return over the same route, serving no intermediate points and serving Chicago, Ill. for the purpose of joinder only; and (2) (a) Between Milwaukee, Wis. and Omaha, Nebr.: From Milwaukee over Wisconsin Highway 15 to Beloit, Wis., thence over Wisconsin Highway 81 to junction Wisconsin Highway 11, thence over Wisconsin Highway 11 to junction U.S. Highway 151, thence over U.S. Highway 151 to Cedar Rapids, Iowa, thence over Iowa Highway 149 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Iowa Highway 209, thence over Iowa Highway 209 to Interstate Highway 80, thence over Interstate Highway 80 to Omaha, Nebr., and return over the same route, serving the intermediate point of Des Moines, Iowa, and serving Darien, Wis. for the purpose of joinder only; and (b) Between Milwaukee, Wis. and Omaha, Nebr.: From Milwaukee over Interstate Highway 94 to Chicago, Ill., thence over Interstate

Highway 80 to Omaha, and return over the same route, serving the intermediate point of Des Moines, Iowa, and serving Chicago, Ill. for the purpose of joinder only.

NOTE.—Common control was approved in MC-F-10107. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.; Des Moines, Iowa; or Omaha, Nebr.

No. MC 82841 (Sub-No. 137), filed January 28, 1974. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel pipe or tubing*, from Middletown (Butler County), Ohio, to points in Iowa, Nebraska, South Dakota, Idaho, and Minnesota on and south of U.S. Highway 14.

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 Cincinnati, Ohio.

No. MC 82841 (Sub-No. 138), filed January 28, 1974. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials*, from the plant site of Bird & Son, Inc., Shreveport, La., to points in Kansas, Missouri, Oklahoma, and Colorado.

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.

No. MC 88380 (Sub-No. 13), filed January 28, 1974. Applicant: R E B TRANSPORTATION, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76106. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Texas, Louisiana, Mississippi, Arkansas, Oklahoma, Kansas, Colorado, and New Mexico.

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 101075 (Sub-No. 119), filed February 4, 1974. Applicant: TRANSPORT, INC., P.O. Box 396, Moorhead, Minn. 56560. Applicant's representative: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Mankato, Minn., to points in Iowa, Nebraska, and South 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 Sioux Falls, S. Dak. or Minneapolis, Minn.

No. MC 103721 (Sub-No. 24), filed January 28, 1974. Applicant: INDIAN VALLEY BULK CARRIERS, INC., Ridge Road, Tylersport, Pa. 18971. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, from points in Berks County, Pa., to points in Connecticut, and those points in New Jersey north of New Jersey Highway 33, and Westchester, Nassau, and Suffolk Counties, N.Y. and New York, N.Y.

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 106398 (Sub-No. 700), filed January 28, 1974. 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, from Lincoln Parish, La., to points in the United States (except Alaska and Hawaii).

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 Shreveport, La.

No. MC 106398 (Sub-No. 701), filed January 28, 1974. 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, from points in Middlesex County, Mass. to points in the United States (except Alaska and Hawaii).

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, the applicant requests it be held at Boston, Mass.

No. MC 106497 (Sub-No. 93), filed February 4, 1974. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912, Business Route I-44 East, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels*; (3) *parts and accessories*, used in the installation thereof; and (4) *metal prefabricated structural components and*

*panels*, from Portland, Tenn. to points in the United States (except Alaska and Hawaii).

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, the applicant requests it be held at either Memphis, Tenn. or Washington, D.C.

No. MC 106497 (Sub-No. 94), filed February 4, 1974. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912, Bus. Rte. I-44 East, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and materials, equipment, and supplies* used in the manufacture, distribution, installation, and application of such commodities (except commodities in bulk), from the plantsites and storage facilities of the National Gypsum Company at or near Mobile, Ala. and New Orleans, La., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at said origins and destined to said destinations.

NOTE.—Common control was approved in Docket No. MC-F-10006. 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 Atlanta, Ga.

No. MC 106603 (Sub-No. 131), filed February 1, 1974. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building, paving, roofing, insulating, and sound control materials*, and *materials* used in the installation and application of such commodities, from Oregon, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, and West Virginia; and (2) *materials, equipment, and supplies* used in the manufacture, installation, and application of building, paving, roofing, insulating, and sound control materials, from points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, and West Virginia, to Oregon and Ohio.

NOTE.—Applicant holds contract carrier authority in MC 46240 and subs thereunder, but indicates dual operations are not involved. Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 97 at Whiting, Ind., to serve additional points in Ohio, St. Louis, Mo., and points in Missouri within 10 miles of the banks of the Mississippi River. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107010 (Sub-No. 52), filed February 1, 1974. Applicant: BULK

CARRIERS, INC., P.O. Box 423, Auburn, Nebr. 68305. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the Mapco Pipeline terminal at or near Clay Center, Kans., to points in Iowa, Nebraska, and Missouri.

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 Lincoln, Nebr.

No. MC 107515 (Sub-No. 889) (CLARIFICATION), filed December 26, 1973, published in the FR issue of January 31, 1974, and republished as corrected this issue. 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 East of and including those points in Minnesota, Iowa, Missouri, Arkansas, and Louisiana, restricted to traffic originating at Cynthiana and Lawrenceburg, Ky.

NOTE.—The purpose of this republication is to clarify applicant's destination territory. 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 107515 (Sub-No. 892), filed January 31, 1974. 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: *Foodstuffs* (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration, from Burlington, Wis., to Cleveland and Cincinnati, Ohio, Dallas and Houston, Tex., Dearborn, Mich., Fulton, N.Y., Hazelwood, Mo., Atlanta, Ga., Pennsauken and Secaucus, N.J., Pittsburgh, Pa., Richmond, Va., Denver, Colo., Watsonville, Calif., and Milwaukee and Reedsport, Oreg.

NOTE.—Common control may be involved. Dual operations may also 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 (1) New York, N.Y.; (2) Atlanta, Ga.; or (3) Chicago, Ill.

No. MC 107515 (Sub-No. 893), filed January 31, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby,

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P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* in vehicles equipped with mechanical refrigeration (except commodities in bulk), from Olney, Ill., to points in Alabama, Georgia, Louisiana, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 597 at Olney, Ill., to provide a through service from points in Michigan to the destination points named above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109397 (Sub-No. 292), filed February 4, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Business Route I-44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radioactive waste materials and by-products materials, and* (2) *radioactive waste material shipping containers including component parts*, between the burial facilities of Nuclear Engineering Company, Inc., near Morehead, Ky., on the one hand, and on the other, points in the United States (except Alaska and Hawaii).

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 St. Louis, Mo.

No. MC 109689 (Sub-No. 262) (AMENDMENT), filed January 21, 1974, published in the FR issue of February 28, 1974, and republished as amended this issue. Applicant: W. S. HATCH CO., a Corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in containers, from Solar and Lakepoint, Utah, to points in incorporated towns and cities in New Mexico; and (2) *sodium chlorate*, in bulk, from Henderson, Nev., to points in Tulare, Fresno, Kern, Kings, Madera, and Merced Counties, Calif.

NOTE.—The purpose of this republication is to indicate the additional origin point in (1) above at Lakepoint, Utah. 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 Salt Lake City, Utah.

