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Pages 17207–17293

PART I

HIGHLIGHTS OF THIS ISSUE

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

(Continued inside)

PART II:

May 14, 1974—Pages 17207–17293

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

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

page no. and date

Coast Guard—Drawbridge operation regulations for Cooper River, N.J. and West Palm Beach Canal, Florida. 12865; 4–9–74

FAA—Airworthiness directive; Bell Model 206A and 206B helicopters. 13524; 4–15–74

FCC—Radio frequency devices; report and order..... 12748; 4–8–74

—Stations on land in the maritime services and Alaska-public fixed stations..... 12748; 4–8–74

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contents

(Continued on next page)

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.

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

3 CFR
PROCLAMATIONS:
4292 17213
4293 17215
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum of April 23, 1974 17216

7 CFR
68 17217
908 (2 documents) 17218
910 17219
PROPOSED RULES:
52 17234
928 17236

10 CFR
211 17288
212 17288
PROPOSED RULES:
211 17237

12 CFR
523 17219

14 CFR
39 (2 documents) 17219, 17220
71 (3 documents) 17221
PROPOSED RULES:
71 17236

16 CFR
PROPOSED RULES:
3 17238

23 CFR
740 17221

30 CFR
PROPOSED RULES:
77 17234

31 CFR
315 17222

38 CFR
3 (2 documents) 17222
17 17223

41 CFR
5A–9 17223
5A–54 17223
5B–12 17224
5B–16 17232
60–5 17232

43 CFR
PUBLIC LAND ORDERS:
5421 17232

49 CFR
393 17233

presidential documents

Title 3—The President

PROCLAMATION 4292

National Defense Transportation Day and National Transportation Week, 1974

By the President of the United States of America

A Proclamation

The phenomenal growth of America in just two hundred short years has been directly related to the growth of our national system of transportation. Today we have the largest and most diverse transportation system in the world, and the men and women who make that system work contribute nearly twenty percent to our Nation's gross national product.

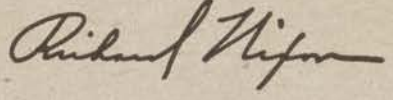
As our society continues to grow, we must ensure that the effectiveness of our transportation system keeps pace with the changing demands placed on it. Both the Federal Government and the private sector have a role to play in ensuring that effectiveness.

During the recent energy crisis, we became more aware than ever of the central, critical role our transportation system plays in meeting our social and economic needs through the efficient movement of people and goods. The quality of our life and the health of our economy require that our transportation system remain robust.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Friday, May 17, 1974, as National Defense Transportation Day, and the week beginning May 12, 1974, as National Transportation Week.

I urge the participation of Governors and other elected officials as well as the people of America to join with the Department of Transportation in observing this week as further proof of our efforts to give the Nation balanced and energy-efficient transportation.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of May, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.



[FR Doc.74-11233 Filed 5-13-74;10:09 am]

PROCLAMATION 4293

Legal Rights for Retarded Citizens Week, 1974

By the President of the United States of America

A Proclamation

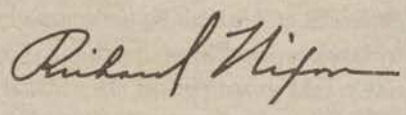
America's more than six million mentally retarded citizens face many hardships in their daily lives. Too frequently, they are even denied basic legal rights without having the means or the knowledge to protect themselves.

Retarded children, for instance, are too often deprived of the opportunities open to other children, and many mentally retarded adults are denied a free choice of a place to live.

Too many of the mentally retarded who, with proper training and encouragement, could lead healthy, productive lives in the outside world are needlessly institutionalized. Many are the victims of direct and indirect discrimination in their everyday lives.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States, do hereby proclaim the week beginning May 12, 1974 as "Legal Rights for Retarded Citizens Week", and call upon all Americans to make an added effort to accord full legal rights and individual respect and dignity to all retarded Americans not only this week, but every week of the year.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of May, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.



[FR Doc.74-11234 Filed 5-13-74;10:09 am]

MEMORANDUM OF APRIL 23, 1974

[Presidential Determination No. 74–17]

Emergency Security Assistance for Israel

Memorandum for The Secretary of State and The Secretary of Defense

THE WHITE HOUSE,
Washington, D.C., April 23, 1974.

By virtue of the authority vested in me by Public Law 93–199, the Emergency Security Assistance Act of 1973 (hereinafter "the Act"), and by Public Law 93–240, the Foreign Assistance and Related Programs Appropriation Act, 1974 (hereinafter "the Appropriation Act"), I hereby:

A. Determine (1) that it is important to our national interest that Israel receive assistance under the Act exceeding $1,500,000,000 and (2) that obligations in excess of $1,700,000,000 of the funds appropriated by the first paragraph in Title IV of the Appropriation Act will be in the national interest;

B. Release Israel from its contractual liability to the extent of $1,000,000,000 to pay for defense articles and defense services purchased under the Foreign Military Sales Act (82 Stat. 1320, Public Law 90–629), as amended, during the period beginning October 6, 1973, and ending March 31, 1974; and

C. Determine that foreign military sales credits extended to Israel under the Act shall be in amounts not to exceed $1,200,000,000 (less amounts necessary for payment by the United States of its share of expenses of United Nations activities in the Middle East as authorized by law) repayable as to principal over a period of twenty years following a two year grace period after initial disbursement and at a rate of interest of three percent per annum, with all other terms and conditions to be in accordance with those applicable to credits extended for foreign countries under the above-cited Foreign Military Sales Act, as amended.

This memorandum shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.74–11183 Filed 5–10–74;2:53 pm]

rules and regulations

Title 7—Agriculture

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

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees and Charges for Certain Federal Inspection Services

Statement of considerations. The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be the cost of the inspection services rendered under its provisions. This amendment adjusts the hourly rate for services charged by the hour under § 68.42a from $11.20 to $12.20 per hour, and makes corresponding changes in fees and charges for the inspection for quality on dry beans, dry peas, lentils, hay, straw, and hops. The fees for these quality inspections are based on an average unit of time for each service, and the increase corresponds to the increase in hourly charge. The changes are necessary due to increased costs for rent, postage, communications, travel, and salaries for Federal employees.

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 68.42a prescribing fees in connection with the inspection of agricultural commodities administratively assigned to the Grain Division are hereby amended as follows:

§ 68.42a Fees and charges for certain Federal inspection services.

The following fees and charges apply to the Federal inspection services specified below:

Service	Fee or charge
Appeal inspection:	
(a) Basis original sample	(1)
(b) Basis new sample	(1)
Bean, lentil, and pea inspection (including chick peas, cowpeas, split peas, and similar commodities):	
(a) Lot inspection:	
(1) Field run (quality and dockage analysis)—per lot	$7.80
(2) Other than field run (grade, class, and quality)—per lot (In addition to the fee for analysis or grading in (1) and (2) above, a fee for sampling, checkweighing, and checkloading, if any, will be assessed at the prescribed rate.)	5.85
(b) Sample inspection:	
(1) Field run (quality and dockage analysis)—per lot	7.80
(2) Other than field run (grade, class, and quality)—per sample	5.85
Checkloading—per man-hour	[3] 12.20
Checkweighing—per man-hour	[3] 12.20
Condition examination—per man-hour	[3] 12.20
Demonstration grading—per request	[4] 190.00
Extra copies of certificates—per copy	1.00
Grade factor analysis (as defined in any official U.S. Standards) per factor	3.90
Hay and straw inspection:	
(a) Lot inspection:	
(1) For sampling and grading—per man-hour	12.20
(b) Sample inspection:	
(1) Grade only—per sample	7.80
(2) Factor analysis — per man-hour	12.20
Hop inspection:	
(a) Lot inspection:	
(1) For seed, leaf, and stem content—per lot	9.20
(2) Aphid infestation — per lot (In addition to the fee for analysis in (1) and (2) above, a charge for sampling, if any, will be assessed at the prescribed rate.)	12.20
(b) Sample inspection:	
(1) For seed, leaf, and stem content—per sample	9.20
(2) Aphid infestation — per sample	12.20
Laboratory report	1.00
Laboratory testing:	
(a) In addition to the charges, if any, for sampling or other requested service, a fee will be assessed for each laboratory analysis or test as follows:	
(1) Acetyl value	5.00
(2) Acidity—Greek	1.70
(3) Acid value—oil	2.35
(4) Aflatoxin	15.00
(5) Appearance, flavor, and odor of oils	1.10
(6) Ash	1.70
(7) Bacteria count	3.50
(8) Baking test—bread	7.50
(9) Baking test—cookies	5.00
(10) Baking test—prepared mix	3.05
(11) Baume	4.50
(12) Break test	3.05
(13) Calcium AOAC	4.00
(14) Calcium enrichment	4.00
(15) Calcium carbonate	4.00
(16) Carotenoid color	4.50
(17) Checked and broken macaroni units	2.65
(18) Clarity of oil involving heating	1.45
(19) Cold test—oil	.75
(20) Color—bleached	2.10
(21) Color—Gardner	2.10
(22) Color—Lovibond	2.10
(23) Color—Wesson	2.10
(24) Color—oil and shortening	2.10
(25) Congealpoint	4.30
(26) Consistency	1.35
(27) Cooking test	1.85
(28) Crude fat	2.25
(29) Crude fiber	3.35
(30) Density	1.20
(31) Diastatic activity of flour	2.80
(32) Enrichment—quick test	.85
(33) Falling number	1.25
(34) Farinograph characteristics	5.00
(35) Fat—acid hydrolysis	4.40
(36) Fat—crude	2.25
(37) Fat—extraction	2.25
(38) Fat acidity	1.70
(39) Fat stability—AOM	4.80
(40) Fiber, crude	3.35
(41) Filth—heavy	3.05
(42) Filth—light	4.85
(43) Flash point—open and closed cup	3.05
(44) Flavor, odor, and appearance of oils	1.10
(45) Foots—heated and/or chilled	2.15
(46) Foreign material—processed grain products	2.65
(47) Free fatty acids	2.35
(48) Gossypol, free	3.00
(49) Grade and class of unprocessed grain	2.30
(50) Heating test—oil and shortening	2.25
(51) Hydrogen ion concentration—pH	1.70
(52) Insoluble bromides	2.20
(53) Insoluble impurities—oil and shortening	2.80
(54) Iodine number or value	2.60
(55) Iron enrichment	6.60
(56) Keeping time—oil and shortening	4.80
(57) Kjeldahl protein	2.05
(58) Linolenic acid	12.00
(59) Lipid phosphorus	5.75
(60) Loss on heating (oil)	1.35
(61) Lysine from fortification	5.00
(62) Lysine from hydrolysis of protein	10.00
(63) Macaroni—checked and broken units	2.65
(64) Maltose value—flour	2.80
(65) Marine oil in vegetable oil qualitative	2.20
(66) Melting point—Wiley	2.60
(67) Moisture—distillation	2.15
(68) Moisture—oven	1.45
(69) Moisture and volatile matter—oil and shortening	1.35
(70) Neutral oil loss	5.50
(71) Nitrogen solubility index	2.60
(72) Odor, appearance, and flavor of oil	1.10
(73) Oil content—oilseed	3.50

Service	Fee or charge
(74) pH—Hydrogen ion concentration	1.70
(75) Peroxide value	1.75
(76) Peroxide value after 8 hours AOM	4.80
(77) Phosphorus	3.65
(78) Popping value—popcorn	1.50
(79) Potassium bromate—qualitative	.85
(80) Potassium bromate—quantitative	3.25
(81) Protein—Kjeldahl	2.05
(82) Reducing sugars	8.40
(83) Refractive index	1.20
(84) Riboflavin	6.60
(85) Rope spore count	11.10
(86) Salt content	3.50
(87) Saponification number	3.05
(88) Sieve test	2.20
(89) Smoke point	1.40
(90) Softening point	4.30
(91) Solid fat index	9.90
(92) Solubility in alcohol—oil	1.10
(93) Specific baking volume—prepared mix	3.05
(94) Specific gravity—oils	2.95
(95) Spreadfactor—cookies	5.00
(96) Test weight per bushel—other than grain	1.20
(97) Unsaponifiable matter	5.80
(98) Urease activity	2.25
(99) Viscosity—flour	5.00
(100) Viscosity — Gardner-Holdt	1.50
(101) Water soluble protein	2.60
(102) Xanthydrol test for rodent urine	2.50
(If a requested analysis or test is on the basis of a specified moisture content, a charge for an oven moisture test will also be made.)	
Lentil inspection: (See Bean inspection.)	
Minimum fee for services covered by hourly rate—a minimum fee for 2 hrs. per man, per service request, will be assessed at the applicable hour rate.	
New inspection—fees and charges to be based on services requested.	
Pea inspection: (See Bean inspection.)	
Sampling per man-hour	[1] 12.20
Special inspection service per man-hour	[2] 12.20
Split pea inspection: (See Bean inspection.)	
Standby time per man-hour	12.20
Straw inspection: (See Hay inspection.)	

The need for increases in the fees for services and the amount thereof are dependent upon facts within the knowledge of the Agricultural Marketing Service. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public rulemaking procedures on the amendments are impractical and unnecessary.

(Sec. 203, 205, 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622, 1624))

This amendment shall become effective on July 1, 1974.

Done at Washington, D.C., on May 8, 1974.

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

[FR Doc.74-11092 Filed 5-13-74;8:45 am]

[1] The applicable grading or laboratory analysis or testing charge. Minimum fee, if any, $12.20.

[2] Applicable sampling charge, if any, plus applicable grading, or laboratory analysis or testing fee.

[3] Only one fee will be charged for these services whether performing singly or concurrently. (But see minimum fee requirement.)

[4] Plus all travel costs associated with the performance of the demonstration grading service.

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

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment

This document authorizes expenses of $273,470 of the Valencia Orange Administrative Committee, under Marketing Order No. 908, for the 1973–74 fiscal year and fixes a rate of assessment of $0.014 per carton of Valencia oranges handled in such period to be paid to the Committee by each first handler as his pro rata share of such expenses.

On April 26, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 14723) regarding proposed expenses and the related rate of assessment for the period November 1, 1973, through October 31, 1974, pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The notice provided that all written data, views, or arguments in connection with the proposals be submitted by May 6, 1974. None were received. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 908.213 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period November 1, 1973, through October 31, 1974, will amount to $273,470.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 908.41, is fixed at $0.014 per carton of Valencia oranges.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable oranges handled during the aforesaid period, (2) shipments of Valencia oranges are currently in progress, and (3) such period began on November 1, 1973, and said rate of assessment will automatically apply to all such oranges beginning with such date.

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

Dated: May 9, 1974.

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

[FR Doc.74-11091 Filed 5-13-74;8:45 am]

[Valencia Orange Reg. 463, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 3–9, 1974. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 463 (39 F.R. 15278). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a suffi-

cient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 908.768 (Valencia Orange Regulation 463 (39 FR 15278) are hereby amended to read as follows:

"(i) District 1: 283,000 cartons;
"(ii) District 2: 246,000 cartons;
"(iii) District 3: 196,000 cartons."

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

Dated: May 8, 1974.

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

[FR Doc.74–11046 Filed 5–13–74;8:45 am]

[Lemon Reg. 637, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 5–11, 1974. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

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

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 637 (39 FR 15403). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* Paragraph (b)(1) of § 910.937 (Lemon Regulation 637) (39 FR 15403) is hereby amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period May 5, 1974, through May 11, 1974, is hereby fixed at 265,000 cartons."

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

Dated: May 8, 1974.

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

[FR Doc.74–11044 Filed 5–13–74;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 74–394]

PART 523—MEMBERS OF BANKS

Amendment To Increase the Maturity of Bankers' Acceptances

MAY 8, 1974.

The Federal Home Loan Bank Board considers it advisable to amend §523.10 of the regulations for the Federal Home Loan Bank System (12 CFR 523.10) in order to increase the period to maturity permitted for bankers' acceptances used to meet the overall liquidity requirement for member institutions under § 523.11 (12 CFR 523.11). The period to maturity of bankers' acceptances eligible for short-term liquidity is unchanged. This action is taken due to recent amendments by the Board of Governors of the Federal Reserve System in part authorizing the Federal Reserve Bank of New York to buy and sell certain bankers' acceptances with maturities of up to 9 months. Accordingly, the Board hereby amends paragraphs (g)(5)(iii) and (h)(4) of said § 523.10 to read as set forth below, effective May 14, 1974.

Paragraph (g)(5)(iii) of § 523.10 is amended to increase the period to maturity of bankers' acceptances for overall liquidity purposes from 6 to 9 months and paragraph (h)(4) of § 523.10 is amended to indicate that the period to maturity of acceptances eligible for short-term liquidity remains not more than 6 months.

Since the above amendment relieves 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 be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

1. In §523.10, paragraphs (g)(5)(iii) and (h)(4) are revised to read as follows:

§ 523.10 Definitions.

* * * * *

(g) * * *

(5) * * *

(iii) The remaining periods to maturity of such acceptances are not more than 9 months; and

* * * * *

(h) * * *

(4) Bankers' acceptances specified in subparagraph (5) of paragraph (g) of this section having a remaining period to maturity of not more than 6 months.

(Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. 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.74–11088 Filed 5–13–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74–NW–9–AD; Amdt. 39–1845]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707/720 Series Airplanes

Amendment 39–1753 (FR Doc. 73–25927), AD–73–25–2, requires inspection of the series yaw damper rudder power control units for evidence of internal leakage and replacement or rework, as necessary, on Boeing Model 707/720 Series Aircraft. After issuing Amendment 39–1753, there have been numerous re-

ports of excessive non-recoverable internal leakage in other components of the auxiliary hydraulic system. This internal leakage has been due to power control unit (PCU) transfer valves, rudder pressure regulators, bypass and relief valves, and to the tab lock stop piston in the PCU. This type of leakage decreases hydraulic power available to the rudder power control unit thereby reducing its output force and rate capability and may result in inadequate directional control for asymmetrical flight conditions. The Administrator has determined that an unsafe condition may still exist. Therefore, the AD is being superseded by a new AD that requires the inspection and rework or replacement, as necessary, of the auxiliary hydraulic system.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation regulations is amended by superseding Amendment 39–1753 (38 FR 33764) with the following new airworthiness directive:

BOEING: Applies to all Model 707 and 720 airplanes having 6,000 hrs., or more, time in service, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent excessive non-recoverable internal hydraulic leakage in the auxiliary hydraulic system and the possible loss of aircraft direction control at critical air speeds, accomplish the following:

PART I

(a) Part I of this AD applies to airplanes which will be used for flight crew training.

(b) Prior to further flight for crew training, and thereafter at intervals not to exceed 2,000 hours time in service from the last inspection, the airplane auxiliary hydraulic system must be inspected and replaced or reworked, as necessary, in accordance with the following:

(1) Inspect for evidence of internal leakage per the information contained in Boeing Alert Service Bulletin 3154 dated April 12, 1974, or later FAA approved revisions of Boeing Alert Service Bulletin 3154 or by an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(2) Airplanes with an auxiliary hydraulic system having internal leakage equal to or greater than 1.0 GPM but less than 3.0 GPM may not be used in training or revenue service but may only be flown in accordance with FAR 21.197 to a maintenance base for replacement or rework, as necessary, of the defective auxiliary hydraulic system components.

(3) Airplanes with an auxiliary hydraulic system having 3.0 GPM, or more, internal leakage must have the defective auxiliary hydraulic system components replaced or overhauled, as necessary, prior to further flight.

PART II

(a) Part II of this AD applies to airplanes which have not been inspected and reworked, as necessary, in accordance with Amendment 39–1753 (FR Doc. 73–25927), AD–73–25–2.

(b) Within 300 hours time in service after the effective date of this AD, and thereafter at intervals not to exceed 2,000 hours time in service from the last inspection, accomplish the following:

(1) Inspect for evidence of internal leakage and replace or rework, as necessary, per the information contained in Boeing Alert Service Bulletin 3154 dated April 12, 1974, or later FAA approved revisions of Boeing Alert Service Bulletin 3154 or by an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(2) Airplanes with an auxiliary hydraulic system having internal leakage equal to or greater than 1.0 GPM but less than 3.0 GPM may not be used in revenue service but may only be flown in accordance with FAR 21.197 to a maintenance base for replacement or rework, as necessary, of the defective auxiliary hydraulic components.

(3) Airplanes with an auxiliary hydraulic system having 3.0 GPM, or more, internal leakage must have the defective auxiliary hydraulic system components replaced or overhauled, as necessary, prior to further flight.

PART III

(a) Part III of this AD applies to airplanes which have been inspected and reworked, as necessary, in accordance with Amendment 39–1753 (FR Doc. 73–25927), AD–73–25–2.

(b) Within 600 hours time in service after the effective date of this AD and thereafter at intervals not to exceed 2,000 hours time in service from the last inspection, accomplish the following:

(1) Inspect for evidence of internal leakage and replace or rework, as necessary, per the information contained in Boeing Alert Service Bulletin 3154 dated April 12, 1974, or later FAA approved revisions of Boeing Alert Service Bulletin 3154, or by an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(2) Airplanes with an auxiliary hydraulic system having internal leakage equal to or greater than 1.0 GPM but less than 3.0 GPM may not be used in revenue service but may only be flown in accordance with FAR 21.197 to a maintenance base for replacement or rework, as necessary, of the defective auxiliary hydraulic system components.

(3) Airplanes with an auxiliary hydraulic system having 3.0 GPM, or more, internal leakage must have the defective auxiliary hydraulic system components replaced or overhauled, as necessary, prior to further flight.

For the purpose of complying with the repetitive periodic inspection requirement of this AD, the 2,000 hours time in service may be adjusted by submitting substantiating technical data through the FAA assigned maintenance inspector for the approval of the Chief, Engineering and Manufacturing Branch, Flight Standards Division, FAA, Northwest Region.

This Amendment becomes effective May 14, 1974.

The manufacturer's specifications and procedures identified and described in this Directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this Directive who have not already received these documents from the manufacturer, may obtain copies upon request to The Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at FAA Northwest Region, 9010 East Marginal Way, Seattle, Washington 98108.

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

Issued in Seattle, Washington on May 6, 1974.

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

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

[FR Doc.74–11034 Filed 5–13–74;8:45 am]

[Docket No. 13699; Amdt. 39–1846]

PART 39—AIRWORTHINESS DIRECTIVES

Mitsubishi Model MU–2B Airplanes

Pursuant to the authority delegated to me by the Administrator an airworthiness directive (AD) was adopted on April 19, 1974, and made effective immediately upon receipt of the airmail letter AD as to all known United States operators of Mitsubishi Heavy Industries, Ltd., Model MU–2B and MU–2B –10, –15, –20, –25, –30, and –35 airplanes because of reported failures of flap flexible shaft inner cables that could render the flap system inoperative on Mitsubishi Model MU–2B airplanes. The AD requires inspections of the flap cables before further flight, periodic inspections thereafter, and replacement of shafts as necessary.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately as to all known U.S. operators of Mitsubishi Model MU–2B and MU–2B –10, –15, –20, –25, –30, and –35 airplanes by airmail letter dated April 19, 1974. These conditions still exist and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

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))

MITSUBISHI HEAVY INDUSTRIES, LTD. Applies to Mitsubishi Models MU–2B, MU–2B–10, MU–2Z–15, MU–2B–20, MU–2B–25, MU–2B–30, and MU–2B–35 airplanes.

Compliance required as indicated, except that the airplane may be flown in accordance with § 21.197 to a base where the inspection, replacement, or modification can be accomplished.

To prevent failure of the flap flexible shaft inner cable (P/N RY25–1 or 080227–OC–97.50) and resulting jammed outboard auxiliary actuator that could render the flap system inoperative, accomplish the following:

(a) Before further flight and thereafter at intervals not to exceed 50 hours' time in service since the last inspection, inspect the RH and LH flap flexible shafts (P/N RY25–1 or

080227-OC-97.50) for frictional noise by listening for intermittent squeak while operating the flaps in both directions through their full travel, in quite surroundings.

(b) If frictional noise is heard during an inspection required by paragraph (a) of this AD, before further flight remove the clamp at W.S. 2590, if installed, and replace the affected shaft with a serviceable shaft, P/N RY25-1 or 080227-OC-9750, installed so as to establish that no bend radius throughout the shaft between W.S. 2370 and W.S. 2910 is less than 8.7 inches (220 millimeters).

(c) If no frictional noise is heard during an inspection required by paragraph (a) of this AD, before further flight, unless already accomplished.

(1) Remove the clamp at W.S. 2590, if installed;

(2) Loosen the clamp at W.S. 2910;

(3) Flex the shaft to establish that no bend radius throughout the shaft between W.S. 2370 and W.S. 2910 is less than 8.7 inches (220 millimeters); and

(4) Tighten the clamp at W.S. 2910.

NOTE: Mitsubishi MU-2 Service Bulletin No. 162, dated February 15, 1974, refers to this subject.

This amendment is effective May 14, 1974 as to all persons except those persons to whom it was made effective upon receipt of the airmail letter dated April 19, 1974, that contained this amendment.

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

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.74-11033 Filed 5-13-74;8:45 am]

[Airspace Docket No. 74-EA-2]

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

Alteration of Transition Area

On page 6123 of the FEDERAL REGISTER for February 19, 1974, the Federal Aviation Administration published a proposed rule which would alter the Saranac Lake, N.Y., Transition Area (39 FR 587).

Interested parties were given 30 days after publication in which to submit written data or views. The only objection received concerned a confliction of a portion of the airspace with an Air Force training route. A small change in one set of coordinates will meet that objection and still meet the terminal area airspace needs. Further, since the change is of a minor amount, notice and public procedure thereon are unnecessary.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. July 18, 1974, except as follows:

1. Delete coordinates "44°40'00" N., 74°15'00" W." and insert in lieu thereof "44°38'00" N., 74°12'00" W.".

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c))

Issued in Jamaica, N.Y., on April 29, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Saranac Lake, N.Y. 700-foot floor transition area and by substituting the following in lieu thereof:

SARANAC LAKE, N.Y.

That airspace extending upward from 700 feet above the surface beginning at lat. 44°38'00" N., long. 74°12'00" W.; to lat. 44°40'00" N., long. 73°55'00" W.; to lat. 44°21'00" N., long. 73°50'00" W.; to lat. 44°08'00" N., long. 74°27'00" W.; to lat. 44°21'00" N., long. 74°38'00" W.; to point of beginning.

[FR Doc.74-11036 Filed 5-13-74;8:45 am]

[Airspace Docket No. 74-EA-24]

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

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Birch Hollow, Va., Transition Area (39 FR 455).

The present description is based upon the Herndon, Va. VORTAC which is being relocated. To retain the same airspace, coordinates are being substituted for the name of the relocated VORTAC.

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

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective May 14, 1974, as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to alter the description of the Birch Hollow, Va. 700-foot floor transition area by deleting the phrase, "between the Martinsburg, W. Va., and Herndon, Va. VORTACs." and by substituting therefore, "between the Martinsburg, W. Va., VORTAC and Lat. 39°01'10" N., Long. 77°27'42" W.".

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on April 25, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

[FR Doc.74-11035 Filed 5-13-74;8:45 am]

[Airspace Docket No. 74-NE-12]

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

Alteration of Control Zone and 700-Foot Transition Area

The name of the Presque Isle Municipal Airport, Presque Isle, Maine has been officially changed to Northern Maine Regional Airport. The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to reflect this name change in the description of Presque Isle, Maine, Control Zone (39 FR 419) and 700-foot Transition Area (39 FR 572).

Since this amendment is editorial in nature and no substantial change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In view of the foregoing, the Federal Aviation Administration having completed a review of the airspace requirements in the Presque Isle, Maine, Control Zone and 700-foot Transition Area, amends Part 71 of the Federal Aviation Regulations, effective May 14, 1974, as follows:

1. Amend § 71.171 of the Federal Aviation Regulations by amending the existing description of the Presque Isle, Maine, Control Zone by deleting the words, "Presque Isle, Maine, Municipal Airport," and inserting the words, "Northern Maine Regional Airport" in lieu thereof.

2. Amend § 71.181 of the Federal Aviation Regulations by amending the existing description of the Presque Isle, Maine, 700-foot Transition Area by deleting the words, "Presque Isle, Maine, Municipal Airport," and inserting the words, "Northern Maine Regional Airport" in lieu thereof.

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

Issued in Burlington, Massachusetts, on April 30, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-11032 Filed 5-13-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER J—RIGHT-OF-WAY AND ENVIRONMENT

PART 740—RELOCATION ASSISTANCE

Rental Replacement Housing Payments

The Federal Highway Administration hereby revises § 740.77(d) of Part 740 to change and simplify the rules governing the disbursement of rental replacement housing payments. This change reflects the procedure adopted by the Federal interagency committee which is charged with developing procedures for the uniform implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894, (42 U.S.C. 4601 et seq.).

This change becomes effective not later than August 12, 1974. A State may adopt this change earlier if it so desires.

In consideration of the foregoing § 740.77(d) of 23 CFR Part 740 is revised to read as follows:

§ 740.77 Rental Replacement Housing Payments to tenant-occupant for not less than 90 days who rents.

* * * * *

(d) Disbursement of rental replacement housing payments. The amount of the rental payment, determined as shown above, shall be paid in a lump sum, unless the displaced person who is entitled to the payment requests that it be paid in installments.

Effective date: May 3, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-11112 Filed 5-13-74;8:45 am]

Title 31—Money and Finance

CHAPTER III—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 315—REGULATIONS GOVERNING U.S. SAVINGS BONDS

Increased Annual Limitations on Holdings; Correction

MAY 9, 1974.

The date of Department Circular No. 530, Tenth Revision, as it appears in the amendment published in Part 315, 39 FR 5313, dated February 12, 1974, should be corrected to read "September 5, 1973."

THOMAS J. WINSTON, Jr.,
Chief Counsel,
Bureau of the Public Debt.

[FR Doc.74-11039 Filed 5-13-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation and Dependency and Indemnity Compensation

SEVERANCE OF SERVICE CONNECTION

On page 11202 of the FEDERAL REGISTER of March 26, 1974, there was published notice of proposed regulatory change in 38 CFR 3.105 to decentralize to field stations full authority to effect severance of service connection. Also minor editorial changes not affecting benefits were made in §§ 3.105 and 3.106. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

Pursuant to such notice, written comments were received from two service organizations. These comments concurred in the proposed change. The proposed amendments to the regulations are adopted without change as set forth below.

Effective date. Section 3.105(d) is effective May 7, 1974.

Approved: May 7, 1974.

By direction of the Administrator.

[SEAL] RICHARD L. ROUDEBUSH,
Deputy Administrator.

1. In § 3.105, paragraphs (d), (e) and (f) are amended to read as follows:

§ 3.105 Revision of decisions.

* * * * *

(d) *Severance of service connection.* Subject to the limitations contained in §§ 3.114 and 3.957, service connection will be severed only where evidence establishes that it is clearly and unmistakably erroneous (the burden of proof being upon the Government). (Where service connection is severed because of a change in or interpretation of a law or Veterans Administration issue, the provisions of § 3.114 are for application.) A change in diagnosis may be accepted as a basis for severance action if the examining physician or physicians or other proper medical authority certifies that, in the light of all accumulated evidence, the diagnosis on which service connection was predicated is clearly erroneous. This certification must be accompanied by a summary of the facts, findings, and reasons supporting the conclusion. When severance of service connection is considered warranted, a rating proposing severance will be prepared setting forth all material facts and reasons. The claimant will be notified at his or her latest address of record of the contemplated action and furnished detailed reasons therefor and will be given 60 days for the presentation of additional evidence to show that service connection should be maintained. If additional evidence is not received within that period, rating action will be taken and the award will be discontinued effective the last day of the month in which the 60-day period expired. (38 U.S.C. 3012(b)(6).).

(e) *Reduction in evaluation; compensation.* Where the reduction in evaluation of a service-connected disability or employability status is considered warranted and the lower evaluation would result in a reduction or discontinuance of compensation payments currently being made, rating action will be taken. The reduction will be made effective the last day of the month in which a 60-day period from date of notice to the payee expires. The veteran will be notified at his or her latest address of record of the action taken and furnished detailed reasons therefor, and will be given 60 days for the presentation of additional evidence. (38 U.S.C. 3012(b)(6)).

(f) *Reduction in evaluation; pension.* Where a reduction in evaluation is considered warranted because of a change in non-service-connected disability or employability and the lower evaluation would result in a reduction or discontinuance of pension payments currently being made, the award will be reduced or discontinued effective the last day of the month in which reduction or discontinuance of the award is approved. The veteran will be notified at his or her latest address of record of the action taken and furnished detailed reasons therefor, and the conditions under which his claim may be reopened. (38 U.S.C. 3012(b)(5)).

2. In § 3.106, paragraph (a) is amended to read as follows:

§ 3.106 Renouncement.

(a) Any person entitled to pension, compensation, or dependency and indemnity compensation under any of the laws administered by the Veterans Administration may renounce his or her right to that benefit but may not renounce less than all of the component items which together comprise the total amount of the benefit to which the person is entitled nor any fixed monetary amounts less than the full amount of entitlement. The renouncement will be in writing over the person's signature. Upon receipt of such renouncement in the Veterans Administration, payment of such benefits and the right thereto will be terminated, and such person will be denied any and all rights thereto from such filing. (38 U.S.C. 3106(a)).

* * * * *

[FR Doc.74-11116 Filed 5-13-74;8:45 am]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation and Dependency and Indemnity Compensation

EFFECTIVE DATES OF AWARDS; CLARIFICATION

On page 11442 of the FEDERAL REGISTER of March 28, 1974, there was published a notice of proposed regulatory development to amend § 3.401(b) to clarify certain provisions relating to effective dates of awards of increased benefits on account of dependents. In addition minor editorial changes were made in §§ 3.400 (w) and 3.401(c) and the note following § 3.401(d). Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. Section 3.401(b) is effective May 7, 1974.

Approved: May 7, 1974.

By direction of the Administrator.

[SEAL] RICHARD L. ROUDEBUSH,
Deputy Administrator.

§ 3.400 [Amended]

1. In § 3.400, the heading of paragraph (w) is amended to read as follows:

(w) *Termination of remarriage of widow (widower) (38 U.S.C. 3010 (a), (k); 38 U.S.C. 103(d)(2) and 3010(1), effective January 1, 1971; § 3.55).*

2. In § 3.401, paragraphs (b) and (c) and the Note following paragraph (d)(1) are amended to read as follows:

§ 3.401 Veterans.

* * * * *

(b) *Dependent, additional compensation or pension for.* Latest of the following dates:

(1) Date of claim. This term means the following, listed in their order of applicability:

(i) Date of veteran's marriage, or birth of his or her child, or, adoption of a child, if the evidence of the event is received within 1 year of the event; otherwise,

(ii) Date notice is received of the dependent's existence, if evidence is received within 1 year of the Veterans Administration request.

(2) Date dependency arises.

(3) Effective date of the qualifying disability rating provided evidence of dependency is received within 1 year of notification of such rating action. (38 U.S.C. 3010(f))

(4) Date of commencement of veteran's award. (38 U.S.C. 3010 (f), (n)) (Other increases, see § 3.400(o). For school attendance see § 3.667.)

(c) *Divorce of veteran and wife (husband).* See § 3.501(d).

(d) * * *

NOTE.—If apportionment under §§ 3.452(c) and 3.454 is in order or payment under § 3.850(a), Personal Funds of Patients account will not be set up but difference withheld for dependents.

* * * * *

[FR Doc.74-11117 Filed 5-13-74;8:45 am]

PART 17—MEDICAL

Limitations on Use of Public or Private Hospitals

On page 5211 of the FEDERAL REGISTER of February 11, 1974, there was published a notice of proposed regulatory development to amend § 17.50c to implement section 601(4)(C), title 38, United States Code, as amended by section 101(a), Pub. L. 93-82 (87 Stat. 179) pertaining to utilization of public and private hospitals for treatment of a service-connected disability or disability for which discharged. The proposed amendment provided that public and private hospitals be utilized for the care of certain eligible veterans for treatment of nonemergent conditions when Veterans Administration facilities are not feasibly available. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

Two letters were received. One was a request for clarification. The other correspondent considered the criteria for using community resources overly restrictive and expressed a hope that the criteria be considerably softened, or even left to the discretion of the local Veterans Administration facility director. However, the limitations contain the same language as before except that it eliminated the requirement that admission to and continuation of hospitalization in a private or public hospital must be conditions upon the existence of emergency circumstances. We believe that the continued limitations are not overly restrictive and therefore adopt the proposed regulation without change as set forth below.

Effective date. This VA regulation is effective September 1, 1973.

Approved: May 7, 1974.

By direction of the Administrator.

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

Section 17.50c is revised to read as follows:

§ 17.50c Limitations on use of public or private hospitals.

The admission of any patient to a private or public hospital at Veterans Administration expense will only be authorized if a Veterans Administration hospital or other Federal facility to which the patient would otherwise be eligible for admission is not feasibly available. A Veterans Administration facility may be considered as not feasibly available when the urgency of the applicant's medical condition, the relative distance of the travel involved, or the nature of the treatment required makes it necessary or economically advisable to use public or private facilities. In those instances where care in public or private hospitals at Veterans Administration expense is authorized because a Veterans Administration or other Federal facility was not feasibly available, as defined in this section, the authorization will be continued after admission only for the period of time required to stabilize or improve the patient's condition to the extent that further care is no longer required to satisfy the purpose for which it was initiated.

[FR Doc.74-11118 Filed 5-13-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE

PART 5A-9—PATENTS, DATA, AND COPYRIGHTS

PART 5A-54—PATENTS AND COPYRIGHTS

Transfer of Regulations

This change to the General Services Administration Procurement Regulations adds Part 5A-9, Patents, data, and copyrights, to implement recently published Part 1-9 of Chapter 1, transfers instructions from Part 5A-54 to Part 5A-9, and updates related internal GSA instructions.