No. MC 110525 (Sub-No. 1088), filed January 31, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins*, in bulk, in tank ve-

hicles, from Owens-Corning Fiberglas Corporation plantsite, located at or near Valparaiso, Ind., to points in Arkansas, Florida, Iowa, Kansas, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority (1) in Sub-No. 924, Item 684, at points in Tennessee, to serve points in North Carolina, South Carolina, and Georgia; (2) in Sub-No. 924, Item 686, at Chattanooga, Tenn., to serve points in Alabama; (3) in Item No. 87, at Natrium, W. Va., to serve points in Delaware, Maryland, New Jersey, and New York; (4) in Sub-No. 608, Item No. 367, by combining with Item No. 87, at Fort Lee, N.J., to serve points in Massachusetts, Connecticut, and Rhode Island; (5) in Sub-No. 673, Item No. 403 and Item No. 404, by combining with Item No. 87, at Syracuse, N.Y., to serve Maine, New Hampshire, and Vermont; and (6) in Sub-No. 924, Item No. 684, at points in Virginia, to serve points in North Carolina and South Carolina. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 110541 (Sub-No. 14), filed January 31, 1974. Applicant: MARK E. YODER, INC., P.O. Box 346, Schuylkill Haven, Pa. 17972. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum coke*, in bulk, from the refinery of Getty Oil Company at or near Delaware City, Del., to points in Schuylkill County, Pa.; and (2) *anthracite coal*, mixed with petroleum coke, from points in Schuylkill County, Pa., to Bainbridge, 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 Harrisburg, Pa., or Washington, D.C.

No. MC 111545 (Sub-No. 196), filed January 28, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled cranes, power hammers, and material handling equipment; and* (2) *accessories, attachments, and parts*, when moving in mixed loads with the commodities described in (1) above, from Lenexa, Kans., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Lenexa, Kans., to provide a through service to points in the United States (except Alaska and Hawaii); in the lead docket and Sub-No. 54 from points in Georgia and South Carolina; in Sub-No. 122 from points in South Carolina; in Sub-No. 94 and 98 from points in Iowa, Illinois, Minnesota, Missouri, Nebraska, and Wisconsin; in Sub-No. 167 from points in Arizona and Utah; and with the authority acquired in MC-F-11218 from points in Missouri, Oklahoma, and Texas. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 111956 (Sub-No. 29), filed January 31, 1974. Applicant: SUWAK TRUCKING COMPANY, a Corporation, 1105 Fayette Street, Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. 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 Bedford, Pa., and Washington, Pa.: (1) From Bedford over U.S. Highway 220 to its junction with the Pennsylvania Turnpike; thence over the Pennsylvania Turnpike (also identified as Interstate Highways 70 and 76) to the New Stanton, Pa., interchange, thence over Interstate Highway 70 to Washington and return over the same route; (2) From Bedford over U.S. Highway 220 to its junction with the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike (also identified as Interstate Highways 70 and 76) to the Monroeville, Pa., interchange, thence over Interstate Highway 76 to its junction with Interstate Highway 79 at or near Carnegie, Pa., thence over Interstate Highway 79 to Washington and return over the same route; (3) From Bedford over Pennsylvania Route 31 to its junction with Interstate Highway 70 at or near the village of Mendon, Pa., thence over Interstate Highway 70 to Washington and return over the same route; and (4) From Bedford over U.S. Route 30 to its junction with Interstate Highway 76 at or near Wilkinsburg, Pa., thence over Interstate Highway 76 to its junction with Interstate Highway 79, thence over Interstate Highway 79 to Washington and return over the same route, (1), (2), (3), and (4), serving all points in Allegheny, Washington, Greene, Fayette, and Westmoreland Counties, Pa. as intermediate or off-route points.

NOTE.—Applicant holds authority sought within the scope of this application as an irregular route in Sub-Nos. 19 and 25, and as a regular route, as pertinent in lead docket. The purpose of this application is to convert this authority to regular route authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 112539 (Sub-No. 10), filed January 31, 1974. Applicant: PERCHAK TRUCKING, INC., P.O. Box 811, Hazleton, Pa. 18201. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beryl ore*, from the facilities of Kawecki Berylico Industries, Inc., located at or near Hazleton, Pa., to Elmore, Ohio.

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 Philadelphia, Pa.

No. MC 112617 (Sub-No. 313), filed January 31, 1974. Applicant: LIQUID

TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street, NW, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea*, in bulk, from Maysville, Ky., to Cincinnati, Ohio.

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, the applicant requests it be held at either Washington, D.C., or Louisville, Ky.

No. MC 112822 (Sub-No. 315), filed January 31, 1974. 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: *Frozen foods*, from the plantsite and warehouse facilities of Pet Inc., located at or near Frankfort, Mich., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin, restricted to traffic originating at and destined to the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 112822 (Sub-No. 316), filed January 31, 1974. 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: *Carpet*, from Miami, Okla., to points in the United States (except Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, 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 Oklahoma City, Okla., or Kansas City, Mo.

No. MC 113362 (Sub-No. 268), filed February 1, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa. Applicant's representative: Milton D. Adams, 1105 1/2 8th Avenue NE, Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooked canned clam products, mayonnaise, salad dressings, table sauces, syrups* (not medicated), *prune juice, extracts, and food coloring*, from the plant site of Doxsee Foods in Terre Haute, Ind., to points in Iowa, Nebraska, Colorado, South Dakota, and North Dakota, restricted to freight originating at named origin and destined to named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113495 (Sub-No. 62), filed February 1, 1974. Applicant: GREGORY HEAVY HAULERS, INC., 151 Oldham Street, P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: Wilmmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushing, breaking, and grinding machinery and equipment*; (2) *materials handling equipment, vibrators, feeders, and screens*; and (3) *parts and accessories* for the commodities named in (1) and (2), from the plantsite of Jeffrey Mfg. Co., at or near Woodruff, S.C., to points in and east of Texas, Oklahoma, Kansas, Nebraska, Iowa, and 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 Washington, D.C., or Columbia, S.C.

No. MC 114045 (Sub-No. 393), filed January 28, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, and soaps* in vehicles equipped with mechanical refrigeration, from Clifton, N.J., to points in Texas.

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 New York, N.Y., or Washington, D.C.

No. MC 114211 (Sub-No. 222), filed January 31, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Patrick Smyth, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements, industrial and construction machinery and equipment, tree spades, stump cutter, irrigation equipment, drainage systems, log splitters, log chippers*, and (2) *attachments, parts, and supplies* used in operation of commodities in (1) above, from Pella, Iowa, and points within its commercial zone, to points in the United States, including Alaska, but excluding Hawaii, and (3) *materials, equipment, and supplies*, used in the manufacture or distribution of commodities in (1) and (2) above (except commodities in bulk), from points in its United States including Alaska but excluding Hawaii to Pella, Iowa, and points within its commercial zone.

NOTE.—Applicant states that the requested authority can be tacked at points in the United States, to serve points in the United States. If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Chicago, Ill.

No. MC 114211 (Sub-No. 223), filed February 4, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 2440 E. Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by distributors of panels, paneling, shelving, mantels, and beams, and *related decorative items* (except commodities in bulk), from Lodi, N.J., and Deer Park, N.Y., to points in 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, 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 Washington, D.C.

No. MC 114273 (Sub-No. 163), filed January 31, 1974. 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 NE, P.O. Box 1943, Cedar Rapids, Iowa 52406. 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 packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities utilized by Armour & Company located at St. Paul, Minn., to points in Indiana, Ohio, Michigan, 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 the transportation of traffic originating at the above named facilities and destined to the above named destination states.

NOTE.—Common control was approved in MC-F-10199; MC-F-11358, and MC-F-11734. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114533 (Sub-No. 291), filed January 29, 1974. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Arnold Burke, 127 North Dearborn, Suite 1133, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Indianapolis, Ind., on the one hand, and, on the other, points in Stephenson, Ogle, Lee, Will, Whiteside, Grundy, LaSalle, Bureau, Livingston, Peoria, Henry, Knox,

## NOTICES

Warren, McDonough, Fulton, Tazewell, Champaign, Dewitt, Macon, Sangamon, Logan, and McLean Counties, Ill.

**NOTE.**—Applicant holds contract carrier authority in MC128616 and subs thereunder, but indicates dual operations are not 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 Indianapolis, Ind.

No. MC 114552 (Sub-No. 96), filed February 4, 1974. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, ventilator equipment, ventilator systems, and accessories*, used in the installation thereof, from Junction City, Ky., 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 Columbia, S.C., Philadelphia, Pa., or Charlotte, N.C.