1. Chapter 5A is amended to add new Part 5A-9 as follows:

Subpart 5A-9.1—Patents

Sec.
5A-9.100 Scope of subpart.
5A-9.150 Patent indemnification of Government by contractor.
5A-9.151 Other patent matters.
5A-9.152 Notice and assistance regarding patent infringement.

Subpart 5A-9.50—Copyrights

5A-9.501 General.
5A-9.502 Use and publication by the Government of copyrighted material.
5A-9.503 Contracts for use of copyrightable material.
5A-9.504 Copyright clause.

AUTHORITY: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486cc).

Subpart 5A-9.1—Patents

§ 5A-9.100 Scope of subpart.

(a) This subpart prescribes policies and procedures to be followed on patents and related matters; prescribes contract clauses to be used; and provides for assistance in developing clauses when it is not feasible to use prescribed clauses.

(b) Patents are granted for any new and useful process, machine, manufacture or composition of matter, or any new and useful improvement thereof, (see 35 U.S.C. 101), and any new, original, and ornamental design for an article of manufacture. (See 35 U.S.C. 171.) Infringement consists of the unauthorized making, using, or selling of any patented invention. (See 35 U.S.C. 271.)

(c) The contracting officer shall observe the following, with respect to patents, in connection with contracting:

(1) Protection of the Government against patent risks in contracts.

(2) The policies and procedures in 1-9.4 in connection with contracts for experimental, developmental or research work.

(3) Assuring that the Government does not make royalty payments where the Government has acquired a royalty-free license or other patent rights which make such payments unnecessary.

§ 5A-9.150 Patent indemnification of Government by contractor.

To protect the Government from patent risks, each contract for supplies and services (other than research and development contracts) in an amount in excess of $5,000 shall contain the clause prescribed in this § 5A-9.150. (For Research and Development Contract clauses see § 1-9.107.)

PATENT INDEMNITY

If the amount of this contract for supplies or services is in excess of $5,000, the Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any United States letters patent (except letters patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the performance under this contract, or out of the use or disposal by or for the account of the Government of such supplies or services. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply if: (a) the infringement results from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or services to be performed, or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; or (b) the infringement results from the addition to, or change in, the supplies furnished or services performed, which addition or change was made subsequent to delivery or performance by the Contractor; or (c) the claimed infringement is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

§ 5A–9.151 Other patent matters.

Any other matters which arise in connection with patents involved in research or development contracts shall be referred to the General or Regional Counsel for advice. Complete information shall accompany such referrals.

§ 5A–9.152 Notice and assistance regarding patent infringement.

Each contract in an amount in excess of $10,000 shall contain a clause to ensure that the Government will be notified of claims of infringement asserted against a contractor and any of his subcontractors in connection with the performance of Government contracts, and that the Government may obtain necessary assistance from a contractor in the event of patent infringement litigation. The contract clause required is set forth in § 1–7.103–4 and as article 13 of Standard Form 32, General Provisions (Supply Contract).

Subpart 5A–9.50—Copyrights

§ 5A–9.501 General.

A copyright is the exclusive right to the publication, production, or sale of the rights to a literary, dramatic, musical, or artistic work, or to the use of a manufacturing or merchandising label, granted by law for a definite period of years to an author, composer, artist, distributor, etc.

§ 5A–9.502 Use and publication by the Government of copyrighted material.

It is the general policy of the Government that copyrighted matter will not knowingly be incorporated in publications prepared by or for the Government except with the written consent of the copyright owner.

§ 5A–9.503 Contracts for use of copyrightable material.

In any contract under which material subject to copyright is to be furnished, the Government should receive at least a royalty-free, nonexclusive, and irrevocable license with respect to such material first produced or composed under the contract. Except in those instances where it is desirable that copyrightable material produced under contract for the Government shall either be placed in the public domain or a copyright established in the name of the author and assigned to the Government, and except in connection with contracts for motion pictures or the production of motion pictures and affiliated activities (e.g., preparation of scripts, translations, adaptations, etc.), it shall be the policy to acquire only such license right in any copyrightable material leaving the contractor free to take out a copyright in his own name, if he so desires. In the event the contractor should incorporate copyrighted or copyrightable material already owned by the contractor or others, in the material furnished to the Government, the license should contain a provision whereby the Government is also granted a royalty-free license with respect to the material if the contractor may grant such a license without becoming liable to pay compensation because of the grant. The foregoing generally applies whether the material subject to copyright is the main item of a contract or is only incidental.

§ 5A–9.504 Copyright clause.

Whenever an occasion arises which requires the use of such a clause, request shall be made of appropriate legal counsel for the drafting of a suitable clause. Complete information should accompany the request.

2. Part 5A–54 is deleted.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective on April 17, 1974.

M. J. TIMBERS,
Commissioner, FSS.

[FR Doc.74–11060 Filed 5–13–74;8:45 am]

CHAPTER 5B—PUBLIC BUILDINGS SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5B–12—LABOR

PART 5B–16—PROCUREMENT FORMS

Award and Reporting of Contracts and Equal Employment Opportunity Program

This amendment of the General Services Administration Procurement Regulations (1) adds procedures applicable to the award and reporting of contracts subject to the Walsh-Healey Public Contracts Act and (2) adds updated procedures for carrying out the General Services Administration Equal Employment Opportunity Program. The amendment provides that the GSA Office of Civil Rights is responsible for the GSA Equal Employment Opportunity Program, and indicates the duties and responsibilities of various officials and organizational units associated with the program. In addition, the amendment implements the requirements of the Secretary of Labor (41 CFR Part 60–3) pertaining to employee testing and other selection procedures. Part 5B–12 is amended by the addition of new Subparts 5B–12.6 and 5B–12.8 as follows:

Subpart 5B–12.6—Walsh-Healey Public Contracts Act

Subpart 5B–12.8—Equal Opportunity in Employment

AUTHORITY: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

Subpart 5B–12.6—Walsh-Healey Public Contracts Act

§ 5B–12.604 Responsibilities of contracting officers.

(a) *Notification to contractors.* Contracting officers shall furnish contractors with copies of Department of Labor W H Publication 1313, Notice of Employees Working on Government Contracts (illustrated at § 5B–16.954–1313) when awarding a contract subject to the Walsh-Healey Public Contracts Act. In addition, Form PC–16, Minimum Wage Determinations under the Walsh-Healey Public Contracts Act (copies available from Department of Labor) has been prepared by the Department of Labor to enable a contractor to ascertain the minimum wage determinations applicable to a particular contract. The Department of Labor will issue amendments to Form PC–16 as new determinations become effective. Copies of both W H Publication 1313 and PC–16 should be supplied for each of the contractor's establishments performing on contracts subject to the Walsh-Healey Public Contracts Act.

(b) *Reporting contract awards to Department of Labor.* The original and one copy of Standard Form 99, Notice of Award of Contract (illustrated at § 5B–16.901–99), shall be forwarded to the Department of Labor, Employment Standards Administration, Wage and Hour Division, Washington, DC 20210. A copy shall be retained in the procurement file. Detailed instructions for preparing Standard Form 99 are prescribed by the Department of Labor in Circular Letter No. 2–65, dated December 10, 1965.

(c) *Violations and complaints.* Information concerning possible violations of

the representations or stipulations required by the Walsh-Healey Public Contracts Act can originate from complaints of injured parties, from officers or employees of the U.S. Government, or otherwise. Any such complaints coming to the attention of the contracting officer shall be considered, together with any other relevant information that is available, in coordination with the Office of General Counsel. Reports of violations shall be prepared and submitted through the Office of General Counsel to the Department of Labor in accordance with § 1-12.604(e) of this title.

Subpart 5B-12.8—Equal Opportunity in Employment

§ 5B-12.800 Scope of subpart.

This subpart implements and supplements Subpart 1-12.8, Equal Opportunity in Employment of Part 1-12 of this title (which implements the rules and regulations of the Secretary of Labor, Part 60-1 of this title); implements the September 17, 1971, Order of the Secretary of Labor (36 FR 19307, October 2, 1971) regarding the validation of employment tests by contractors and subcontractors; and sets forth the GSA Contractor Equal Employment Opportunity Program procedures and requirements regarding Government contracts.

§ 5B-12.803 Basic requirements.

§ 5B-12.803-2 Equal Opportunity clause.

(a) Executive Order 11246 dated September 24 1965 (30 FR 12319), as amended by Executive Order 11375 dated October 13, 1967 (32 FR 14303), on equal employment opportunity provides for the inclusion of a clause pertaining to equal employment in each Government contract unless the contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor. The clause prescribed for use is set forth in § 1-12.803-2.

(b) The following contract forms used by GSA contain the Equal Opportunity clause:

(1) Standard Form 2-A, General Provisions, Certification and Instructions, U.S. Government Lease for Real Property (May 1970 edition), as prescribed by § 1-16.601(b).

(2) Standard Form 23-A, General Provisions (Construction Contract) (October 1969 edition), as prescribed by § 1-16.401(h).

(3) Standard Form 32, General Provisions (Supply Contract) (November 1969 edition), as prescribed by § 1-16.101(c).

(4) GSA Form 1714, Equal Opportunity Clause (February 1969 edition). This form (illustrated at § 5B-16.950-1714) is a preprinting of the Equal Opportunity clause which may be incorporated by attachment in invitations for bids and requests for proposals where Standard Forms 23-A or 32 are not used.

(5) Government bills of Lading. Section 1-12.803-7 provides that inclusion of the Equal Opportunity clause in Government bills of lading may be by reference. Comptroller General Decision B-109776 dated November 4, 1968, provides that the incorporation of the Equal Opportunity clause by reference shall be by inclusion of a provision on the Government bill of lading form (see Condition 9 on the back of the form) as follows:

> The nondiscrimination clause contained in section 202 of Executive Order 11246, as amended by Executive Order 11375, relative to equal employment opportunity for all persons without regard to race, color, religion, sex, or national origin, and the implementing rules and regulations prescribed by the Secretary of Labor are incorporated herein.

Government bills of lading forms which contain a Condition 9 based on Executive Orders 10925, 11114, or 11246 may be used until existing stocks are exhausted without modification of the condition.

(6) Commercial bills of lading. The reference to the Equal Opportunity clause prescribed in § 5B-12.803-2(b)(5) for use in standard Government bills of lading shall also be incorporated by attachment or reference in each of the following:

(i) Commercial bills of lading which are to be converted to Government bills of lading; and

(ii) Commercial bills of lading (including GSA Form 1642, Straight Bill of Lading-Domestic) when they cover the transportation of property of the United States Government or when the transportation charges will be paid by the Government, either directly to the carrier or to the contractor when the transportation charges are listed separately on the invoice for the property.

(7) Standard Form 253, General Provisions (Architect-Engineer Contract) (August 1970 edition), contains the Equal Employment Opportunity clause modified to read "Architect-Engineer" wherever the word "Contractor" appears in the clause set forth in § 1-12.803-2.

§ 5B-12.803-3 Federally assisted construction contracts.

The Equal Opportunity (Applicant) clause prescribed in § 1-12.803-4 shall be included in each lease agreement whenever the building is to be erected by the bidder subsequent to the execution of such lease.

§ 5B-12.803-9 Notice to bidders regarding preaward equal opportunity compliance reviews.

(a) *Nonconstruction contracts.* A notice of preaward equal opportunity compliance review for inclusion in invitations for bids and requests for proposals which may result in an award of a nonconstruction contract of $1 million or more is required by § 1-12.803-9.

(b) *Construction, repair, improvement, and lease contracting.* A notice of preaward equal opportunity compliance review for inclusion in invitations for bids and requests for proposals which may result in an award of a construction, repair, or improvement contract of $100,000 or more, or in an award of a lease contract of $100,000 or more per annum, is required as follows:

PREAWARD EQUAL OPPORTUNITY COMPLIANCE REVIEWS

As a part of the procedure for determining the responsibility of the apparent low bidder or offeror as to his ability to conform with the Equal Opportunity clause, he may be required to visit the office of the Contracting Officer to discuss his Equal Employment Opportunity Program and provide such assurances as the Contracting Officer may require.

§ 5B-12.803-50 Equal opportunity representation.

A statement by the bidder or offeror as to whether he has participated in any previous contract or subcontract subject to the Equal Opportunity clause (see § 1-12.805-4(b)) is included in Standard Form 19-B, Representations and Certifications (Construction Contract) (October 1969 edition), and in Standard Form 33, Solicitation, Offer, and Award (November 1969 edition).

§ 5B-12.804 Exemptions.

§ 5B-12.804-1 General.

Contracts and subcontracts exempt from the requirements of the Equal Opportunity clause are covered in § 1-12.804-1.

§ 5B-12.804-2 Specific contracts.

Requests for exemption from use of the Equal Opportunity clause for specific contracts or categories of contracts initiated by service or staff offices shall be submitted with a complete written justification to the Office of Civil Rights.

§ 5B-12.804-3 Facilities not connected with contracts.

Requests by GSA contractors and subcontractors for exemption from the Equal Opportunity clause of facilities not involved in the performance of Government contracts shall be submitted with a complete written justification to the GSA contracting officer for consideration and transmittal to the Office of Civil Rights.

§ 5B-12.805 Administration.

§ 5B-12.805-1 Duties of agencies.

(a) *GSA responsibility.* GSA is primarily responsible for obtaining compliance of contractors and subcontractors (for which it is the compliance agency) with the requirements of the equal opportunity program.

(b) *Designations.* (1) The GSA Contract Compliance Officer is the Director, Office of Civil Rights (hereinafter referred to as the Contract Compliance Officer).

(2) The GSA Deputy Contract Compliance Officer is the Deputy Director, Office of Civil Rights (Compliance) (hereafter referred to as the Deputy Contract Compliance Officer).

(3) GSA Assistant Contract Compliance Officers are the professional staff personnel of the Contract Compliance Staff, Office of Civil Rights (hereafter referred to as Assistant Contract Compliance Officers). Assistant Contract Compliance Officers are located in the Central Office and in each regional office.

(c) *Procedures before award of contracts.* The following procedures shall be employed in connection with the award of contracts, except for paragraphs (c)(2)(i), (c)(2)(ii), (c)(2)(iii), (c)(2)(v), (c)(2)(vi), (c)(3)(i), (c)(3)(v), (c)(3)(vi), (c)(4), and (c)(5), the procedures may be waived when the contracting officer determines with the approval of the appropriate Commissioner and the Deputy Director, Office of Civil Rights (Contract Compliance), that the time limitations of a particular procurement will not permit their application, and further, provided that notice of such intention to waive the procedures is furnished at least 48 hours in advance to the Administrator and to the Director of Civil Rights. If the Administrator does not oppose the waiver, the Director of Civil Rights shall forward a copy of the notice to the Director, Office of Federal Contract Compliance (OFCC).

(1) *$10,000 and under.* The contracting officer is not required to obtain equal opportunity representations or certifications of nonsegregated facilities or to evaluate the ability of prospective contractors to comply with the Equal Opportunity clause where contracts are $10,000 and under unless the normal exemption of such contracts from the applicability of the equal opportunity program has been withdrawn by the Director, OFCC. In the event of a withdrawal, a review shall be made as provided in paragraph (c)(2) of this section.

(2) *Over $10,000 but not over $100,000.* The contracting officer, with respect to all nonexempt contracts over $10,000 but not over $100,000, shall determine whether the prospective contractor:

(i) Has executed the required Equal Opportunity representations affirmatively regarding the submission of compliance reports (see § 1–12.805–4(b)(1)) and the development and maintenance of affirmative action programs (see § 5B–12.810(c));

(ii) Has executed the Certification of Nonsegregated Facilities;

(iii) Has been debarred by reason of noncompliance with the Equal Opportunity clause;

(iv) Requires an evaluation of his ability to comply with the Equal Opportunity clause. When such an evaluation is required the appropriate Assistant Contract Compliance Officer shall be requested to obtain an evaluation based on currently available information and to inform the contracting officer of his views regarding the ability of the contractor to comply with the Equal Opportunity clause;

(v) Is able to comply with the provisions of the Equal Opportunity clause based on (i) through (iv) of paragraph (c)(2), above, (where the waiver provision in paragraph (c) has been invoked, the provisions of paragraph (c)(2)(iv) need not be applied); and

(vi) Is a responsible contractor insofar as the equal opportunity program is concerned, based on (i) through (v) of paragraph (c)(2), above. However, if the waiver provision in paragraph (c) has been invoked, the provisions of paragraph (c)(2)(iv) need not be applied; and

(3) *Over $100,000.* The contracting officer, with respect to all nonexempt contracts over $100,000, shall:

(i) Follow the procedures prescribed by paragraph (c)(2)(i), (c)(2)(ii), and (c)(2)(iii) of this section;

(ii) Notify the appropriate Assistant Contract Compliance Officer of the following:

(A) The impending award of each nonexempt contract;

(B) Name and address of the prospective prime contractor;

(C) Furnish the date of expiration of bids;

(D) Anticipated time of performance;

(E) Name and address of subcontractors (See § 5B–12.805–52 regarding identification of subcontractors);

(F) Whether the prospective prime contractor has, or has not, had any contracts subject to an Equal Opportunity (or Nondiscrimination) clause and filed all required compliance reports; and

(G) Whether the prospective prime contractor has agreed that representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained prior to subcontract awards.

(iii) Request the Assistant Contract Compliance Officer to do the following:

(A) Review the compliance status of the prospective prime contractor and the subcontractors identified pursuant to § 5B–12.805–52 on the basis of information currently available to GSA and compliance agencies. Compliance agencies shall not be requested to conduct special compliance reviews for the purpose of satisfying the review requirement of this paragraph, unless there are specific reasons to believe that the prospective contractor may not be able to comply with the Equal Opportunity clause;

(B) Arrange for preaward conferences, as necessary, and negotiate an agreement with the prospective prime contractor providing for the elimination of deficiencies;

(C) Notify the contracting officer that the prospective prime contractor has, or has not, agreed to take action to correct deficiencies and provide the contracting officer with the text of the agreement, if any, and a list of any unresolved deficiencies;

(D) Inform the contracting officer of his recommendations regarding the ability of the contractor to comply with the Equal Opportunity clause; and

(E) Notify prospective prime contractors of any unresolved deficiencies.

(iv) Direct prospective prime contractors to meet with Assistant Contract Compliance Officers to negotiate agreements providing for the elimination of unresolved deficiencies;

(v) Determine whether a prospective contractor is able to comply with the requirements of the Equal Opportunity clause (where the waiver provision in paragraph (c) has been invoked, the provisions of paragraphs (c)(3)(ii), (c)(3)(iii), and (c)(3)(iv) need not be applied); and

(vi) Determine whether the prospective contractor is a responsible contractor insofar as the equal opportunity program is concerned, and the determination shall include consideration of the findings and determinations of the Assistant Contract Compliance Officer. However, if the waiver provision in paragraph (c) has been invoked, the provisions of paragraph (c)(3)(ii), (c)(3)(iii), and (c)(3)(iv) need not be applied.

(4) *Construction contracts over $100,000.* (i) In addition to the requirements of paragraph (c)(3), the contracting officer, with respect to all nonexempt construction contracts over $100,000, shall request the Assistant Contract Compliance Officer to arrange for and hold preaward equal employment opportunity conferences with prospective prime contractors and their designated subcontractors. The Assistant Contract Compliance Officer shall schedule the conferences at times and places that will be responsive to the needs of the contracting officer in meeting the schedule requirements of the procurement action. In the event that the Assistant Contract Compliance Officer is unable to schedule the meetings, he will consult with the contracting officer and either reschedule a mutually acceptable new time or designate an alternate from the contract compliance staff or the contracting officer's staff to conduct the meeting. At the time the prime contractor is notified to attend the conference, he shall be instructed to be prepared to submit at the conference the program (including policies and procedures) that he will employ to fulfill his contractual responsibility to achieve equal employment opportunity (based on full and effective utilization of minority manpower) as required by the Equal Opportunity clause in his contract and the contracts of his subcontractors; and appropriate requirements of the invitation for bids pertaining to home town plans, imposed plans, required goals or ranges, and other aspects of the Department of Labor Construction Program.

(ii) The failure of a bidder in connection with home town plans or imposed plans to set forth goals or ranges or to sign the appendix as required by the invitation for bids renders his bid nonresponsive to the terms of the invitation.

(5) *Supply contracts over $1 million.* The contracting officer with respect to supply contracts which may exceed $1 million, shall:

(i) Follow the procedures in § 5B–12.805–1(c)(2)(i), (ii), and (iii);

(ii) Request the Assistant Contract Compliance Officer to provide for preaward compliance reviews as required by §§ 1–12.803–9 and 5B–12.805–5(b);

(iii) After reviewing the recommendations of the Assistant Contract Compliance Officer, determine whether the prospective prime contractor (and his subcontractors subject to the review) are able to comply with the Equal Opportunity clause or carry out an acceptable program for compliance; and

(iv) Determine whether the prospective contractor is a responsible contractor insofar as the equal opportunity program is concerned, and the determination shall include consideration of the findings and determinations of the Assistant Contract Compliance Officer.

(d) *Reports on contractor deficiencies.* Assistant Contract Compliance Officers shall forward reports to the contracting officer and to the Deputy Contract Compliance Officer regarding the actions taken with respect to the deficiences of prospective contractors.

(e) *Written statements.* Where deficiences are found to exist, Assistant Contract Compliance Officers will obtain a written statement from the prospective contractor regarding the actions that will be taken to bring him into compliance.

§ 5B–12.805–4 Reports and other required information.

(a) Each nonexempt contractor and subcontractor shall file, or already have filed prior to award, information reports in accordance with § 1–12.805–4 and the printed instructions (except as provided in paragraph (b) of this § 5B–12.805–4) on Standard Form 100, Equal Employment Opportunity Employer Information Report EEO–1. In addition, such contractors and subcontractors may be required, prior to award, to furnish such other information regarding their equal employment opportunity policies and procedures as may be required by the Contract Compliance Officer (or his deputy or assistants).

(b) If a nonexempt prospective prime contractor or subcontractor has not filed a Standard Form 100 as required, the contracting officer shall supply such contractors with copies of the forms for completion and return to the contracting officer, in addition to complying with the requirements of (a), above. Contractors shall be instructed to submit a copy of the Standard Form 100 directly to the contracting officer, in order to expedite the determinations of their ability to comply with the provisions of the Equal Opportunity clause.

(c) Upon receipt of the Standard Form 100, the contracting officer shall forward it to the appropriate Assistant Contract Compliance Officer for review and recommendations regarding the prospective contractor's ability to comply with the provisions of the Equal Opportunity clause.

(d) The Assistant Contract Compliance Officer may request a contractor or Standard Form 100 for his own files.

(e) The Assistant Contract Compliance Officer may request a contractor or subcontractor to furnish a copy of any Standard Form 100 previously filed by the contractor or subcontractor.

(f) Standard Form 100 shall be submitted to GSA by the contractor within 30 calendar days after the award of the contract, and by each subcontractor subject to the reporting requirement within 30 calendar days after the award of each subcontract, if:

(1) A complete Standard Form 100 has not been submitted within 12 months preceding the date of the contract award (prime or sub); and

(2) The contractor and subcontractors concerned are employers within the definition of "employer" of the instructions to the information report, Standard Form 100.

§ 5B–12.805–5 Compliance reviews.

(a) *Definition.* A compliance review (see § 1–12.805–5) is a review designed to determine whether a prime contractor or subcontractor (also a specified prospective prime or subcontractor) maintains nondiscriminatory hiring and employment practices and is taking affirmative action to ensure that employees are placed, trained, upgraded, promoted, and otherwise treated during employment without regard to race, color, religion, sex, or national origin (see § 5B–12.805–51). Further, it is a review (including a complete listing of positions in order of progression sequence, rates of pay, and the number of incumbents by race and sex) to determine if there is any significant difference between the pattern of employment, utilization, and other opportunities enjoyed by minorities and women and those enjoyed by other members of the workforce. In addition, the review includes an analysis of the recruitment, hiring, placement, training, promotion, demotion, and other practices as appropriate for the purpose of determining if any significant differences disclosed are the result of and/or are being perpetuated by the contractor's employment practices. The review also includes an examination of the contractor's affirmative action program to determine if the contractor has eliminated all practices that create or tend to perpetuate discrepancies between minorities and women and others in the employment, utilization, and other opportunities and has instituted measures to correct employment conditions that are the result of these practices.

(b) *When required.* Compliance reviews are required as follows:

(1) Once each calendar year during the performance of any contract exceeding $100,000 where GSA is the compliance agency;

(2) In accordance with the procedures of the compliance agency where GSA is not the compliance agency;

(3) Within the 12-months period preceding the award of any nonconstruction contract exceeding $1 million, GSA shall conduct the review where it is the compliance agency and shall provide awarding agencies with reports within 30 days. Where GSA is not the compliance agency, the Assistant Contract Compliance Officer shall request the compliance agency to make the review;

(4) When requested by the Assistant Contract Compliance Officer;

(5) Preceding the award of any contract, or the approval of an ysubcontract, when requested by the Director, OFCC (see § 1–12.805–11(a)); and

(6) When otherwise requested by the Director, OFCC.

(c) *Conduct of compliance reviews by GSA.*—(1) *Responsibilities.* Compliance reviews (and follow-ups as appropriate) shall be conducted by the Assistant Contract Compliance Officer pursuant to schedules and priorities established by the Deputy Contract Compliance Officer. Advance arrangements shall be made with the contractor or subcontractor to establish a definite date and time for visiting the facilities involved. GSA Form 1950–B (Form Letter—Equal Employment Opportunity Program Review) (see § 5B–16.950–1950–B), addressed to the contractor, shall be utilized for this purpose. If time is of the essence, advance arrangements may be made by telephone.

(2) *Procedures.* Except as otherwise provided by the rules, regulations, and orders of the Secretary of Labor, compliance reviews shall be conducted, as follows:

(i) GSA Form 1953, Nondiscrimination Survey of Government Contractor (see § 5B–16.950–1953), shall be completed in conducting a compliance review. Copies of GSA Form 1953 shall be furnished to the Assistant Contract Compliance officer, the contracting officer, and the Deputy Contract Compliance Officer. The completion of GSA Form 1953 is considered to be the minimum acceptable standard for conducting the survey and whenever possible shall be supplemented with a narrative report covering items not provided for in the form;

(ii) Where deficiencies are found to exist, reasonable efforts shall be made to secure compliance through conciliation, mediation, and persuasion during the 30-day show cause period prescribed by § 60–2.2 of the rules and regulations of the Secretary of Labor;

(iii) A specific time in which to correct deficiences shall be stipulated;

(iv) The Assistant Contract Compliance Officer conducting the review shall make recommendations to the contractor or subcontractor designated to correct deficiencies in equal opportunity policies and practices. Deficiencies and recommendations for their correction shall be reported on GSA Form 1953 or as attachments thereto. Such recommendations may include, but are not limited to, elimination of segregated facilities, improvement of recruitment techniques, promulgation and dissemination of program policies, preparation of plans to merge functionally related but racially segregated lines of progression and preparation of plans to remedy the effects of all other discriminatory employment policies. Any refusal on the part of a contractor or subcontractor to correct deficiencies shall be fully reported;

(v) Before a contractor or subcontractor having deficiencies can be found to be in compliance, he must make a specific commitment, in writing, to correct such

deficiencies within a reasonable period of time and describe the precise action that will be taken;

(vi) Notification of a contractor or subcontractor of his compliance posture shall be made by the Assistant Contract Compliance Officer. The notification shall be given after consideration of all data available, including reports relating to all of the facilities of a contractor or subcontractor (see § 1–12.805–4), and after coordinating with the contracting officer;

(vii) A multifacility contractor or subcontractor may have some facilities where equal opportunity is practiced and other facilities where it is not. When this situation prevails, the contractor or subcontractor shall not be deemed to be in compliance;

(viii) Contractor compliance with the affirmative program requirements of § 1–12.810 shall be ascertained during the review;

(ix) Recommendations for sanctions, where deemed appropriate, shall be made by the Assistant Contract Compliance Officer to the Contract Compliance Officer; and

(x) Schedules of compliance reviews and the compliance review reports shall be furnished to the Director, OFCC, by the Deputy Contract Compliance Officer.

§ 5B–12.805–6 Complaints.

(a) *Initiation.* Complaints received by GSA that pertain to the GSA program under the Equal Opportunity clause shall be referred to the Office of Federal Contract Compliance by the Deputy Director of Civil Rights (Contract Compliance) to be handled and processed in accordance with the Memorandum of Understanding between the Office of Federal Contract Compliance and the Equal Employment Opportunity Commission dated May 20, 1970. When such complaints are referred back to GSA in accordance with the Memorandum of Understanding they shall be handled in accordance with §§ 1–12.805–6 and 1–12.805–7.

(b) *Investigation.* If GSA is the compliance agency, the Contract Compliance Officer (or his deputy) shall have the complaint investigated and a complete case record developed as provided in § 1–12.805–7(b). The investigation shall include, where appropriate, a review of the pertinent personnel practices and policies of the contractor or subcontractor (see § 5B–12.805–51), the circumstances under which the alleged discrimination occurred, and other relevant factors. Within 30 days after the complaint, the case record and summary report shall be submitted to the Contract Compliance Officer with a copy of the Assistant Contract Compliance Officer.

(c) *Evaluation and further action.* The Contract Compliance Officer (or his deputy) shall determine whether there has been any violation of the Equal Opportunity clause. If additional facts are required, further investigation shall be requested.

(d) *Reports to the Director, OFCC.* Within 60 days from the receipt of a complaint, the Contract Compliance Officer (or his deputy) shall forward the case record and summary report to the Director, OFCC, as provided in § 1–12.805–7(d)(1).

(1) If it is determined that no violation has occurred, and the Office of Federal Contract Compliance concurs with the summary report, the persons concerned shall be notified of such findings by the Contract Compliance Officer (or his deputy) and the case shall be closed. If the Director, OFCC, does not concur, the Contract Compliance Officer (or his deputy) shall take such action as the Director may direct.

(2) If it is determined that there has been an apparent violation of the Equal Opportunity clause, the Contract Compliance Officer (or his deputy or assistants) shall attempt to resolve the complaint by informal means. If the complaint cannot be resolved by informal means within 30 days, the firm complained against shall be given a hearing pursuant to § 1–12.807, if requested.

§ 5B–12.805–9 Sanctions and penalties.

(a) Sanctions and penalties shall be employed as provided in § 1–12.805–9. Recommendations for sanctions and penalties shall be proposed by the Deputy Contract Compliance Officer (or an Assistant Contract Compliance Officer or hearing officer through the Deputy Contract Compliance Officer) and submitted to the Contract Compliance Officer for consideration. The Contract Compliance Officer, as appropriate, shall act on the recommendation as follows: (1) Direct that a hearing be held, if requested; (2) accept or reject the recommendation where a hearing has not been requested; and (3) accept or reject the recommendation following a hearing. Where a recommendation is accepted, it shall be forwarded to the Director, OFCC, for approval when required by § 1–12.805–9(a)(2). Referrals to the Department of Justice are subject to the provisions of § 1–12.805–9(d). § 5B–12.805–50 Ability to comply with the Equal Opportunity clause.

(b) Contracting officers are responsible for obtaining required clearances and determining whether a bidder is able to comply with the provisions of the Equal Opportunity clause. Where equal employment opportunity compliance reviews or complaints have been processed pursuant to this Subpart 5B–12.8 regarding any contractor or subcontractor, the contracting officer shall coordinate with the Assistant Contract Compliance Officer before making his determination regarding a prospective contractor's ability to comply with the Equal Opportunity clause.

(c) Where a prospective contractor appears on the list of bidders, as set forth in § 5B–12.805–50(c), contracting officers shall, prior to award, request the Assistant Contract Compliance Officer to review the ability of the bidder to comply with the Equal Opportunity clause.

(d) The Contract Compliance Officer (or his deputy) shall develop and furnish contracting officers, through the respective Assistant Contract Compliance Officers, with a list of firms or individuals who, because of questionable ability to comply with the provisions of the Equal Opportunity clause, require special consideration before contracts are awarded. This list shall be administered by the Contract Compliance Officer (or his deputy) as part of the review list of bidders established pursuant to § 5–1.310–50.

(e) In order to supplement compliance reviews, regional Quality Control Divisions, FSS, will, as requested by the Assistant Contract Compliance Officer, during preaward plant facilities surveys or contract administration visits, review the progress made by the contractor in implementing affirmative action to correct previously reported deficiencies. As a result of plant visits, the quality control representatives will report pertinent information concerning the contractor's equal employment opportunity posture, such as:

(1) Changes observed in employment patterns or practices;

(2) Evidence of segregation of facilities;

(3) Displays of equal employment opportunity notices and posters;

(4) Changes in subcontractors since award of the contract;

(5) Subcontractors meeting the criteria of the rules and regulations of the Secretary of Labor who have not been advised by the contractor of the requirement for filing the Standard Form 100, Employer Information Report, with the Office of Federal Contract Compliance;

(6) Additional information requested by the Assistant Contract Compliance Officer; and

(7) Civil disturbances, strikes, and evidence of minority group dissatisfaction.

§ 5B–12.805–51 Equal opportunity considerations.

(a) *General.* The procedures employed by a contractor in connection with recruitment, hiring, training, job assignment, and promotion are major considerations in determining if discrepancies in employment and utilization of minorities and women are the result of discrimination and the failure to take affirmative action and in determining the contractor's ability to comply with the provisions of the Equal Opportunity clause.

(b) *Recruitment practices.* (1) All applicants for employment, regardless of race, color, religion, sex, or national origin, should receive equal consideration for all available jobs in accordance with equal qualification standards.

(2) Contractor standards for minority group and women applicants should be no more stringent than for others and minority group and women applicants should be considered for all types of jobs.

(3) Applications for employment should be objectively solicited from recruitment sources which reach all members of the community regardless of race, color, religion, sex, or national origin; e.g., advertising as an equal opportunity

employer through newspapers and other public news media (see § 1–12.813).

(4) Contractors should take all actions necessary to ensure that no barriers exist in the employment of minority group members and women. Such action should include, where necessary, positive steps to convince minority groups and women in the community that the contractor does provide equal opportunity. In this connection, effective communication with minority group and women's organizations, Fair Employment Committees in the community, and schools and colleges attended by minority group members should be developed.

(5) Contractors should employ procedures for handling of applicants that are compatible with equal employment opportunity. In this regard employee referrals or "walk-ins" require particular attention since these recruitment procedures are most susceptible to discrimination. Employees tend to refer friends from their own racial and ethnic backgrounds and of their own sex and, therefore, if few minority group and women workers are already employed, few minority group and women applicants are likely to be referred. With regard to "walk-ins," the entire recruitment program is strongly dependent upon the attitudes of guards and receptionists and can thus be easily frustrated.

(c) *Hiring and initial placement.* The hiring process involves three distinct operations, namely, completion of formal applications, determination of applicants' qualifications, and a determination whether to hire the applicant. Equal opportunity procedures should reflect the following:

(1) Absence of any qualifications based on race, color, religion, sex, or national origin;

(2) Administration of qualification tests fairly and without regard to race, color, religion, sex, or national origin (see § 5B–12.850);

(3) Absence of special tests for minority groups only, except for special tests designed to facilitate, rather than exclude, employment of members of minority groups; and

(4) Objective qualification standards reasonably related to the skill and promotional requirements of the contractor.

(d) *Other practices.* (1) It is possible for an employer to have a high percentage of minority group and women employees in his total work force but have the greatest number of the group assigned to duties in the lower skills. This situation may be the result of discriminatory placement or promotion policies, segregated lines of progression in the facility, or any collective bargaining arrangements impeding the movement of minority employees (see Standard Form 100 with particular attention to any attachment indicating dual local unions, i.e., two local unions of the same international union listed as bargaining units). Very often where there are dual local unions they are racially and sexually segregated. Experience has demonstrated that where racially and sexually segregated local unions exist, segregated progression lines and a system of racially and sexualy reserved positions also exist.

(2) A contractor shall not be deemed to be in compliance if he maintains facilities having racially and sexually segregated lines of progression, racially and sexualy reserved positions, departments or divisions, separate seniority lists, or racially segregated facilities (see § 1–12.803–10).

(3) Segregation or denial of equal employment opportunity by reason of collective bargaining agreements shall not be deemed to relieve a contractor of his equal opportunity obligations.

(4) Compliance requires that contractors eliminate racially segregated facilities, merge functionally related but racially and sexually segregated lines of progression, reconstitute seniority lists, districts, and lines on a nondiscriminatory basis, provide equal promotion, progression, and transfer opportunities based on nondiscriminatory qualifications alone, even to the extent of renegotiating collective bargaining agreements.

(5) Reviews should include consideration of the contractor's organizational structure, payrolls, wage rates, personnel instructions, procedures and guidelines, promotional lists and rules, job descriptions and methods of job classification, seniority lists, recall lists, and collective bargaining agreements.

(6) Management controls are indicators of the ability to comply. A contractor who was formulated and disseminated a firm policy on equal opportunity throughout his entire organization, designated a responsible official for implementation of the policy, and instituted a system of control and evaluation of the program usually can effect equal employment opportunity. On the other hand, in those instances where there is no such policy and program, no fixed responsibility and no feedback and evaluation, the possibility of coming into compliance is diminished.

(7) When dealing with prospective construction and repair contractors, contracting officers should be aware of local trades and crafts that historically have discriminated and maintained exclusionary policies. In this connection, consideration should be given to having contractors require their subcontractors to do more than obtain written assurances that their sources of recruitment hire on a nondiscriminatory basis. Contractors and subcontractors have found it necessary to locate qualified minority group individuals and refer them to their appropriate sources as apprentices or journeymen. Most construction craft collective bargaining agreements afford the contractor or subcontractor an opportunity to employ individuals for limited periods of time (7 days to 30 days) who are not members of the bargaining unit before offering such individuals for membership. Contractors or subcontractors should be directed to exercise this right where necessary to ensure an integrated work force on GSA construction and repair projects. In addition, the contractor's or subcontractor's equal opportunity programs should include encouragement of local labor organizations to demonstrate evidence of their equal opportunity policy as recited in written assurances.