No. MC 115162 (Sub-No. 285), filed January 31, 1974. Applicant: POOLE TRUCK LINE, INC., Post Office 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: (1) *Evaporators, condensers, pipe, and tubing* and (2) *materials and supplies* used in the manufacture of evaporators, condensers, pipe, and tubing, (1) from Montgomery, Ala., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and (2) from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to Montgomery, Ala.

**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 Montgomery or Birmingham, Ala.

No. MC 115353 (Sub-No. 15), filed January 24, 1974. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, a Corporation, 342 Schuyler Avenue, Kearny, N.J. 07032. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment*, used or useful in the manufacture, production or distribution of gypsum products and *building materials* (except commodities in bulk or those requiring special equipment), from points in Georgia, South Carolina, Alabama, North Carolina, and Tennessee, to the plant and warehouse sites of Kaiser Gypsum Company, Inc., located at or near Jacksonville, Fla., under a continu-

ing contract or contracts with Kaiser Gypsum Company, Inc.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115841 (Sub-No. 465), filed February 1, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and non-edible foods* (except commodities in bulk), from Southern Michigan Cold Storage, located at Logansport, Ind., to points in Alabama, Arkansas, Georgia, Florida, Kentucky, Mississippi, North Carolina, Oklahoma, Louisiana, South Carolina, Tennessee, and Texas, restricted to traffic originating at, and destined to the named points.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 115841 (Sub-No. 466), filed February 1, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), from Cincinnati, Ohio, to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Missouri, Kansas, and Mississippi, restricted to traffic originating at and destined to the named points.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Louisville, Ky.

No. MC 116008 (Sub-No. 26), filed January 29, 1974. Applicant: ARCHIE'S MOTOR FREIGHT INCORPORATED, P.O. Box 4121, Sixth and Maury Streets, Richmond, Va. 23224. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baled consumer waste* for recycling purposes, from the District of Columbia, to the plantsite of the Chesapeake Corporation of Virginia, located at or near West Point, Va., under a continuing contract or contracts with Chesapeake Corporation of Virginia.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 116459 (Sub-No. 51), filed January 30, 1974. Applicant: RUSS TRANSPORT, INC., P.O. Box 4022, Chat-

tanooga, Tenn. 37405. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbonate*, in bags, in bulk, in specialized equipment, from Luttrell, Tenn., to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Virginia, and Tennessee.

**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 Nashville, Tenn., or Atlanta, Ga.

No. MC 118989 (Sub-No. 104), filed January 29, 1974. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends, and accessories*, from the plant and warehouse sites of Stokely Van Camp, Inc., located at or near Indianapolis, Ind. to points in Kansas, Michigan, and Ohio.

**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.

No. MC 119522 (Sub-No. 28), filed January 17, 1974. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, Anderson, Ind. 46011. Applicant's representative: Donald W. Smith, 1 Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel tubing*, from Seymour, Ind., to points in Illinois on and south of U.S. Highway 36.

**NOTE.**—Applicant holds contract carrier authority in MC 34865 Sub. 39, 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 Indianapolis, Ind., or Louisville, Ky.

No. MC 119522 (Sub-No. 29), filed January 27, 1974. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, Anderson, Ind. 46011. Applicant's representative: John B. Leatherman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from Columbus and Circleville, Ohio, to Marion, Ind.

**NOTE.**—Applicant holds contract carrier authority in MC 34865 (Sub-No. 39) but states that dual operations are not 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 Philadelphia, Pa.

No. MC 119774 (Sub-No. 76), filed January 14, 1974. Applicant: EAGLE TRUCKING COMPANY, a Corporation, 301 E. Main Street, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road,

Forth Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, and materials, equipment, and supplies* used in the manufacture, distribution, installation and application of such commodities (except commodities in bulk), from the plantsite and storage facilities of the National Gypsum Company at or near Mobile, Ala., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority: (1) In lead certificate on cement asbestos products and conduit at Van Buren, Ark., to serve points in Arizona, Delaware, Georgia, Maryland, Michigan, Minnesota, Montana, Nebraska, New Jersey, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Utah, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia; (2) in Sub-No. 39 at New Orleans, and Slidell, La., to serve points in the United States (except Alaska and Hawaii), and (3) Sub-No. 51 at Burns Flat, Okla., to serve points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., New Orleans, La., or Dallas, Tex.

No. MC 119777 (Sub-No. 286), filed January 25, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except commodities which because of size or weight require the use of special equipment), from Hope, Ark., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority can be tacked in Sub-No. 21, at Hope, Ark., to provide a through service from points in that part of Pennsylvania on and west of U.S. Highway 219, points in that part of Ohio on and north of U.S. Highway 40, and on and east of U.S. Highway 21, and points in that part of West Virginia on and north of U.S. Highway 50 to the above named destination points. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124251 (Sub-No. 34), filed September 12, 1972. Applicant: JACK JORDAN, INC., P.O. Box 689, Dalton, Ga. 30720. Applicant's representative: Ariel V. Conlin, 53 Sixth Street NE, Atlanta, Ga. 30308. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Latex and latex compounds*, in bulk, from points in Whitfield County, Ga. to points in Ohio, Kentucky, Pennsylvania and Louisiana.

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 Atlanta, Ga., or Chattanooga, Tenn.

No. MC 126243 (Sub-No. 10), filed January 28, 1974. Applicant: ROBERTS

TRUCKING CO., INC., U.S. Highway 271 South, P.O. Drawer "G", Poteau, Okla. 74953. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW 58th, Oklahoma City, Okla. 7312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and carpet materials* (except in bulk in tank vehicles), between points in Oklahoma and Louisiana.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 8 at Poteau, Okla., to provide a through service from points in Oklahoma and Louisiana to points in Texas, Utah, Idaho, California, Iowa, Kansas, Missouri, Illinois, Florida, Georgia, South Carolina, North Carolina, Ohio, Mississippi, Alabama, and Montana. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 126489 (Sub-No. 21), filed January 30, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. 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: *Dry feed ingredients*, from the plantsite and/or storage facilities of Xtra Factors, Inc., located at or near Pratt, Kans., to points in Wyoming, Montana, South Dakota, 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, Kans.

No. MC 126758 (Sub-No. 8), filed January 25, 1974. Applicant: EUGENE J. GLOSIER AND LEROY F. SOMMER, a Partnership, doing business as GLOSIER SERVICE CO., 3075 Highway 94 North, St. Charles, Mo. 63301. Applicant's representative: Eugene J. Glosier (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials and supplies* when shipped in the same vehicles; between Memphis, Tenn. and Belleville, Ill., and (2) *empty containers* on return, under a continuing contract or contracts with A. S. Barboro, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127505 (Sub-No. 63), filed January 30, 1974. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route 2, Mendota, Ill. 61342. Applicant's representative: Walter J. Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, and fittings and accessories therefor* (except those which because of size or weight require special equipment or special handling), from Faribault, Minn., to points in Arkansas, Colorado, Kansas, Louisiana, Michigan,

Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, restricted to the transportation of traffic originating at Faribault, Minn.

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 Minneapolis, Minn.

No. MC 127625 (Sub-No. 15), filed February 1, 1974. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Winchester, Va. 29059. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard*, from the facilities of Holly Hill Lumber Company, located at or near Four Holes, S.C., to points in Alabama, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia.

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 either Columbus, S.C. or Atlanta, Ga.

No. MC 128087 (Sub-No. 2), filed February 1, 1974. Applicant: JOHN N. JOHN III, doing business as JOHN N. JOHN TRUCK LINE, 1020 W. 2nd Street, Crowley, La. 70526. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products, and mineral feed mixtures*, from points in Iberia, St. Mary and St. Martin Parishes, La., to points in Arkansas, Texas, 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 Baton Rouge or New Orleans, La.

No. MC 128256 (Sub-No. 25), filed January 28, 1974. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 N. Main Street, Middlebury, Ind. 46540. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, and materials, accessories, and supplies* used in the sale and installation of composition board and plywood, from the plant site of the Abitibi Corporation at Chicago, Ill., to points in Indiana, Ohio, West Virginia, Maryland, Delaware, Virginia, Kentucky, and St. Louis, 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 Indianapolis, Ind. or Chicago, Ill.

No. MC 128473 (Sub-No. 17), filed February 4, 1974. Applicant: MONTANA EXPRESS, INC., P.O. Box 3346, Butte, Mont. 59701. Applicant's representative:

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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: (1) *Meat, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, from Billings, Mont., to points in Arizona, California, Colorado, Idaho, Illinois, Minnesota, Montana, Nebraska, Nevada, North Dakota, New Mexico, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, and (2) *such commodities*, as are used by meat packers in the conduct of their business when destined to and for use by meat packers, from points in Arizona, California, Colorado, Idaho, Illinois, Minnesota, Montana, Nebraska, Nevada, North Dakota, New Mexico, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, to Billings, Mont.

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 Billings, Mont.

No. MC 128669 (Sub-No. 6), filed January 29, 1974. Applicant: A. E. MORRIS, Route 3, Virgilina, Va. 24598. Applicant's representative: Same as above. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone and asphalt*, from quarry located at or near Graystone, near Henderson, N.C., to points in Mecklenburg County, Va.

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 Roanoke, Va. or Washington, D.C.

No. MC 128988 (Sub-No. 45), filed January 31, 1974. Applicant: JO/KEL, INC., 159 South Seventh, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated plastic bars, blocks, rods, sheets, and articles* (except commodities in bulk and commodities which by reason of size or weight require the use of special equipment), from the facilities of Westinghouse Electric Corporation, located at or near Hampton, S.C., to points in Arizona, California, Nevada, Oregon, Washington, and Utah, under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 129350 (Sub-No. 37), filed January 31, 1974. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, Box 212, Billings, Mont. 59103. Applicant's representative: Clayton Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* (except commodi-

ties in bulk, in tank vehicles), from White Sulphur Springs, Mont., to points in Colorado.

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 or Great Falls, Mont.

No. MC 129350 (Sub-No. 38), filed February 1, 1974. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, Box 212, Billings, Mont. 59103. Applicant's representative: Clayton Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal, plastic and card board containers*, from Chicago, Ill. and its Commercial Zone; La Porte, Ind.; Van Wert, Ohio; St. Paul and Minneapolis, Minn. and its Commercial Zone thereof; and Sioux Falls, S. Dak., to points in Helena, Mont.

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 or Helena, Mont.

No. MC 129613 (Sub-No. 14), filed February 1, 1974. Applicant: ARTHUR H. FULTON, P.O. Box 86, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, (1) between Martinsburg, W. Va., on the one hand, and, on the other, points in Maryland and Virginia, (2) from points in North Carolina and Martinsburg, W. Va. to points in Vermont, and (3) from Martinsburg, W. Va., to points in Arkansas, under a continuing contract or contracts with Erath Veneer Corporation and Berkeley Face Veneer Corporation.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129667 (Sub-No. 5) (AMENDMENT), filed October 3, 1973, published in the FR issue of November 29, 1973, and republished as amended this issue. Applicant: CHARRO TRUCKING CORP., 700 Eastgate Blvd. South, Garden City, Long Island, N.Y. 11530. Applicant's representative: Jay M. Kaplowitz, 375 Park Avenue, New York, N.Y. 10022. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail supermarkets and *equipment and supplies* used therein, between Garden City (Nassau County), N.Y., on the one hand, and, on the other, points in Connecticut, under contract with Waldbaum, Inc.

NOTE.—The purpose of this republication is to indicate applicant seeks to serve all points in Connecticut. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129862 (Sub-No. 5), filed January 28, 1974. Applicant: RAJOR, INC., 2 Lewisburg Pike, P.O. Box 756, Franklin, Tenn. 37064. Applicant's representative:

William J. Monheim, P.O. Box 1257, City of Industry, Calif. 91749. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Athletic, gymnastic, aquatic, and sporting goods, including parts and accessories therefor; adhesives, rubber tire treads, hardware, advertising material, and materials, equipment and supplies utilized in the manufacture, sale, and distribution of the described commodities* (1) from Santa Ana, Calif., to Arlington, Tex., Atlanta, Ga., Birmingham, Ala., Bridgeton, Mo., Decatur, Ga., Elk Grove Village, Ill., Griffin, Ga., Houston, Tex., Maywood, N.J., Mobile, Ala., Nashville, Tenn., Newark, N.J., New Orleans, La., River Grove, Ill., and Tampa, Fla., and (2) from points in Texas and points in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to Santa Ana, Calif., restricted against the transportation of commodities in bulk and those which by reason of size or weight require the use of special equipment, under a continuing contract, or contracts, with AMF, Incorporated and its affiliates.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133095 (Sub-No. 53), filed February 1, 1974. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (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 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 site of Swift Fresh Meats Co., located at or near Brownwood, Tex., to points in Maine, New Hampshire, Connecticut, Delaware, Maryland, Virginia, West Virginia, Massachusetts, Rhode Island, Vermont, New York, New Jersey, and the District of Columbia, restricted to shipments originating at the above named plant site and destined to the above named destination points.

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 Dallas, Tex.

No. MC 133106 (Sub-No. 39) (AMENDMENT), filed October 18, 1973, published in the FR issue of December 6, 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: *Switch boxes, outlet boxes, covers, rings, pipe fittings, pipe straps, pipe hangers, and related items* utilized in the installation of the foregoing items, from the

plant, warehouse and storage facilities of Bowers, Division of Norris Industries located at or near South Gate, Calif., to points in Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, Iowa, Missouri, Arkansas, and Illinois, under a continuing contract or contracts with Norris Industries.

NOTE.—The purpose of this republication is to substitute Arkansas as a destination State, in lieu of Arizona as previously published. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 133541 (Sub-No. 3), filed January 31, 1974. Applicant: MCKIBBEN MOTOR SERVICE, INC., Big 4 R. R. and Smalley Road, P.O. Box 15421, Cincinnati, Ohio 45215. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fibreboard containers, and metal containers*, from the plant and warehouse facilities of Astro Container Corporation, located at or near Cincinnati, Ohio, to points in Kentucky and Michigan; and (2) *materials*, used in the manufacture of fibreboard containers from points in Kentucky and Michigan, to the plant and warehouse facilities of Astro Manufacturing Corporation, located at or near Cincinnati, Ohio, under a continuing contract or contracts with Astro Container Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 133867 (Sub-No. 8), filed January 28, 1974. Applicant: STARLING TRANSPORT LINES, INC., State Farmers Market, 3724 U.S. Highway #1, Fort Pierce, Fla. 33450. Applicant's representative: Bernard C. Pestco, 511 Biscayne Building, 19 West Fagler Street, Miami, Fla. 33130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery ingredients*, from Clifton, N.J., to points in Louisiana and Mississippi, under a continuing contract or contracts with Globe Preserves, Inc., and (2) *macaroni and flour products*, from Carnegie, Pa. to points in Florida, Georgia, North Carolina, South Carolina, Alabama, Virginia, and Mississippi, under a continuing contract or contracts with Viviano Macaroni Products Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 133975 (Sub-No. 4), filed January 28, 1974, Applicant: FLAMINGO TRANSPORTATION, INC., 1801 SW. First Avenue, Ft. Lauderdale, Fla. 33315. Applicant's representative: Richard B. Austin, 214 Palm Coast II Building, 5255 NW. 87th Avenue, Miami, Fla. 33166. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission,

commodities in bulk, those requiring special equipment and mobile homes), between points in Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River, Collier and Lee Counties, Fla., and the City of Clewiston and its Commercial Zone, restricted to traffic having an immediate, prior, or subsequent movement in interstate or 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 Miami or Ft. Lauderdale, Fla.