(8) The provisions of this paragraph (d) are intended to complement the rules, regulations, and orders of the Secretary of Labor as set forth in OFCC Order No. 14 and the Compliance Officer's Manual.

§ 5B–12.805–52 Identification of subcontractors.

Construction contracts. Invitations for bids and requests for proposals for construction shall provide for the listing of subconstractors in accordance with the procedures prescribed by the Commissioner, PBS.

§ 5B–12.805–53 Compliance agency.

The Office of Federal Contract Compliance, Department of Labor, has assigned compliance agency responsibility according to Standard Industrial Classification Codes (SIC). The SIC assignments for GSA are as follows:

SIC Code	*Industry*
08	Forestry.
24	Lumber and wood products, except furniture.
25	Furniture and fixtures.
26	Paper and allied products.
48	Communications.
49	Electric, gas, and sanitary services.
509	Miscellaneous durable goods.
53	General merchandise stores.
57	Furniture, home furnishings, and equipment stores.
58	Eating and drinking places.
59	Miscellaneous retail.
65	Real estate.
67	Holding and other investment offices.
72	Personal services.
73	Business services.
75	Automobile repair, services, and garages.
76	Miscellaneous repair services.
78	Motion pictures.
79	Amusement and recreation services, except motion pictures.

GSA shall be solely responsible for the facilities assigned. Determination by GSA as to a facility's compliance with the Executive order shall, subject to OFCC approval, apply to all Federal agencies. No contracting agency shall initiate conciliation discussions or resolve deficiencies with any of the facilities assigned to GSA without first notifying the OFCC and without the participation of GSA. Problems related to GSA compliance agency assignments shall be referred to the Deputy Contract Compliance Officer for resolution with OFCC and other agencies, as appropriate.

§ 5B–12.805–54 Furnishing information to contractors.

Contracting officers, when mailing contract documents to contractors that are subject to the Equal Opportunity clause, shall include appropriate information explaining the contract requirements

concerning submission of Employer Information Report forms, notices to labor unions or other organizations of workers, and use of required posters (see § 1–12.805–3). For this purpose, form letters have been developed for use as follows:

(a) GSA Form 1949, Notice to Prospective Bidders—Equal Opportunity Clause, may be used with invitations for Bids on Standard Form 20, Invitation for Bids (Construction Contract), or GSA Form 1467, Invitation, Bid and Award (Contract for Building Services), when bids are estimated to exceed $10,000 (see § 5B–16.950–1949).

(b) GSA Form 1950 (Form Letter—Transmittal of contract award), may be used to transmit contract awards that are subject to the Equal Opportunity clause (see § 5B–16.950–1950).

§ 5B–12.807 Hearings.

§ 5B–12.807–1 General.

Section 1–12.807–1 sets forth the four principal conditions under which a formal hearing shall be afforded to a prime contractor or subcontractor by the Contract Compliance Officer. Generally, informal hearings are convened for the purpose of determining compliance by a prime contractor or subcontractor with the terms of the Equal Opportunity clause.

§ 5B–12.807–2 Informal hearings.

The Contract Compliance Officer has designated Assistant Contract Compliance Officers to conduct informal hearings regarding contractual matters in which they are involved. Informal hearings shall be conducted in accordance with § 1–12.807–2(c).

§ 5B–12.807–3 Formal hearings.

(a) Formal hearings shall be conducted by the Contract Compliance Officer.

(b) Hearings shall be conducted (to the extent consistent with § 1–12.807) in accordance with the rules of the General Services Administration Board of Contract Appeals, as set forth in Subpart 5–60.2. When those rules are employed, pursuant to the provisions of this paragraph (b), references to the Board shall be deemed to be references to the Contract Compliance Officer (or his designee).

(c) Assistant Contract Compliance Officers, contracting officers, and other GSA personnel shall participate as may be appropriate.

§ 5B–12.810 Affirmative action compliance programs.

(a) Assistant Contract Compliance Officers shall determine whether contractors (for which they are cognizant) have established affirmative action compliance programs as required by § 1–12.810. Disagreements between an Assistant Contract Compliance Officer and a contractor shall be referred to the Contract Compliance Officer or his deputy. If the disagreement is not resolved, it is subject to § 1–12.805–10.

(b) The contractor's affirmative action program should be tailored to meet the problems disclosed in compliance reviews. It should contain documentation of the elimination of deficient employment practices and policies and specific steps, including goals and timetables, for the full and effective utilization of minority manpower.

(c) In addition to the representation prescribed by § 1–12.805–4(b)(1), each bidder or prospective prime contractor shall be required to state in his bid, or in writing at the outset of negotiations for the contract, whether he has developed and has on file at each establishment affirmative action programs pursuant to the rules and regulations of the Secretary of Labor. The statement required shall be in the form of a representation by the bidder or offeror substantially as follows:

> The bidder (or offeror) represents that (1) he [ ] has developed and has on file, [ ] has not developed and does not have on file, at each establishment affirmative action programs as required by the rules and regulations of the Secretary of Labor (41 CFR Parts 60–1 and 60–2), or (2) he [ ] has not previously had contracts subject to the written affirmative action program requirement of the rules and regulations of the Secretary of Labor. (The above representation need not be submitted in connection with contracts or subcontracts which are exempt from the clause.)

As provided in § 1–12.805–4(b)(1), where a bidder or offeror fails to execute the representation, the omission shall be considered a minor informality and the bidder or offeror shall be pemitted to satisfy the requirement prior to award.

§ 5B–12.812 Rulings and interpretations.

The Contract Compliance Officer (or his deputy) shall advise Assistant Contract Compliance Officers and contracting officers of any rulings and interpretations of the Secretary of Labor or his designee.

§ 5B–12.850 Validation of employment tests.

(a) This section sets forth policies and procedures regarding the validation of employment tests by contractors and subcontractors subject to the provisions of Executive Order 11246, as amended, as required by the September 27, 1971, order of the Secretary of Labor (41 CFR Part 60–3, 36 FR 19307).

(b) The term "test" is defined as any paper-and-pencil or performance measure used as a basis for any employment decision. This definition includes, but is not restricted to, measures of general intelligence, mental ability and learning ability; specific intellectual abilities; mechanical, clerical, and other aptitudes; dexterity and coordination; knowledge and proficiency; occupational and other interests; and attitudes, personality, or temperment. In addition, the term "test" covers all other formal, scored, quantified, or standardized techniques of assessing job suitability; including, i.e., personal history and background requirements which are specifically used as a basis for qualifying or disqualifying applicants or employees; specific educational or work history requirements; scored interviews, biographical information blanks, interviewers' rating scales and scored application forms. The term "test" shall not include other selection techniques discussed in § 5B–12.850–8.

§ 5B–12.850–1 General.

(a) Properly validated and standardized employee selection procedures can significantly contribute to the implementation of nondiscriminatory policies, as required by Executive Order 11246, as amended. Professionally developed tests, when used in conjunction with other tools of personnel assessment and complemented by sound programs of job design, may significantly aid in the development and maintenance of an efficient work force and aid in the utilization and conservation of human resources generally. In many cases, contractors have come to rely almost exclusively on tests as the basis for making the decision to hire, promote, transfer, train, or retain with the result that candidates are selected or rejected on the basis of test scores. Where tests are so used, minority candidates frequently experience disproportionately high rates of rejection by failing to attain score levels that have been established as minimum standards for qualification.

(b) In many instances contractors are using tests as the basis for employment decisions without evidence that they are valid predictors of employee job performance. Where evidence in support of presumed relationships between test performance and job behavior is lacking, the possibility of discrimination in the application of test results must be recognized. A test lacking demonstrated validity, i.e., having no known significant relationship to job behavior, and yielding lower scores for classes protected by Executive Order 11246, as amended, may result in the rejection of many who have necessary qualifications for successful work performance.

(c) This section is designed to serve as a set of standards for contractors and subcontractors subject to Executive Order 11246, as amended, in determining whether their use of tests conforms with the requirements of the Executive order.

§ 5B–12.850–2 Evidence of validity.

(a) Contractors using tests to select from among candidates for hire, transfer, promotion, training, or retention shall have available for inspection evidence that the test is being used in a manner which does not violate § 5B–12.850–9(c).

(b) Where technically feasible, a test should be validated for each minority group with which it is used; that is, any differential rejection rates that may exist, based on a test, must be relevant to performance on the jobs in question.

(c) The term "technically feasible" as used in paragraph (b) of this subsection and elsewhere in this section means having or obtaining a sufficient number of minority individuals to achieve findings of statistical and practical significance, or having the opportunity to obtain unbiased job performance criteria. It is the responsibility of the persons claiming

absence of technical feasibility to demonstrate evidence of this absence.

(d) Evidence of a test's validity should consist of empirical data demonstrating that the test is predictive of or significantly correlated with important elements of work behavior which comprise or are relevant to the job or jobs for which candidates are being evaluated.

(e) The presentation of the results of a validation study must include statistical and, where appropriate, graphic representations of the relationships between the test and the criteria, permitting judgments of the test's utility in making predictions of future work behavior.

§ 5B–12.850–3 Minimum standards for validation.

Empirical evidence in support of a test's validity must be based on studies employing generally accepted procedures for determining criterion-related validity, such as those described in "Standards for Educational and Psychological Tests and Manuals," published by the American Psychological Association, 1200 17th Street, NW., Washington, DC 20036. Evidence of content or construct validity, as defined in that publication, may also be appropriate where criterion-related validity is not feasible. Although any appropriate validation strategy may be used to develop such empirical evidence, the following minimum standards, as applicable, must be met in the research approach and in the presentation of results which constitute evidence of validity:

(a) Where a validity study is conducted in which tests are administered to applicants, with criterion data collected later, the sample of subjects must be representative of the normal or typical candidates group for the job or jobs in question. This further assumes that the applicant sample is representative of the minority population available for the job or jobs in question in the local labor market. Where a validity study is conducted in which tests are administered to present employees, the sample must be representative of the minority groups currently included in the applicant population.

(b) Tests must be administered and scored under controlled and standardized conditions, with proper safeguards to protect the security of test scores and to ensure that scores do not enter into any judgments of employee adequacy that are to be used as criterion measures.

(c) The work behaviors or other criteria of employee adequacy which the test is intended to predict or identify must be fully described; and, additionally, in the case of rating techniques, the appraisal forms and instructions to the raters must be included as a part of the validation evidence. Such criteria may include measures other than actual work proficiency, such as training time, supervisory ratings, regularity of attendance, and tenure. Whatever criteria are used they must represent major or critical work behaviors as revealed by careful job analyses.

(d) In view of the possibility of bias inherent in subjective evaluations, supervisory rating techniques should be carefully developed, and the ratings should be closely examined for evidence of bias. In addition, minorities or women might obtain unfairly low performance criterion scores for reasons other than supervisors' prejudice, when, as new employees, they have had less opportunity to learn job skills.

(e) Data must be generated and results separately reported for minority and nonminority groups wherever technically feasible. Where a minority group is sufficiently large to constitute an identifiable factor in the local labor market, but validation data have not been developed and presented separately for that group, evidence of satisfactory validity based on other groups will be regarded as only provisional compliance with this order pending separate validation of the test for the minority group in question. A test which is differentially valid may be used in groups for which it is valid but not for those in which it is not valid. In this regard, where a test is valid for two groups but one group characteristically obtains higher test scores than the other without a corresponding difference in job performance, test results must be applied so as to predict the same probability of job success in both groups.

§ 5B–12.850–4 Employment agencies and State employment services.

Contractors utilizing the services of any private employment agency, State employment agency or any other person, agency, or organization engaged in the selection or evaluation of personnel which makes its selections or evaluations of personnel wholly or partially on the basis of the results of any test shall have available evidence that any test used by such person, agency, or organization is in conformance with the requirements of this section.

§ 5B–12.850–5 Use of validity studies.

In cases where the validity of a test cannot be determined pursuant to § 5B–12.850–3 (e.g., the number of subjects is less than that required for a technically adequate validation study, or an appropriate criterion measure cannot be developed), evidence from validity studies conducted in other organizations, such as that reported in test manuals and professional literature, may be considered acceptable when: (a) The studies pertain to jobs which are comparable (i.e., have basically the same task elements), and (b) there are no major differences in contextual variables or sample composition which are likely to significantly affect validity.

§ 5B–12.850–6 Assumptions of validity.

(a) The general reputation of a test, its author or its publisher, or casual reports of test utility will not be accepted in lieu of evidence of validity. Specifically ruled out are: Assumptions of validity based on test names or descriptive labels; all forms of promotional literature; data bearing on the frequency of a test's usage; testimonial statements of sellers, users, or consultants; and other nonempirical or anecdotal accounts of testing practices or testing outcomes.

(b) Although professional supervision of testing activities may help greatly to ensure technically sound and nondiscriminatory test usage, such involvement alone shall not be regarded as constituting satisfactory evidence of test validity.

§ 5B–12.850–7 Continued use of tests.

(a) A contractor may be permitted to continue the use of a test which is not at the moment fully supported by the required evidence of validity. If, for example, evidence of criterion-related validity in a spectific testing is technically feasible and required but not yet obtained, the use of the test may continue providing: (1) The contractor can cite substantial evidence of validity as described in § 5B–12.850–5, and (2) he has in progress validation procedures which are designed to produce, within a reasonable time, the additional data required. It is expected also that the contractor may have to alter or suspend test cutoff scores so that score ranges broad enough to permit the identification of criterion-related validity will be obtained.

(b) Contractors should provide an opportunity for retesting and reconsideration to earlier "failure" candidates who have availed themselves of more training or experience.

§ 5B–12.850–8 Other selection techniques.

Selection techniques other than tests may be improperly used so as to have the effect of discriminating against minority groups or women. Such techniques include, but are not restricted to, unscored or casual interviews, unscored application forms, and unscored personal history and background requirements not used uniformly as a basis for qualifying or disqualifying applicants. Where there are data suggesting employment discrimination, the contractor may be called upon to present evidence concerning the validity of his unscored procedures regardless of whether tests are also used, the evidence of validity being of the same types referrred to in §§ 5B–12.850–2 and 5B–12.850–3. If the contractor is unable or unwilling to perform such validation studies, he has the option of adjusting employment procedures so as to eliminate the conditions suggestive of employment discrimination.

§ 5B–12.850–9 Compliance reviews.

(a) Nothing in this section shall be interpreted as diminishing a contractor's obligation under both Title VII of the Civil Rights Act of 1964 and Executive Order 11246, as amended, to take affirmative action to ensure that applicants or employees are treated without regard to race, color, religion, sex, or national origin.

(b) The principle of disparate or unequal treatment must be distinguished from the concept of test validation. Disparate treatment, for example, occurs where members of a group protected by Executive Order 11246, as amended, have been denied the same opportunities for hire, transfer, or promotion as have been made available to other employees or applicants. Those employees or applicants who can be shown to have been denied equal treatment because of prior discriminatory practices or policies must at least be afforded the same opportunities as had existed for other employees or applicants during the period of discrimination. Thus, no new test or other employee selection standard can be imposed upon an individual or class of individuals protected by Executive Order 11246, as amended, who, but for this prior discrimination, would have been granted the opportunity to qualify under less stringent selection standards previously in force.

(c) A contractor regularly using a test which has adversely affected the opportunities of minority persons or women for hire, transfer, promotion, training, or retention violates Executive Order 11246, as amended, unless he can demonstrate that he has validated the test pursuant to the requirements of this section.

(d) Each contractor shall maintain, and submit upon request, such records and documents relating to the nature and use of tests, the validation of tests, and test results, as may be required under the provisions of this section and under the orders and directives issued by the Office of Federal Contract Compliance.

(e) The use of tests and other selection techniques by contractors as qualification standards for hire, transfer, promotion, training, or retention shall be examined carefully for possible indications of noncompliance with the requirements of Executive Order 11246, as amended.

(f) A determination of noncompliance pursuant to the provisions of this part shall be grounds for the imposition of sanctions under Executive Order 11246, as amended.

Subpart 5B–16.8 consisting of §§ 5B–16.804, 5B–16.851–5B–16.854, 5B–16.856, 5B–16.857 is added to Part 5B–16 as follows:

Subpart 5B–16.8—Miscellaneous Forms

Sec.

AUTHORITY: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); 41 CFR 5–1.101(c).

Subpart 5B–16.8—Miscellaneous Forms

§ 5B–16.800 Scope of subpart.

This subpart prescribes miscellaneous forms, other than procurement contract forms, for use in connection with the procurement of supplies and services.

§ 5B–16.804 Report on procurement.

(a) The report on procurement required by § 1–16.804 shall be prepared on Standard Form 37, Report on Procurement by Civilian Executive Agencies. Implementing instructions appear in § 5–1.-5001.

§ 5B–16.851 Request for release of classified information to U.S. industry.

(b) GSA Form 1720, Request for Release of Classified Information to U.S. Industry, is prescribed for use in accordance with § 5B–53.204.

§ 5B–16.852 Security requirements checklist.

§ 5B–16.853 Notice of intention to make a service contract.

Standard Form 98, Notice of Intention to Make a Service Contract and Response to Notice, is prescribed for use in accordance with § 5B–12.604 when awarding a contract subject to the Walsh-Healey Public Contracts Act, and in accordance with § 1–12.805 when awarding a contract subject to the Service Contract Act of 1965.

§ 5B–16.854 Notice of award of contract.

§ 5B–16.856 Department of Labor notice to employees working on Government contracts.

Department of Labor W H Publication 1313, Notice of Employees working on Government Contracts, is prescribed for use in accordance with §§ 5B–12.604 and 1–12.905–1.

§ 5B–16.857 Equal opportunity in employment.

GSA Form 1714, Equal Opportunity Clause, is prescribed for use in accordance with § 5B–12.803–2 and is illustrated at § 5B–16.950–1714.

Effective date. These regulations are effective on the date shown below.

Dated: April 29, 1974.

JOHN F. GALUARDI,
Acting Commissioner,
Public Buildings Service.

[FR Doc.74–11061 Filed 5–13–74;8:45 am]

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60–5—WASHINGTON PLAN

Subpart D—Appendix A

EEO REQUIREMENTS

The appendix attached to the Washington Plan, which was included in invitations or other solicitations for bids on federally-involved construction contracts for projects in the Washington, D.C. standard metropolitan statistical area between June 1, 1970 and the present time, and which is to be included in all such invitations or solicitations for bids up to May 31, 1974, does not include a provision establishing quantified EEO requirements for contractors under covered contracts performed after the latest period for which an acceptable range of minority manpower utilization was provided in the solicitation from which the contracts resulted. In order to correct this omission prior to the expiration of the imposed Washington Plan and to parallel requirements contained in appendices for subsequently imposed construction industry EEO plans and Federal EEO bid conditions incorporating voluntary construction industry EEO plans, it is necessary to amend § 60–5.30 effective immediately. Notice of proposed rule making, opportunity for public participation and delay in the effective date are therefore contrary to the public interest.

Section 60–5.30 is hereby amended by adding new language to the end of paragraph 3 as follows:

§ 60–5.30 Appendix A.

* * * * *

3. * * *

In the event that under a contract subject to this Appendix any work by a trade covered by this Appendix is performed after May 31, 1974, the determined ranges of minority group employment for the year ending May 31, 1974, shall be applicable to such work.

Effective date. This amendment is effective May 14, 1974.

Signed at Washington, D.C., this 7th day of May 1974.

PETER J. BRENNAN,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.74–11114 Filed 5–13–74;8:45 am]

Title 43—Public Lands: Interior

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

APPENDIX—PUBLIC LAND ORDERS

[PLO 5421]

[Idaho 7397]

IDAHO

Reservation for Proposed Forest Service Road

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

1. Subject to valid existing rights and to the provisions of existing withdrawals, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, nor the disposal of materials under the Act of July 31, 1947, as amended, 30 U.S.C. 601–604 (1970), and reserved for the use of the Department of Agriculture for the granting of easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964, 16 U.S.C. 532, 533 (1970):

KANIKSU NATIONAL FOREST

BOISE MERIDAN

T. 55 N., R. 5 W.,
Sec. 1, lots 1, 5, 6, 7;
Sec. 12, lot 2, SW¼NE¼, NW¼SE¼, SW¼SW¼;
Sec. 14, E½NE¼, N½SE¼, SW¼NE¼, SE¼NW¼;
Sec. 15, NE¼SE¼.

(A strip of land varying in width from 66 feet to 130 feet, being 33 feet to 80 feet on a side of the centerline of Hoodoo Rd., No. 2550.2, as shown on the right-of-way maps, sheets 4 through 9, dated April 26, 1973, over and across the named subdivisions).

The area described aggregates 36.32 acres, more or less, in Bonner County, Idaho.

2. The withdrawal made by this order shall not preclude agricultural entries or sales, exchanges or leases under applicable public land laws of any legal subdivisions traversed by lands withdrawn by this order: *Provided*, that any such entry, sale, exchange, or lease shall be subject to this order and to any road right-of-way easement over the lands issued by the Department of Agriculture.

JACK O. HORTON,
Assistant Secretary of the Interior.

MAY 8, 1974.

[FR Doc.74–11057 Filed 5–13–74;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–52; Notice No. 74–6]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Sleeper Berths in Commercial Motor Vehicles

Correction

In FR Doc. 74–9583 appearing at page 14710 in the issue for Friday, April 26, 1974, make the following changes:

1. On page 14712, in the table at the top of the page, the heading of column 4 should read as set forth below:

Height measured from highest point of top of mattress (inches)[1]

2. On page 14712, in footnote 1 under the table, the word "utilities" in the first line should read "utilizes".

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 THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Part 77]

REFUSE PILES AND WATER AND SILT IMPOUNDMENTS

Objections Filed and Hearing Requested

Pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended (91 Stat. 173; 30 U.S.C. 811(a)), there was published in the FEDERAL REGISTER for January 16, 1974 (39 FR 2004), a notice proposing that Part 77, Subchapter O, of 30 CFR Chapter I, be amended by adding paragraphs (h) and (i) to § 77.215 and by adding §§ 77.215–1 through 77.215–4 and new §§ 77.216 through 77.216–3. The proposed amendments pertain to refuse piles and water and silt impoundments.

Interested persons were afforded a period in excess of 45 days following publication within which to submit to the Administrator, Mining Enforcement and Safety Administration, written comments, suggestions and objections to these proposed standards, stating the grounds therefor, and to request a public hearing on such objections.

Section 101(f) of the Act directs the Secretary to publish in the FEDERAL REGISTER, as soon as practicable after the period for filing such objections has expired, a notice specifying proposed mandatory safety standards to which objections have been filed and a hearing requested.

Notice is hereby given that written objections were timely filed with the Administrator, Mining Enforcement and Safety Administration, stating the grounds for objections and requesting a hearing on the proposed paragraphs (h) and (i) of § 77.215, §§ 77.215–1 through 77.215–4, and §§ 77.216 through 77.216–3, of 30 CFR Part 77.

Pursuant to section 101(g) of the Act, the Secretary will after publication of this notice in the FEDERAL REGISTER, issue notice of the time and place at which a public hearing will be held for the purpose of receiving relevant evidence to the objections received.

C. K. MALLORY,
Deputy Assistant Secretary of the Interior.

MAY 9, 1974.

[FR Doc.74-11031 Filed 5-13-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN CONCENTRATED APPLE JUICE

Proposed Grade Standards

A notice of proposed rulemaking to issue new United States Standards for Grades of Frozen Concentrated Apple Juice (7 CFR 52.6321–52.6332) was published in the FEDERAL REGISTER of August 20, 1973 (38 FR 22406); a second notice of proposed rulemaking was published in the FEDERAL REGISTER of January 16, 1974 (39 FR 2006). After consideration of all relevant matters pertaining to the proposals and in view of the changes which have been proposed and the changes made in response to those proposed, the U.S. Department of Agriculture desires consideration by interested parties of this third notice of proposed rulemaking to issue new United States Standards for Grades of Frozen Concentrated Apple Juice.

This new grade standard would be issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090 as amended, 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request and upon payment of a fee to cover the cost of such service.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in duplicate not later than June 15, 1974, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submittals made pursuant to this notice will be available for public review at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the third proposal.

There is, at present, no United States Standards for Grades of Frozen Concentrated Apple Juice.

The American Frozen Food Institute, representing a large portion of the frozen concentrated apple juice industry, requested that the Department establish U.S. Standards for Grades of Frozen Concentrated Apple Juice.

During 1972, a team established by the Department of Agriculture investigated problems associated with the marketing of apples. The report of the study group indicated that there is a potential for new product development, such as apple concentrate, and a need to improve the quality standards for apple juice.

In response to the industry request and in recognition of the report of the apple marketing team, the Department proposed, on August 20, 1973, to establish United States Standards for Grades of Frozen Concentrated Apple Juice, to facilitate the marketing of this product. A number of comments were filed on this proposal dealing mainly with the relationship between Brix (apple sugar) and the acidity of the apples, also, a request was made to clarify the product description. Changes were made as a result of these comments and a second notice of proposed rulemaking was published on January 16, 1974.

One comment was received on the second notice of proposed rulemaking. This comment requested that the product description (§ 52.6321) be modified to allow apple parts (derived from the preparation of apple products other than apple juice) to be used in the preparation of apple juice excluding liquid obtained by leaching of residual apple material (pomace) with water. The following justification for this change was given:

(1) Juice obtained from apple parts, particularly when it is blended with that from whole apples, is indistinguishable from apple juice made from 100 percent whole apples.

(2) When you press whole apples you are pressing peels and cores as integral parts of the whole apple and therefore the juice from peels and cores alone must be just as wholesome as that of the whole fruit.

(3) Many processors that have either an apple sauce or a sliced apple operation press the peels, cores, and trimmed apple material as they come from the preparation department. Such a procedure should be permitted, particularly in these times of a shortage of foodstuffs, so as not to waste any usable material.

(4) State of Pennsylvania has set up standards for cider and vinegar with the following definition of the raw material to be used; "* * * unfermented juice expressed or squeezed from apples or other fruit or portion of fruit." This wording is permitted because of an in-

vestigation of the industry whereby it was found that prompt pressing of peels and cores resulted in a juice that made a satisfactory cider and vinegar.

(5) The quality of apple used for preparing apple sauce and sliced apples is superior to that of apples used for juice. Normally apples that are used for juice are small apples below 2½ inches in diameter which yield less flavorful juice with more astringency and less sugar than juice from larger fruit. Therefore the peels and cores resulting from peeling large apples produce a juice that is of higher quality than that from whole small apples.

(6) The secret of making good quality concentrate is to us quality raw material whether that raw material is small apples or parts of larger apples. To make an arbitrary distinction between whole apples and parts of whole apples is completely unrelated to the standard of quality.

The Department after consideration of the above comments and all other relevant material agrees that the use of sound, fresh, peels, cores and trimmings should be allowed in the manufacture of apple juice.

The proposed standard is as follows:

Subpart—United States Standards for Grades of Frozen Concentrated Apple Juice

PRODUCT DESCRIPTION AND GRADES

Sec.

FILL OF CONTAINER

FACTORS OF QUALITY

EXPLANATIONS

LOT COMPLIANCE

SCORE SHEET

AUTHORITY: Agricultural Marketing Act of 1946; sec. 205, 60 Stat. 1090 as amended (7 U.S.C. 1624).

Subpart—United States Standards for Grades of Frozen Concentrated Apple Juice

PRODUCTS DESCRIPTION AND GRADES

§ 52.6321 Product description.

Frozen concentrated apple juice is prepared from the unfermented, unsweetened, unacidified liquid obtained from the first pressing of properly prepared, sound, clean, mature, fresh apples, and/or parts thereof, excluding liquid obtained by leaching pomace with water. The juice is clarified and concentrated to at least 22.9 degrees Brix. The apple juice concentrate so prepared; with or without the addition of antioxidants and/or vitamins, is packed and frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.6322 Brix requirements.

Brix value of the finished concentrate shall be not less than the following for the respective dilution factor of frozen concentrated apple juice:

Dilution factor:	*Minimum Brix value of concentrate (degrees)*
1 plus 1	22.9
2 plus 1	33.0
3 plus 1	42.2
4 plus 1	50.8
5 plus 1	58.8
6 plus 1	66.3
7 plus 1	73.3

§ 52.6323 Grades.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of frozen concentrated apple juice which, when reconstituted according to § 52.6325(b), has the following attributes:

(1) good color and clarity;
(2) is practically free from defects;
(3) very good flavor and aroma; and
(4) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of frozen concentrated apple juice which, when reconstituted according to § 52.6325(b), has at least the following attributes:

(1) reasonably good color and clarity;
(2) is reasonably free from defects;
(3) good flavor and aroma; and
(4) scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen concentrated apple juice that fails to meet the requirements of U.S. Grade B.

FILL OF CONTAINER

§ 52.6324 Recommended fill of container.

Recommended fill of container is not incorporated in the grades of the finished product since the fill of the container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be filled with frozen concentrated apple juice to not less than 90 percent of the capacity of the container.

FACTORS OF QUALITY

§ 52.6325 Ascertaining the grade.

(a) The grade of frozen concentrated apple juice is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors which are scored. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points which may be given such factors are:

Factors	*Points*
Color and clarity	20
Defects	20
Flavor and aroma	60
Total score	100

(b) The scores for the factors of color and clarity, defects, and flavor and aroma are determined immediately after reconstituting according to label directions or other appropriate directions.

§ 52.6326 Ascertaining the rating for the factors which are scored.

The essential variations, within each scorable factor, are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example: "18 to 20 points" means 18, 19, or 20 points).

§ 52.6327 Color and clarity.

(a) (*A*) *Classification.* Frozen concentrated apple juice which has a good color and clarity may be given a score of 18 to 20 points. "Good color and clarity" means that the color is bright and transparent and of a light golden appearance, but not darker than USDA Honey Color Standards "White" designation.

(b) (*B*) *classification.* Frozen concentrated apple juice which has a reasonably good color and clarity may be given a score of 16 or 17 points. "Reasonably good color and clarity" means the color is slightly dull or slightly turbid; may be light golden to light amber in appearance but not darker than USDA Honey Color Standards "Light Amber" designation. Frozen concentrated apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(c) (*SStd.*) *classification.* Frozen concentrated apple juice that is dull, turbid or otherwise fails the requirements of U.S. Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6328 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from sediment or other residues, dark specks, or any other defects which affect the appearance or palatability of the product.

(b) (*A*) *classification.* Frozen concentrated apple juice which is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that the frozen concentrated apple juice after reconstitution may have a slight amount of sediment or residue of an amorphous nature; may have not more than a trace of dark specks or of sediment or residue of a non-amorphous nature, or of any other defects; *Provided*, That all defects present do not more than slightly affect the appearance or palatability of the product.

(c) (*B*) *classification.* Frozen concentrated apple juice which is reasonably free from defects may be given a score of 16 or 17 points. "Reasonably free from defects" means that the frozen concentrated apple juice after reconstitution may have a slight amount of sediment or residue of an amorphous or non-amorphous nature, of dark specks, or of any other defects; *Provided*, That all defects present do not materially affect the

appearance or palatability of the product. Frozen concentrated apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(d) *(SStd.) classification.* Frozen concentrated apple juice which fails to meet the requirements for U.S. Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6329 Flavor and aroma.

(a) *General.* The factor of flavor and aroma refers to the degree of excellence and palatability of a distinct apple juice flavor and aroma typical of apple juice that has been properly processed.

(b) *(A) classification.* Frozen concentrated apple juice which has a very good flavor and aroma may be given a score of 54 to 60 points. "Very good flavor and aroma" means that the apple juice has a fine, distinct fruity flavor and bouquet, that is free from astringent flavors, flavors due to overripe apples, oxidation, caramelization, ground or musty flavors or any other undesirable flavors and aromas; and, in addition, shall meet the following requirement:

Brix-Acid Ratio—Minium–21: 1
Maximum–53: 1

(c) *(B) classification.* Frozen concentrated apple juice which has a good flavor and aroma may be given a score of 48 to 53 points. "Good flavor and aroma" means that the frozen concentrated apple juice has a normal flavor and bouquet, may be slightly astringent; or may be slightly affected by overripe apples, carmelization, or ground or musty flavors, but is free from objectionable flavors or objectionable aromas of any kind; and, in addition, meets the following requirement:

Brix-Acid Ratio—Minimum–18:1
Maximum–60:1

Frozen concentrated apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(d) *(SStd.) classification.* Frozen concentrated apple juice that fails to meet the requirements of U.S. Grade B may be given a score of 0 to 47 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS

§ 52.6330 Explanation of terms.

(a) "Brix" means soluble solids of the concentrated apple juice as measured on the Refractometer, expressed as percent by weight sucrose (degrees Brix) with correction for temperature to the equivalent at 20° C. (68° F.), but without correction for invert sugar or other substances. The Brix of frozen concentrated apple juice may be determined by any other method which gives equivalent results.

(b) "Acid" means grams of acid (calculated as malic acid) per 100 grams of concentrated juice determined by titration with a standard sodium hydroxide solution, using phenolphthalein as an indicator or any other satisfactory indicator and using an acid factor of 0.067.

(c) "Brix-Acid ratio" means the ratio of the Brix of the concentrated juice in degrees Brix to the grams of acid (calculated as malic acid) per 100 grams of concentrated juice.

(d) The USDA Honey Color Standards, referenced in § 52.6327, and information concerning procurement and use is available from:

Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250.

LOT COMPLIANCE

§ 52.6331 Ascertaining the grade of a lot.

The grade of a lot of frozen concentrated apple juice covered by these standards is determined by the procedures set forth in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (§§ 52.1 to 52.83).

SCORE SHEET

§ 52.6332 Score sheet.

Size and kind of container	
Container mark or identification	
Label	
Net contents (fluid ounces)	
Brix (degrees)	
Acid (malic grams/100 grams)	
Brix-Acid Ratio	

Factors		Score points
Color and clarity	20	(A) 18–20 (B) [1] 16–17 (SStd) [1] 0–15
Defects	20	(A) 18–20 (B) [1] 16–17 (SStd) [1] 0–15
Flavor and aroma	60	(A) 54–60 (B) [1] 48–53 (SStd) [1] 0–47
Total score	100	

Grade

[1] Indicates limiting rule.

Dated: May 8, 1974.

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

[FR Doc.74–11093 Filed 5–13–74;8:45 am]

[7 CFR Part 928]

PAPAYAS GROWN IN HAWAII

Proposed Increase in Expenses

This notice invites comment relative to a proposed increase in the expenses reasonable and likely to be incurred by the Papaya Administrative Committee under Marketing Order 930 during the fiscal year 1974. The proposed increase amounts to $12,000, and the addition of this amount would increase the total of approved expenses to $375,288. The proposed action would not necessitate an increase in the current assessment rate as funds equal to the proposed increase have been allocated to the committee by the counties of Hawaii and Kauai.

Consideration is being given to the following proposal, submitted by the Papaya Administrative Committee, established under the marketing agreement and Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof:

That the Secretary find paragraph (a) of § 928.203 *Expenses, rate of assessment, and carryover of unexpended funds* (39 FR 5184) be amended as follows:

§ 928.203 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Papaya Administrative Committee during the period January 1, 1974 through December 31, 1974, will amount to $375,288.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than May 25, 1974. 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)).

Dated: May 9, 1974.

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

[FR Doc.74–11090 Filed 5–13–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74–EA–27]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Weyer's Cave, Va., Control Zone (39 FR 436).

The present control zone is a part-time zone of 18 hours and based on the weather observations of Piedmont Air-

lines. Because of shifting schedules the zone period will vary from time to time. To preclude a need to change by a series of amendments, the description will be altered to permit change by Notice in the Airman's Information Manual.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before June 13, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views 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 parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Weyer's Cave, Virginia, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations so as to alter the description of the Weyers Cave, Va. Control Zone by deleting the last sentence in the text and by substituting, "This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective times will thereafter be published in the Airman's Information Manual."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on April 24, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

[FR Doc.74-11037 Filed 5-13-74;8:45 am]

FEDERAL ENERGY OFFICE

[10 CFR Part 211]

SYNTHETIC NATURAL GAS FEEDSTOCK ALLOCATION

Advance Notice of Proposed Rulemaking; Public Hearing

Notice is hereby given that the Federal Energy Office will receive written comments and hold a public hearing in Washington, D.C. with respect to the allocation of petroleum feedstocks to synthetic natural gas facilities. By amendments to Part 211, issued May 1, 1974, to become effective June 1, 1974, the FEO has made clear its intention to subject Synthetic Natural Gas (SNG) feedstocks to allocation regulations. The purpose of this proceeding is to develop further a record upon which FEO may base its determination as to whether the June 1 amendments to Part 211, or some other treatment under the Mandatory Petroleum Allocation Regulations is appropriate.

The background of this proceeding and some of the issues it raises are as follows:

Available supplies of natural gas have not increased sufficiently during recent years to meet demand. This has resulted in an increased demand for alternate fuels. An alternative which has been developed by many gas distribution and transmission companies is the manufacture of SNG from petroleum products such as propane, butane, natural gas liquids, and naphtha. Currently, there are several SNG plants in various stages of operation, start-up, construction, or planning.

The January 15, 1974 Mandatory Petroleum Allocation Regulations, effective through May 31, 1974, do not provide for allocation of petroleum feedstocks to SNG plants. It is the purpose of the FEO, in promulgating the June 1 amendments to Part 211 and in holding hearings on these amendments, to clarify the status of SNG manufacturing as a use of particular feedstocks and to provide for the allocation of these feedstocks in accordance with appropriate criteria. The proposed criteria are intended to take into account the factors pertaining to the advisability of utilizing significant volumes of petroleum products for the production of SNG.