No. MC 134323 (Sub-No. 61), filed January 28, 1974. Applicant: JAY LINES, INC., P.O. Box 4146, 720 No. Grand Street, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, furnaces, air cleaners and conditioners, humidifiers, and dehumidifiers* (except commodities which because of size or weight require the use of special equipment), from the warehouse facilities utilized by Fedders Corporation, located at or near South Kearney, N.J., to points in Texas, Louisiana, Missouri, Arkansas, Kansas, Colorado, Oklahoma, New Mexico, Iowa, Nebraska, Illinois, Wisconsin, California, Oregon, Washington, Arizona, Nevada, Mississippi, Alabama, Georgia, and Florida, under continuing contract or contracts with Fedders Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lincoln, Nebr. or Washington, D.C.

No. MC 134380 (Sub-No. 2), filed January 9, 1974. Applicant: CLIFFORD A. WILLIAMSON, doing business as ROYALTY SERVICE CO., P.O. Box 89, Midland, Park, N.J. 07432. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Education materials*, between Carlstadt, N.J., on the one hand, and, on the other, points in New Jersey, New York, N.Y., points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y. and points in Fairfield County, Conn., under a continuing contract or contracts with Xerox Education Group, Carlstadt, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 134477 (Sub-No. 52), filed January 21, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as defined by the Commission 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 St. Paul and South St. Paul, Minn., to points in Alabama, Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, 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 St. Paul, Minn. or Chicago, Ill.

No. MC 134534 (Sub-No. 8), filed January 31, 1974. Applicant: LUIS BASTER-RECHEA, doing business as BASTER-RECHEA DISTRIBUTING, 341 Colorado, Gooding, Idaho 83330. Applicant's representative: Jay L. Depew, P.O. Box 961, Twin Falls, Idaho 83301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat and packing house products*, from points in Gooding County, Idaho, to points in Cascade County, and Lewis and Clark County, Mont.

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 Boise, Idaho, Salt Lake City, Utah, Portland, Oreg., Seattle, Wash., or Denver, Colo.

No. MC 134599 (Sub-No. 101), filed January 28, 1974. Applicant: INTER-STATE CONTRACT CARRIER CORPORATION, 265 W. 2700 South, 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: *Games and toys and miscellaneous plastic articles* manufactured and distributed by Standard Plastics, a Division of Mattel, Inc., and *materials, parts and supplies* used in the manufacture of these items (except commodities in bulk or which, because of size or weight require special handling or special equipment), between Metuchen and South Plainfield, N.J., on the one hand, and, on the other, points in Georgia, North Carolina, Tennessee, and Virginia, under contract with Mattel, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr. or Salt Lake City, Utah.

No. MC 134599 (Sub-No. 103), filed January 31, 1974. Applicant: INTER-STATE 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: *Tire fabric, yarn and raw materials and equipment, materials and supplies*, used in the manufacture thereof, (except commodities in bulk, or which, because of size or weight, require special handling or special equipment), between Scottsville, Va., Shelbyville, Tenn., Winnsboro, S.C., on the one hand, and, on the other, points in Alabama, Arkansas, California,

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Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, Tennessee, and Virginia, under a continuing contract or contracts with Uniroyal, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr. or Salt Lake City, Utah.

No. MC 134783 (Sub-No. 18), filed January 28, 1974. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., 1600 Broadway, 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 packing-houses*, 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 the plantsites and storage facilities of John Morrell and Co., located at or near Amarillo, Tex., to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Wisconsin, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia and the District of Columbia, restricted to traffic originating at the above-named origin.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority can be tacked at Plainview, Tex., to serve points in Wisconsin. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 134820 (Sub-No. 5), filed January 14, 1974. Applicant: ROBERT ALBRIGHT, 11271 Glendale Way South, Seattle, Wash. 98168. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foundry supplies and equipment*, (1) from Milwaukee, Wis., to points in Arizona, California, and Utah; and (2) from Los Angeles and San Francisco, Calif., to Portland, Oreg., Seattle, Wash., and the International Boundary between the United States and Canada, located at or near Blaine, Wash., under a continuing contract or contracts with Delta Oil Products Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC 135236 (Sub-No. 7), filed January 30, 1974. 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: *Food-stuffs, frozen and non-frozen, and non-edible foods* (except commodities in bulk), from Logansport, Ind., to points

in Delaware, Minnesota, Wisconsin, Nebraska, Iowa, Kansas, Missouri, Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, Maryland, Pennsylvania, New York, New Jersey, Vermont, Maine, New Hampshire, and Rhode Island.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify location.

No. MC 135414 (Sub-No. 1), filed January 28, 1974. Applicant: LANGER TRUCK LINE, INC., 2146 North Packer, Springfield, Mo. 65804. Applicant's representative: Turner White, 910 Plaza Towers, Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except explosives, articles of unusual value, household goods, commodities in bulk, and commodities requiring special equipment), between Mt. Vernon, Mo., and Wellsville, Kans., serving no intermediate points: From Mt. Vernon, Mo., over Interstate Highway 44 to its junction with U.S. Highway 71, thence over U.S. Highway 71 to its junction with Interstate Highway 35, thence over Interstate Highway 35 to Wellsville, Kans., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Kansas City, Mo.

No. MC 135725 (Sub-No. 13), filed January 28, 1974. Applicant: FRY TRUCKING, INC., 507 W. 5th Street, Wilton, Iowa 52778. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, poultry, fish, and pet food* (except in bulk), from the plant site of Doane Products Company, Muscatine, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, 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 Kansas City, Mo., or Chicago, Ill.

No. MC 136376 (Sub-No. 5), filed January 14, 1974. Applicant: MONT R. LYNCH, doing business as LYNCH TRUCKING, 1818 Elaine Street, P.O. Box 712, Billings, Mont. 59103. 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: (1) *Methyl ethyl ketone peroxide in dubutyl phthalate*, in plastic jugs (which is a catalyst to be added to fiber glass) from Elyria and Cleveland, Ohio, and Buffalo, N.Y., to Auburn, Kirkland, and Seattle, Wash., and points within its Commercial Zone; Grants Pass, Medford, and Portland, Oreg., and points within its Commercial Zone; (2) *dry chemical pigments*, except in bulk or tank vehicles, from Baltimore and Laurel, Md., to points in Auburn, Kirkland, and Seattle, Wash., and points within its Commercial Zone; Grants Pass, Med-

ford, and Portland, Oreg., and points within its Commercial Zone; (3) *polyester resin*, except in bulk or tank vehicles, from Chicago and Calumet City, Ill., Minneapolis, Minn., Los Angeles, and Oxnard, Calif., to Auburn, Kirkland, and Seattle, Wash., and points within its Commercial Zone; Grants Pass, Medford and Portland, Oreg., and points within its Commercial Zone; (4) *fiber glass*, from Graham, Tex., Jackson, Tenn., and Anderson, S.C., to Los Angeles and San Francisco, Calif., Boulder, Colo., Aberdeen, Miss., Grants Pass, Medford, and Portland, Oreg., Auburn, Kirkland, and Seattle, Wash., and points within its Commercial Zone; (5) *fiber glass*, from West Shelby, N.C., to Los Angeles and San Francisco, Calif., and points within its Commercial Zone; Grants Pass, Medford, and Portland, Oreg., Graham, Tex., and Amsterdam, N.Y.; and (6) *fiber glass*, from Anderson, S.C., and Amsterdam, N.Y., to Los Angeles and San Francisco, Calif., West Shelby, High Point, and New Bern, N.C., Grants Pass, Medford, and Portland, Oreg., and points within its Commercial Zone.

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 136923 (Sub-No. 2), filed January 28, 1974. Applicant: CONVERTERS CARRIER CORP., P.O. Box 297, West Haven, Conn. 06516. 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: (1) *Piece goods*, between the facilities of Hull Dye and Print Works, Inc., located at or near West Haven, Shelton, and Derby, Conn., on the one hand, and, on the other, New York, N.Y., points in Dutchess, Orange, Rockland, Westchester, Nassau, and Suffolk Counties, N.Y., points in Bergen, Essex, Hudson, Passaic, Union, Middlesex, Morris, and Somerset Counties, N.J., New Haven, Conn., and points in Lehigh County, Pa., and (2) *materials, supplies, equipment, and machinery*, used in the dyeing and finishing of piece goods, from the above named points in New York, New Jersey, Pennsylvania, and Connecticut to the facilities of Hull Dye and Print Works, Inc., located at or near Derby, Shelton, and West Haven, Conn., under a continuing contract or contracts with Hull Dye and Print Works, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 138328 (Sub-No. 8), filed February 4, 1974. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: D. L. Ehrlich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and building materials*, from the facilities of Wolf Creek Lumber, Division of Slaughter Brothers,

Inc., in Sedgwick County, Kans., to points in Colorado, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE.—Applicant holds contract carrier authority in MC-133233 (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 Dallas, Tex., or Omaha, Nebr.

No. MC 138644 (Sub-No. 1), filed January 25, 1974. Applicant: EDWARD J. BARRETT, 403 Bridge Street, Towanda, Pa. 18848. Applicant's representative: James K. Peck, 401 Main Street, Towanda, Pa. 18848. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, tungsten ore, molybdenum ore, and other metal, and chemical bearing ores, compounds, mixtures, and materials, and the refined, smelted, or otherwise processed products of these ores and derivatives therefrom, including metals, metal parts, metallurgical compounds, mixtures, materials and metallurgical products; chemicals and chemical derivatives therefrom, chemical compounds, liquids, mixtures, materials, and chemical products.

Metallurgical and chemical products and supplies.

Phosphors and related chemicals and metallurgical compounds, mixtures, materials and derivatives and products therefrom, including color TV phosphors, fluorescent lamp and sign phosphors; radar and oscilloscope phosphors; and light-sensitive photoconductor chemicals, materials, and products.

Semiconductor metallurgical and chemical materials and products for semiconductor uses and devices, including laser crystal chemicals and other semiconductor materials and products.

Payroll sheets and checks, negotiable instruments, financial and business information on tapes, recordings, books, memorandums, papers and any other record bearing or record carrying materials used as a repository of information concerning the business affairs of G.T.E. Sylvania, Incorporated, Chemical and Metallurgical Division, and which information can be fed into and come out of a computer; restricting, however, the transportation of the foregoing financial and business information materials to transportation (excepting commodities in bulk, commodities requiring special equipment, dangerous explosives, livestock, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467), (1) between the G.T.E. Sylvania, Incorporated, Chemical and Metallurgical Division plant site in North Towanda and Towanda (Bradford County), Pa., on the one hand, and, on the other hand, the G.T.E. Sylvania, Incorporated, Chemical and Metallurgical Division Computer Center at Camillus, N.Y.; (2) between the G.T.E. Sylvania, Incorporated, Chemical and Metallurgical Division plant site in North Towanda and Towanda (Brad-

ford County), Pa., on the one hand, and, on the other, Painted Post, N.Y.; and (3) between G.T.E. Sylvania, Incorporated, Chemical and Metallurgical Division, research and development center and manufacturing plant site in North Towanda and Towanda (Bradford County), Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Virginia, and West Virginia, and with the right to return any refused or rejected shipment to the point of origin: Norwalk, Hartford, Naugatuck, and Waterbury, Conn.; Wilmington, Del.; Baltimore, Md.; Boston and Worcester, Mass.; Phillipsburg, Sussex, Cedar Grove, Jersey City, Cliffwood, Newark, Plainfield, Somerville, and Flemington, N.J.; Ottawa, Ashtabula, Cleveland, Cincinnati, Akron, and Youngstown, Ohio; Seneca Falls, Solvay, East Aurora, Horseheads, Elmira, Binghamton, Corning, Rochester, Jamaica, Long Island, Vestal, Syracuse, Big Flats, Painted Post, Camillus, Bath, Buffalo, New York City, Hicksville, Batavia, N.Y.; Hampton, Va., and Buckhannon, W. Va., under continuing contract with G.T.E. Sylvania, Incorporated, Chemical and Metallurgical Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.; Wilkes-Barre, Pa.; or Elmira, N.Y.

No. MC 138741 (Sub-No. 8), filed February 4, 1974. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretzinger, Suite 910 Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard, gypsum lathe, joining cement and tape, and commodities* used in the manufacture, distribution and shipping thereof, from the plantsite and warehouse facilities of The Celotex Corporation at or near Fort Dodge, Iowa, to points in Illinois, Indiana, Kansas, Kentucky, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC-107129 and subs thereto, therefore dual operations may be involved. Common control may also 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 Washington, D.C.

No. MC 139199 (Sub-No. 1), filed January 28, 1974. Applicant: BOYD TRUCKING COMPANY, INC., P.O. Box 621, Athens, Tenn. 37303. Applicant's representative: Charles Carter Baker, Jr., 18th Floor, Third National Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, Class A and B explosives, used household goods, commodities in bulk, and commodities requiring special equipment), between points in McMinn County, Tenn., on the one hand, and, on the other, points in

McMinn, Monroe, Meigs, and Rhea Counties, Tenn., restricted to transportation of shipments having a prior or subsequent movement by rail in trailer on flat car service.

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 Chattanooga, or Knoxville, or Nashville, Tenn.

No. MC 139188 (AMENDMENT), filed September 10, 1973, published in the FR issues of November 15 and 29, 1973, and in third publication as amended this issue. Applicant: BREYER EXCHANGE, INC., Route 3, New Philadelphia, Ohio 44663. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal*, in bulk, from points in Belmont and Harrison Counties, Ohio, to points in Indiana, Kentucky, Michigan, New York, Pennsylvania, and West Virginia; (2) *lime, limestone, and limestone products*, from Carey, Ohio, and Holmes Township (Crawford County), Ohio, to points in Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Virginia, West Virginia, North Carolina, Maryland, Michigan, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, South Carolina, Alabama, Georgia, Mississippi, Louisiana, and the District of Columbia, restricted against the transportation of crushed raw limestone in dump vehicles to points in Michigan, and further restricted against the transportation of lime, limestone, and limestone products, in bags, to points in Michigan; (3) *salt and salt compounds*, in bulk, between points in Ohio and Michigan, on the one hand, and, on the other, points in Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Virginia, West Virginia, North Carolina, Maryland, Michigan, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, South Carolina, Alabama, Georgia, Mississippi, Louisiana, and the District of Columbia; (4) *salt and salt compounds* (except in bulk), between points in Tuscarawas County, Ohio, on the one hand, and, on the other, points in Kentucky, Pennsylvania, and West Virginia; and (5) *salt* (except in bulk), from Fairport, Ohio to points in that part of New York on and west of a line beginning at the Niagara River southeast of Tonawanda, N.Y., and extending along New York Highway 324 to junction New York Highway 78, thence south along New York Highway 78 to junction U.S. Highway 20, thence south along U.S. Highway 20 to junction U.S. Highway 62, and thence south along U.S. Highway 62 to the New York-Pennsylvania State line, that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 62 to junction Pennsylvania Highway 36 at Tionesta, Pa., thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 66 at Leeper, Pa., thence along Pennsylvania

## NOTICES

Highway 66 to junction U.S. Highway 422, thence southeast along U.S. Highway 422 to junction U.S. Highway 119, and thence southwest along U.S. Highway 119 to the Pennsylvania-West Virginia State line, and points in Brooke, Cabell, Hancock, Jackson, Kanawha, Marshall, Mason, Ohio, Pleasants, Putnam, Tyler, Wayne, Wetzel, and Wood Counties, W. Va.