Among the relevant issues to which the interested parties to this proceeding should address themselves are the following:

(1) The effects of any proposed rule which would allocate SNG feedstocks on the basis of current requirements, without regard for other criteria;

(2) The effects of any proposed rule which would allocate SNG feedstocks on a case-by-case basis, with consideration of the following additional criteria:

(a) The availability, including source, volume, and interchangeability, of alternate SNG feedstocks;

(b) The degree to which an SNG manufacturer has curtailed supplies of natural gas to its interruptible customers;

(c) The existence, character, and effect of Federal or state natural gas curtailment plans and policies affecting the market area served by an SNG manufacturer;

(d) The existence, character, and effect of Federal or state regulatory policies respecting the utilization of SNG as a supplementary source of gas supply;

(e) The availability of alternative sources of natural gas and the extent to which a manufacturer has attempted to use such sources;

(f) The thermal efficiency, taking both distribution and the reformation process into account, of alternate uses of SNG feedstocks;

(g) The economic and technical feasibility of utilization of a particular petroleum product as a SNG feedstock, including both the economic impact on the manufacturer or distributor and the effect on cost of energy to consumers in a particular market area;

(h) The projected market growth of the utility and the projected SNG plant capacity over the period of allocation.

(i) The effect of allocation on demand for scarce petroleum products in a particular market area;

(j) The impact of an allocation decision on market area employment opportunities;

(k) The environmental impact of allocation options within a market area;

(3) The effects of restricting allocation of SNG feedstocks to customers according to established base period volumes with adjustment according to procedures specified in § 211.13, issued May 1, 1974 and effective June 1, 1974; and

(4) Any other factors or issues which are relevant to the proposed regulations for allocation of SNG feedstocks.

The public hearing in this proceeding will be held beginning at 10:00 a.m., on Tuesday, May 28, 1974 and Wednesday, May 29, 1974, at the New Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to the Executive Secretariat of the Federal Energy Office, and must be received before 5:30 p.m., e.d.s.t., Tuesday, May 21, 1974. Such a request may be delivered by hand to Room 3309, New Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:30 a.m. and 5:30 p.m., Monday through Friday, or may be submitted by Telex, 710-822-0155. The request should identify the individual who would testify, describe the interest concerned, state, if appropriate, why the individual is a proper representative of a group or class of persons which has an interest, and provide a telephone number where the individual may be contacted through May 22, 1974.

Each person selected to be heard will be so notified by the Federal Energy Office before 5:30 p.m., e.d.s.t., May 22, 1974.

The Federal Energy Office reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

A Federal Energy Office official will preside at the hearing. It will not be a

judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the Federal Energy Office with respect to the subject matter of the hearing will be based on all information available to the Federal Energy Office. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to the Executive Secretariat before 5:30 p.m., e.d.s.t., May 24, 1974. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether a question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be made available for inspection at the Public Reference Facility of the Federal Energy Office, Room 3130, New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

This public hearing will be conducted under the authority of section 5 of the Emergency Petroleum Allocation Act of 1973.

The Federal Energy Office is inviting public participation in the form of written submissions as well as oral presentations. All written submissions received by the Federal Energy Office not later than 5:30 p.m., e.d.s.t., Wednesday, May 29, 1974, will be considered by the Federal Energy Office before it makes its determination in this proceeding.

Fifteen copies of all written submissions should be sent to the Federal Energy Office in Washington, D.C. All submissions should be clearly identified on the outside of the envelope and on the documents submitted by the designation "Synthetic Natural Gas Feedstock Allocation Regulations." If submitted by mail they should be addressed to the Federal Energy Office, Executive Secretariat, Box AH, Washington, D.C. 20461. If submitted by hand, they should be delivered to the Federal Energy Office, Executive Secretariat, Room 3309, The New Post Office Building, 12th and Pennsylvania Avenue, Washington, D.C.

Any information or data considered by the person furnishing it to be confidential must be so indicated and submitted in writing, one copy only. The Federal Energy Office reserves the right to determine the confidential status of the information or data and to treat it accordingly.

All comments received by May 29, 1974 and all other relevant information will be considered by the Federal Energy Office before final action is taken on the regulations.

Issued at Washington, D.C., on May 9, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

[FR Doc.74-11040 Filed 5-9-74;11:49 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 3]

RULES OF PRACTICE AND PROCEDURE

Submission of Information

Notice is hereby given that the Federal Trade Commission, pursuant to sections 5, 6, and 9 of the Federal Trade Commission Act, (38 Stat. 719, 721, 722, as amended, (15 U.S.C. 45, 46 and 49) (1970)) (hereinafter, "the Act") and the Administrative Procedure Act, 81 Stat. 54, 80 Stat. 383, (5 U.S.C. 552(a)(1)(E), 553) (1970)) is proposing a new § 3.40 to its rules of practice, 16 CFR 3.40.

The proposed rule would operate to bar the offer or introduction into evidence, as substantiation for an advertising claim, of substantiating materials which were required to be but were not timely submitted in response to Commission process under sections 6 or 9 of the Act calling for such materials. It would be applicable in any instance where the Commission, whether by an order to file a special report under section 6 of the Act, or by a subpoena issued under section 9 of the Act, requires the submission of substantiation for a representation made in advertising.

In 1971 the Commission commenced a major program, generally known as the Advertising Substantiation Program, under which advertisers have been required to submit to the Commission those materials in their possession which substantiate claims made by them in advertising. (See Resolution requiring submission of special reports relating to advertising claims and disclosure thereof by the Commission in connection with a public investigation, 36 FR 12058, amended, 36 FR 14680 (1971).) Orders requiring the submission of substantiation have been issued to dozens of advertisers, and have elicited thousands of pages of materials proffered in substantiation of numerous advertising claims. The analysis of these materials in turn has often required extensive consultation with experts both within any without the Commission in order to assess the adequacy and reasonableness of the material to substantiate the claims. Significant staff resources have been and continue to be devoted to this program.

In 1972, in the case of Pfizer, Inc., 81 F.T.C. 2.3 (1972), the Commission confirmed that it is a violation of section 5 of the Federal Trade Commission Act for an advertiser to make an affirmative representation without having a reasonable basis for making that representation at the time it is disseminated. The Commission's opinion in that case requires that an advertiser have in his possession such a reasonable basis before the representation is first made, and that he actually rely upon that basis in making the representation. Thus, when the Commission requires the submission of substantiating materials, it is seeking the submission of materials which, under Pfizer, are already required to be in the advertiser's possession, and to be relied upon by him, at the time the representation is initially made. While an advertiser may, in responding to a Commission order for substantiation, find it necessary to organize, describe or summarize various materials used by him as a basis for a representation, the basic materials nevertheless are those which should have been available and relied upon by him at the time the advertisement was first disseminated.

Notwithstanding the requirement of Pfizer, however, the Commission has encountered significant difficulties in obtaining timely and complete responses to its orders to submit substantiating materials. For example, companies asked for all tests and specific formulas have refused to submit the information in some cases. Some have submitted only conclusions when all materials relating to a test were ordered to be produced. Information has sometimes been submitted to the Commission long after the due date for the compulsory process return with no adequate reason given for the delay. Materials clearly called for by the specific terms of the orders have been withheld by companies on the ground that it was not sufficiently clear why the Commission was seeking the particular information. The nature and frequency of these past problems indicate that, in addition to the statutory penalties for failure to comply with Commission process, some further incentive is needed to ensure prompt and complete responses and, at the same time, to enable the Commission's administrative adjudications to proceed without awaiting the outcome of possible penalty proceedings in the Federal courts.

Prompt receipt of substantiating materials sought by Commission process is of great practical importance to the Commission. An investigation to determine whether an advertiser lacked a reasonable basis for the claim obviously requires that all of the actual materials in possession of and relied upon by the advertiser be fully evaluated. Without all of those materials, the investigation cannot proceed expeditiously. Therefore, the advertiser, by delay, can actually control the pace of the Commission's investigation of a possible violation of law.

Substantiating materials frequently must be analyzed by independent scientific experts. When there are delays or only partial submissions, the expert analysis either cannot go forward at all or is needlessly protracted, thereby incurring additional expense to the Commission. An incomplete submission not known by the Commission's staff to be incomplete may result in consultations with experts, and the preparation of analyses by the experts, which are then rendered inapplicable by the later submission of additional substantiating materials. The cost of expert consultations and aid are thereby multiplied. Moreover, without a complete submission of the advertiser's substantiating materials, the staff of the Commission cannot promptly and conclusively decide whether to advise the Commission that there is reason to believe that a violation, consisting of the dissemination of a claim in advertising for which the advertiser did not possess and rely upon a reasonable basis, has occurred. The many instances where there has not been timely compliance with compulsory process for substantiation have complicated the Commission's working arrangements with independent experts, led to unnecessary public expense and to delays, and have frustrated in important ways the Commission's attempt to protect the consumer, through efficient use of the Commission's resources, from exposure to unsubstantiated representations in advertising.

The proposed rule is intended to overcome these difficulties. It will enable the staff of the Commission to obtain more complete and timely evaluations of the adequacy of substantiation for a claim, and to determine more confidently whether there is reason to believe that a violation has occurred, on a timetable which is not subject to a substantial degree of control by the advertiser. The rule provides no substantive duty beyond that stated in Pfizer. The rule provides an added incentive to advertisers to make timely and complete response to Commission process calling for substantiation.

The rule prohibits a party which had been required to submit substantiation for a representation contained in an advertisement from introducing, or making an offer of proof with respect to, any materials which were required to be but were not timely submitted in response to the compulsory process. The bar on introduction or offer is for any purpose relating to an allegation that the party lacked a reasonable basis or other adequate substantiation for the representation which was the subject of the compulsory process. The rule would exclude materials only with respect to the issue of lack of reasonable basis or adequate substantiation. If a complaint, in addition to alleging that the representation lacked a reasonable basis or adequate substantiation, also alleged that a representation was false, the exclusionary provisions of the rule would not bar introductions or offers with respect to the allegation of falsity.

It is recognized that present § 3.38 of the Commission's rules of practice, 16 CFR 3.38 (1973), might be available to bar the introduction of evidence called for but not submitted in response to compulsory process, although this section has heretofore been applied with respect to orders issued in the course of adjudication and not investigation. While present § 3.38 is a sound rule of general application, the nature of the Commission's advertising substantiation program requires, and the duties imposed by Pfizer make reasonable, the imposition of a different rule with respect to the consequences of failure to respond fully and promptly to advertising substantiation orders.

By providing greater certainty as to the consequences of failing to comply in full with compulsory process, and by creating greater incentives for timely and complete responses, the proposed rule would significantly reduce the possibility of the Commission investing significant time and effort in an investigation or proceeding only to have the advertiser proffer additional substantiating materials which were called for but were not submitted initially in response to the compulsory process. While the possibility still exists under the proposed rule that untimely proffers will be made, its likelihood is significantly reduced, thereby reducing the probability of commitments of scarce Commission resources which are not fruitful. Because Pfizer requires that an advertiser have substantiating materials in his possession and that he rely upon them in making the claim, the proposed rule is a reasonable solution to the problems which have been encountered.

The rule provides two exceptions to the application of the exclusionary provision. The first exception allows a respondent to introduce materials not timely submitted if he can demonstrate that, despite the exercise of "due diligence," he could not have timely submitted the materials in response to the compulsory process. In such an instance, the advertiser, in order to make out an exception, must also have promptly notified the Commission of the existence of the material immediately upon its discovery.

The second exception does not require a showing of due diligence, and would allow the introduction of materials which so clearly, directly and substantially support the representation at issue that there no longer appears to be a genuine issue of material fact concerning the existence of a reasonable basis for the representation in question, and there is then a substantial question whether the proceeding is any longer in the public interest. While the failure by reason of lack of due diligence to submit materials called for by compulsory process might subject the advertiser to civil or criminal penalties, the existence of material satisfying this exception nevertheless should be within the cognizance of the Administrative Law Judge and the Commission so that a determination can be made whether an administrative proceeding under section 5 should be continued. While this exception deals with a remote contingency, it is deemed appropriate to ensure that the operation of the rule does not result in the conduct of adjudications as to which there is a lack of public interest.

It is proposed to add § 3.40 to Part 3 to read as follows:

§ 3.40 ------

(a) If a person, partnership or corporation, is required through compulsory process under section 6 or 9 of the Act to submit to the Commission all substantiction or documentation in support of an express or implied representation contained in an advertisement, such person, partnership or corporation shall not thereafter be allowed, in any adjudicative proceeding in which it is alleged that the person, partnership or corporation lacked a reasonable basis or other adequate substantiation for the representation, and for any purpose relating to such allegation, to introduce into the record, whether directly or indirectly through references contained in documents or oral testimony, nor to make an offer of proof with respect to, any material of any type whatsoever which was required to be but was not timely submitted in response to said compulsory process.

(b) The Administrative Law Judge shall at any stage exclude all such material, or any reference thereto, unless the person, partnership or corporation demonstrates in a hearing, and the Administrative Law Judge finds, (1) that by the exercise of due diligence the material could not have been timely submitted in response to the compulsory process, and that the Commission was notified of the existence of the material immediately upon its discovery; or, (2) that the material so clearly, directly and substantially supports the representation at issue that there no longer appears to be a genuine issue of material fact concerning the existence of a reasonable basis or other adequate substantiation for the representation and there is a substantial question whether the proceeding is in the public interest. Said findings of the Administrative Law Judge shall be in writing and shall specify with particularity the evidence relied upon. The rules normally governing the admissibility of evidence in Commission proceedings shall in any event be applicable to any material coming within the above exceptions.

Comments on the foregoing proposal may be sent to Secretary, Federal Trade Commission, Pennsylvania Avenue and 6th Street NW., Washington, D.C. 20580 on or before June 28, 1974. All comments will be entered on the public record at the above address and will be available for inspection in Room 130 at the above-mentioned address during normal business hours.

Dated: May 14, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-11042 Filed 5-13-74;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 DEFENSE

Office of the Secretary

ADVISORY GROUP ON ELECTRON DEVICES

Working Group Meetings

The Department of Defense Advisory Group on Electron Devices, Working Groups on Low Power Devices and Microwave Devices, will meet in closed sessions on dates indicated below at 201 Varick Street, New York, New York:

Working Group on Low Power Devices, 16 May 1974.
Working Group on Microwave Devices, 29 May 1974.

The purpose of the DoD Advisory Group on Electron Devices, and various working groups thereof, is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices, e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it is hereby determined that the AGED meetings concern matters listed in section 552(b) of title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92-463 are concerned.

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

MAY 10, 1974.

[FR Doc.74-11203 Filed 5-13-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N-6003]

NEVADA

Designation of East Walker River Scenic Area

Pursuant to the authority in 43 CFR Subpart 2070, and the authorization from the Director dated December 4, 1973, I hereby designate the public lands in the following described area as the East Walker River Scenic Area:

MOUNT DIABLO MERIDIAN

T. 7 N., R. 26 E.,
Sec. 25, lots 3, 4, SW¼SE¼;
Sec. 36, N½NE¼.

T. 7 N., R. 27 E.,
Sec. 3, lot 4, SW¼NW¼, NW¼SW¼;
Sec. 4, lots 1, 2, S½NE¼, S½;
Sec. 5, S½SW¼, SE¼;
Sec. 6, SE¼SE¼;
Sec. 7, E½E½;
Sec. 8, N½NE¼, NW¼, W½SW¼;
Sec. 9, NW¼NE¼, N½NW¼;
Sec. 17, W½NW¼, NW¼SW¼;
Sec. 18, lots 2, 3, 4, 5, 7, 8, SE¼NW¼, E½SW¼, SE¼;
Sec. 19, NE¼NE¼;
Sec. 30, lot 4, N½NE¼.

T. 8 N., R. 27 E.,
Sec. 5, SE¼NW¼, NE¼SW¼;
Sec. 6, lot 1;
Sec. 8, NE¼NE¼;
Sec. 9, SW¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 15, NE¼NW¼;
Sec. 22, lot 3, N½NE¼;
Sec. 27, lots 3, 4, 5, 6, W½SW¼;
Sec. 28, lots 1, 4, 5, 8;
Sec. 33, lots 1-8 incl.;
Sec. 34, lots 6, 7, W½NW¼.

The area described aggregates 3,712.24 acres of national resource lands located along the East Walker River in Lyon County, Nevada.

The East Walker River Scenic Area is a "Class III Natural Environment Area" under the Bureau of Outdoor Recreation system of classification.

EDWARD F. SPONG,
Acting State Director, Nevada.

[FR Doc.74-11059 Filed 5-13-74;8:45 am]

[OR 12177]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

MAY 6, 1974.

The Bureau of Land Management, Department of the Interior, has filed an application, Serial Number OR 12177, for the withdrawal of public land described below, from all forms of appropriation under public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires to have the area withdrawn for the purpose of establishing a scenic corridor.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than June 11, 1974, to the undersigned officer of the Bureau of Land Management, Department of the Interior (729 NE. Oregon St.), P.O. Box 2965, Portland, Oregon 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing potential demand for the land and its resources.

After receipt of comments from interested parties, he will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

ABERT RIM SCENIC CORRIDOR

T. 36 S., R. 21 E.,
Sec. 3, lots 2 and 3, E½SW¼, W½SE¼, SW¼NE¼, and SE¼NW¼;
Sec. 10, E½ and E½NW¼;
Sec. 11, lot 4;
Sec. 15, E½.

T. 35 S., R. 21 E.,
Sec. 1, lot 1, S½NE¼ and S½;
Sec. 2, lots 1 and 2, SE¼SE¼;
Sec. 11, lots 1, 2, 3, and 4, SE¼, E½SW¼, S½NE¼, and NE¼NE¼;
Sec. 12, NW¼, W½SW¼, NE¼SW¼, and NW¼NE¼;
Sec. 13, W½NW¼;
Sec. 14, N½, N½S½, and S½SW¼;
Sec. 15, lots 1, 2, 3, and 4, SE¼ and SE¼NE¼;
Sec. 22, lots 1 and 2, S½, NE¼, and E½NW¼;
Sec. 23, N½NW¼;
Sec. 27, lots 1, 2, 3, and 4, SW¼, W½SE¼, S½NW¼, and SW¼NE¼;
Sec. 28, E½, SE¼NW¼, and NE¼SW¼;
Sec. 33, E½;
Sec. 34, W½ and W½E½.

T. 34 S., R. 22 E.,
Sec. 6, lots 3, 4, 5, 6, and 7, SE¼NW¼.

T. 34 S., R. 22 E.,
Sec. 6, lots 2 to 8 inclusive, E½SW¼, SE¼NW¼, SW¼NE¼, and NW¼SE¼;
Sec. 7, lots 1, 2, 3, and 4, E½W½;
Sec. 18, lots 1 2, 3, and 4, E½W½, W½SE¼, and SW¼NE¼;
Sec. 19, lots 1, 2, 3, and 4, E½W½ and NW¼NE¼;
Sec. 30, lots 1, 2, 3, and 4, E½W½;
Sec. 31, lots 1, 2, 3, and 4, E½W½.

T.34 S., R. 21 E.,
Sec. 1, lots 1, 2, and 3;
Sec. 12, lots 1, 2, 3, and 4;
Sec. 13, lots 1, 2, 3, and 4;
Sec. 24, lots 1, 2, 3, and 4;
Sec. 25, lots 1, 2, 3, and 4.

T. 33 S., R. 22 E.,
Sec. 3, lots 2 and 3, W½SE¼, SE¼NW¼, SW¼NE¼, E½SW¼;
Sec. 9, SE¼, E½SW¼;
Sec. 10, NE¼, SW¼, W½SE¼, and E½NW¼;
Sec. 15, W½W½ and, NW¼NW¼;
Sec. 16, E½, E½W½;

Sec. 20, lot 6, SE¼, SE¼NE¼, and SE¼SW¼;
Sec. 21, NW¼, N½SW¼, SW¼SW¼, W½NE¼, NE¼NE¼;
Sec. 29, W½, W½NE¼, NE¼NE¼;
Sec. 30, lots 1, 2, 3, and 4, SE¼SE¼;
Sec. 31, lots 1, 2, 3, and 4, SE¼, S½NE¼, NE¼NE¼;
Sec. 32, N½NW¼, SW¼NW¼, NW¼SW¼.

The areas described aggregate 12,284 acres, in Lake County, Oregon.

LELAND D. MORRISON,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-11065 Filed 5-13-74;8:45 am]

[OR 10970]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

MAY 6, 1974.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 10970, for withdrawal of the lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for the Sparks-Devils Lakes Recreation Area.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than June 11, 1974, to the undersigned officer of the Bureau of Land Management, Department of the Interior (729 NE. Oregon St.), P.O. Box 2965, Portland, Oregon 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

DESCHUTES NATIONAL FOREST

WILLAMETTE MERIDIAN

T. 18 S., R. 8 E., W.M., Oregon,
Sec. 4, S½SE¼;
Sec. 9, NE¼;
Sec. 10, NW¼, SE¼;
Sec. 11, NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, S½S½, NE¼SE¼;
Sec. 12, SW¼SW¼;
Sec. 14;
Sec. 15, E½;
Sec. 22, NE¼NE¼;
Sec. 23, W½.

The area described contains approximately 2,330 acres, in Deschutes County, Oregon.

LELAND D. MORRISON,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-11064 Filed 5-13-74;8:45 am]

[Wyoming 45539]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Pipeline Application

MAY 6, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Kansas-Nebraska Natural Gas Company, Inc. has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 34 N., R. 95 W.,
Sec. 26, SE¼NW¼, NE¼SW¼ and W½SE¼;
Sec. 35, NW¼NE¼.

The pipeline will convey natural gas from the Texaco Alkali Butte Unit No. 8 well in sec. 26 to existing gathering facilities in sec. 35, all in T. 34 N., R. 95 W.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-11058 Filed 5-13-74;8:45 am]

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, May 25, 1974, at 9 a.m., at the Stephen Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Public Law 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman), Glen Echo, Maryland
Mrs. Caroline Freeland, Bethesda, Maryland
Hon. Vladimir A. Wahbe, Baltimore, Maryland
Mr. John C. Lewis, Hamilton, Virginia
Mr. Burton C. English, Berkeley Springs, West Virginia
Mr. James G. Banks, Washington, D.C.
Mr. Joseph H. Cole, Washington, D.C.
Mr. Ronald A. Clites, LaVale, Maryland
Mrs. Mary Miltenberger, Cumberland, Maryland
Dr. James H. Gilford, Frederick, Maryland
Mr. Grant Conway, Brookmont, Maryland
Mr. John C. Frye, Gapland, Maryland
Mr. Justice Douglas (Special Consultant)
Mr. Rome F. Schwagel, Keedysville, Maryland
Mr. Donald Frush, Hagerstown, Maryland
Mr. Henry W. Miller, Jr., Paw, Paw, West Virginia

The matters to be discussed at this meeting include:

1. Corps of Engineers Estuary Proposal
2. Riverview Park Development Plan
3. Land Acquisition Report
4. Review of 20th Annual Reunion Hike
5. Historical Studies Report
6. Master Plan
7. Volunteer Activities Report
8. Proposed Meeting with Maryland Bicentennial Commission

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 30 persons will be able to attend the sessions. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at Area Code 202-426-6715. Minutes of the meeting will be available for public inspection two weeks after the meeting at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: May 7, 1974.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.74-10994 Filed 5-13-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-108]

FLORENCE MINING CO.

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), the Florence Mining Company has filed a petition to modify the application of 30 CFR 75.1405 to its Florence Nos. 1 and 2 Mines and its Dias

Mine located at Armagh, Huff, and Armagh, Pennsylvania, respectively.

30 CFR 75.1405 provides as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states the following:

1. Petitioner's mines utilize an all-belt conveyor system to transport coal from the underground working sections to the outside coal handling facilities.

2. Use of the track haulage system is limited to transportation of men, supplies and equipment from the surface to the off-track loading point. Men, supplies and equipment may be transported from that point to the faces in vehicles capable of travelling off-track.

3. Men are usually transported on rail (on track) in self-propelled unit vehicles which are not regularly coupled and uncoupled. Off rail (off-track) personnel may be transported in self-propelled, rubber-tired vehicles or on skids pulled by self-propelled, rubber-tired tractors.

4. Supplies and equipment are normally transported on rail (on track) in "rubber/rail" vehicles, equipped with retractable rubber wheels. These vehicles are pulled on track by steel-tired electrical locomotives. By engaging the rubber wheels, the vehicles are able to operate off rail (off-track) where they are pulled by self-propelled, rubber-tired tractors. All of Petitioner's supply cars which travel off rail (off-track) are "rubber/rail" vehicles.

5. Because of the exclusive use of a belt conveyor system to transport coal, the use of automatic couplers on equipment travelling on or off rail (track) will result in a diminution of safety to the miners in Petitioner's mines.

6. Petitioner's mines are characterized by entries having a relatively tighter and narrower radius of horizontal curve and by bottom grades which are more pronounced and undulating than mines using track haulage to transport coal. The uneven bottom contours, tight horizontal curves and the fixed position of the engaged rubber wheels on rubber/rail cars travelling off-track distort the horizontal and vertical alignment needed for reliable functioning of automatic couplers and cause excessive wear to, and/or jamming of, such couplers.

7. Since coal is not transported on Petitioner's tracks, the tracks and track road beds are not constructed to carry the thirty-five to fifty ton locomotives and the ten to thirty ton coal cars typically found in mines using track haulage to transport coal. In such mines, heavy duty ballasting of the track road bed and track alignment by means of welded plates are designed to accommodate the extremely heavy locomotives and coal cars and contribute substantially to reliable functioning of automatic couplers. The lighter weight track and ballasting, designed to accommodate the relatively lighter rubber/rail supply cars in Petitioner's mines, provide less uniform horizontal and vertical alignment of automatic couplers and cause excessive wear to, and/or jamming of, such couplers.

8. In light of the conditions stated above, use of automatic couplers in Petitioner's mines would present the following hazards to safety:

a. Excessive wear to automatic couplers would result in accidental uncoupling and possible derailment.

b. Automatic couplers which become jammed or accidentally uncoupled would in almost every instance require miners to position themselves between vehicles in order to effect the proper alignment for coupling.

Accordingly, the use of automatic couplers, whether on or off track, in Petitioner's mines would result in a diminution of safety to the miners in such mines.

9. The pin-and-drawbar couplers in use in Petitioner's mines are far less susceptible to excessive wear, jamming or accidental uncoupling from uneven alignment than automatic couplers and can be manipulated with much greater flexibility. These couplers, therefore, guarantee no less than the same measure of protection which would be afforded the miners by the use of automatic couplers at the affected mines.

Petitioner respectfully requests that the Secretary modify the application of section 314(f) by relieving Petitioner of the requirement to install automatic couplers on its equipment.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 13, 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.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

MAY 3, 1974.

[FR Doc.74-11049 Filed 5-13-74;8:45 am]

[Docket No. M 74-83]

R. AND E. 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), R. and E. Coal Corp. has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 1 Mine located at Bill Branch, Buchanan County, Virginia.

30 CFR 77.1605(k) provides as follows:

Berms or guards shall be provided on the outer bank of elevated roadways.

The alternate method which Petitioner proposes to establish in lieu of the mandatory standard is as follows:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

3. A traffic system should be put into use for these roads requiring that loaded vehicles have the right-of-way on the high-wall side of roads regardless of their direction of travel.

4. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs should also be posted designating passing points.

5. All equipment operators should be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

6. All haulage vehicles shall have:
(a) Original manufacturers brakes
(b) Engine or Jacobs brakes
(c) Emergency (parking), braking system.

7. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

8. A minimum width of 30 feet shall be provided and maintained, the roads shall be designated as single-lane roads.

9. On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

10. Where abrupt drop-offs are present along the outer banks, super-elevation shall be provided to cause the vehicles to gravitate toward the high-wall side of the road.

11. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

Petitioner further states that the alternate method outlined above will, at all times, guarantee no less than the same measure of protection afforded the miners at the Petitioner's mine by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 13, 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.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

MAY 3, 1974.

[FR Doc.74-11048 Filed 5-13-74;8:45 am]

[Docket No. M 74-111]

R & H MINING, INC.

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), R & H Mining, Inc., has filed a petition to modify the application of 30 CFR 75.1405 to its Petersburg Mine located at Petersburg, Indiana.

30 CFR 75.1405 provides as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall

also be so equipped within 4 years after March 30, 1970.

To be read concurrently with § 75.1405 is § 75.1405–1 which provides as follows:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states the following:

(1) The Petersburg Mine of Petitioner has been in operation since the year 1967. Petitioner utilizes in the operation of its mine sixteen (16) haulage cars which are operated in two sets of eight (8) cars coupled together. Each set of eight (8) cars makes ten (10) round trips daily (five days each week) from the coal loading area to the bottom of the shaft for dumping. One set of cars is being dumped as the other set of cars is being loaded.

(2) The haulage cars are only uncoupled at the bottom of the shaft at the time of unloading and remain coupled during the time they are being loaded. The uncoupling is performed only by one experienced individual. This system has been used in the mine since the year 1967 and there have been no injuries. The cars are at complete rest during the uncoupling and unloading. Petitioner has used the same cars during its operation of its mine from 1967 to the present.

(3) Petitioner has attempted to locate and purchase new types of haulage cars and dump cars, equipped with the automatic coupling device, which would comply with the mandatory safety standard, but none are available. Petitioner has contacted custom machine shops to procure cars with automatic couplers but both the cost of manufacturing such cars and the length of wait for delivery of such cars are prohibitive to Petitioner. Petitioner would propose a continuation of its present system which requires a minimum of uncoupling.

(4) Petitioner would propose further training of its present experienced employee handling uncoupling. Petitioner believes that the method used by it in the operation of the mine by means of a minimum of uncoupling (only at unloading) by a single experienced employee charged with that operation only, guarantees no less than the same measure of protection provided by the mandatory safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 13, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 401 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

MAY 3, 1974.

[FR Doc.74–11051 Filed 5–13–74;8:45 am]

[Docket No. M 74–106]

RUSHTON MINING CO.

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), Rushton Mining Company has filed a petition to modify the application of 30 CFR 75.1405 to its Rushton Mine located at Philipsburg, Pennsylvania.

30 CFR 75.1405 provides as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner asserts that:

1. Petitioner currently utilizes link-and-pin couplers which are supplemented by two safety chains between each car.

2. Petitioner's haulage cars are of the on-track, off-track type capable of running not only on rails but also off rails when certain adjustments are made to the vehicle.

3. These haulage cars are primarily utilized to transport materials throughout the mine and consequently are utilized off-track a greater percentage of the time than on-track.

4. The subject mine has a very steep slope and an extremely uneven bottom which necessitates the use of the link-and-pin couplers for safety purposes.

5. Due to the surface condition of the mine floor the use of automatic couplers off-track would prove to be not only impractical but would result in the diminution of safety to the miners, in that said miners would be required to pass between the cars in order to line up the cars for automatic coupling on impact.

6. Because of the slope in the mine the use of automatic couplers on-track would result in the diminution of safety in that said couplers would lack any secondary system of control as is now provided by safety chains. The automatic couplers would also be more susceptible to disengaging under certain conditions.

7. The haulage cars utilized in the subject mine are neither cars moving primarily along tracks or rails, nor are they coupled and uncoupled on those rails or tracks in the normal course of routine operation.

8. Since an alternative method of achieving the purpose of said safety standard exists at the present time in the subject mine, and will afford the same measure of protection to the miners now afforded by such standard, and since the application of said standard would result in the diminution of safety to the miners, modification of said standard is required.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 13, 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.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

MAY 3, 1974.

[FR Doc.74–11050 Filed 5–13–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

PIKE NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Pike National Forest Multiple Use Advisory Committee will meet at 10 a.m. on June 15, 1974, at the Holiday Inn, 4001 N. Elizabeth, Pueblo, Colorado.

The purpose of this meeting is to discuss the status of the Advisory Committee on the Pike National Forest.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor's Office, P.O. Box 5808, Pueblo, Colorado 81002, 544–5277, ext. 321. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation:

1. To the extent that time permits interested persons may be permitted by the committee chairman to present oral statements.

Dated: May 3, 1974.

R. N. RIDINGS,
Forest Supervisor.

[FR Doc.74–11053 Filed 5–13–74;8:45 am]

ROUTT NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

MAY 1, 1974.

The Routt National Forest Grazing Advisory Board will hold their annual meeting at 10 a.m., Wednesday, May 22, 1974 at the Yampa Valley Electric Association Building, Steamboat Springs, Colorado.

Joe Rossi, Chairman of the Board said the meeting will be open to the public, adding that persons who wish to attend are requested to notify Sam Haslem at the Routt County Extension Office—879–0825. Written statements may be filed with the Board after the meeting. Oral statements and pertinent questions will be solicited at the conclusion of the business meeting.

Agenda of the session will include National Forest Land Use Planning, Management Directives for National Forest Rangelands, and other matters concerning the grazing resource of the Routt National Forest.

JOE ROSSI,
Chairman, Routt County Forest Grazing Advisory Board.

[FR Doc.74–11066 Filed 5–13–74;8:45 am]

SAN ISABEL NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The San Isabel National Forest Multiple Use Advisory Committee will meet at 10 a.m. on June 15, 1974, at the Holiday Inn, 4001 N. Elizabeth, Pueblo, Colorado.

The purpose of this meeting is to discuss the status of the Advisory Committee on the San Isabel National Forest.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor's Office, P.O. Box 5808, Pueblo, Colorado 81002, 544–5277, ext. 321. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation:

1. To the extent that time permits interested persons may be permitted by the committee chairman to present oral statements.

Dated: May 3, 1974.

R. N. RIDINGS,
Forest Supervisor.

[FR Doc.74–11054 Filed 5–13–74;8:45 am]

CERTAIN EASTERN NATIONAL FOREST LANDS; ADDITION TO NATIONAL WILDERNESS PRESERVATION SYSTEM

Notice of Availability of Final Environmental Statement

Proposals to provide for the addition of certain Eastern National Forest Lands to National Wilderness Preservation System.

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the establishment of the following wilderness area:

Name	*Statement No.*
Southern Presidential-Dry River Wilderness, White Mountain National Forest, N.H.	USDA–FS–FES (Leg.) 74–56.

This environmental statement concerns a proposal to establish the area as a unit of the National Wilderness Preservation System.

The final environmental statement was filed with CEQ on April 25, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Road, NW.
Atlanta, Georgia 30309

USDA, Forest Service
633 W. Wisconsin Ave.
Milwaukee, Wisconsin 53203

A limited number of single copies are available upon request to John R. McGuire, Chief, Forest Service, South Agriculture Bldg., 12th St. & Independence Ave. SW., Washington, D.C. 20250.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

R. MAX PETERSON,
Deputy Chief, Forest Service.

MAY 8, 1974.

[FR Doc.74–11045 Filed 5–13–74;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

INDUSTRY ADVISORY COMMITTEES

Change in Name

On March 1, 1974, there was published (39 FR 7975) a notice of establishment concerning 26 Industry Technical Advisory Committees to advise the Secretary of Commerce and the President's Special Representative for Trade Negotiations in connection with the upcoming multilateral trade negotiations.

On April 5, 1974, the charters for these committees were filed in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. II, 1972)).

As filed, the charters reflected a change in the standard name from that which was published on March 1.

Specifically, each of the committees is now named as follows: "Industry Sector Advisory Committee on (industrial sector) for Multilateral Trade Negotiations", the word "Sector" having been substituted for the word "Technical" as originally announced. The 26 industrial sectors (e.g., Aerospace Equipment) are listed in the March 1 notice.

Dated: May 7, 1974.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.74–11062 Filed 5–13–74;8:45 am]

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas; Virgin Islands, Guam, and American Samoa

On December 28, 1973, the Departments of the Interior and Commerce published a Joint Notice announcing the rules to be used by the Departments in the allocation of 1974 calendar year quotas for duty-free entry into the customs territory of the United States of watches and watch movements assembled in the Virgin Islands, Guam, and American Samoa (38 FR 35516). This notice provided that annual quotas for calendar year 1974 would be allocated as soon a spracticable after April 1, 1974 and would be based on the following criteria:

Virgin Islands. (1) The number of units assembled by each producer in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1973; (2) the total dollar amount of wages subject to FICA taxes paid by such producer in the territory during calendar year 1973 to persons whose pay was attirbutable to its Headnote 3(a) watch assembly operations; and (3) the total net dollar amount of income taxes applicable to its calendar year 1973 Headnote 3(a) watch assembly operations.

In making allocations under these criteria, an equal weight of 40% was assigned to production and shipment history and to wages subject to FICA taxes, and a weight of 20% was assigned to the total net dollar amount of income taxes applicable to calendar year 1973 Headnote 3(a) watch assembly operations.

Guam. (1) The number of units assembled by each producer in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1973, and (2) the total dollar amount of wages subject to FICA taxes paid by such producer in the territory during calendar year 1973 to persons whose pay was attributable to its Headnote 3(a) watch assembly operations.

In making allocations under these criteria, equal weight was assigned to production and shipment history and to wages subject to FICA taxes.

American Samoa. No allocation formula is provided for American Samoa as there is only one producer in the territory.

As a temporary measure, pending announcement of final statistics to be issued by the United States Tariff Commission on total apparent United States watch consumption during 1973, and the verification of data submitted in support of individual quota applications by producers located in the Virgin Islands, Guam, and American Samoa, initial 1974 calendar year quotas were allocated to eligible producers that had received duty-free watch quotas for calendar year 1973.

Representatives of the Departments visited each quota holder in the Virgin Islands, Guam, and American Samoa during March and April 1974 to verify the data submitted in support of individual quota applications. The verification indicated that firms had been generally accurate in reporting the number of units which were entered into the customs territory of the United States during calendar year 1973 as well as the amount of wages subject to FICA taxes paid during calendar year 1973 to persons whose pay was attributable to Headnote 3(a) watch assembly operations in the territories. However, a number of errors and discrepancies were found on some of the Virgin Islands applictaions in reporting the amount of income taxes applicable to calendar year 1973 Headnote 3(a) watch assembly operations.