NOTE.—The purposes of this republication are: (a) to indicate the restricted origins and the additional destination State of Indiana in (1) above; (b) to delete part (3) of the previous publications; (c) to indicate applicant's requests for authority in (4) and (5) above; and (d) to indicate the restrictions in (2) above. Applicant states that it presently holds contract carrier authority which will be surrendered if the authority sought in this instant application is granted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 139325 (Sub-No. 1), filed January 29, 1974. Applicant: P-N-J KORNACKER, INC., doing business as KORNACKER TRUCKING CO., a Corporation, 3050 West 10th Street, Waukegan, Ill. 60085. 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: *Malt beverages, and related advertising material*, from Milwaukee, La Crosse, Sheboygan, and Monroe, Wis.; Detroit, Frankenmuth and Kalamazoo, Mich.; South Bend and Fort Wayne, Ind.; St. Louis and St. Joseph, Mo.; Toledo and Columbus, Ohio; Minneapolis, Minn.; Chicago and Waukegan, Ill.; Trenton, N.J.; Pittsburgh, Pa.; and Bardstown, Ky., to points in Wisconsin, Indiana, Michigan, Ohio, Illinois, Minnesota, and Nebraska.

NOTE.—Applicant holds certain contract carrier authority in MC 125479 and subs, but indicates intent to cancel such authority upon a favorable decision with regard to this application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139353 (Sub-No. 2), filed January 28, 1974. Applicant: DAVIE TRUCKERS, INC., Route 1, Advance, N.C. 27006. Applicant's representative: W. P. Sandridge, Jr., 2400 Wachovia Building, Post Office Drawer 84, Winston-Salem, N.C. 27102. Authority sought

to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brewers grains, wet spent grain, and manufactured feed* using brewers grains or wet spent grain, from points in Forsyth County, N.C., to points in Virginia, South Carolina, Tennessee, and North Carolina, under contract with Murphy Products Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Winston-Salem, Greensboro, Charlotte, or Raleigh, N.C.

No. MC 139507, filed January 28, 1974. Applicant: RAM TRUCKING COMPANY, INC., 5410 North Wyandotte, Kansas City, Mo. 64118. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, requiring vehicles equipped with mechanical refrigeration, between the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, on the one hand, and, on the other, points in Iowa, Kansas, and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans., or Kansas City, Mo.

No. MC 139541, filed January 24, 1974. Applicant: JOSEPH RAIMO III, INC., Route 206, Stanhope, N.J. 07874. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, (1) between North Caldwell, N.J.; Byram Township, N.J.; Easton, Pa., and Reading, Pa., in inter-yard service; and (2) between North Caldwell and Byram Township, N.J.; and Easton and Reading, Pa., on the one hand, and, on the other, points in New Jersey and Pennsylvania under a continuing contract or contracts with Joseph Raimo, Inc.; Raimo of Stanhope, Inc.; Raimo of Easton, Inc.; and Raimo Recycling Industries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

## WATER CARRIER APPLICATION

W-1274 (CORRECTION), filed February 7, 1974, published in the FR issue

of February 22, 1974, and republished as corrected this issue. Applicant: DIAMOND MANUFACTURING COMPANY, INC., 645 Indian Street, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels, as a *contract carrier* by water in the transportation of *commodities generally*, and by towing vessels in the performance of *towage*, between ports and points along the Atlantic Coast and tributary waterways, and between ports and points along the Gulf of Mexico and tributary waterways, nonradially.

NOTE.—The purpose of this republication is to delete any reference to individual contracts in this request for authority. If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

## FREIGHT FORWARDER APPLICATION

No. FF-448, filed February 7, 1974. Applicant: MIDLAND CONTAINER SERVICE, INC., 754 Midland Bank Building, Minneapolis, Minn. 55401. Applicant's representative: Rick Millenacker (same address as applicant). Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad and motor vehicle, in the transportation of *General commodities* destined for export, loaded into steamship company containers for movement via railroad or motor vehicle with subsequent transportation via water from Minneapolis, and St. Paul, Minnesota, and the commercial zone thereof to ports of export, located in New York, N.Y., Elizabeth, N.J., Baltimore, Md., Norfolk, Va., Jacksonville, Fla., New Orleans, La., Milwaukee, Wis., and Seattle, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Seattle, Wash.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-5835 Filed 3-13-74; 8:45 am]