The number of watches and watch movements authorized for shipment on or after January 1, 1974 under initial and supplemental initial quotas previously allocated by the Departments are to be applied against the following allocations which are issued for the full calendar year 1974. Quotas of producers located in the Virgin Islands reflect (1) adjustments made as a result of the verification of the data submitted by individual applicants; (2) adjustments made pursuant to section 7 of the 1974 allocation rules relating to new entrants to whom a quota allocation was made during calendar year 1973 and who did not have a full year's operation as a basis for computation of a quota for calendar year 1974; and (3) reallocation of voluntarily relinquished quota pursuant to section 2 of the 1974 allocation rules.

VIRGIN ISLANDS

Name of firm	Number of units
1. Admiral Time Inc	147,342
2. Antilles Industries, Inc	347,723
3. Atlantic Time Products Corp	1,200,217
4. Belair Time Corporation	146,348
5. Belmont Industries	20,139
6. Consolidated Watch Industries Ltd. (formerly Customtime Corporation)	90,000
7. Hampden Watch Co., Inc. (formerly Clinton Watch Company)	125,000
8. Master Time Company, Ltd	249,614
9. Micro Manufacturing Corporation	125,000
10. Quality Products Company, Inc.	263,490
11. Roza Watch Corporation	289,875
12. Sheffield of St. Croix Inc. (formerly R. W. Summers Time Corporation)	54,354
13. Standard Time Company	319,881
14. Sussex Watch Corporation	112,606
15. TMX, Ltd	417,197
16. Unitime Corporation	721,008
17. Virgiline Watch Co., Inc	12,204
18. Watches, Incorporated	232,002

GUAM

Name of firm	Number of units
1. Hallmark Watch Factory Inc.	84,100
2. Jun-Lau Watch Corp	35,821
3. Marco Watch Co., Inc	165,323
4. Phoenix Industries, Inc	34,754
5. Stratton Watch Corporation	59,926
6. Westminster Time Corporation	84,076

AMERICAN SAMOA

Name of firm	Number of units
1. Pacific Time Corp	232,000

Assigned quotas for the Virgin Islands and Guam may be adjusted at anytime during this calendar year in the event it becomes apparent that shipments through December 31, 1974 by any firm will be less than 90 percent of the number of units allocated to it.

Dated: May 10, 1974.

SETH M. BODNER,
Deputy Assistant Secretary for Resources and Trade Assistance, Department of Commerce.

FRED RADEWAGEN,
Acting Director, Office of Territorial Affairs, Department of the Interior.

[FR Doc.74-11204 Filed 5-13-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

TOPICAL FLUORIDE PREPARATIONS FOR REDUCING INCIDENCE OF DENTAL CARIES

Notice of Status

From time to time questions have arisen regarding the safety and effectiveness of topical fluoride preparations which have been on the market for a number of years. Certain of these preparations have been offered for use in reducing the incidence of dental caries. None of these preparations has been the subject of an approved new drug application. These preparations have been and continue to be the subject of review by the over-the-counter (OTC) Dentifrice and Dental Care Agents Review Panel and the Dental Drug Products Advisory Committee.

The Dental Drug Products Advisory Committee has completed its review of published and unpublished data and information regarding certain classes of topical fluoride preparations, as submitted to the Food and Drug Administration in response to a notice published in the FEDERAL REGISTER of April 5, 1973 (38 FR 8684), and has recommended that the topical fluoride preparations described below should be made available to the public by professional application or on a prescription basis.

The Commissioner of Food and Drugs, having considered the request of the Dental Drug Products Advisory Committee, has concluded that the following unanimous recommendations of this Committee should be made available to the public:

1. Aqueous solutions of 1 to 2 percent sodium fluoride with a pH of approximately 7.0 are safe and effective in reducing the incidence of dental caries when used according to professionally accepted methods and when applied directly to the teeth by adequately trained personnel. Other substances such as coloring and flavoring agents may be added if they do not alter the safety or effectiveness of the product.

2. Aqueous solutions of acidulated phosphate sodium fluoride with a pH in the range of 3.0 to 4.0, that yield a fluoride ion concentration of approximately 1.2 percent, are safe and effective in reducing the incidence of dental caries when used according to professionally accepted methods and when applied directly to the teeth by adequately trained personnel. Other substances such as coloring and flavoring agents may be added if they do not alter the safety or effectiveness of the product.

3. Gels of acidulated phosphate sodium fluoride with a pH in the range of 4.0 to 4.5, that yield a fluoride ion concentration of approximately 1.2 percent, are safe and effective in reducing the incidence of dental caries when used according to professionally accepted methods and when applied directly to the teeth by adequately trained personnel. Gelling agents and other substances such as coloring and flavoring that may be added must not alter the safety or effectiveness of the product.

4. Freshly prepared aqueous solutions of 8 percent stannous fluoride are safe and effective in reducing the incidence of dental caries when used according to professionally accepted methods and when applied directly to the teeth by adequately trained personnel. Other substances such as coloring and flavoring agents should not be added. Aqueous solutions of stannous fluoride are unstable and must be prepared immediately before use.

5. Aqueous solutions of 0.2 percent sodium fluoride with a pH of approximately 7.0 are safe and effective in reducing the incidence of dental caries when applied to the teeth as a rinse once a week or once every 2 weeks. Other substances such as coloring and flavoring agents may be added if they do not alter the safety and effectiveness of the product.

6. Aqueous solutions of 0.05 percent sodium fluoride with a pH of approximately 7.0 are safe and effective in reducing the incidence of dental caries when applied once daily to the teeth as a rinse. Other substances such as coloring and flavoring agents may be added if they do not alter the safety and effectiveness of the product.

7. Aqueous solutions of acidulated phosphate sodium fluoride with a pH of approximately 4.0, that yield a fluoride ion concentration of approximately 0.02 percent, are safe and effective in reducing the incidence of dental caries when applied once daily to the teeth as a rinse. Other substances such as coloring and flavoring agents may be added if they do not alter the safety and effectiveness of the product.

Old drug monographs will be developed for the preparations described above. Pending the development of these monographs, these preparations will be regarded by the Food and Drug Administration as generally recognized as safe and effective, and not misbranded, if the labeling bears adequate information for safe and effective use of these preparations in reducing the incidence of dental caries when used under professional supervision.

The recommendations of the Dental Drug Products Advisory Committee will be made available to the OTC Dentifrice and Dental Care Agents Review Panel for their consideration as to whether appropriate labeling for the consumer can be developed so that some of these preparations may be available as OTC drugs.

Published data and information regarding the safety and effectiveness of the topical fluoride preparations reviewed by the Dental Drug Products Advisory Committee have been assembled and are on display in the office of the Hearing Clerk, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852, and may be seen during regular working hours, Monday through Friday.

Dated: May 6, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-11076 Filed 5-14-74;8:45 am]

Health Resources Administration

REGIONAL MEDICAL PROGRAMS AD HOC REVIEW COMMITTEE

Notice of Establishment

Pursuant to the Federal Advisory Committee Act on October 6, 1972 (Public Law 92-463, 86 Stat. 770-776) the Health Resources Administration announces the establishment by the Sec-

retary, DHEW, on May 9, 1974, with concurrence by the Office of Management and Budget Committee Management Secretariat, of the following advisory committee:

Designation: Regional Medical Programs Ad Hoc Review Committee.

Purpose: The Committee will review applications for grants under Title IX and make recommendations to the National Advisory Council on Regional Medical Programs with respect to the approval and funding of such applications.

Authority for this committee will expire September 30, 1974.

Dated: May 13, 1974.

HAROLD MARGULIES,
Acting Administrator,
Health Resources Administration.

[FR Doc.74-11264 Filed 5-13-74;12:09 pm]

Health Services Administration

NATIONAL ADVISORY COUNCIL ON HEALTH MANPOWER SHORTAGE AREAS

Notice of Meeting and Agenda

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the Administrator, Health Services Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble during the month of May 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Health Manpower Shortage Areas.	May 31, 9 a.m., Parklawn Bldg., Conference Room B, 5600 Fishers Lane, Rockville, Md.	Open—Contact Howard Hilton, Parklawn Bldg., Room 6-05, 5600 Fishers Lane, Rockville, Md. Code 301-443-4437.

Purpose: The Council is charged with establishing guidelines and regulations to improve the delivery of health care services; assigning Public Health Service personnel to areas where medical manpower and facilities are inadequate to meet the health needs of persons living in such areas; and on a nationwide basis recommending the criteria and personnel on which selection of areas are based.

Agenda: Agenda items include presentation of program Status Reports; briefing of the Council on the New Options for Billing and Collection; a discussion of designation and approval process required by Pub. L. 92-585; discussion of termination policies and procedures for sites being discontinued; and work group discussion and reports on policy recommendations.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information should contact the person listed above.

Dated: May 8, 1974.

ANDREW J. CARDINAL,
Associate Administrator for Management, Health Services Administration.

[FR Doc.74-11077 Filed 5-13-74;8:45 am]

National Institutes of Health

ADVISORY COMMITTEE TO THE DIRECTOR

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, June 17-18, 1974, Millikan Library, California Institute of Technology, Pasadena, California. This meeting will be open to the public from 9 a.m. to 5 p.m. on June 17, and from 9 a.m. to 1 p.m. on June 18 to discuss policy matters of concern to the Director, NIH. Attendance by the public will be limited to space available.

The Executive Secretary, Charles R. McCarthy, Ph.D., National Institutes of Health, Building 1, Room 224, 301-496-3471, will furnish summaries of the meeting, rosters of committee members and substantive program information.

Dated: May 3, 1974.

HOWARD E. KETTL,
Deputy Associate Director for Administration, NIH.

[FR Doc.74-11025 Filed 5-13-74;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Dental Research, June 6-7, 1974, National Institutes of Health, Building 30, Conference Room 117. This meeting will be open to the public from 1 p.m. to 5 p.m. on June 6 to discuss the activities of all the laboratories of the National Institute of Dental Research. This meeting will be closed to the public from 9:00 a.m. to 5:00 p.m. on June 7 for the critique and evaluation of the National Institute of Dental Research intramural program to be reviewed by the Board of Scientific Counselors in accordance with the provisions set forth in section 552(b)6 of title 5 U.S. Code and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Dr. Richard C. Greulich, Director of Intramural Research, National Institute of Dental Research, National Institutes of Health, Building 30, Room 129, Bethesda, Maryland 20014 (telephone 301-496-1483) will provide summaries of meetings, rosters of committee members, and substantive program information.

Dated: May 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-11000 Filed 5-13-74;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, June 3 and 4, 1974, National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 9 a.m. to 10 a.m. on June 3 for remarks by the Scientific Director, NICHD. Attendance by the public will be limited to space available In accordance with the provisions set forth in section 552(b)6, title V, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10 a.m. June 3 to adjournment June 4 for the critique and evaluation of the Laboratory of Molecular Aging and the Laboratory of Molecular Genetics.

Ms. Patricia Newman, Chief, Office of Research Reporting, NICHD, Landow Building, Room A-804, National Institutes of Health, 496-5133, will provide summaries of meetings and rosters of committee members.

Dr. Charles U. Lowe, Scientific Director, NICHD, Room 2A-50, Building 31, National Institutes of Health, 496-5035, will furnish substantive information.

Dated: May 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-11002 Filed 5-13-74;8:45 am]

BREAST CANCER TREATMENT COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Breast Cancer Treatment Committee, National Cancer Institute, July 17, 1974, National Institutes of Health, Landow Building, Conference Room C-418. This meeting will be open to the public on July 17, 1974 from 9:15 a.m. to 10:30 a.m., to discuss general programs and specifications for requests for proposals concerning breast cancer treatment. Attendance by the public will be limited to space available. The meeting will be closed to the public on July 17, 1974 from 10:30 a.m. to 5 p.m., to review contract proposals in the field of treatment of breast cancer, in accordance with the provisions set forth in section 552(b)4

of title 5, U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Mary E. Sears, M.D., Executive Secretary, Landow Building, Room A–416, National Institutes of Health, Bethesda, Maryland 20014 (301/496–6773) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: May 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–11007 Filed 5–13–74;8:45 am]

CANCER CONTROL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cancer Control Advisory Committee, National Cancer Institute, June 11, 1974, National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public on June 11, 1974, from 9 a.m. to 2 p.m., to discuss the Director's Report, a review of the US–USSR Cancer Control-Centers meeting, Annual Report on the National Clearinghouse for Smoking and Health activities, and a report on the Survey of Cancer Control Activities. Attendance by the public will be limited to space available. The meeting will be closed to the public on June 11, 1974, from 2 p.m. until adjournment to evaluate approximately 30 ongoing contracts and grants in the field of cancer control in accordance with the provisions set forth in section 552(b)4 of title 5, U.S. Code and section 10(d) of P.L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Robert L. Woolridge, Executive Secretary, Blair Building, Room 723, National Institutes of Health, Bethesda, Maryland 20014 (301/427–7993) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.314 and No. 13.825, National Institutes of Health.)

Dated: April 26, 1974.

HOWARD E. KETTL,
Deputy Associate Director
for Administration, NIH.

[FR Doc.74–11020 Filed 5–13–74;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS, NATIONAL CANCER INSTITUTE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Cancer Institute, June 23, 24, and 25, 1974, National Institutes of Health, Building 31, Conference Room 9. This meeting will only be open to the public on June 24, 1974 from 9 a.m. to 5 p.m., to discuss the scientific research of the Immunology Branch, Division of Cancer Biology and Diagnosis. Attendance by the public will be limited to space available. The meeting will be closed to the public on June 23, 1974 from 7:30 p.m. to adjournment, and on June 25, 1974 from 9 a.m. to adjournment, for the critique and evaluation of the Immunology Branch, to be reviewed by the Board of Scientific Counselors in accordance with the provisions set forth in section 552(b)6 of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Nathaniel I. Berlin, M.D., Executive Secretary, Building 31, Room 3A03, National Institutes of Health, Bethesda, Maryland 20014 (301/496–4345) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.391, National Institutes of Health.)

Dated: May 7, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–11016 Filed 5–13–74;8:45 am]

COMMITTEE ON CANCER IMMUNOBIOLOGY

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Committee on Cancer Immunobiology, National Cancer Institute, Wednesday, June 19, 1974, from 12 noon to 5 p.m., National Institutes of Health, Building 10, Room 4B17. This meeting will be open to the public from 12 noon to 12:30 p.m., June 19, 1974, to discuss general business. Attendance by the public will be limited to space available. The meeting will be closed to the public from 12:30 p.m. to adjournment, June 19, 1974, to review approximately 4 contract proposals in the field of tumor immunology, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Barbara H. Sanford, Executive Secretary, Building 10, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1791) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: May 7, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–11018 Filed 5–13–74;8:45 am]

COMMITTEE ON CANCER IMMUNODIAGNOSIS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Committee on Cancer Immunodiagnosis, National Cancer Institute, at the Cascades Meeting Center, Seminar Room, Williamsburg, Virginia on June 10th and 11th, 1974. This meeting will be open to the public on June 10, 1974 from 8:00 p.m. to 8:30 p.m., and on June 11, 1974 from 2:00 p.m. to 2:30 p.m., to discuss general business. Attendance by the public will be limited to space available. The meeting will be closed to the public on June 10, 1974 from 8:30 p.m. to adjournment, and on June 11, 1974 from 2:30 p.m. to adjournment, to review contract proposals in the field of tumor immunology, in accordance with provisions set forth in section 552(b)4 of title 5 U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Barbara H. Sanford, Executive Secretary, Building 10, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1791) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: May 7, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–11017 Filed 5–13–74;8:45 am]

COMMITTEE ON CANCER IMMUNOTHERAPY

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the

Committee on Cancer Immunotherapy, National Cancer Institute, Thursday, June 20, 1974, from 8:30 a.m. to 6 p.m., and Friday, June 21, 1974, from 8:30 a.m. to 2 p.m., National Institutes of Health, Landow Building, Conference Room 418C. This meeting will be open to the public from 8:30 a.m. to 1 p.m., June 20, 1974, and from 8:30 a.m. to 2 p.m., June 21, 1974, to discuss general business. Attendance by the public will be limited to space available. The meeting will be closed to the public from 1 p.m. to 6 p.m., June 20, 1974, to review approximately five contract proposals in the field of tumor immunology, in accordance with the provisions set forth in section 552(b) 4 of title 5 U.S. Code and section 10(d) of P.L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members. Dorothy Windhorst, M.D., Executive Secretary, Building 10, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1791) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: May 7, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–11019 Filed 5–13–74;8:45 am]

COMMITTEE ON CANCER IMMUNOTHERAPY

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, Tuesday, June 4, 1974, from 12 noon to 1:30 p.m., National Institutes of Health, Building 10, Room 4B17. This meeting will be open to the public from 12 noon to 12:30 p.m., June 4, 1974, to discuss general business. Attendance by the public will be limited to space available. This meeting will be closed to the public from 12:30 p.m. to 1:30 p.m., June 4, 1974, to review approximately four contract proposals in the field of tumor immunology, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dorothy Windhorst, M.D., Executive Secretary, Building 10, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1791) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: May 7, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–11003 Filed 5–13–74;8:45 am]

CONTRACEPTIVE DEVELOPMENT CONTRACT AND REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Contraceptive Development Contract Review Committee, National Institute of Child Health and Human Development, May 29, 1974, National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public on May 29 from 9 a.m. to 10:30 a.m. to discuss general business of the Committee. Attendance by the public will be limited to space available. The meeting will be closed to the public on May 29 from 10:30 a.m. to adjournment to review and discuss a contract proposal in accordance with the provisions set forth in section 552(b)4 of title 5, U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room C–603, National Institutes of Health, 496–1756, will provide summaries of meetings and rosters of committee members.

Dr. Kenneth Savard, Executive Secretary, Room B–703, Landow Building, National Institutes of Health, 496–1661, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.832, National Institutes of Health)

Dated: May 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–10999 Filed 5–13–74;8:45 am]

DENTAL CARIES PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Dental Caries Program Advisory Committee, National Institute of Dental Research, June 24–25, 1974, National Institutes of Health, Building 31–C, Conference Room 8. This meeting will be open to the public from 9 a.m. to 5 p.m. on June 24 and from 9 a.m. to 12:30 p.m. on June 25 to discuss research progress and plans for the first half of FY 1975. Attendance by the public will be limited to space available.

Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, Maryland 20014 (telephone 301–496–7239), will provide summaries of the meeting, rosters of the committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.325 and 13.827, National Institutes of Health.)

Dated: May 3, 1974.

HOWARD E. KETTL,
Deputy Associate Director
for Administration, NIH.

[FR Doc.74–11026 Filed 5–13–74;8:45 am]

DENTAL RESEARCH INSTITUTE AND SPECIAL PROGRAMS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Dental Research Institutes and Special Programs Advisory Committee, National Institute of Dental Research, June 25–26, 1974. National Institutes of Health, Building 31–A, Conference Room 3. This meeting will be open to the public from 9 a.m. to 12 noon on June 25 for the evaluation of the dental research institutes and centers. The meeting will be closed to the public from 1 p.m. to 5 p.m. on June 25 and from 9 a.m. to adjournment on June 26 to review grant applications in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code and section 10(d) of Pub. L. 92–463. Attendance by the public will be limited to space available.

Dr. Emil L. Rigg, Special Assistant for Institutes and Centers, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 507, Bethesda, Maryland 20014 (telephone 301–496–7748), will provide summaries of meetings, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.325, National Institutes of Health.)

Dated: May 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–11010 Filed 5–13–74;8:45 am]

DIAGNOSTIC RADIOLOGY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Diagnostic Radiology Committee, National Cancer Institute, June 20, 1974, National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public on June 20, 1974, from 9 a.m. to 12 noon, to discuss project plans for Fiscal Year 1975 and to review commitments for Fiscal Year 1974 with revisions if necessary. Attendance by the public will be limited to space available. The meeting will be closed to the public on June 20, 1974,

from 1 p.m. to 3 p.m. to review four contract proposals in the field of diagnostic radiology, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code and section 10(d) of P.L. 92-463.

Mrs. Majorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland, 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Ihor J. Masnyk, Ph.D., Executive Secretary, Building 31, Room 3A06, National Institutes of Health, Bethesda, Maryland, 20014, (301/496-1591), will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: May 7, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74-11021 Filed 5-13-74;8:45 am]

EPILEPSY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Epilepsy Advisory Committee, National Institute of Neurological Diseases and Stroke, June 24, 1974, National Institutes of Health, Building 31-A, Conference Room 4. The entire meeting will be open to the public from 9 a.m. to 5 p.m. to discuss research progress and research plans related to the Institute's epilepsy program. Attendance by the public will be limited to space available.

Summaries of the meeting, rosters of committee members, and substantive program information may be obtained from the Executive Secretary, Dr. J. Kiffin Penry, Chief, Applied Neurologic Research Branch, Collaborative and Field Research, NINDS (Building 36, Room 5D-10), National Institutes of Health, Bethesda, Md. 20014, telephone 301/496-6691.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

Dated: May 3, 1974.

HOWARD E. KETTL,
Deputy Associate Director,
for Administration, NIH.

[FR Doc.74-11027 Filed 5-13-74;8:45 am]

NATIONAL ADVISORY ALLERGY AND INFECTIOUS DISEASES COUNCIL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, June 20-21, 1974, National Institutes of Health, Building 31C, Conference Room 7. This meeting will be open to the public from 9 a.m. to 10:30 a.m. and from 1:30 p.m. to recess on June 20, at which time administrative matters will be discussed. Attendance by the public will be limited to space available. The meeting will be closed to the public from 10:30 a.m. to 1:30 p.m. on June 20, and from 9 a.m. to adjournment on June 21, to review, discuss, and evaluate and/or rank grant applications in accordance with the provisions set forth in section 552(b)(4) of title 5, U.S. Code, and section 10(d) of Pub. L. 92-463.

The Chief, Office of Research Reporting and Public Response, who will furnish summaries of the meeting and rosters of Council members is Mr. Robert L. Schreiber, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 31, Room 7A34, telephone 496-5717.

The Executive Secretary of the National Advisory Allergy and Infectious Diseases Council who will furnish substantive information is Dr. William I. Gay, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Westwood Building, Room 703, telephone 496-7131.

(Catalog of Federal Domestic Assistance Program No. 13-301, National Institutes of Health.)

Dated: May 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74-11008 Filed 5-13-74;8:45 am]

NATIONAL ADVISORY CHILD HEALTH AND HUMAN DEVELOPMENT COUNCIL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, National Institute of Child Health and Human Development, June 24-25, 1974, National Institutes of Health, Building 31, Conference Room 6, at 9 a.m. This meeting will be open to the public on June 24 from 9 a.m. to 5 p.m. with current status reports from the Acting Director, NICHD, Associate Director for Program Services, NICHD, a presentation by a Council member, and the review of the Mental Retardation Program. Attendance by the public will be limited to space available. The meeting will be closed to the public on June 25 from 9 a.m. to adjournment for the review of grant applications in accordance with provisions set forth in section 552(b)4 of title 5, U.S. Code, and section 10(d) of Pub. L. 92-463.

Ms. Patricia Newman, Chief, Office of Research Reporting, NICHD, Landow Building, Room A-804, National Institutes of Health, 496-5133, will furnish summaries of the meeting and rosters of Council members.

Mrs. Marjorie Neff, Executive Secretary, Room C-603, Landow Building, National Institutes of Health, 496-1756, will furnish substantive information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health)

Dated: May 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74-11012 Filed 5-13-74;8:45 am]

NATIONAL ADVISORY DENTAL RESEARCH COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, June 20-21, 1974, National Institutes of Health, Building 31-C, Conference Room 8. This meeting will be open to the public from 9:30 a.m. to 12:30 p.m. on June 20 for general discussion and program presentations. The meeting will be closed to the public from 1:30 p.m. to adjournment on June 20 and from 8:00 a.m. to adjournment on June 21, to review grant applications in accordance with the provisions set forth in Section 552(b)4 of title 5 U.S. Code and section 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mrs. Janet Lynn McMahan, Council Secretary, National Institute of Dental Research, National Institutes of Health, Building 31, Room 2C35, Bethesda, Maryland 20014 (telephone 301-496-3571), will provide summaries of meetings, rosters of committee members, and substantive program information.

Dated: April 26, 1974.

HOWARD E. KETTL,
Deputy Associate Director
for Administration, NIH.

(Catalog of Federal Domestic Assistance Program No. 13.325, National Institutes of Health.)

[FR Doc.74-11028 Filed 5-13-74;8:45 am]

NATIONAL ADVISORY ENVIRONMENTAL HEALTH SCIENCE COUNCIL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, June 6-7, 1974, at 9 a.m., National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina, Building 1 Conference Room. This meeting will be open to the public from 9 a.m. to 12 noon, June 6, to report on legislative and interagency activities, and to discuss NIEHS intramural and extramural program activities and budgeting plans, etc. Attendance by the public will be limited to space available. The meeting will be closed to the public on June 6 from 1 p.m. to adjournment on June 7 to discuss and evaluate research grant applications in accordance with the provisions set forth in Section 552(b)4 of Title V, U.S. Code and section 10(d) of Pub. L. 92-463.

Mrs. Leata B. Staff, Committee Management Officer, NIEHS, Westwood Building, Room 404, Bethesda, Maryland, 20014, (301) 496–7483, will provide summaries of meetings and rosters of committee members.

Dr. Otto A. Bessey, Executive Secretary, NIEHS, Westwood Building, Room 404, Bethesda, Maryland, 20014, (301) 496–7483, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.328, National Institutes of Health.)

Dated: April 26, 1974.

HOWARD E. KETTL,
Deputy Associate Director for Administration, NIH.

[FR Doc.74–11004 Filed 5–13–74;8:45 am]

NATIONAL ADVISORY EYE COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, on June 25, 1974, in Building 31, Conference Room 7.

This meeting will be open to the public on June 25, 1974, from 9 a.m. to 12 Noon for report by the Director, National Eye Institute, and a progress report from the National Advisory Eye Council Vision Research Program Planning Subcommittee on its review of Institute programs in the support of vision research. There will also be program reviews outlining objectives and accomplishments of the glaucoma and sensory-motor/rehabilitation programs. Attendance by the public will be limited to space available.

The meeting will be closed to the public on June 25, from 1 p.m. to adjournment for the review, discussion, and evaluation of research grant applications and research career development awards, in accordance with the provisions set forth in section 552(b)4 of title 5, U.S. Code, and section 10(d) of Public Law 92–463.

Mr. Julian Morris, Program Planning Officer, National Eye Institute, Building 31, Room 6A–27, National Institutes of Health, 496–5248, will furnish summaries of the meeting and rosters of committee members.

Substantive program information may also be obtained from Dr. George T. Brooks, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A–04, National Institutes of Health, Bethesda, Maryland, 496–4903.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health)

Dated: May 7, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74–11022 Filed 5–13–74;8:45 am]

NATIONAL ADVISORY GENERAL MEDICAL SCIENCES COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, June 25–26, 1974, 9 a.m., National Institutes of Health, Building 31C, Conference Room 10. This meeting will be open to the public from 9 a.m. to 5 p.m., June 25 for opening remarks; report from the Office of the Director, NIH; report of the Acting Director, NIGMS; report by the Council on their program reviews; presentation and discussion of current issues; and other business. Attendance by the public will be limited to space available. It will be closed to the public from 9 a.m. to 1 p.m. on June 26, to review research grant applications, training grant applications, and institutional fellowship applications in accordance with the provisions set forth in section 552(b)4 of title 5 U.S.C. Code for grants and contracts and 10(d) of Pub. L. 92–463.

Mr. Paul Deming, Research Reports Officer, NIGMS, Building 31, Room 4A46, Bethesda, Maryland 20014, Telephone: 301, 496–5676, will furnish a summary of the meeting and a roster of Council members.

Substantive program information may be obtained from Dr. Leo H. von Euler, Executive Secretary, Building 31, Room 4A52, Telephone: 301, 496–5231.

(Catalog of Federal Domestic Assistance Program No. 13.335, National Institute of General Medical Sciences, NIH)

Dated: May 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74–11009 Filed 5–13–74;8:45 am]

NATIONAL ADVISORY RESEARCH RESOURCES COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources, June 27–28, 1974, National Institutes of Health, Building 31, Conference Room 9, at 9 a.m. This meeting will be open to the public from 9 a.m. to 5 p.m., June 27 and from 9 a.m. to 10 a.m., June 28, for: Discussion of Council business; reports of the Director and Assistant Director, DRR; review of the Animal Resources Program; discussion of the value of a General Clinical Research Center at a medical school; discussion of the proposed policy on the Minority Biomedical Support Program; discussion of the General Research Support Program; and, discussion of the accessibility to the capabilities of biotechnology resources. Attendance by the public is limited to space available. The meeting will be closed to the public on June 28 from 10 a.m. to adjournment for the review of grant applications in accordance with provisions set forth in section 552(b)4 of title 5 U.S. Code, and section 10(d) of Public Law 92–463.

The Information Officer who will furnish summaries of the meeting and rosters of Council members is Mr. James Augustine, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 496–5545.

The Executive Secretary, Dr. James F. O'Donnell, Assistant Director, Division of Research Resources, Building 31, Room 5B05, Bethesda, Maryland 20014, 496–1817, will provide substantive information.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.375, National Institutes of Health.)

Dated: April 26, 1974.

HOWARD E. KETTL,
Deputy Associate Director for Administration, NIH.

[FR Doc.74–11029 Filed 5–13–74;8:45 am]

NATIONAL ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES ADVISORY COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Arthritis, Metabolism, and Digestive Diseases Advisory Council, June 20–22, 1974, National Institutes of Health, Building 31, Conference Room 10; and a meeting of the Digestive Diseases and Nutrition Subcommittee of above Advisory Council the preceding day, June 19, 1974, National Institutes of Health, Building 31, Conference Room 2. The National Arthritis, Metabolism, and Digestive Diseases Advisory Council meeting will be open to the public from 9 am to 12:30 pm on June 20 to discuss administrative reports and closed to the public from 1:30 p.m. to 5 p.m. on June 20, 9 a.m. to 5 p.m. on June 21, 22, 1974, to review research grant applications in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code and 10(d) of P.L. 92–463. Attendance by the public will be limited to space available.

The Digestive Diseases and Nutrition Subcommittee of the above Council will meet 9 a.m. to 5 p.m., June 19, 1974, and will be closed to the public to review research grant applications in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of P.L. 92–463.

Name of person from whom rosters of committee members, summary of the meeting, and other information pertaining to the meetings may be obtained: Mr. Victor Wartofsky, Information Officer, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496–3583,

(Catalog of Federal Domestic Assistance Program No. 13.309, National Institutes of Health)

Dated: April 26, 1974.

HOWARD E. KETTL,
Deputy Associate Director, for Administration, NIH.

[FR Doc.74-11024 Filed 5-13-74;8:45 am]

NATIONAL CANCER ADVISORY BOARD

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board, National Cancer Institute, June 17-18, 1974, National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public on June 17 from 9 a.m. to 5 p.m., and on June 18 from 2 p.m. to 4 p.m. to discuss the Large Bowel Organ-Site Program; activities of various Board Subcommittees; and a report on the status of the Frederick Cancer Research Center. Attendance by the public will be limited to space available.

The meeting will be closed to the public on June 18 from 9 a.m. to 12:30 p.m., in accordance with the provisions set forth in section 552(b)5 of title 5, U.S. Code and section 10(d) of P.L. 92-463, to review preliminary operational plans with particular reference to fiscal projections, and in accordance with the provisions set forth in section 552(b)4 of title 5, U.S. Code and section 10(d) of P.L. 92-463 to evaluate grant applications.

The meeting will also be closed to the public on June 18 from 4 p.m. to adjournment, in accordance with the provisions set forth in section 552(b)5 of title 5, U.S. Code and section 10(d) of P.L. 92-463, to discuss the fiscal year 1976 budget.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and roster of committee members.

Dr. Richard A. Tjalma, Assistant Director, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.312, 13.314, 13.391, 13.392, National Institutes of Health.)

Dated: May 3, 1974.

ROBERT S. STONE

[FR Doc.74-11023 Filed 5-13-74;8:45 am]

NATIONAL CANCER ADVISORY BOARD; SUBCOMMITTEE ON CARCINOGENESIS AND PREVENTION

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Subcommittee on Carcinogenesis and Prevention of the National Cancer Advisory Board, National Cancer Institute, June 16, 1974, National Institutes of Health, Building 31, C Wing, Conference Room 8. This meeting will be open to the public on June 16, 1974, from 4:00 p.m. to 4:30 p.m., to discuss any new policy considerations involving the National Cancer Program. Attendance by the public will be limited to space available. The meeting will be closed to the public on June 16, 1974, from 4:30 p.m. to adjournment, to evaluate grant applications, in accordance with the provisions set forth in section 552(b)4 of title 5, U.S. Code and section 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Thaddeus J. Domanski, Executive Secretary, Westwood Building, Room 850, National Institutes of Health, Bethesda, Maryland 20014 (301/496-7801) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.312, 13.314, 13.391, 13.392, National Institutes of Health.)

Dated: May 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-11014 Filed 5-13-74;8:45 am]

NATIONAL CANCER ADVISORY BOARD; SUBCOMMITTEE ON DIAGNOSIS AND TREATMENT

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Subcommittee on Diagnosis and Treatment of the National Cancer Advisory Board, National Cancer Institute, June 16, 1974, National Institutes of Health, Building 31, C Wing, Conference Room 7. This meeting will be open to the public on June 16, 1974, from 4 p.m. to 4:30 p.m., to discuss any new policy considerations involving the National Cancer Program. Attendance by the public will be limited to space available. The meeting will be closed to the public on June 16, 1974 from 4:30 p.m. to adjournment, to evaluate grant applications, in accordance with the provisions set forth in section 552(b)4 of title 5, U.S. Code and section 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Mary A. Fink, Executive Secretary, Westwood Building, Room 854, National Institutes of Health, Bethesda, Maryland 20014 (301/496-7815) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.312, 13.314, 13.391, 13.392, National Institutes of Health.)

Dated: May 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-11015 Filed 5-13-74;8:45 am]

NATIONAL LIBRARY OF MEDICINE BOARD OF REGENTS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Board of Regents of the National Library of Medicine on June 19-20, 1974, in the Board Room of the National Library of Medicine, Bethesda, Maryland, and a meeting of the Extramural Programs Subcommittee of the Board of Regents of the National Library of Medicine on the preceding day, June 18, 1974, from 2 to 5 p.m., in Conference Room B of the Library. The meeting of the Board will be open to the public all day on June 19 for administrative reports and program and operation discussions. On June 20, the meeting will be open from 9 to 9:15 a.m. It will be closed to the public from 9:15 a.m. to adjournment, as will the entire meeting of the Subcommittee on June 18, for grant application review, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code, and section 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

The Information Officer who will furnish summaries of both the open and closed meeting portions, a roster of Board members, and substantive program information is: Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, Room M-122, 8600 Rockville Pike, Bethesda, Maryland 20014. His telephone number is: 301-496-6308.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.349, 13.351—National Institutes of Health.)

Dated: May 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-11013 Filed 5-13-74;8:45 am]

NATIONAL HEART AND LUNG ADVISORY COUNCIL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Heart and Lung Advisory Council, National Heart and Lung Institute, June 20, 21, and 22, 1974, National Institutes of Health, Building 31, Conference Room 6, at 9 a.m. This meeting will be open to the public on June 20, from 9 a.m. to 2:30 p.m., to discuss program policies and issues. Attendance by the public is limited to space available. The meeting will be closed to the public on June 20

from 2:30 p.m. to recess, and on June 21 from 9 a.m. to adjournment on June 22 for the review of grant applications in accordance with provisions set forth in section 552(b)4 of Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463.

The Information Officer who will furnish summaries of the meeting and rosters of the Council members, is Mr. Hugh Jackson, National Heart and Lung Institute, Building 31, Room 5A20, telephone (301) 496–4236.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, Westwood Building, Room 5A18, telephone (301) 496–7416, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.346, 13.374, and 13.382, National Institutes of Health.)

Dated: May 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–11011 Filed 5–13–74;8:45 am]

NATIONAL LIBRARY OF MEDICINE BOARD OF REGENTS; SUBCOMMITTEE FOR LIBRARY CONSTRUCTION

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Subcommittee for Library Construction of the Board of Regents of the National Library of Medicine, on May 30, 1974, from 9:00 a.m. to approximately 3:30 p.m., at the McGovern Allergy Clinic in Houston, Texas. The meeting will be open to the public for related Subcommittee business from 9 to 9:30 a.m. It will be closed to the public from 9:30 a.m. to adjournment for review of applications for medical library and learning resources facilities' construction, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code, and section 10(d) of Pub. L. 92–463. Attendance by the public will be limited to space available.

Mr. Arthur J. Broering, Deputy Associate Director for Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, telephone number: 301–496–4671, will furnish a meeting summary, a roster of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.340—National Institutes of Health.)

Dated: May 8, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–11006 Filed 5–13–74;8:45 am]

TASK FORCE ON CARDIOVASCULAR REHABILITATION; NATIONAL HEART AND LUNG INSTITUTE

Notice of Meeting

The National Heart and Lung Institute wishes to announce the fifth meeting of the Task Force on Cardiovascular Rehabilitation. The meeting will take place on June 24 and 25, 1974, from 9 a.m. to 5 p.m., in Conference Room C418, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland. The purpose of the meeting will be to continue discussion of the recommendations of the Task Force and other pertinent matters related to Cardiovascular Rehabilitation. Attendance by the public will be limited to space available.

For further information, please call Dr. Bernard H. Doft, NHLI, Landow Building, Room A–922, telephone 496–5421.

Dated: May 8, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–11005 Filed 5–13–74;8:45 am]

TRAUMA PROGRAM DIRECTORS

Notice of Meeting

The National Institute of General Medical Sciences will hold a Trauma Program Directors meeting on May 28, 1974. The purpose of the meeting is to review the recently published proceedings of the February 1973 Trauma Workshop, evaluate the current NIGMS research program, and to get the views of individual program directors as to suggested priorities and methods for implementation of underdeveloped areas of research. Participants will include members from the National Advisory General Medical Sciences Council, trauma research grantees, and related National Institutes of Health staff.

The meeting will be held at the National Institutes of Health in Bethesda, Maryland, Building 31A, Conference Room 4, from 9 a.m. to 5 p.m. Admission is open, but subject to limitations of space in the conference room.

For further information please contact Dr. Emilie A. Black, NIGMS, Westwood Building, Room 934, telephone (301) 496–7373.

Dated: May 3, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–11001 Filed 5–13–74;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Federal Advisory Committee Act, Pub. L. 92–463, that the next meeting of the National Advisory Council on Extension and Continuing Education will be held on June 6–7, 1974, at San Clemente, California. The meetings on both days will begin at 9:00 a.m. local time.

The National Advisory Council on Extension and Continuing Education is authorized under Public Law 89–239. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Council shall be open to the public. The agenda for the meeting will include such topics as: Title I Evaluation; legislative activities for the Council; and future working agenda. All records of Council proceedings are available for public inspection at the office of the Council's Executive Director, located in Suite 710, 1325 G Street, NW., Washington, D.C.

EDWARD A. KIELOCH,
Executive Director.

MAY 8, 1974.

[FR Doc.74–11111 Filed 5–13–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA–432–DR; Docket No. NFD 192]

CALIFORNIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92–209 (85 Stat. 742); notice is hereby given that on May 7, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of California resulting from severe storms and flooding, beginning about March 29, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of California. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238, to administer the Disaster Relief Act of 1970 (Public Law 91–606, as amended), I hereby appoint Mr. Robert C. Stevens, HUD Region 9, to act as the Federal Coordinating Officer to perform the duties specified by Section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of California to have

been adversely affected by this declared major disaster:

The County of:
Mendocino.

This disaster has been designated as FDAA–432–DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: May 7, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74–11070 Filed 5–13–74;8:45 am]

[FDAA–433–DR; Docket No. NFD 193]

HAWAII

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92–209 (85 Stat. 742); notice is hereby given that on May 7, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Hawaii resulting from heavy rains and flooding, beginning about April 19, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of Hawaii. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238, to administer the Disaster Relief Act of 1970 (Public Law 91–606, as amended), I hereby appoint Mr. Robert C. Stevens, HUD Region 9, to act as the Federal Coordinating Officer to perform the duties specified by Section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Hawaii to have been adversely affected by this declared major disaster:

The Counties of:
Honolulu.
Kauai.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: May 7, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74–11069 Filed 5–13–74;8:45 am]

[FDAA–430–DR; Docket No. NFD 194]

MISSISSIPPI

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Mississippi, dated April 18, 1974, and amended April 20, 1974, and April 26, 1974, is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 18, 1974:

The County of:
Leake.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: May 7, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74–11068 Filed 5–13–74;8:45 am]

[FDAA–424–DR; Docket No. NFD 195]

TENNESSEE

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Tennessee, dated April 4, 1974, and amended April 5, 1974, April 8, 1974, April 12, 1974, and April 18, 1974, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 4, 1974:

The Counties of:
Coffee.
Hardin.
Jefferson.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: May 7, 1974.

THOMAS P. DUNNE,
Administrator.

[FR Doc.74–11067 Filed 5–13–74;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, May 29, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.74–11109 Filed 5–13–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP–32000/58]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before July 15, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against who the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after July 15, 1974.

APPLICATIONS RECEIVED

EPA Reg. No. 1448–28. Buckman Laboratories, Inc., 1256 North McLean Boulevard, Memphis, Tennessee 38108. *BL Busan 72A.* Active Ingredients: 2-(thiocyanomethylthio)benzothiazole 60%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9461–IL. Celanese Coating Company, P.O. Box 99038, Jeffersontown, Kentucky 40299. *Devran 216 Permanent*

Red Anti-Fouling Point. Active Ingredients: Cuprous Oxide 34.88%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34273–R. Chemical Laboratories, Spring Street, Bedford, Massachusetts 01730. *Bio-Clean Cleaner-Disinfectant-Deodorizer-Fungicide-Virucide.* Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 100–LUN. Agricultural Division, Ciba-Geigy Corporation, P.O. Box 11422, Greensboro, North Carolina 27409. *Ciba-Geigy Technical Terbutryn.* Active Ingredients: Terbutryn: 2-*tert*-butylamino-4 - ethylamino-6-methylthio-5-triazine 94%; Related Compounds 2%. Method of Support: Application proceeds under 2 (c) of interim policy.

EPA Reg. No. 100–437. Agricultural Division, Ciba-Geigy Corporation, P.O. Box 11422, Greensboro, North Carolina 27409. *Princep 80W Herbicide for Weed Control in Certain Crops.* Active Ingredients: Simazine 80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 464–187. The Dow Chemical Company, P.O. Box 1706, 9008 Building, Midland, Michigan 48640. *Dow Esteron Four Low-Volatile Weed Killer.* Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Butoxy Propyl Esters 72.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 464–347. The Dow Chemical Company, P.O. Box 1706, 9008 Building, Midland, Michigan 48640. *Dow Esteron 6E Herbicide.* Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Isooctyl Esters 94.4%. Method of Support: Application proceeds under 8(c) of interim policy.

EPA File Symbol 11694–UR. Dymon, Inc., 5747 Kessler, Shawnee Mission, Kansas 66203. *SWK–99 Low Volatile Kills Broadleaf Weeds and Woody Plants.* Active Ingredients: Isoctyl Ester of 2,4-Dichlorophenoxyacetic Acid 24.5%; Isoctyl Ester of 2,4,5-trichlorophenoxyacetic Acid 11.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11694–UN. Dymon, Inc., 5747 Kessler, Shawnee Mission, Kansas 66203. *DiBro-40 A Contact, Non-Selective Vegetation Killer for the Control of Broadleaf Weeds, Grasses and Aquatic Weeds.* Active Ingredients: Diquat dibromide (6,7-Dihydropyrido) (1,2-a:2:1'-C) pyrazidiinium dibromide 1.85%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33465–E. Fox Valley Marking Systems, Incorporated, 31W 300 West Bartlett Road, Bartlett, Illinois 60103. *Grass Stunt.* Active Ingredients: Petroleum Distillate 81.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33465–R. Fox Valley Marking Systems, Incorporated, 31W 300 West Bartlett Road, Bartlett, Illinois 60103. *Grass Kill.* Active Ingredients: Aromatic Petroleum Distillate 81.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 257–EIO. Fuld-Stalfort, Inc., 1354 Old Post Road, Havre de Grace, Maryland 21078. *No-Gro (Bromacil Weed Killer) Water Soluble Liquid.* Active Ingredients: Lithium salt of bromacil (5-bromo-3-sec-butyl-6-methyluracil) 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905-URR. Helena Chemical Company, 5100 Poplar Avenue, Memphis, Tennessee 38137. *Helena Brand Dinitro Weed Killer 3.* Active Ingredients: Alkanolamine salts (of the Triethanolamine series) of dinoseb (2-sec-butyl-4,6-dinitrophenol) 51%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–URE. Helena Chemical Company, 5100 Poplar Avenue, Memphis, Tennessee 38137. *Maneb 80 W Fungicide.* Active Ingredients: Maneb (Manganese ethylenebisdithiocarbamate) (Manganese equivalent as metallic 16.5%) 80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5905–193. Helena Chemical Company, 5100 Poplar Avenue, Memphis, Tennessee 38137. *Helena Atrazine 80W.* Active Ingredients: Atrazine (2-Chloro-4-ethylamino-6-isopropylamino - s - triazine) 76%; Related compounds 4%. Method of Support: Application proceeds under 2 (c) of interim policy.

EPA Reg. No. 524–153. Monsanto Company, Agricultural Division, 800 North Lindbergh, St. Louis, Missouri 63166. *Wettable Powder Ramrod 65.* Active Ingredients: 2-chloro-N-isopropylacetanilide 65%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 707–74. Rohm & Haas Co., Independence Mall West, Philadelphia, Pennsylvania 19105. *Formula G Hyamine 3500 50%.* Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 9.0%; Sodium Carbonate 4.0%; Tetra sodium salt of ethylene diamine tetraacetic acid 2.0%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA Reg. No. 707–63. Rohm & Haas Co., Independence Mall West, Philadelphia, Pennsylvania 19105. *Formula G Hyamine 3500 80%.* Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 9.0%; Sodium Carbonate 4.0%; Tetra sodium salt of ethylene diamine tetraacetic acid 2.0%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 538–RRE. O. M. Scott & Sons, Marysville, Ohio 43040. *Scotts Pro-Turf New K–O–G TM Weed Control.* Active Ingredients: Dicamba (2-Methoxy-3,6-dichlorobenzoic acid) 0.70%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148–1062. Thompson-Hayward Chemical Company, P.O. Box 2383, Kansas City, Kansas 66110. *Terraclor 2 Lb. Emulsifiable Concentrate.* Active Ingredients: Pentachloronitrobenzene 24.0%; Xylene 72.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148–719. Thompson-Hayward Chemical Company, P.O. Box 2383, Kansas City, Kansas 66110. *Captan 10 Dust.* Active Ingredients: Captan 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: May 3, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74–10812 Filed 5–13–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20029; FCC 74–432]

CONTINENTAL CABLEVISION OF NEW HAMPSHIRE, INC.

Petition for Special Relief; Hearing

In re petition of Continental Cablevision of New Hampshire, Inc., Manchester, New Hampshire, for special relief.

1. On December 19, 1973, Continental Cablevision of New Hampshire, Inc., filed a "Petition for Immediate and Ex Parte Relief" alleging unlawful and unreasonable collusive conduct on the part of United Broadcasting Company, Inc., United Cable Company of New Hampshire, Inc., and New England Telephone and Telegraph Company. Continental requested that a hearing be designated to investigate the conduct of United Cable and N.E. Telco—particularly whether N.E. Telco's treatment of multiple applicants for CATV pole attachments is consistent with announced Bell System policy and this Commission's rulings. Continental's petition was treated as an informal complaint pursuant to the provisions of Section 208 of the Communications Act of 1934, as amended. By a "Notice of Complaint" dated December 20, 1973, the Chief, Domestic Rates Division, Common Carrier Bureau, advised N.E. Telco that further construction would be at its own risk, and directed it either to satisfy the complaint or to advise the Commission of its inability or refusal to do so not later than January 2, 1974. On December 31, 1973, N.E. Telco filed an answer, and United Cable filed comments on January 10, 1974. Continental filed comments regarding N.E. Telco's answer on January 17, 1974. On March 13, 1974, the Commission adopted a "Letter to Thomas W. Scandlyn et al." FCC 74–259, —— FCC 2d ——, in which it found that "the conduct of United Cable and N.E. Telco [summarized in paragraph 2 below] appears to be unduly discriminatory and anti-competitive in nature" and cautioned that "unless the aforementioned conduct is immediately terminated, appropriate action will be taken." Thereafter, additional letter comments were filed by the interested parties as follows: American Telephone and Telegraph Company on March 22; New England Telco on March 22; United Cable on March 25; and Continental Cablevision on March 28.

2. The operative facts are set forth fully in our cited letter. For present purposes, they may be synopsized as follows: both Continental and United Cable are franchised to serve portions of Manchester; however, N.E. Telco will not act on Continental's pole attachment request until it executes a pole attachment agreement, and one condition of the pole attachment agreement is Continental's acceptance of N.E. Telco's recently adopted "first-come, first-served" policy regarding "make ready" costs. Under the "first-come, first-served" principle, the first operator on a pole bears the "make ready" costs for its single attachment, and the second operator bears the "make ready" costs for the second attachment; the result is that the second applicant must pay higher costs than the first applicant. In the meantime, United Cable, allegedly pursuant to appropriate contractual provisions, is proceeding to attach wire and hardware in the portions of the city in which Continental and

United Cable are franchised to compete. In the present case, the ability of United Cable to attach wire and hardware to poles not needing "make ready" work, together with the additional cost to be incurred by Continental for its "make ready" work, could have significant impact on the competitive situation between Continental and United Cable in Manchester, and it appears that Continental would suffer discrimination if the "first-come, first-served" doctrine is applied.[1]

3. As indicated, we have already found substantial indication that the conduct of United Cable and N.E. Telco is discriminatory and anti-competitive in nature. The telephone companies and United urge that the Commission has not asserted jurisdiction over pole attachment agreements.[2] However, we do have jurisdiction over cable systems and authorize their carriage of distant television signals, and we have a substantial concern that they operate on a reasonable competitive basis. The situation presented here clearly warrants a hearing to determine whether United is doing so. In the meantime, as pointed out above, further implementation of the existing contract will go far to make impossible any remedial action which the hearing may show to be necessary. We do not believe that we can permit the status quo to be changed pending the hearing, and will therefore require that it be maintained pendente lite. See United States v. Southwestern Cable Co., 392 U.S. 157 (1968).[3] Since this procedure is unusual, however, we will sua sponte expeditiously consider lifting this stay before conclusion of this proceeding. Accordingly, all parties are directed to file comments (including any supporting evidence) whether this stay should be lifted, modified or kept in effect within thirty days of the release date of this Memorandum Opinion and Order.

4. Accordingly, in view of the above, *It is ordered*, That this proceeding is designated for hearing, at a time and place to be specified in a further Order, upon the following issues:

a. To determine the facts and circumstances surrounding the offering by New England Telephone and Telegraph Company of pole attachment contracts for Manchester, New Hampshire, to (a) United Cable Company of New Hampshire, Inc., and (b) Continental Cablevision of New Hamphire, Inc.

b. To determine in light of the evidence adduced pursuant to Issue 1, above, whether the conduct of United Cable Company of New Hampshire, Inc., and New England Telephone and Telegraph Company, Inc., has been unduly discriminatory and anti-competitive in nature with respect to Continental Cablevision of New Hampshire, Inc.'s efforts to obtain a pole attachment agreement to operate at Manchester, New Hampshire.

c. To determine, in light of the conclusion reached regarding Issue 2 above, what further action is required in order to serve the public interest.

It is further ordered, That American Telephone and Telegraph Company; New England Telephone and Telegraph Company; Continental Cablevision of New Hampshire, Inc.; United Cable Company of New Hampshire, Inc.; Chief, Cable Television Bureau; and Chief, Common Carrier Bureau are made parties to this proceeding.

It is further ordered, That United Cable Company of New Hampshire, Inc., has the burden of proceeding with respect to Issue 1(a); that Continental Cablevision of New Hampshire, Inc., has the burden of proceeding with Issue 1 (b); and that Continental Cablevision of New Hampshire, Inc., has the burden of proof with respect to Issues 2 and 3.

It is further ordered, That, pending the outcome of this proceeding, United Cable Company of New Hampshire, Inc., is directed to cease additional construction of its cable television system on New England Telephone and Telegraph Company's telephone poles where access has been obtained by means of the pole attachment contract here in issue in those areas for which Continental Cablevision of New Hampshire, Inc., has also sought a pole attachment contract.

It is further ordered, That, to avail themselves of the opportunity to be heard, the parties herein, pursuant to § 1.221(e) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating their intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the ruling as to temporary relief shall be effective on the third day, not counting Saturdays, Sundays, and holidays, after the day of release of this Opinion, provided that the ruling on temporary relief shall not be effective until judicial determination of the motion for stay in the case of any respondent which notifies the Commission within 2 days that it intends to seek judicial review and which seeks judicial review and a judicial stay within 14 days of the day of release of this opinion.

Adopted: April 17, 1974.

Released: May 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-11087 Filed 5-13-74;8:45 am]

[1] In this regard, we also note indications that United held its pole attachment contract for some time without taking significant action to assure early construction. This delay necessarily casts an additional pall on the priority asserted for United's contract.

[2] For example, although AT&T cites the Commission's public notice of August 3, 1973, regarding Docket No. 16928 (FCC 73-851, 42 FCC 2d 460), wherein the Commission announced that it had "instructed the staff to draft appropriate documents asserting jurisdiction over pole attachments," it seeks to rebut it by arguing that no such documents have been issued.

[3] See also § 76.7 of the rules, which provides in pertinent part that,

(a) On petition by a cable television system, a franchising authority, an applicant, permittee, or licensee of a television broadcast, translator, or microwave relay station, or by any other interested person, the Commission may waive any provision of the rules relating to cable television systems, impose additional or different requirements, or issue a ruling on a complaint or disputed question.

[FCC 74-402]

U.S. CABLEVISION CORP. AND NEW YORK TELEPHONE CO.

Denial of Petition

In the matter of U.S. Cablevision Corporation, Complainant and New York Telephone Company, Defendant.

1. The Commission has before it for consideration a formal complaint filed on April 27, 1972, by the U.S. Cablevision Corporation, complainant, against the New York Telephone Company (hereinafter "NYTelco"), complainant's Motion to Make Answer More Definite and Certain, and NYTelco's Answer and Motion to Dismiss the subject complaint. Complainant is the operator of a cable television system in Hyde Park, New York and successor in interest to U.S. Cablevision Corporation whose corporate name complainant retained (hereinafter all references to "complainant" refer to both the present and prior U.S. Cablevision Corp.). Complainant began subscribing to cable television channel distribution service as offered by NYTelco in its Tariff F.C.C. No. 34 on June 21, 1967. Cable television channel distribution service is a communications service provided by telephone companies whereby cable television channel distribution facilities are constructed and owned by the telephone company but used to serve subscribing cable television operators. This contrasts with cable television channel distribution provided by cable television operators themselves through Pole attachment agreements, i.e. the cable television operator owns the cable television channel distributed facilities but contracts with the telephone company so that it may attach its cables to telephone company poles for distribution purposes. On June 26, 1968 we released our decision in Docket No. 17333, General Telephone Company of California, et al., 13 FCC 2d 448, wherein we decided, among other things, that section 214 of the Communications Act was applicable to the construction and operation of cable television channel distribution facilities by a common carrier.[1]

[1] Section 214(a) of the Communications Act provides, in pertinent part: "No carrier shall undertake the construction of a new line or of an extension of any line, or shall require or operate any line, or extension thereof, or shall engage in transmission over or by means of such additional or extended line, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction and operation, of such additional or extended line * * *" 47 U.S.C. 214(a).

Thereafter, on November 12, 1968, NYTelco filed an application for a Section 214 certificate of public convenience and necessity with respect to the Hyde Park cable television channel distribution facilities.[2] Subsequently, on October 7, 1971, in Docket No. 17441, Better T.V. Inc. of Duchess County, New York, 31 FCC 2d 939, we released our decision which denied NYTelco's section 214 application because we found that in Hyde Park NYTelco had followed an unreasonable course of conduct toward cable television operators who desired to construct their own cable television systems, attempting to either induce independent cable television operators to take unwanted cable television channel distribution service from NYTelco, or to impede their construction of cable television systems until a tariff customer could be obtained and cable television channel distribution facilities constructed. In view of this misconduct by NYTelco we ordered, among other things, that NYTelco cease providing cable television channel distribution service to complainant in Hyde Park and in compliance therewith such service was wholly terminated as of June 28, 1972.

2. Complainant now contends that NYTelco constructed and operated the cable television channel distribution facilities in Hyde Park for five years without ever obtaining from the Commission a Section 214 certificate of public convenience and necessity, that NYTelco was never lawfully authorized to provide cable television channel distribution service to complainant at any time during the five year period and that, therefore, NYTelco's Tariff F.C.C. No. 34 as it relates to Hyde Park was at all times during the five year period improperly on file with the Commission and ineffective since it purported to offer a communications service which NYTelco could not lawfully provide. Accordingly, complainant alleges that NYTelco's collection of monthly and termination charges from complainant as specified in Tariff F.C.C. No. 34 constituted a violation of sections 201(b), 203(c) and 214 of the Communications Act.[3] Therefore, complainant requests, among other things, reimbursement of approximately $195,000 in monthly and termination charges paid from June 21, 1967 to June 28, 1972. Complainant further contends that even if NYTelco was lawfully authorized at all times during the five year period to provide cable television channel distribution service in Hyde Park, it would be inequitable to allow NYTelco to retain the collected tariff charges in view of NYTelco's prior unlawful conduct in Hyde Park and therefore such charges should be reimbursed to complainant. NYTelco alleges in its responsive pleading, among other things, that it was at all times during the five year period in question lawfully authorized to provide cable television channel distribution services in Hyde Park, that the charges collected were lawful charges for a lawful communications service provided to complainant under a lawful tariff, and that if the requested relief were granted it would result in a pure windfall to complainant, allowing complainant to enjoy a valuable communications service at no charge for five years.

3. We shall dismiss in part and otherwise deny this complaint for the reasons that (a) NYTelco was authorized by specific Commission orders to provide cable television channel distribution service in Hyde Park from June 26, 1968 to June 28, 1972 and therefore acted lawfully in collecting charges for such service under its properly filed and then effective tariff; (b) complainant's claim for reimbursement with respect to the one year period when service was provided prior to June 26, 1968 is barred by section 415(b) of the Communications Act and the same is true regarding a substantial portion of the time period following June 26, 1968 and (c) in any event, complainant has failed to allege sufficient facts to show that it is equitably entitled to the requested relief.

4. NYTelco provided complainant cable television channel distribution service in Hyde Park for five years, from June 21, 1967 to June 28, 1972. Contrary to the allegations of complainant, NYTelco was lawfully authorized by our specific orders to provide such service in Hyde Park for four of the five years, i.e., from June 26, 1968, the release date of our General Telephone decision, to June 28, 1972, when service was wholly terminated. In regard to the one year period when service was provided prior to our General Telephone decision, i.e., from June 21, 1967 to June 26, 1968, NYTelco was not authorized to provide service in Hyde Park. Section 214 was enacted and applicable long before NYTelco began construction and operation of the uncertified facilities in Hyde Park in mid-1967 and, therefore, NYTelco was in violation of section 214's provisions the moment it began construction and operation of the uncertified facilities in Hyde Park. Ashtabula Cable T.V., Inc. v. Ashtabula Telephone Company, 18 FCC 2d 193, 194 (1969). Further, as previously noted, NYTelco's application for a Section 214 certificate was expressly denied in our October 7, 1971 Better T.V. decision. Finally, no specific orders were issued by use during the June 21, 1967 to June 26, 1968 period such as would constitute authorization to construct and operate the Hyde Park facilities during such period. On the contrary, we expressly placed carriers on notice as early as March 1967 that any construction without prior approval might be the subject of appropriate action including the issuance of cease and desist orders. 7 FCC 2d 571 and 7 FCC 2d 575. However, this does not mean that complainant is entitled to an order directing NYTelco to reimburse tariff charges collected during the June 21, 1967 to June 26, 1968 period. On the contrary, such an order would be inappropriate because complainant's claim for such reimbursement, even if otherwise valid, is barred by section 415(b) of the Communications Act since complainant did not file the subject complaint until April 27, 1972.[4] Section 415 also bars complainant's claim for reimbursement of tariff charges collected from June 26, 1968 to or on about May 1, 1971.

5. We believe Section 415(b) is properly applicable in this case. We indicated in Bunker Ramo Corporation v. Western Union Telegraph Company, 31 FCC 2d 449, 454 (1971), that a statute of limitations does not begin to run until discovery of the right or wrong or of the facts on which such knowledge is chargeable by law and that the running of the period of limitations may be suspended or tolled by various causes; for example, although mere ignorance will generally not toll the statute, active fraudulent concealment by a defendant will generally do so. In our opinion, knowledge of the basic facts complainant cites as supporting its claim for reimbursement, namely, that section 214 was applicable to the construction and operation of cable television channel distribution facilities and that NYTelco's construction and operation of such uncertified facilities in Hyde Park from June 21, 1967 to June 26, 1968 and thereafter was in violation of the provisions of section 214, was chargeable by law upon complainant at or near the time it began taking service from NYTelco (mid-1967). As noted earlier, section 214 was enacted long before any of the events we are here concerned with occurred. Even if such knowledge was not chargeable by law upon complainant in mid-1967, as we believe it was, it is obvious that doubts as to the applicability of section 214 to the construction and operation of cable television channel distribution facilities by NYTelco should have been put to rest on June 26, 1968 when we released our General Telephone decision. Notwithstanding our General Telephone decision, complainant waited until April 27, 1972 before filing the subject complaint. In addition, we cannot

[2] F.C.C. Docket No. 18525, File No. P-C-7271.

[3] Section 201(b) provides in pertinent part: "All charges, practices, classifications, and regulations for and in connection with such communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is hereby declared to be unlawful * * *." 47 U.S.C. 201(b).

Section 203(c) provides, in pertinent part: "No carrier, unless otherwise provided by or under authority of this Act, shall engage or participate in such communication unless schedules have been filed and published * * * and no carrier shall (1) charge, demand, collect, or receive a greater or less or different compensation, for such communication, or for any service connected therewith, between the points named in any such schedule than the charges specified in the schedule then in effect * * *" 47 U.S.C. 203(c). Also see n. 1.

[4] Section 415(b) of the Communications Act provides that "All complaints against carriers for the recovery of damages not based on overcharges shall be filed with the Commission within one year from the time the cause of action accrues, and not after * * *" 47 U.S.C. 415(b).

hold that the statute of limitations was tolled in view of complainant's failure to allege any facts whatsoever indicating that fraud or deceit was practiced by NYTelco upon complainant to prevent complainant from becoming aware of the basic facts upon which its claim for reimbursement is based. In view of the foregoing, it is clear that Section 415(b) is properly applicable in this case and complainant's claim for reimbursement of tariff charges collected from June 21, 1967 to June 26, 1968 (as well as June 26, 1968 to on or about May 1, 1971) is barred.

6. We shall now relate the reasons why NYTelco was authorized to provide service in Hyde Park for four of the five years that service was provided. After our General Telephone decision was released, NYTelco was obligated to take steps to obtain section 214 authorization from the Commission with respect to the cable television channel distribution facilities in Hyde Park in order to continue providing the cable television channel distribution service to complainant in Hyde Park.[5] Our June 26, 1968 General Telephone decision provided that cease and desist orders against continued operation of cable television channel distribution facilities would not be stayed unless common carriers then operating such facilities filed applications for section 214 authorization or filed pleadings containing certain specified information and any other public interest factors which might justify the granting of relief from cease and desist orders. At that time NYTelco was operating such facilities in Hyde Park. On July 5, 1968, FCC 68–715, we temporarily stayed the effectiveness of our General Telephone decision in order to give the carriers time to prepare their objections. On July 26, 1968, 14 FCC 2d 170, after reviewing carrier objections, we stayed pendente lite the effectiveness of that portion of our General Telephone decision pertaining to cease and desist orders but only insofar as cable television channel distribution facilities constructed and in operation on or before June 26, 1968 were concerned. Thus, common carriers providing cable television channel distribution service prior to the June 26, 1968 release date of our decision, such as NYTelco in Hyde Park, could continue providing such service pending appellate review of our General Telephone decision. Subsequently, the courts affirmed that decision and NYTelco, in compliance therewith, duly filed a section 214 application with respect to the cable television channel distribution facilities in Hyde Park.[6] By filing its section 214 application, NYTelco stayed the effect of our cease and desist order with respect to the operation of the Hyde Park facilities pending action upon the application. This also meant that NYTelco was authorized to continue providing cable television channel distribution service to complainant in Hyde Park pending Commission action on its application. We had ample statutory authority under sections 4(i) and 214(a) of the Communications Act to issue our orders allowing common carriers such as NYTelco to provide cable television channel distribution service even though their section 214 applications were not yet filed or if filed, not yet acted upon. Section 4(i) of the Communications Act provides that "* * * The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions." 47 U.S.C. 154(i). Section 214(a) provides in pertinent part that "* * * the Commission may, upon appropriate request being made, authorize temporary or emergency service * * * without regard to the provisions of this section * * *" (our emphasis). 47 U.S.C. 214(a). A reasonable interpretation of the above quoted statutory language is that a common carrier, which may be required to obtain a section 214 certificate in order to construct and provide or continue to provide a particular communications service on a permanent basis, as in the case of NYTelco in Hyde Park, may still be lawfully authorized to provide that particular communications service on a temporary or emergency basis even though the carrier's application for a certificate has not been filed, has not been acted upon, or has even been denied by the Commission. In view of the foregoing, it is clear that NYTelco was authorized by our General Telephone decision and the related orders following that decision to provide cable television channel distribution service to complainant in Hyde Park from June 26, 1968 until such time as action was taken on its Section 214 application.

7. As already noted, our October 7, 1971 Better T.V. decision denied NYTelco's section 214 application and ordered NYTelco to cease providing cable television channel distribution service in Hyde Park. However, in order to avoid an abrupt disruption of cable television service to cable television subscribers in Hyde Park and provide for a transition period during which the subscribers could obtain other cable television service, we permitted NYTelco to continue operation of the cable television channel distribution facilities in Hyde Park for a period of 180 days from the October 7, 1971 release date, until April 10, 1972 (31 FCC 2d 968). On March 30, 1972, we extended this permission for 90 more days to June 28, 1972 (34 FCC 2d 153), by which date the cable television channel distribution service in Hyde Park was wholly terminated. Sections 4(i) and 214(a) of the Communications Act provide ample statutory authority for the issuance of these orders. Thus, even after our denial of NYTelco's section 214 application on October 7, 1971, NYTelco had our express authority to provide cable television channel distribution service to complainant in Hyde Park until such service could be terminated in an orderly manner, i.e., until June 28, 1972.

8. Since, contrary to the allegations of complainant, NYTelco was lawfully authorized to provide cable television channel distribution service in Hyde Park from June 26, 1968 to June 28, 1972, it follows that NYTelco's tariff, effective during such period, was binding on the carrier and its customer alike, and that NYTelco therefore acted lawfully in collecting the charges as specified in its tariff for the provision of service to complainant. Moreover, even if NYTelco was not lawfully authorized to provide the service during the entirety of the aforementioned period, as it was, complainant still would not be entitled to an order directing reimbursement of the collected tariff charges for the greater portion of such period, June 26, 1968 to on or about May 1, 1971, because Section 415(b) of the Communications Act bars complainant's claim. Accordingly, complainant is not entitled to an order directing reimbursement of tariff charges collected from June 26, 1968 to June 28, 1972.

9. Finally, in addition to our above reasons for our conclusion that an order directing reimbursement of collected tariff charges is inappropriate, there is still another reason supporting such conclusion. This relates to complainant's remaining contention that even if NYTelco was lawfully authorized at all times to provide cable television channel distribution service to complainant in Hyde Park it would be inequitable, in view of NYTelco's prior unlawful conduct in Hyde Park, to allow NYTelco to retain the collected charges for the Hyde Park service and so such charges should thus be refunded to complainant. We do not agree. We have already imposed appropriate sanctions against NYTelco for the misconduct we found in Better T.V. Not only did we deny NYTelco's section 214 application for permanent authorization to operate the Hyde Park facilities but we ordered that NYTelco cease and desist from providing cable television channel distribution service in Hyde Park, we denied NYTelco the undepreciated cost of the Hyde Park facilities in its rate base, and we ordered that no sale could be made of the facilities without prior Commission approval. 31 FCC 2d 967, 968. Granting the relief requested by complainant would amount to the imposition of an additional sanction on NYTelco, an action which we do not believe is warranted under the facts and circumstances of this case. Complainant has also failed to allege sufficient facts that would equitably entitle it to a reimbursement of all tariff charges it paid during a five year period during which it was receiving a valuable communications service.

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[5] The Bell companies had previously been given notice that they were required to file appropriate tariffs under section 203(a) of the Communications Act before providing any cable television channel distribution service by our April 6, 1966 Letter Order, FCC 66–293. Petitions for Reconsideration of such Letter Order were denied. (4 FCC 2d 257 (1966)). NYTelco complied with this requirement by filing its Tariff FCC No. 34 on September 27, 1966, and by later making timely provision therein for the service provided to complainant in Hyde Park.

[6] General Telephone, et al. v. FCC, 413 F. 2d 390 (D.C. Cir. 1969), cert. denied 396 U.S. 888 (1969). See n. 2.

10. In view of the foregoing, *it is ordered*, That complainant's Motion to Make Answer More Definite and Certain is denied and, *it is further ordered*, That complainant's formal complaint is hereby dismissed in part and otherwise is denied.

Adopted: April 16, 1974.

Released: April 23, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.74-11084 Filed 5-13-74;8:45 am]

[Docket No. 19660, RM-690; FCC 74-401]

INTERNATIONAL RECORD CARRIERS

Scope of Operations; Hearing

In the matter of International Record Carriers' scope of operations in the continental United States including possible revisions to the formula prescribed under section 222 of the Communications Act (38 FR 10934).

1. By Memorandum Opinion and Order released November 26, 1973,[1] the Commission specified the issues for hearing on the request of The Western Union Telegraph Company (WU) for an increase in the prescribed division of charges received by it for the landline handling of outbound and inbound international telegraph message traffic. In order to expedite the hearing, as previously ordered,[2] our November Order also provided for a two-part procedure in the conduct of the hearing: the first to determine the reasonableness of the present division of charges and the revenue requirements of WU in connection therewith; the second, if it were determined that WU was entitled to an increase, to determine whether part or all of the increase should be absorbed by the international record carriers (IRC's) or be reflected in their charges made to the public.

2. The issues upon which the hearing was ordered were:

(a) Whether the current divisions of charges between Western Union and the international record carriers for the landline handling by Western Union within the Continental United States of outbound and inbound international telegraph message traffic is unjust, unreasonable, inequitable, or otherwise not in the public interest.

(b) In connection with (a) above:

(1) What are the revenues, expenses and investment properly attributable to the landline handling by Western Union of international telegraph messages, both currently and for a reasonable future period of at least one year?

(2) On the basis of (b) (1) above, what changes, if any, in the levels and structure of the current divisions of charges are required to meet Western Union's revenue requirements for the period mentioned in (b) (1) above?

(c) What are, or will be, the effects of any increases in the divisions of charges that may be found to be required under (b) (2) above, on the revenue and rates of return of the respondent international carriers, assuming that such increases are absorbed by them?

(d) Whether the effect of any increases on the respondent international carriers is such as to warrant an increase in international public message charges to the public and, if so, the amount or amounts thereof and the effect of such increases on the volume of international message traffic and the revenues resulting therefrom both to Western Union and the respondent international record carriers.

(e) On the basis of findings and conclusions reached on the above issues, what changes, if any, in the current divisions of charges and/or charges to the public, should be prescribed by the Commission which will be just, reasonable and in the public interest?

3. We now have before us numerous pleadings filed by the carriers and the Trial Staff of the Common Carrier Bureau, seeking various forms of relief. In total, some twenty-eight separate pleadings have been filed.[3] Three of these requested extensions of time within which to file pleadings.[4] Of the remainder, six requested specific changes in issues or procedures with regard to the hearing, and the remaining nineteen were responses to the issues raised in these six. Because of this large number of pleadings, we will individually dispose of the initial substantive pleadings of each party and the procedural issues raised in subsequent filings. However, while we will consider and act upon the principal points raised in the many responsive pleadings, we will not attempt to deal with each issue that has been raised.

4. The initial pleading filed in this portion of the proceeding was by WU,[5] which principally contended that the bifurcated hearing procedure would lead to undue delay in the resolution of the issues and unfairly subject WU to additional delays in receiving the increased payments it seeks. Since § 1.106(a) (1) of the Commission's rules[6] proscribes our entertaining a petition to reconsider hearing procedures, this portion of the petition must be dismissed as unauthorized.[7] The separated Trial Staff joins WU's request to modify procedures,[8] and likewise this pleading is dismissed in part as unauthorized.

5. By contrast, three of the international carriers, Western Union International, Inc. (WUI), ITT World Communications Inc. (ITT), and TRT Telecommunications Corp. (TRT)[9] endorse the two-stage hearing as ordered, insisting that the Act (Section 222(e)(3)) gives them the right to a full hearing on the question of payouts to WU, but contending that they should not be required to present their evidence unless and until it is first determined that WU is entitled to an incerase. Since the initial pleadings on this matter are unauthorized, these responsive filings are dismissed as moot. However, in light of our expressed desire to expedite a resolution of this case, we have carefully considered the effect of the hearing procedures and have modified them as provided herein.

6. RCA Global Communications, Inc. (RCA) and ITT request us to change issue (c) as set for hearing.[10] They argue that if WU's showing in support of its claims for additional landline haul charges is to be based upon analysis of WU's financial picture only with respect to landline haul, then the international carriers' financial condition should be examined only as it bears directly on public message services (PMS), rather

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[1] 43 F.C.C. 2d 1171.

[2] 43 F.C.C. 2d 661 (Oct. 30, 1973).

[3] The Appendix below lists the pleadings now before us.

[4] We granted the motions for extensions of time filed by WUI on January 8 and February 27, 1974 by Order, FCC 74M-39, released January 10, 1974 and Order released March 1, 1974, respectively. The motion filed before the Review Board on December 22, 1973 is granted herein.

[5] Motion to Amend or Delete Issues dated November 30, 1973.

[6] "Petitions requesting reconsideration of a final Commission action will be acted on by the Commission. Petitions requesting reconsideration of a final decision of the Review Board will be acted on by the Board or certified to the Commission (see § 0.361 (b) and (c) of this chapter). Petitions requesting reconsideration of other final actions taken pursuant to delegated authority will be acted on by the designated authority or referred by such authority to the Commission. A petition for reconsideration of an order designating a case for hearing will be entertained if, and insofar as, the petition relates to an adverse ruling with respect to petitioner's participation in the proceeding. Petitions for reconsideration of other interlocutory actions will not be entertained."