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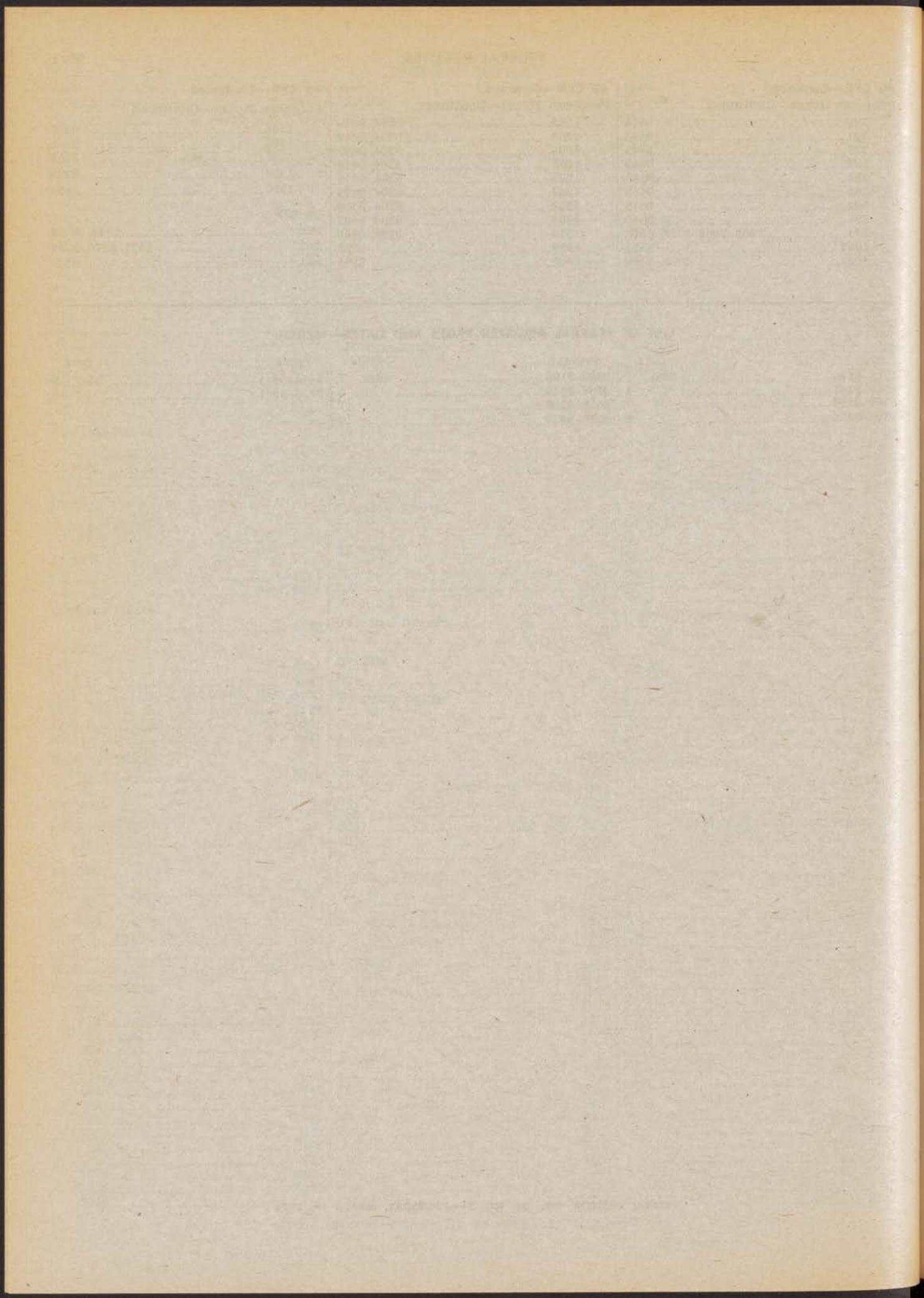
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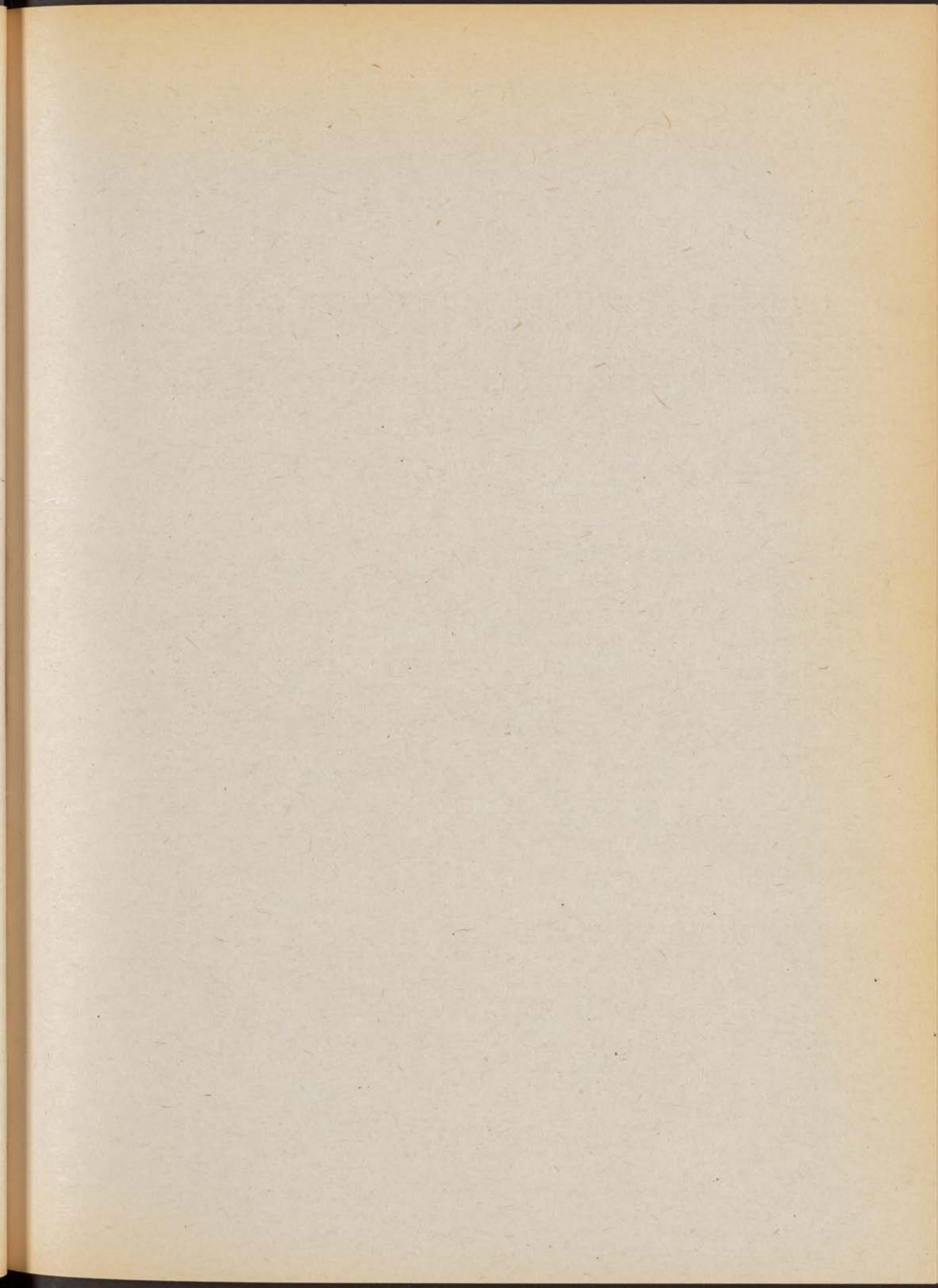
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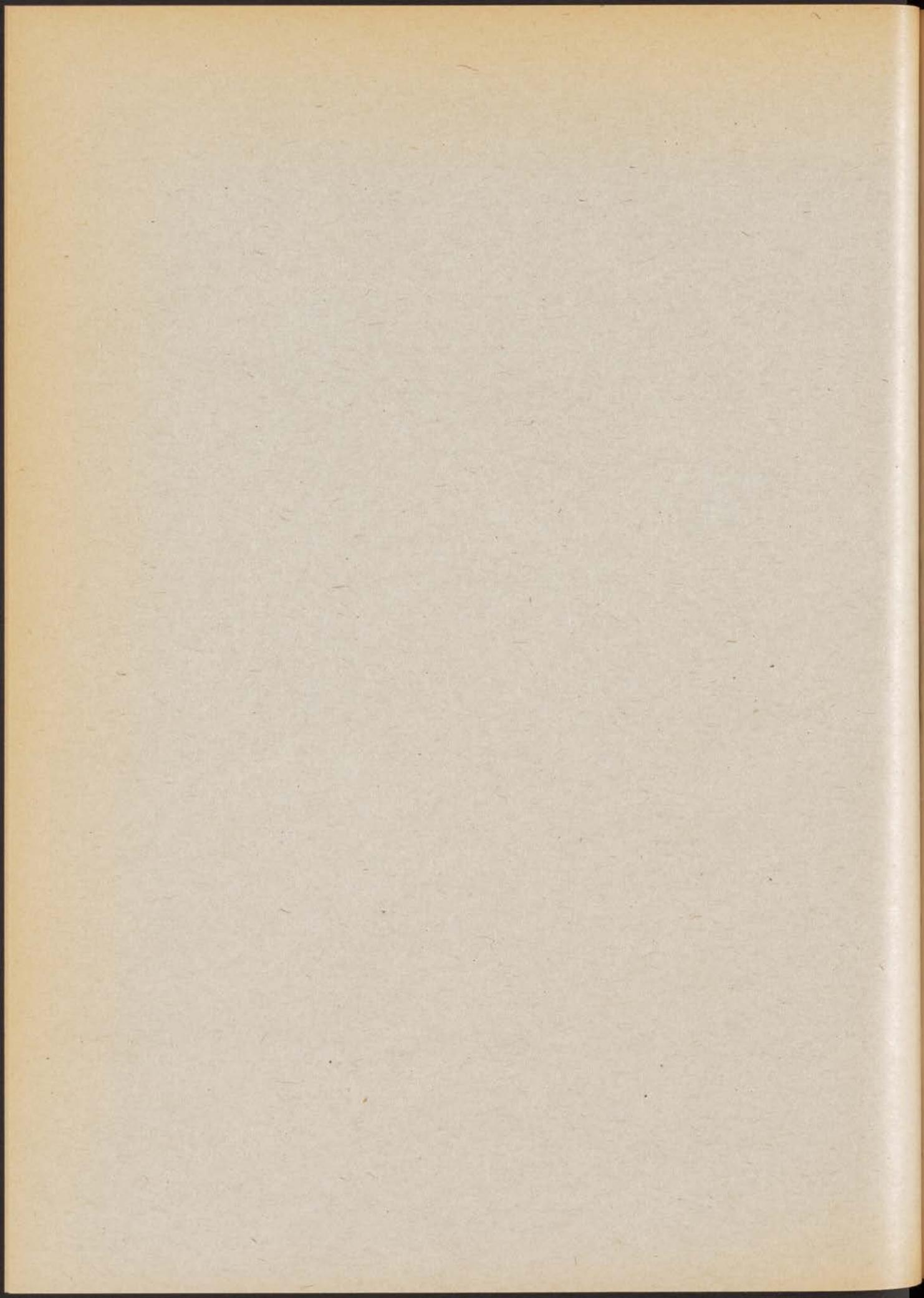
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1974

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