[7] Initially, WU also objected to the requirement that it provide projections of revenue requirements for a full year. In its Reply dated December 26, 1973, the company abandons this argument, and we thus consider moot the portions of the following pleadings which debate our forecast requirement: the oppositions to motions to Amend or Delete Issues dated December 13, 1973 filed by WUI, ITT and RCA.

[8] Motion of Trial Staff to Amend Procedures and to Oppose Deletion of Issues dated December 10, 1973.

[9] Oppositions dated December 13, 1973.

[10] Motion for Change of Issues, filed by RCA, dated December 13; Motion to Change Issues, filed by ITT, dated December 5, 1973.

than overall. WU observes,[11] however, that it will submit overall financial data and requests that the inquiry include consideration of the IRC's overall financial situation.

7. Upon careful consideration, we have concluded that the impact of any increased payouts to WU should be examined for present purposes in the context of the IRC's overall financial picture. To look only to public message services would involve, in all likelihood, extensive delays for the preparation, presentation, and testing of a system of cost allocation. We recognize that the IRC's may wish to argue that their PMS rate of return is well below that of their overall return and that further costs would reduce that return even further. However, we believe it inappropriate to delay granting any necessary increases to WU while such a complex question is litigated. If the IRC's wish to pursue that argument, they may do so in a separate proceeding upon due application for increased PMS rates, should we determine that their overall operating results are such to justify their absorption of any increases granted to WU.

8. We have been requested to add twelve issues to those set for hearing by petition of WUI.[12] Each of these issues was before the Commission prior to release of the November Order and was carefully considered at that time. We are aware that WUI was placed under severe time constraints in developing the list of issues and was unable to submit supporting arguments. However, as stated above, § 1.106 of the rules limits those matters upon which petitions for reconsideration may be entertained, and this petition must be viewed as asking for reconsideration of our previous rejection of these as hearing issues. This pleading is therefore dismissed as unauthorized, as requested by the Trial Staff.[13] Further, we reiterate our desire to narrow the issues of this inquiry to the extent possible in the hope that the hearing can be brief and a decision expedited. Therefore, if we were to consider the WUI pleading on its merits, we would again deny the relief requested.

9. A final issue change, requested by TRT,[14] is the addition of free direct access to non-gateway customers by the IRC's. This question was also among those considered prior to the November Order, and therefore § 1.106 renders the pleading unauthorized. We note as well that this issue was before us earlier in 1973. At that time we suggested that the international carriers could apply for authorization to gain direct access to the hinterland.[15] No such applications have been filed, and this pleading cannot be considered a substitute.

10. In addition to the issue changes requested by the parties in this case, and treated above, a number of the pleadings[16] addressed themselves to the procedural question of whether the Commission or the Review Board was the proper forum to hear this round of pleadings. Both WUI and TRT contend that this proceeding is mixed adjudication and rulemaking rather than pure rulemaking and that § 0.365(b) of the rules[17] requires interlocutory matters in such mixed proceedngs to to be heard by the Review Board. The Trial Staff and WU, on the other hand, allege that this case is entirely rulemaking and that the pleadings are properly addressed to the Commission. The Review Board agreed with WU and the Trial Staff and, by Memorandum Opinion and Order released February 4, 1974,[18] certified all pleadings filed before it to the Commission.[19] We concur with the Review Board's decision and adopt the reasoning expressed in its Order that the Commission is the proper forum to hear interlocutory matters in this proceeding.

11. In addition to those discussed above, we are dismissing two pleadings as unauthorized under § 1.45(a)–(c) of the rules.[20] WUI's Petition to Strike dated December 13, 1973 is only authorized if considered an opposition to other pleadings. However, since the company filed such an opposition the same day, the Petition to Strike is redundant, and the pleading unauthorized. As discussed above, we are granting the relief requested on our own motion. Second, the Reply of WUI dated January 18, 1974 responds to two reply pleadings[21] and is thereby unauthorized. Since the matters raised therein are being acted upon in reference to other pleadings, we believe WUI will not be prejudiced by our failure to consider this pleading.[22]

12. As discussed above, we are dismissing the petitions asking us to reconsider the hearing issues which were before us prior to issuing our November Order. As a result, we need not discuss each issue or the objections raised in the responsive pleadings thereto.[23] We also need not reach the other procedural objections to several initial pleadings that appear in the responsive pleadings.

13. Finally, we have been concerned that the hearing procedure adopted in this case expedite a resolution of the division of tolls question. In ordering the hearing to go forward in two stages, we

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[11] Western Union's Opposition to ITT Worldcom's Motion to Change Issues dated December 14, 1973.

[12] Motion to Amend Issues dated December 14, 1973.

[13] Trial Staff Opposition to WUI Motion to Amend Issues and TRT Petition to Enlarge Issues dated February 14, 1974.

[14] Petition of TRT Telecommunications Corp. to Enlarge Issues dated December 13, 1973.

[15] 40 F.C.C. 2d 1082.

[16] Oppositions of WUI and TRT dated December 13, 1973; Opposition of the Trial Staff dated December 28, 1973; Reply of Western Union dated December 26, 1973; Statement of Trial Staff dated December 27, 1973; Opposition of TRT dated January 8, 1974 and Opposition of WUI dated January 11, 1974. We note that the Motion of Trial Staff to Dismiss dated December 26, 1973 was denied by the Review Board, FCC 74R–31 (1974).

[17] "Original action on interlocutory matters. In adjudicative proceedings conducted by Administrative Law Judges (including mixed adjudicative and rulemaking proceedings), the Review Board shall take original action on the following interlocutory matters and upon any question with respect to such matters which is certified to it by the presiding officer (see § 1.291 of this chapter):

"(1) Petitions to amend, modify, enlarge, or delete issues upon which the hearing was ordered."

[18] FCC 74R–31 (1974).

[19] An exception is the Trial Staff's Motion to Dismiss, supra, note 16, which was denied. We note also that TRT's January 8 Opposition and Reply requested the Review Board, if it did not assert jurisdiction, to certify the pleadings to the Commission rather than dismissing them. This the Board granted sub silentio.

[20] "Except as otherwise provided in this chapter, pleadings in Commission proceedings shall be filed in accordance with the provisions of this section.

(a) Oppositions. Oppositions to any motion, petition, or request may be filed within 10 days after the original pleading is filed.

(b) Replies. The person who filed the original pleading may reply to oppositions within 5 days after the time for filing oppositions has expired. The reply shall be limited to matters raised in the oppositions, and the response to all such matters shall be set forth in a single pleading; separate replies to individual oppositions shall not be filed.

(c) Additional pleadings. Additional pleadings may be filed only if specifically requested or authorized by the Commission."

[21] Reply of Western Union dated December 26, and Statement of Trial Staff dated December 27, 1973, the latter of which in substance is a reply to two oppositions.

[22] WUI in its Reply dated February 28, 1974 contends that the Trial Staff's Opposition dated February 14, 1974 is untimely as it opposes pleadings filed in December before the Review Board and certified to the Commission on February 4. Since the principal argument which the Trial Staff raises, application of Section 1.106 of the Rules to certain pleadings, could only have been raised before the Commission, this pleading is timely and is granted with regard to this issue and dismissed with regard to other issues which could have been raised before the Review Board.

[23] Oppositions by TRT dated December 13, by Trial Staff dated December 28, and by WU dated December 27, 1973; and the Replies of WU dated December 26, 1973, of WUI dated January 18, and of TRT dated January 8, 1974.

had hoped to avoid any unnecessary delay which would occur if the question of the absorption or pass through by the IRC's of all or part of any increased landline charges were litigated before a determination had been made that the landline charges were to be increased. We continue to believe this a prudent course, even though we recognize the possibility that a two-stage hearing may, ultimately, lead to greater delay than a unified procedure. However, we are persuaded that the presiding Administrative Law Judge should be given wider scope that has been previously granted him to make the determination whether to proceed in one stage or two. Accordingly, we will modify our previous Order to withdraw the prior inflexible two-stage requirement and in lieu thereof specify that the Judge should exercise his discretion, at an appropriate point in the proceeding, either to consider only the WU claim first, or to simultaneously take evidence upon the effect on the IRC's. We do not think it appropriate now to specify at what point in the proceeding such a determination should be made.

We do retain, however, the requirement that no increased landline haul charges can be collected from the international carriers until the impact of such a requirement has been fully assessed.

14. Accordingly, *it is ordered*, That the procedure for conduct of the hearing in this matter, as specified in 44 F.C.C. 2d 1171 (1973), are modified to the extent provided herein.

15. *It is further ordered*, That the pleadings numbered 1, 3, 5, 6, 9, 10, 12, 14, 18 and 25 in the Appendix below are dismissed;

16. *It is further ordered*, That the pleadings numbered 4, 8, 23 and 24 are denied to the extent provided herein and otherwise are dismissed;

17. *It is further ordered*, That the pleadings numbered 2, 7, 20 and 28 are denied;

18. *It is further ordered*, That the pleadings numbered 11, 16 and 17 are granted;

19. *It is further ordered*, That the pleadings numbered 15, 19 and 26 are granted to the extent provided herein and otherwise are denied; and

20. *It is further ordered*, That pleading numbered 22 is dismissed except insofar as granted by the Review Board.

Adopted: April 16, 1974.

Released: May 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX—Pleadings filed

	Date	Party	Title
1	Nov. 30	WU	Motion to Amend or Delete Issues.
2	Dec. 5	ITT	Motion to Change Issues.
3	Dec. 10	TS	Motion of Trial Staff to Amend Procedures and to Oppose Deletion of Issues.
4	Dec. 13	WUI	Opposition to Motion to Amend or Delete Issues.
5	...do.....	WUI	Petition to Strike.
6	...do.....	ITT	Opposition to Motion to Amend or Delete Issues.
7	...do.....	RCA	Motion for Change of Issues.
8	...do.....	TRT	Opposition of TRT Telecommunications Corporation to the Western Union Telegraph Company's Motion to Amend or Delete Issues.
9	...do.....	TRT	Petition of TRT Telecommunication Corporation to Enlarge Issues.
10	...do.....	RCA	Opposition to Motion to Amend or Delete Issues.
11	Dec. 14	WU	Western Union's Opposition to ITT Worldcom's Motion to Change Issues.
12	...do.....	WUI	Motion to Amend Issues.
13	Dec. 26	TS	Motion of Trial Staff to Dismiss TRT Telecommunications Corporation Petition to Enlarge Issues and Western Union International, Inc. Motion to Amend Issues.
14	...do.....	TRT	TRT Telecommunications Corporation Opposition to Motion of Trial Staff to Amend Procedures.
15	...do.....	WU	Reply of Western Union.
16	Dec. 27	TS	Statement of Trial Staff Concerning TRT Telecommunications Corporation Opposition and Western Union International, Inc. Petition to Strike.
17	...do.....	TS	Motion of Trial Staff for Extension of Time.
18	...do.....	WU	Western Union's Opposition to the Motion of TRT and WUI to Amend Issues.
19	Dec. 28	TS	Trial Staff Opposition to WUI Motion to Amend Issues.
20	Dec. 31	ITT	Reply of ITT World Communications Inc. to Opposition of Western Union Telegraph Company.
21	Jan. 8	WUI	Motion for An Extension of Time.
22	...do.....	TRT	TRT Telecommunications Corporation Opposition to Trial Staff Motion to Strike; Reply to Trial Staff and Western Union Telegraph Company's Oppositions.
23	Jan. 11	WUI	Opposition to Motion of Trial Staff to Dismiss Motion to Amend Issues.
24	Jan. 18	WUI	Reply of Western Union International, Inc.
25	...do.....	WUI	Reply of Western Union International, Inc. to Oppositions to Its Motion to Amend Issues.
26	Feb. 14	TS	Trial Staff Opposition to WUI Motion to Amend Issues and TRT Petition to Enlarge Issues.
27	Feb. 27	WUI	Motion for An Extension of Time.
28	Feb. 28	WUI	Reply to Trial Staff Opposition to WUI Motion to Amend Issues.

[FR Doc.74-11086 Filed 5-13-74;8:45 am]

[Dockets Nos. 19993; 19994]

GEORGE M. ARROYO AND JOSE A. FIGUEROA, ET AL.

Applications for Construction Permits; Hearing

In re applications of George M. Arroyo and Jose A. Figueroa, d/b as ARROYO AND FIGUEROA ASSOCIATES, Charlotte Amalie, Saint Thomas, Virgin Islands, File No. BPH-8499, Requests: 97.9 megahertz, channel No. 250; 5.78 kW (H&V); 1355 feet, and MILTON ALFRED LINDESAY, Charlotte Amalie, Saint Thomas, Virgin Islands, File No. BPH-8615, Requests 97.9 megahertz; channel No. 250; 10.155 kW(H&V); 1,453 feet, For Construction Permits:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. As amended, Arroyo and Figueroa Associates will require $46,186 to construct and operate the proposed facility for a period of one year, without revenue.[1] To meet this requirement, Jose Figueroa plans to loan the partnership $60,000, as needed. However, the loan from Mr. Figueroa does not meet the requirements of section III, page 3, paragraph 4(a) of the application form in that the loan agreement fails to state the rate of interest to be charged. In view of the foregoing, a financial issue has been designated.

4. Milton Alfred Lindesay will require $34,848 to construct and operate the proposed facility for a period of one year, without revenue.[2] To meet this requirement, Lindesay has established the availability of approximately $3,000 in cash, and has stated his intent to apply for a loan. Since no loan agreement has actually been submitted, however, the Commission cannot determine that adequate funds will be available as required. Therefore, a financial issue has been designated against this applicant as well.

5. Milton A. Lindesay has failed to indicate precisely how many members of the general public he interviewed and he has failed to state what method he used to assure that a random sample of the general public would be contacted (see question and answer 13(b) of the Primer, Supra). Accordingly, a suburban issue will be specified.[3]

[1] In itemized form, the applicant will require the following:

Equipment	$14,300
Building	2,500
Miscellaneous	3,586
Working capital requirement	16,800
Legal expenses	9,000
Total	46,186

[2] In itemized form, Mr. Lindesay's costs are as follows:

Down payment on equipment	$6,679
1st-year payments on equipment with interest	8,079
Miscellaneous	1,000
Building	1,000
Working capital requirement	18,090
Total	34,848

[3] *Suburban Broadcasters*, 20 RR 951 (1961).
(1961).

6. The height and location of Milton Alfred Lindesay's tower has not yet been cleared by the Federal Aviation Administration. Accordingly, an air hazard issue has been included and the Federal Aviation Administration has been made a party to this hearing.

7. Milton A. Lindesay has failed to comply with section 1.580(c) of the Commission's rules in that he has apparently printed local notice of the filing of his application only once. An appropriate issue has been designated.

8. Several informal objections to the grant of a license to Arroyo and Figueroa Associates have been received.[1] Each letter objects to the fact that neither Arroyo nor Figueroa is a resident of Saint Thomas or ever intends to reside there. The letters, however, state no facts upon which to frame an issue. In addition, letters have been received from Milton Alfred Lindesay concerning the Arroyo-Figueroa application. The letters, although rather disjointed and non-specific, appear to state that efforts were made by one Rafi Encarnacion, who represented himself as agent for Mr. Arroyo and Mr. Figueroa, to secure a drop-out agreement for a certain consideration. Mr. Lindesay appears to feel that the agent's method of contact was improper. However, the letters lack specificity and fail to state sufficient facts and allegations to warrant an issue. Accordingly, all informal objections will be denied.

9. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. In view of the foregoing, however, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing in the issues set forth below.

10. Accordingly, *it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by Milton Alfred Lindesay to ascertain the community needs and interests of the area to be served and the means which the applicant proposes to meet these needs and interests.

2. To determine, with respect to the application of Arroyo and Figueroa Associates.

a. The rate of interest to be charged on the prospective $60,000 loan;

b. Whether, in the light of the evidence adduced pursuant to the foregoing issue, the applicant is financially qualified to construct and operate its proposed station.

3. To determine with respect to the application of Milton Alfred Lindesay:

a. The availability of additional funds.

b. Whether, in light of the evidence adduced pursuant to the foregoing issue, the applicant is financially qualified to construct and operate his proposed station.

4. To determine whether the application of Milton Alfred Lindesay is in compliance with section 1.580 of the Commission's rules and regulations, and, if not, the effect thereof upon the applicant's basic or comparative qualifications to be a Commission licensee.

5. To determine whether there is a reasonable possibility that the tower height and location proposed by Milton Alfred Lindesay would constitute a menace to air navigation.

6. To determine which of the proposals would, on a comparative basis, better serve the public interest.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

11. *It is further ordered*, That the Federal Aviation Administration is made a party to the proceeding.

12. *It is further ordered*, That, the informal objections of Eric E. Dawson et al., are denied, and the informal objections of Milton Alfred Lindesay are denied.

13. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants respondent herein, pursuant to section 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

14. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 17, 1974.

Released: April 22, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-11085 Filed 5-13-74;8:45 am]

[1] Letters were received from Eric E. Dawson, Elmo D. Roebuck, Pedro Rodriguez, Suarez, Jr., Raymond J. Smith, Mrs. Lorraine Cox, Mrs. Nellie Greer, Ron Overrards, Fred Davis, Richard Thomas, Mrs. Sonia M. Greaux, Mrs. J. A. Ventura and Thomas Gonzales.

FEDERAL ENERGY OFFICE

CONSUMER ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Consumer Advisory Committee will hold a meeting on Tuesday, May 21, 1974 at 8:00 a.m., in Room 3000, Federal Energy Office, 12th and Pennsylvania Avenues, NW., Washington, D.C. The committee was established to advise the Administrator, FEO, on consumer aspects of interests and problems related to the policy and implementation of programs to meet the current energy crisis. The agenda for the meeting is as follows:

1. Crude oil price equalization—Evaluation and other options for consumers
2. Federal evaluation of new automobile gasoline mileages
3. Consumer Energy Act—Natural gas deregulation and FOGCO
4. FEO Conservation and Consumer Education programs
5. FEO's Office of Consumer Affairs—Progress report
6. Subcommittee organizational matters.

The meeting is open to the public; however, space and facilities are limited. Further information concerning the meetings may be obtained from Lee Richardson, Federal Energy Office, Washington, D.C. Telephone: 202-961-8576, 77.

The Chairman of the committee is empowered to conduct the meetings in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Minutes of the meetings will be made available for public inspection at the Federal Energy Office, 12th & Pennsylvania Aves., NW., Washington, D.C.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74-11041 Filed 5-9-74;11:48 am]

WHOLESALE PETROLEUM ADVISORY GROUP

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act. Pub. L 92-463, 86 Stat. 770) notice is hereby given that the Wholesale Petroleum Advisory Group will meet on Wednesday, May 15, 1974 at 9:30 a.m., in Room #2105 in the Cost of Living Council Auditorium, 2000 "M" Street NW., Washington, D.C. The participants at the meeting will be the members of the Wholesale Petroleum Advisory Group.

The Group was established to advise the Administrator, FEO, with direct and timely access to the technical knowledge possessed by a wide range of highly qualified independent businessmen engaged in the wholesale trade of selling heating oil, residual fuel and gasoline. The agenda for the meeting is as follows:

OLD BUSINESS

1. Price Markups.
   A. Cosignees/Commission Agents.
   B. Margin Increases.
2. No-Lead Gasoline Problems.
3. Normal Business Practices.
   A. Summer Fill.
   B. Credit Arrangements.
4. Two-Tier Pricing System.
   A. Prime Supplier.
5. Allocation Problems.
   A. Product Redistribution from Closed Outlets.

NEW BUSINESS

1. Selection Date for Next Meeting.
2. Remarks from the Floor (10 minute rule).

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Further information concerning this meeting may be obtained from Dino G. Pappas, Office of Policy, Planning and Regulation, Federal Energy Office, Washington, D.C. 20461. Area Code 202/961-8324. Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

Issued in Washington, D.C., on May , 1974.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74-11229 Filed 5-13-74;10:08 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to 46 CFR Part 542 and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessels*
01233---	Buries Markes, Ltd.: *La Cordillera.*
01271---	Scheepvaart Maatschappij "Trans Oceaan" B.V.: *Grebbedyk, Gorredyk.*
01330---	Shell Tankers (U.K.), Ltd.: *Marinula, Kayeson.*
01354---	H. E. Hansen-Tangen: *Ranella.*
01707---	O. Ditlev-Simonsen Jr.: *Vigan.*
01719---	Unterweser Reederei G.m.b.h.: *Eckenheim.*
01843---	A. F. Harmstorf & Co.: *Samossand, Reefer Merchant, Reefer Trader.*
01878---	"Messana" Societa di Navigazione, SPA: *Francesco Crispi.*
01932---	Claudine Transport Corp.: *Claudine.*
02016---	A. L. Mechling Barge Lines, Inc.: *MBL-21T, MBL-20T, JIHCO-16, MBL-19T, JIHCO-14, Bob Fuqua, Lynn B, Craig M, Roy Mechling, Daniel Webster, Sarah Elizabeth.*
02129---	Ore Carriers, Ltd.: *Oregis.*
02167---	Sartori & Berger: *Cap Sunion.*
02194---	Compagnie Generale Transatlantique: *Astrolabe.*
02234---	Gulf Mississippi Marine Corp.: *Gulf Fleet 260.*
02341---	Koninklijke Nederlandsche Stoomboot-Maatscgappi N.V.: *Parthenon.*
02363---	Rederiet Otto Danielsen: *Erik Helleskov, Vibeke Theilgaard.*
02889---	Showa Kaiun K.K.: *Seisho Maru.*
03256---	Upper Mississippi Towing Corp.: *Leslie Ann.*
03329---	Hudson Waterways Corp.: *Seatrain Carolina, Transglobe.*
03415---	Chiyoda Kisen K.K.: *Astoria Maru.*
03561---	Skibsaksjeselskapet "Solvang": *Kongsvang.*
03923---	Shinwa Kaiun Kaisha, Ltd.: *Juzan Maru.*
03999---	Hamilton Transport Co., Inc.: *Star Helene.*
04007---	Egon Oldendorff: *Hinrich Oldendorff.*
04014---	Del Monte Corp.: *Arctic Maid.*
04019---	Nord-Transport Strandeheim & Stensaker: *Hansa.*
04042---	Companhia de Navegaco Maritima Netumar: *Amalia, Joana.*
04048---	A/S Mosvold Shipping Co.: *Sterling.*
04055---	Missouri Barge Line Co., Inc.: *Arthur E. Snider, Nicholas Duncan.*
04173---	Foss Launch & Tug Co.: *Foss 117.*
04181---	Whitney-Fidalgo Seafoods, Inc.: *Moku.*
04235---	Bollinger & Boyd Barge Service, Inc.: *CAGC No. 1.*
04246---	Florida Panama Lines, Inc.: *Loreto, Tauros, Carlos Miguel.*
04289---	Dixie Carriers, Inc.: *B19, B24, B25, B26, B28.*
04389---	Roen Steamship Co.: *John Purves.*
04410---	Tenneco Oil Co.: *GT-115, GT-121.*
04594---	The Valley Line Co.: *MV 287.*
04880---	Oljekonsumenternas Forbund: *Oklahoma.*
04941---	Olau-Line, Ltd.: *Olau Mark, Olau Leif.*
05020---	Bamar Marine Co., Ltd.: *Abocol.*
05278---	Twin City Barge & Towing Co.: *Ellis 2007.*
05383---	Lineas Pinillos: *Lago Ercina.*
05425---	Georgia Transporters, Inc.: *GT-118, GT-116.*
05512---	Union Barge Line Corp.: *Redbird, Northern, Peace, Eastern, Goldfinch, Western, Mariner, Navigator, 325, 342, 344, 345, 349, 352, 354, 355, 357, 358, 359, 360, 362, 363, 364, 365, 601, 602, 603, 604, 605, 901, 902, 903, 904, 905, PPG-226, PPG-227, IC-15, M-3, 915, 916, 917, 918, 919, 920, 921, 922, 912, 913, 914, 906, 907, 908, 909, 910, 911, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 4903, 4904, 4905, 4906, 4602, 4907, 4901, 4902, 4601, 923, 924, 925, 926, 927, Union Barge Line Corp., Landing Boat.*
05815---	Compania Argentina de Navigacion de Ultramar S.A.: *Puerto Buitrago.*
05762---	Consolidated Edison Co. of N.Y., Inc.: *H. G. Stoot.*
06042---	Luzon Stevedoring Corp.: *Wolverine, Parkin, L-1906, LSCO Trident, Virginia City, LSCO Anzac.*
06086---	B & B Towing Co., Inc.: *MSL 51, MGL 52.*
06385---	Regency Transportation Co., Inc.: *Cedros Regent.*
06938---	Protrans Co., Inc.: *ETT 105.*
07157---	Missouri Dry Dock & Repair Co.: *MDDRC 4.*
08777---	Jebsens (U.K.), Ltd.: *Mornes.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-11098 Filed 5-13-74;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to 46 CFR Part 542.

Certificate No.	*Owner/operator and vessels*
01026---	Terkildsen & Olsen A/S: *Okiti.*
01011---	Aktieselskabet Det Ostasiatiske Kompagni: *Cedrela.*
01150---	Chevron Transport Corp.: *Chevron Nagasaki.*
02032---	D. B. Deniz Nakliyati T.A.S.: *Batman.*
02041---	"Dalmor" Przedsiebiorstwo Polowow Dale-Komorskich Uslug Rybackich: *Denebola.*
02295---	The Great Eastern Shipping Co., Ltd.: *Jag Shanti.*
02344---	Empresa Lineas Maritimas Argentinas, S.A.: *Rio Limary.*
02416---	Boland and Cornelius, Inc.: *Sharon.*
02462---	Hellenic Lines, Ltd.: *Italia, Turkia, Hollandia, Athinai, Hellas, Livorno, Iraklion, Hellenic Leader, Hellenic Pioneer, Hellenic Destiny, Hellenic Laurel, Hellenic Splendor, Hellenic Hero, Hellenic Spirit, Hellenic Glory, Hellenic Torch.*
02507---	Union Navale: *Eldonia-Delmas.*
02877---	Nippon Yusen Kabushiki Kaisha: *Hikawa Maru, Golden Wistaria.*
03087---	Atlantic Far East Lines, Inc.: *Oceanic Constitution, Oceanic Independence.*
03256---	Upper Mississippi Towing Corp.: *Steve T, AC 1, CAGC No. 1, CAGC No. 2.*
03305---	Grand Bassa Tankers, Inc.: *Land of Liberty.*
03439---	Itaya Shosen K.K.: *Daihonshu Maru.*
03484---	Sanko Kisen K.K.: *Manhattan King.*
04126---	Jugoslavenska Linijska Plovidba, Rijeka: *Losinj, Opatija, Volosko, Senj.*
04228---	Compagnie Maritime Belge (Lloyd Royal) S.A.: *Monthouet.*
05008---	Star Kist Foods, Inc.: *Day Island, Western King.*
05199---	Prekookeanska Plovidba: *Danilovgrad.*
05577---	Far Eastern Shipping Co.: *Kapitan Bakanov.*
05581---	Latvian Shipping Co.: *Mikhail Lomonosov.*
05822---	"Marcosa" Maritima Continental y de Comercion S.A.: *Marcoazul.*
06903---	Sun Shipbuilding & Dry Dock Co.: *Yard Hull 666.*
07791---	Sammi Shipping Co., Ltd.; *Frontier.*
07950---	Norman Offshore Services, Inc.: *NOS 4, NOS 7.*
08344---	Hammerton Shipping Co. S.A.: *Eastern River, Eastern Bridge, Cape Canaveral.*
08350---	Globtik Tankers, Ltd.: *Tundra Breeze.*
08351---	Globtik Tankers Bahamas, Ltd.: *Globtik Sun.*
08567---	A. Martinez & Cia.: *Rio Yuna.*
08611---	Evangelo Maritime Co., Ltd.: *Manolis M.*
08613---	Zodiac Marine Inc. Panama R.P.: *Regal Sky.*
08624---	Edgewater Shipping, Inc.: *Marine Hope.*
08629---	Black Gold, Ltd.: *Black Gold.*
08708---	Compania Maritima de Miramar S.A.: *Stolt Pasadena.*

Certificate No.	Owner/operator and vessels
08777	Jebsen (U.K.), Ltd.: *Leknes, Fonnes, Mornes, Furunes.*
08833	General Metals of Tacoma, Inc.: *French.*
08890	Shoyu Sangyo Kabushiki Kaisha: *Fujikaze Maru.*
08895	Koberg Corp., Ltd.: *Sukumbi.*
08911	Compania de Navegacion Amita, S.A.: *Amita.*
08932	Rederij van der Schoot: *Vlieree, Vliehors, Caranan, Pollendam.*
08936	Zea Shipping Co., SA: *Agia Fotini.*
08938	Gibraltar Shipping, Inc.: *Gibraltar Pansy.*
08939	Trustinus Shipping, Ltd.: *Valiant King.*
08940	Major Ned, Inc.: *Major Ned.*
08942	N. V. Motorscheepvaartmaatschappij "Candide": *Candide.*
08946	C. Avramides Maritime Enterprises SA/Panama: *Maritoula, Gertrude Wiener.*
08947	J. & M. Shipping Co., Inc.: *Maurine K.*
08951	Koram Fisheries S.A.: *No. 1 Koram, No. 2 Koram, No. 3 Koram, No. 101 Koram, No. 102 Koram, No. 103 Koram.*
08952	Korean Tuna Ventures S.A.: *No. 1 Korbee, No. 2 Korbee, No. 3 Korbee, No. 5 Korbee, No. 6 Korbee, No. 7 Korbee.*
08954	Wilh. Chr. Bech Rederi & Skibsmaegler-Forretning: *Henriette Bravo, Leila Bech.*
08962	Potenza Shipping Co.: *Potenza.*
08963	Hawke Bay Shipping Co., Ltd.: *Efthimis.*
08964	Houlder Brothers & Co. Ltd.: *Chelwood, Sherwood.*
08965	Seereederei MS Schauenburg Kurt Sieh & Co.: *Schauenburg.*
08969	First United Shipping Corp.: *Western Lion.*
08972	Varnicos Tercero Corp. S.A.: *Kriti Wave.*
06974	Chariot Maritime Co., Ltd.: *Queen of Ampelos.*
08975	Alcoa Marine Corp.: *Alcoa Seaprobe.*
08977	K/S A/S Dag & Co.: *Dag Hild.*
08978	Cayman Island Vessels, Ltd.: *Gulfrex.*
08980	Azuma Shipping Co., Ltd.: *Toh Yo Maru.*
08983	Occidental Shipping Establishment, Vaduz: *Odenfeld.*
06984	Western Gulf Shipping Establishment, Vaduz: *Hagensee.*
08989	Tern N.V.: *Santo Antonio.*
08991	Tolani Private, Ltd.: *Prabhu Puni.*
08992	Thira Maritime Co., Ltd.: *St. Michael.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-11097 Filed 5-13-74;8:45 am]

HOUSEHOLD GOODS FORWARDERS ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 3, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Joseph F. Mullins, Jr., Esquire
Denning & Wohlstetter
1700 K Street NW.
Washington, D.C. 20006

Agreement No. 9510-3, among the members of the Household Goods Forwarders Association of America Rate Agreement, amends Paragraph (1) of the basic agreement to permit the publication of a tariff by the Household Goods Forwarders Association of America applying on through intermodal inland to inland points traffic in the trade covered by the agreement.

By Order of the Federal Maritime Commission.

Dated: May 9, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-11096 Filed 5-13-74;8:45 am]

[Independent Ocean Freight Forwarder License No. 577]

J. M. SCHIFFINO & CO., INC.

Order of Revocation

By letter of May 3, 1974, the Federal Maritime Commission received notification that J. M. Schiffino & Co., Inc., One Broadway, New York, New York 10004 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 577 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04(f) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 577 be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of J. M. Schiffino & Co., Inc. be and is hereby revoked effective May 3, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon J. M. Schiffino & Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.74-11095 Filed 5-13-74;8:45 am]

UNIVERSAL ALCO LTD., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 3, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

UNIVERSAL ALCO LTD., TROPICAL SHIPPING & CONSTRUCTION CO., LTD., AND NORWEGIAN CARIBBEAN LINES

Notice of agreement filed by:

Mr. Lebron Shields
Executive Vice President
Universal Alco Limited
750 N.E. 7th Avenue
Port Laudania
Dania, Florida 33004

Agreement No. 10021-2, among Universal Alco Limited, Tropical Shipping & Construction Company, Ltd., and Norwegian Caribbean Lines, modifies the approved basic discussion agreement in the trade between Florida ports and ports in the Bahama Islands by adding a new Item 4 pertaining to the coordination of sailings of the vessels of the parties in the agreement trade, and a new paragraph to provide that equipment demurrage charges and practices agreed to by the parties will be filed with the Commission.

By Order of the Federal Maritime Commission.

Dated: May 8, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-11094 Filed 5-13-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI74-221; RI74-134; RI73-91]

RATE CHANGES; CERTAIN COMPANIES

Hearing, Suspension of Proposed Changes, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MAY 3, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Chapter I), and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI74-221	Amoco Production Co.	587	[1] 6	Panhandle Eastern Pipe Line Co., (Wattenberg and other fields, Adams, Arapahoe, Douglas, Elbert, and Weld Counties, Colo., and Laramie County, Wyo., Colorado-Julesburg Basin Subarea) (Rocky Mountain Area).		4-8-74	5-9-74	[2] Accepted			
	do		7	do	$7,996,791	4-8-74		10-9-74	[3] 26.1549	[3] 45.6593	
RI74-134	Southern Union Production Co.	[4] 1	33	El Paso Natural Gas Co. (Mesa Verde and Dakota Formations, San Juan and Rio Arriba Counties, N. Mex., San Juan Basin Subarea) (Rocky Mountain Area).	[5] 11,987	4-5-74		7-2-74	[5] 29.16	[5] 29.48	RI74-134.
RI74-134	do			do	[6] 518	4-5-74		7-2-74	[6] 33.9	[6] 34.28	RI74-134.
RI74-134	do	5	20	do	1,221	4-5-74		7-2-74	[5] 29.11	[5] 29.85	RI74-134.
RI74-134	do			do	([6] [7])	4-5-74		7-2-74	[6] 33.14	[6] 33.5	RI74-134.
RI74-134	do	10	11	do	[5] 22,253	4-5-74		7-2-74	[5] 29.63	[5] 30.40	RI74-134.
RI74-134	do			do	[6] 296	4-5-74		7-2-74	[6] 33.57	[6] 33.94	RI74-134.
RI74-134	do	15	15	do	[5] 5,264	4-5-74		7-2-74	[6] 30.85	[6] 31.65	RI74-134.
RI74-134	do			do	[8] 277	4-5-74		7-2-74	[6] 29.99	[5] 30.32	RI74-134.
RI74-134	do			do	[6] 197	4-5-74		7-2-74	[6] 34.88	[6] 35.26	RI74-134.
RI73-91	Phillips Petroleum Co.	279	22	El Paso Natural Gas Co., (Hogsback Area, Sublette and Lincoln Counties, Wyo., Uinta-Green River Basin Subarea) (Rocky Mountain Area).	54,082	4-8-74		4-9-74	25.9482	[9] 26.7208	RI73-91.

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Contract agreement dated Nov. 27, 1973.
[2] Accepted as of the date set forth in the "Effective date unless suspended" column.
[3] Includes upward Btu adjustment for 1,113 Btu from a base of 1,000 Btu/ft³.
[4] Considered new gas pursuant to opinion No. 639.
[5] For wells completed prior to June 1, 1970.
[6] For wells completed on or after June 1, 1970.
[7] No current deliveries.
[8] For acreage added by supplement No. 8 dated after Oct. 1, 1968, and wells completed prior to June 1, 1970.
[9] Includes a double amount of contractually due tax reimbursement.

The increase proposed by Amoco exceeds the ceiling established in Order No. 435 and is suspended for five months.

Phillips' proposed increase reflects the 2 percent increase in the Wyoming severance tax. Since Phillips' underlying rate is being collected subject to refund, the subject tax increase will be suspended for one day in that same proceeding. After Phillips has recovered tax reimbursement on past production, it shall file a rate decrease reflecting only contractually due tax reimbursement for future production.

The other proposed increases reflect the recent increase in the New Mexico severance tax which is to become effective on July 1, 1974. Southern Union's current base rates exceed the ceiling established in Order No. 435 and are being collected subject to refund. Accordingly, the tax increases are suspended for one day from July 1, 1974, in the existing proceedings.

[FR Doc.74-10905 Filed 5-13-74;8:45 am]

[Docket No. RI74-219]

GEOLOGICAL EXPLORATION CO.

Notice of Petition for Special Relief

MAY 7, 1974.

Take notice that on April 29, 1974, Geological Exploration Company, (Petitioner), P.O. Box 1644, Longview, Texas 75601, filed a petition for special relief in Docket No. RI74-219, pursuant to Order No. 482, Docket No. R-459, issued June 8, 1973, relating to flaring of natural gas. Petitioner seeks a rate of 65 cents per Mcf for the sale of casinghead gas to Texas Gas Transmission Corporation and Tennessee Gas Transmission Company from the South Hallsville Field, Panola County, Texas. Petitioner states that this gas is now being flared and wasted, and that it needs the proposed rate to justify the expenses to be incurred in such sale.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 31, 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 Com-

mission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11080 Filed 5-13-74;8:45 am]

[Docket No. RP74-86]

GULF ENERGY AND DEVELOPMENT CORP.

Proposed Change in Rate

MAY 7, 1974.

Take notice that on April 26, 1974, Gulf Energy and Development Corporation (Applicant) tendered for filing a Notice of Change in Rate for the Gathering of Gas for Tennessee Gas Pipeline Company (Tennessee) under Applicant's FPC Gas Rate Schedule No. 1 to 11.17 cents per Mcf to become effective June 11, 1974. The annual increase in revenues which will result amounts to approximately $422,310 based upon the total gas volume gathered during the test period calendar year 1973, as adjusted.

Applicant's gathering facilities are located in Zapata and Starr Counties, Texas. Applicant states that it is classified as a Class C natural gas company by the Commission; that it performs a gathering service for Tennessee under said rate schedule; that it operated for about twelve years under a fixed price contract and accordingly did not seek or obtain an increased rate for such service until it obtained an increase in 1973 in Docket No. RP73-79; that in view of further increased costs and further diminished volumes it must now seek the increase in rate presently proposed. A copy of Applicant's proposal is contained in Applicant's filing which is available for inspection at the offices of the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests 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 May 16, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11081 Filed 5-13-74;8:45 am]

[Docket No. E-7855]

NEW ENGLAND POWER CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

MAY 7, 1974.

On April 22, 1974, New England Power Company filed a motion for an extension of time for the filing of its rebuttal case and the date for the prehearing conference and hearing fixed by order issued April 10, 1974, in the above-designated matter.

On April 26, 1974, Staff Counsel filed an answer opposing the above motion but recommended a one week extension of the rebuttal date and the prehearing conference and hearing.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Rebuttal Testimony by New England Power Company, May 15, 1974.
Prehearing Conference and Hearing, May 21, 1974 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11082 Filed 5-13-74;8:45 am]

[Docket No. CI74-572]

SKELLY OIL CO.

Notice of Application

MAY 7, 1974.

Take notice that on April 18, 1974, Skelly Oil Company (Applicant), P.O. Box 1650, Tulsa, Oklahoma 74102, filed in Docket No. CI74-572 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from Winkler County, Texas, to Transwestern Pipeline Company (Transwestern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant has on file an application in Docket No. CI74-514 for permission and approval to abandon a sale of gas to Texaco, Inc. from its Cambell "A" Well No. 6, Winkler County, Texas. Applicant states in that application and in the instant application that as casinghead gas the production is dedicated to Texaco pursuant to a percentage of the proceeds casinghead gas contract. Applicant further states that the Texas Railroad Commission has reclassified the subject well from an oil well to a gas well in the South Kermit Field and that Texaco has advised Applicant that it is unable to take gas from the Cambell "A" Well No. 6 into its system because of a lack of capacity and inability to handle the higher pressure gas.

Applicant states that it intends to commence the sale of gas on an emergency basis to Transwestern, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for a period of one year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 2,000 Mcf of gas per day to Transwestern at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot.

Applicant indicates that in furtherance of such a sale of gas it is installing, at its own expense, approximately one and one-quarter miles of pipeline to connect the subject well to Transwestern's pipeline.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 31, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11083 Filed 5-13-74;8:45 am]

[Docket No. RI74-220]

DINERO OIL CO.

Petition for Special Relief

MAY 7, 1974.

Take notice that on April 24, 1974, Dinero Oil Co. (Petitioner), 600 Southwest Tower, Houston, Texas 77002, filed a petition for special relief in Docket No. RI74-220, pursuant to § 2.76 of the Commission's general policy and interpretations.

Petitioner seeks a price of 50 cents per Mcf for the sale of gas to Tennessee Gas Pipeline Company of America under its FPC Gas Rate Schedule No. 1 from the Chess Todd Lease, Narcisso Tract No. 4, Willacy County, Texas. The petition is based upon proposed reworking operations with respect to a previously aban-

doned well on the subject lease, and the installation of compression facilities. Petitioner estimates that the reserves are from 100 to 150 million cubic feet, averaging 300 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 31, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11079 Filed 5-13-74;8:45 am]

FEDERAL RESERVE SYSTEM

FLORIDA BANCORP, INC.

Acquisition of Bank

MAY 8, 1974.

Florida Bancorp, Inc., Pompano Beach, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Florida Coast Bank of Coral Springs, National Association, Coral Springs, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than June 4, 1974.

Board of Governors of the Federal Reserve System, May 8, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-11052 Filed 5-13-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temp. Reg. F-219]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Mississippi Public Service Commission in a rate proceeding involving electric service supplied by the Mississippi Power Company (Docket No. U-2783).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

DWIGHT A. INK,
Acting Administrator of General Services.

MAY 7, 1974.

[FR Doc.74-11063 Filed 5-13-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

BICENTENNIAL COMMITTEE OF THE NATIONAL COUNCIL ON THE ARTS

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Bicentennial Committee of the National Council on the Arts will be held at 9:00 a.m. on May 17 and 9:00 a.m. on May 18, 1974 in the 8th floor conference room, McPherson Building, 1425 K St., N.W., Washington, D.C.

A portion of this meeting will be open to the public on May 17 from 9:30 until 12:00 noon on a space available basis. Accommodations are limited. During the open session, the following areas will be discussed: 1) Miscellaneous reports on developments 2) Report by Robert Kingston, Humanities 3) Report by William Blue, Director, International Activities, ARBA 4) Report by Richard Clurman, Cultural Consultant, ARBA 5) Report by Jane Shay, Special Project Assistant, "Festival USA," ARBA.

The remaining session of this meeting, May 17 from 9:00 a.m. to 5:00 p.m. and May 18 from 9:00 a.m. to noon, 1974 are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanitaries Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of January 10, 1973, these sessions, involving matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4) and (6), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-11197 Filed 5-13-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

LIST OF REQUESTS

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 May 9, 1974 (44 USC 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 AGRICULTURE

Statistical Research Service, Sample Survey Concept Study Form, Singletime, Wann/Lowry, Business firms.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse and Mental Health Administration, Readership Survey for Administration in Mental Health, Form ADAMMH 0506, Singletime, Lowry, Administrators of Mental Health Service Programs.

Health Services Administration, Health Services for Communicative Disorders in Low Income Families, Form HSABCHS 0506, Singletime, Caywood, Speech and Hearing Providers and Recipients.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Survey of Current Mortgage Status, Form, Singletime, CVAD/Sunderhauf Mortgagees in 6 SMSAs.

REVISIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Cottonseed Prices, Form CN-235, Weekly, Lowry, Cotton Gins.

Statistical Reporting Service, Acreage and Production Survey, Form, Annually, Lowry, Farmers.

VETERANS ADMINISTRATION

Study of Treatment of Drug Dependent Patients, Form 10–1471b, Singletime, HRD/Reese, Patients and former patients.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Report of Production and Disposition (Cotton), Form MQ–98, Occasionally, Evinger (x), Cotton Producers.

Application for Transfer of Acreage Due to Disaster, Form ASCS–364, Occasionally, Evinger (x), Tobacco, Cotton Producers.

DEPARTMENT OF COMMERCE

Bureau of the Census, Cotton Ginned By Counties in Which Grown, Form CAg–3, Annually, Evinger (x), Cotton Gins.

Precanvass of Gins, Crop of, Form CAg–5, Annually, Evinger (x), Cotton Gins.

Bale Weight Report of Cotton Ginned, Form CAg–4A1 thru 3, etc., Occasionally, Evinger (x), Cotton Gins.

Cotton Ginned From this Crop Prior to Mailing, Date Crop of, Form CAg–1A through CAg–1L, Annually, Evinger (x), Cotton Gins.

Maritime Administration, Establishment * * * of the Statutory Capital and Special Funds and * * * Capital Employed in Business and Net Earnings, Form Schedules A, B, C, Occasionally, Evinger (x), Subsidized Operators.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Application for Grant Assistance—Water and Sewer Facilities, Form 41401.1, etc., Occasionally, CVAD (x).

Instructions for Compliance with Title VI of the Civil Rights Act of 1964, Form 41903, Occasionally, CVAD (x).

Application for Workable Program Certification or Recertification, Form 1081, Occasionally, CVAD (x).

Community Renewal Budget Urban Renewal Program, Form 6410, Occasionally, CVAD (x).

Community Renewal Program Progress Report, Form 6430, Occasionally, CVAD (x).

Reporting Requirements for Model Cities, Form 3180.5, Quarterly, CVAD (x).

Neighborhood Development Program Application for Federal Assistance—Part A, Form 6270.1, Occasionally, CVAD (x).

Application for Code Enforcement, Application for Code Enforcement Area Data (Under Section 117 of The Housing Act of 1949, as amended), Form 6170, 6170A, Occasionally, CVAD (x).

FEDERAL RESERVE BOARD

Commercial and Industrial Bank Report of Consumer Credit, Form FR 571, Monthly, Hulett.

Dealer Cost Ratios and Maturities on Automobile Installment Loans—Finance Companies, Form FR584b, Monthly, Hulett.

Finance Companies: Finance Rates on Consumer Installment Credit, Form FR 635, 635a, 635b, 636, 636a, 636b, 644, 644a, 644b, Bi-monthly, Hulett.

RAILROAD RETIREMENT BOARD

Physician's Statement, Form G–478, Occassionally, Evinger (x).

Medical Officer's Statement, Form G–479, Occasionally, Evinger (x).

Application for Reimbursement for Hospital Insurance Services Furnished in Canada, Form AA–104, Occasionally, Evinger (x).

Railroad Report on Extra Board Employees, (Employment Benefits), Form UI–38, Occasionally, Evinger (x).

Supplemental Application for Employment Service, Form ES–1a, Occasionally, Evinger (x).

Report by Survivor Insurance Annuitant Concerning Employment, Form G–377, Occasionally, Evinger (x).

Pay Rate Report and Employers Corrected Report of Pay Rate, Form UI–1d, Occasionally, Evinger (x).

Medical Report Forms Required—Disability Determinations, Form G–3, etc., Occasionally, Evinger (x).

Report of Payments To Employee Claiming Sickness Benefits Under Railroad Unemployment Insurance Act, Form SI–5, Occasionally, Evinger (x).

Statements Regarding Marital Relationship (Applicants for Benefits Under Railroad Retirement Act), Form G–124, 124A, Occasionally, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–11163 Filed 5–13–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

MAY 7, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 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 May 8, 1974 through May 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–11106 Filed 5–13–74;8:45 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

MAY 3, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 5, 1974 through May 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–11103 Filed 5–13–74;8:45 am]

[File No. 500–1]

ET&T LEASING, INC.

Notice of Suspension of Trading

APRIL 30, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of ET&T Leasing, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12:00 noon e.d.t., April 30, 1974 through May 9, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–11102 Filed 5–13–74;8:45 am]

[File No. 500–1]

HOME-STAKE PRODUCTION CO.

Notice of Suspension of Trading

MAY 3, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Home-Stake Production Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 5, 1974 through May 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–11099 Filed 5–13–74;8:45 am]

[70–5500]

PENNSYLVANIA ELECTRIC CO.

Proposed Issue and Sale of First Mortgage Bonds

MAY 3, 1974.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), 1001 Broad Street, Johnstown, Pennsylvania 15907, an electric utility subsidiary company of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application and an amendment thereto 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 proposed transaction. All inter-

ested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Penelec proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $50,000,000 principal amount of First Mortgage Bonds, _____ percent Series due 2004. The interest rate (which will be a multiple of ⅛ of 1 percent) and the price (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust of Penelec to Bankers Trust Company, Trustee, dated as of January 1, 1942, as heretofore amended and supplemented and as to be further amended and supplemented by a Supplemental Indenture to be dated as of June 1, 1974. The term of the issue preclude Penelec from redeeming any bonds prior to June 1, 1979, if such redemption is for the purpose of refunding such bonds with proceeds of funds borrowed at a lower effective interest cost.

The entire proceeds, excluding premium and accrued interest, realized from the sale of the new bonds ($50,000,000) together with the expected cash capital contributions aggregating $30,000,000 from GPU, internally generated cash of approximately $27,000,000 and the proceeds from the sale of additional First Mortgage Bonds, Debentures and Preferred Stock plus, on an interim basis, the proceeds of bank borrowings, will be applied to its construction program, for sinking fund purposes, and to refund at maturity Northern Pennsylvania Power Company First Mortgage Bonds due 1975. The estimated cost of Penelec's 1974 construction program is approximately $160,000,000.

The fees and expenses to be paid by Penelec in connection with the proposed issuance and sale of the Bonds are estimated to total $155,000, including legal fees of $38,000. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of bonds by Penelec and 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 May 29, 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 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 or as it may be further amended, may be granted 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.74-11104 Filed 5-13-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Notice of Suspension of Trading

MAY 7, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated 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 May 8, 1974 through May 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 74-11105 Filed 5-13-74;8:45 am]

[File No. 500-1]

SERVISCO

Notice of Suspension of Trading

MAY 6, 1974.

The common stock of Servisco being traded on the American and Pacific Stock Exchanges pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Servisco 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 section 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 12:30 p.m. (e.d.t.) on May 6, 1974 through May 15, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-11108 Filed 5-13-74;8:45 am]

[File No. 500-1]

TECHNICAL RESOURCES, INC.

Notice of Suspension of Trading

MAY 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Technical Resources, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 7, 1974 through May 16, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-11101 Filed 5-13-74;8:45 am]

[File No. 500-1]

UNITED AMERICA GROUP, INC.

Notice of Suspension of Trading

MAY 1, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United America Group, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:45 p.m. (e.d.t.) on May 1, 1974 through May 10, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-11100 Filed 5-13-74;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Notice of Suspension of Trading

MAY 7, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the pub-

lic 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 May 8, 1974 through May 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-11107 Filed 5-13-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0170]

ASSET MANAGEMENT CAPITAL CO.

Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (SBIC's) (13 CFR § 107.102 (1974)), under the name of Asset Management Capital Co., 1417 Edgewood Drive, Palo Alto, California 94301, for a license to operate in the State of California as an SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and principal stockholders are:

Franklin Pitcher Johnson, Jr., 1411 Edgewood Drive, Palo Alto, California 94301, President, Director, 33⅓ percent.

Catherine H. Johnson, 1411 Edgewood Drive, Palo Alto, California 94301, Secretary, Director, 33⅓ percent.

Brook H. Byers, 707 Continental Circle, Mountain View, California 94040, Vice President, Treasurer, Director.

Jeanne W. Doxsee, 439 Glenwood Avenue, Menlo Park, California 94025, Assistant Secretary.

The company will begin operations with an initial capitalization of $312,000. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns, with growth potential, located primarily within the State of California.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than May 19, 1974, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Palo Alto, California.

Dated: May 6, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-11056 Filed 5-13-74;8:45 am]

[Delegation of Authority No. 13-A; Amdt. 1]

DIRECTOR, OFFICE OF MANAGEMENT ASSISTANCE AND 406 PROGRAM MANAGER MASD

Delegation of Authority

Delegation of Authority No. 13-A (37 FR 24716) is hereby amended to delegate to certain positions the authority to extend or modify existing 406 contracts.

Paragraph IC is added to Delegation of Authority No. 13-A and reads as follows:

C. *Director, Office of Management Assistance and 406 Program Manager, MASD.* 1. To extend or modify existing 406 contracts providing financial assistance to public or private organizations to pay technical and management assistance to individuals or enterprises eligible for assistance section 402 of the Economic Opportunity Act of 1964, as amended, with special attention to small business concerns located in urban areas of high concentration of unemployed or low-income individuals or owned by low-income individuals. Such financial assistance may be provided for projects, including without limitation:

a. Planning and research, including feasibility studies and market research;

b. The identification and development of new business opportunities;

c. The furnishing of centralized services with regard to public services and government programs, including programs authorized under section 402 of the Economic Opportunity Act of 1964, as amended;

d. The establishment and strengthening of business service agencies, including trade associations and cooperatives;

e. The encouragement of the placement of subcontracts by major businesses with small business concerns located in urban areas of high concentration of employed or low-income individuals or owned by low-income individuals, including the provision of incentives and assistance to such major businesses so that they will aid in the training and upgrading of potential subcontractors or other small business concerns;

f. The furnishing of business counseling, management training, and legal and other related services, with special emphasis on the development of management training programs using the resources of the business community, including the development of management training opportunities in existing businesses, and with emphasis in all cases upon providing management training of sufficient scope and duration to develop entrepreneurial and managerial self-sufficiency on the part of the individuals served.

* * * * *

Effective Date: April 29, 1974.

LOUIS F. LAUN,
Acting Associate Administrator, Procurement and Management Assistance.

[FR Doc.74-11055 Filed 5-13-74;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEE ON CEMETERIES AND MEMORIALS

Notice of Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Advisory Committee on Cemeteries and Memorials, authorized by section 1001, title 38, United States Code, will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C., on May 22 and 23, 1974, at 9 a.m. The meeting will be held to conduct routine business.

The meeting will be open to the public up to the seating capacity of the conference room which is about 40 persons. Because of the limited seating capacity and the need for building security, it will be necessary for those wishing to attend to contact Ms. Charlotte Withers in the office of the Director, National Cemetery System, Veterans Administration Central Office (phone 202-389-5211) prior to May 22, 1974.

Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting.

Oral statements and/or reports from the public will be heard only between 3 p.m. and 5 p.m. on May 23, 1974, due to the number of items on the agenda for the meeting.

Dated: May 7, 1974.

By direction of the Administrator.

[SEAL] RICHARD L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-11115 Filed 5-13-74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary of Labor

[Secretary of Labor's Order 8-74]

ASSISTANT SECRETARY FOR EMPLOYMENT STANDARDS ET AL.

Delegation of Authority for Rehabilitation Act Programs

1. *Purpose.* To delegate authority and assign responsibility for carrying out functions vested in the Secretary of Labor pursuant to sections 501, 502, 503, and 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112) and Executive Order 11758—Delegating Authority of the President under the Rehabilitation Act of 1973.

2. *Delegation of authority and assignment of responsibility.* a. The Assistant Secretary for Employment Standards, except as hereinafter provided, is delegated authority and assigned responsibility for:

(1) Representing the Secretary on the Interagency Committee on Handicapped Employees pursuant to section 501(a) of the Act.

(2) Representing the Secretary on the Architectural and Transportation Barriers Compliance Board pursuant to section 502 of the Act.

(3) Carrying out those functions vested in the Secretary pursuant to section 503 of the Act and Executive Order 11758.

b. The Assistant Secretary for Administration and Management, except as hereinafter provided, is delegated authority and assigned responsibility for carrying out those functions vested in the Secretary pursuant to section 501(b) of the Act, issuing Departmental instructions and monitoring their implementation for meeting the Secretary's responsibilities under section 504 and coordinating all such activities with the Assistant Secretary for Employment Standards.

c. The Solicitor of Labor shall have responsibility for providing advice and assistance to all officers of the Department relating to the delegations of authority referred to above and applicable laws and regulations.

d. Agency Heads of the Department of Labor are responsible for implementing in their respective agencies the provisions related to Federal grants under section 504.

3. Reservations of Authority. The submission of reports and recommendations to the President and the Congress is reserved by the Secretary.

4. *Effective date.* This order is effective on March 12, 1974.

Signed at Washington, D.C., on the 12th day of March, 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74-10998 Filed 5-13-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 507]

ASSIGNMENT OF HEARINGS

MAY 9, 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 May 14, 1974.

MC-C-8228, Harrison-Shields Transportation Lines, Inc.—Investigation and Revocation Of Certificates, now assigned June 17, 1974, at Columbus, Ohio, will be held in Room 235 Federal Building, 85 Marconi Boulevard.

MC 118288 Sub-44, Stephen F. Frost, now assigned June 18, 1974, at Columbus, Ohio, will be held in Room 235 Federal Building, 85 Marconi Boulevard.

MC-F-12062, Lyons Transportation Lines, Inc.—Control and Merger—Wilson Transportation Service, Inc.; and Finance Docket No. 27630, Lyons Transportation Lines, Inc., Securities, now assigned June 19, 1974, at Columbus, Ohio, will be held in Room 235 Federal Building, 85 Marconi Blvd.

MC 112304 Sub-71, Ace Doran Hauling & Rigging Co., and MC 119777 Sub-258, Ligon Specialized Hauler, Inc., now assigned June 25, 1974, at Louisville, Ky., will be held in Room 1052A Federal Building, 600 Federal Plaza.

MC 123639 Sub 155, J. B. Montgomery, Inc., now being assigned hearing June 17, 1974 (2 days), in Room 1430, Federal Bldg., 1961 Stout Street, Denver, Colo.

MC 123392 Sub 59, Jack B. Kelley, Inc., now being assigned hearing June 19, 1974 (3 days), at Denver, Colo., in Room 1430 Federal Bldg., 1961 Stout Street.

MC 95540 Sub 886, Watkins Motor Lines, Inc., MC 107515 Sub 865, Refrigerated Transport Co., Inc., now assigned hearing June 3, 1974 will be held at the Holiday Inn, Downtown, 15th & Glenarm Pl., Denver, Colo.

MC-F-11852, Neylon Freight Lines, Inc.—Control—Merscheim Transfer, Inc., MC 111231 Sub 182, Neylon Freight Lines, Inc., now assigned June 10, 1974, will be held at the Holiday Inn, 15th & Glenarm Pl., Denver, Colo.

W-381 Sub 18, Federal Barge Lines, Inc., now assigned June 3, 1974, will be held in the Moot Courtroom, St. Louis University Law School, 3642 Lindell Blvd., St. Louis, Mo.

MC 119777 Sub 276, Ligon Specialized Hauler, Inc., now assigned June 17, 1974, MC-F-11942, United Trucking Service, Inc.—Control—Harper Truck Service, Inc., now assigned June 19, 1974, MC-F-12060, Anderson Motor Service, Inc.—Purchase—Toedebusch Transfer, Inc., now assigned June 24, 1974, at St. Louis, Mo., will be held in Moot Courtroom, St. Louis University Law School, 3642 Lindell Blvd., St. Louis, Mo.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-11124 Filed 5-13-74;8:45 am]

[Rule 19, Ex Parte No. 241; 14th Rev. Exemption No. 12]

ATLANTIC AND WESTERN RAILWAY, ET AL.

Mandatory Car Service Exemption

It appearing, That the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 391, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway Reporting marks: ATW
Pickens Railroad Company Reporting marks: PICK
Roscoe, Snyder and Pacific Railway Company Reporting marks: RSP
Wellsville, Addison & Galeton Railroad Corporation Reporting marks: WAG

Effective May 1, 1974, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., May 1, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-11119 Filed 5-13-74;8:45 am]

[No. 35944]

DRUG AND TOILET PREPARATION TRAFFIC CONFERENCE

Petition for Declaratory Order; Interpretation of Liability Limitation

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 25th day of April, 1974.

It appearing, That, on January 8, 1974, a petition was filed by the Drug and Toilet Preparation Traffic Conference requesting a declaratory order or interpretation of the liability limitation published in Released Rates Order No. MC-342 on the ground that different interpretations of the liability limitation are being applied by carriers in processing claims for loss and damage;

It further appearing, That the liability limitation reads as follows: "The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding 50 cents per pound for each article";

It further appearing, That the petition illustrates three different interpretations of the liability limitation utilizing an example of a 1,000 pound shipment of drugs consisting of 20 cases weighing 50 pounds each, with each case containing 10 bottles weighing 5 pounds each. The value of the bottles is $10.00 each. Under the assumption that five bottles were lost, the shipper files a claim for $50.00. Carrier A receives the claim and pays it in full on the theory that the shipment consisted of a single article, drugs, and the liability limitation is "50 cents per pound for each article," thus, 50 cents×1,000 pounds=$500.00 and the claim was for only $50.00. Carrier B construes the words "per article" as meaning per case and calculates the liability limitation as 50 cents×the case weight of 50 pounds=$25.00, and pays accordingly. Carrier C construes "per article" as meaning the smallest unit which can be separately identified, the bottle, and calculates the liability limitation as 50 cents×5 pounds per lost bottle=$12.50, and pays accordingly; and that petitioner contends that the interpretation applied by Carrier A is the correct one;

It further appearing, That the petition discloses a controversy or uncertainty which would warrant the entry of a declaratory order by the Commission;

Wherefore, and for good cause:

It is ordered, That the petition be, and it is hereby, granted to the extent of in-

stituting this proceeding to determine the question presented.

It is further ordered, That any person interested in the matter which is the subject of the petition and who wishes to actively participate in further proceedings herein shall notify this Commission, by filing with the Office of Proceedings, Room 5342, 12th Street and Constitution Avenue, NW., Washington, D.C. 20423, on or before June 7, 1974, an original and one copy of a statement of his intention to participate. Thereafter, this proceeding will be set for handling under the modified procedure. The petition and statements of intention to participate, if any, will be available for public inspection at the offices of the Commission during regular business hours.

A copy of this order will be served upon the petitioner, and notice of the filing of the petition will be given to the general public by depositing a copy of this order in the Office of the Commission's Secretary at Washington, D.C., and by delivering a copy to the Director, Office of the Federal Register, for publication therein.

By the Commission, Division 2.

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

[FR Doc.74-11121 Filed 5-13-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 9, 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 May 29, 1974.

FSA No. 42832—*Beet or Cane Sugar to St. Charles, Illinois.* Filed by Southwestern Freight Bureau, Agent (No. B-468), for interested rail carriers. Rates on sugar, beet or cane, dry, in carloads, as described in the application; also returned shipments in the reverse direction, from Hereford, Texas, to St. Charles, Illinois.

Grounds for relief—Market competition, rate relationship, returned shipments.

Tariff—Supplement 90 to Southwestern Freight Bureau, Agent, tariff 72-H, I.C.C. No. 4886. Rates are published to become effective on June 5, 1974.

By the Commission.

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

[FR Doc.74-11125 Filed 5-13-74;8:45 am]

[Section 5a Application No. 112]

HIGHWAY CARRIERS TRAFFIC ASSOCIATION

Agreement Approval Application

MAY 2, 1974.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed February 22, 1974 by: Richard W. May, Executive Secretary, Highway Carriers Traffic Association, 1129 Grimmet Drive, Shreveport, LA 71107 (Attorney-in-Fact).

Agreement Involves: Organization and procedures between and among carrier by motor vehicles, members of Highway Carriers Traffic Association, relating to the joint consideration, initiation or establishment of rates, charges, rules, regulations, classifications, and practices, applicable to the transportation of freight from, to, and between all points and places in the United States.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before June 3, 1974. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigation and determine the matters involved, without public hearing.

By the Commission.

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

[FR Doc.74-11122 Filed 5-13-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MAY 9, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR Part 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 24, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successivley filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any must refer to such letter-notices by number.

No. MC-730 (Sub-No. E4), filed May 1, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except chemicals for human consumption, silicate of soda, petroleum products, liquid glue, and formaldehyde), in bulk, in tank vehicles, from points in Idaho to points in California. The purpose of this filing is to eliminate the gateway of points in Oregon.

No MC-730 (Sub-No. E6), filed May 1, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, CA 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except chemicals for human consumption, silicate of soda, petroleum products, liquid glue, and formaldehyde), in bulk, in tank vehicles, from points in California to points in Idaho. The purpose of this filing is to eliminate the gateway of points in Oregon.

No. MC-730 (Sub-No. E8), filed April 1, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, CA 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in New Mexico to points in California. The purpose of this filing is to eliminate the gateways of Gallup, N. Mex., and Clark County, Nev.

No. MC-730 (Sub-No. E19), filed May 1, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, CA 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, and *acids*, in bulk, in tank vehicles, from points in Texas to points in Idaho. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC-730 (Sub-No. E20), filed May 1, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, CA 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from

points in Texas to points in Oregon (except Portland and North Portland, Oregon). The purpose of this filing is to eliminate the gateways of points in Utah and points in Idaho.

No. MC–2263 (Sub-No. E1), filed April 28, 1974. Applicant: LAUREL TRANSPORT CORPORATION, P.O. Box 438, Rio Grande, N.J. 08242. Applicant's representative: Henry W. Pfeiffer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, alcoholic beverages, dairy products as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Philadelphia, Pa., on the one hand, and, on the other, Atlantic City, Linwood, Somers Point, Sea Isle City, Strathmere, Ventnor, Margate, and Longport, N.J. The purpose of this filing is to eliminate the gateway of Ocean City, Cape May County, N.J.

No. MC–25798 (Sub-No. E16), filed April 28, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Florida 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, in containers, from points in that portion of Florida on and east of a line beginning at the Florida-Georgia State line and U.S. Highway 441, thence south along U.S. Highway 441, to Orlando, thence east on Florida Highway 50 to the Atlantic Ocean, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia (except to points in Virginia east of Interstate Highway 95), points in that portion of Tennessee beginning at the Tennessee-Georgia State line and U.S. Highway 411, thence along U.S. Highway 411 to its intersection with U.S. Highway 129, thence north on U.S. Highway 129 to Knoxville, thence north on Interstate Highway 75 to the Tennessee-Kentucky State line, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC–76177 (Sub-No. E8), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, and *blasting supplies*, between points in Ohio, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of the site of the Trojan—U.S. Powder Division of Commercial Solvents Corp., located at or near Wolf Lake (Union County), Ill.

No. MC–76177 (Sub-No. E9), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, and *blasting supplies*, between points in Ohio, on the one hand, and, on the other, points in Arizona, New Mexico, and Oklahoma. The purpose of this filing is to eliminate the gateway of Site of the Trojan—U.S. Powder, Division of Commercial Solvents Corp., located at or near Wolf Lake (Union County), Ill.

No. MC–95540 (Sub-No. E23), filed April 14, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products* (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in Arkansas. The purpose of this filing is to eliminate the gateways of Tifton, Ga., and Florence, Ala.

No. MC–95540 (Sub-No. E48), filed April 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from points in Florida, to points in Idaho. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and points in Tennessee.

No. MC–95540 (Sub-No. E84), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in North Carolina on and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 221 to its junction with North Carolina Highway 194, thence along North Carolina Highway 194 to its junction with U.S. Highway 19E, thence along U.S. Highway 19E to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–100666 (Sub-No. E26), filed April 11, 1974. Applicant: Melton Truck Lines, Inc., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from the plant site of Calcasieu Paper Company at or near Elizabeth, La., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, points in that part of Arkansas on, north, and west of a line beginning at the junction of the Arkansas-Oklahoma State line and Interstate Highway 40, thence east on Interstate Highway 40, to its junction with Arkansas Highway 23, thence north along Arkansas Highway 23 to the Arkansas-Missouri State line, and Kansas City, Mo. (2) *Paper and paper products* (except those which because of their size or weight require the use of special equipment and commodities in bulk), from the plant site of Calcasieu Paper Company, Inc., at or near Elizabeth, La., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of (1) plant site and storage facilities of the Weyerhaeuser Company located at or near Valliant, Okla., and (2) plant site and storage facilities of Nekoosa-Edwards Paper Company, Inc., at or near Ashdown, Ark. (Little River County).

No. MC–100666 (Sub-No. E39), filed April 18, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber* from points in Texas (except Pineland and Silsbee and particleboard from Diboll) to points in Kentucky. The purpose of this filing is eliminate the gateway of Irving, Pineland, and Silsbee, Tex.

No. MC–100666 (Sub-No. E48), filed April 21, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Composition lumber*, from points in Texas (except Pineland and Silsbee and particleboard from Diboll) to points in Tennessee. The purpose of this filing is to eliminate the gateway of Irving, Pineland, and Silsbee, Tex.

No. MC–100666 (Sub-No. E50), filed April 22, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber*, from points in Texas (except Pineland and Silsbee and particleboard from Diboll) to points in Arkansas. The purpose of this filing is to eliminate

the gateway of Irving, Pineland, and Silsbee, Tex.

No. MC–105457 (Sub-No. E5), filed May 1, 1974. Applicant: THURSTON MOTOR LINES, INC., P.O. Box 10638, Charlotte, N.D. 28201. Applicant's representative: John V. Luckadoo (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household good as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in that part of South Carolina within 150 miles of Charlotte, N.C., and west of a line extending from the North Carolina-South Carolina State line along South Carolina Highway 59 to York, thence along U.S. Highway 321, to Chester, thence along U.S. Highway 21 to Columbia, and thence along South Carolina Highway 5 to Ulmers, not including points on the highways specified, on the one hand, and, on the other, those points in that part of Virginia in and east of Grayson, Smyth, and Tazewell Counties, Va. The purpose of this filing is to eliminate the gateways of (1) Charlotte, N.C., (2) Roanoke, N.C., and (3) that part of North Carolina east of U.S. Highway 29 and Winston-Salem, N.C.

No. MC–105457 (Sub-No. E7), filed May 1, 1974. Applicant: THURSTON MOTOR LINES, INC., P.O. Box 10638, Charlotte, N.C. 28201. Applicant's representative: John V. Luckadoo (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in that part of Virginia in and east of Grayson, Smyth, and Tazewell Counties, Va., on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateways of (1) points in South Carolina, (2) Charlotte, N.C., and (3) Roanoke Rapids, N.C.

No. MC–112822 (Sub-No. E20), filed April 28, 1974. Applicant: BRAY LINES, INCORPORATED, P.O. Box 1191, Cushing, Oklahoma 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages, from Casper, Wyo., to points in Florida. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC–113362 (Sub-No. E1), filed May 2, 1974. Applicant: ELLSWORTH FREIGHT LINE, INC., 310 East Broadway, Eagles Grove, Iowa 50533. Applicant's representative: Milton D. Adams, Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen foods*, from Albert Lea, Minn., and points in Martin and Fairbault Counties, Minn., and Kossuth County, Iowa, to points in (1) Ohio, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Delaware, Maryland, and West Virginia, and the District of Columbia, (2) that part of Illinois on and south of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 36 to junction Illinois Highway 54, thence along Illinois Highway 54 to U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, and (3) that part of Indiana on and south of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 24 to junction Interstate Highway 69, thence along Interstate Highway 69 to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateways of Elmore, Minn., and Eagle Grove and Webster City, Iowa.

No. MC–113362 (Sub-No. E2), filed May 2, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen foods*, from Minneapolis, Minn., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Webster City, Iowa.

No. MC–114019 (Sub-No. E9), filed April 28, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottle caps*, from points in Iowa and Wisconsin, to points in Adams County, Pa., restricted to the transportation of shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–117119 (Sub-E4), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *foodstuffs* (except dairy products and commodities in bulk) in vehicles equipped with mechanical refrigeration, from Athens, Ala., and Bells, Humboldt, and Jackson, Tenn., to points in Nevada. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E8), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved foodstuffs*, in containers, in truckloads of 20,000 pounds minimum, from points in Greene County, Missouri, to points in Florida, Georgia, and Virginia. Restriction: The authority above is restricted to the transportation of the quantities indicated, when transported from one consignor to one or more consignees. The purpose of this filing is to eliminate the gateway of Russellville, Ark.

No. MC–117119 (Sub-No. E9), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products, and commodities in bulk), in truckloads of 20,000 pounds minimum, from points in Greene County, Mo., to points in Washington (except Grandview and Kennewick), Oregon, and Nevada. Restriction: The authority above is restricted to the transportation of the quantities indicated, when transported from one consignor to one or more consignees. The purpose of this filing is to eliminate the gateway of Fort Smith, Ark.

No. MC–117119 (Sub-No. E15), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the plantsite of Iowa Beef Processors, Inc., at or near Emporia, Kans., to New Orleans, La., and points in that part of Texas on and east and south of a line beginning at the United States-Mexico International Boundary line near Presidio, Tex., thence along U.S. Highway 67 to its junction with U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC–117119 (Sub-No. E17), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the plantsite of Iowa Beef Processors, Inc., at or near Emporia, Kans., to points in Washington, Oregon, Idaho, and Montana. The purpose of this filing is to eliminate the gateway of Hastings, Nebr.

No. MC–117119 (Sub-No. E18), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's

representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the plantsite of Iowa Beef Processors, Inc., at or near Emporia, Kansas, to points in North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E19), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean, P.O. Box 188, Elm Springs, Arkansas 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the plantsite of Iowa Beef Processors, Inc., at or near Emporia, Kans., to points in Mississippi. The purpose of this filing is to eliminate the gateway of Fayetteville, Ark.

No. MC–117119 (Sub-No. E20), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean, P.O. Box 188, Elm Springs, Ark. 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the plantsite of Iowa Beef Processors, Inc., at or near Emporia, Kans., to points in Alabama, Georgia, and Tennessee (except Memphis, Tenn.). The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E21), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the plantsite of Iowa Beef Processors at Emporia, Kans., to points in Florida. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E22), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Martinsburg, W. Va., and Winchester and Timberville, Va., to points in Arizona, California, Colorado, Nevada, and New Mexico. The purpose of this filing is to eliminate the gateway of Siloam Springs, Ark.

No. MC–117119 (Sub-No. E23), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's Representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from Martinsburg, W. Va., and Winchester and Timberville, Va., to points in Idaho, Kansas, Montana, Nebraska, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC–117119 (Sub-No. E25), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Washington, Oregon, and Idaho to Omaha, Nebr. The purpose of this filing is to eliminate the gateway of St. Joseph, Mo.

No. MC–127042 (Sub-No. E15), filed April 14, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant and warehouse facilities utilized by Iowa Beef Processors, Inc., at Wichita, Kans., to Sioux City, Iowa, that part of Minnesota on and south of U.S. Highway 10, and points in Lafayette, Grant, and Crawford Counties, Wis. The purpose of this filing is to eliminate the gateway of West Point, Nebr.

No. MC–128383 (Sub-No. E28), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Hopkins International Airport, Cleveland, Ohio, and Philadelphia International Airport, Philadelphia, Pa., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Jamestown Municipal Airport, Chautauqua County, N.Y.

No. MC–128383 (Sub-No. E29), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Greater Buffalo International Airport, Erie County, N.Y., and Friendship International Airport, Anne Arundel County, Md., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Jamestown Municipal Airport, Chautauqua County, N.Y.

No. MC–128383 (Sub-No. E37), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Broome County Airport, Broome County, N.Y., and Friendship International Airport, Anne Arundel County, Md., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Chemung County Airport, Chemung County, N.Y.

No. MC–128383 (Sub-No. E40), filed May 1, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Friendship International Airport, Anne Arundel County, Md., and Bradley International Airport, Hartford County, Conn., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Tweed-New Haven Airport, New Haven County, Conn.

No. MC–128383 (Sub-No. E50), filed May 1, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Bradley International Airport, Hartford County, Conn., and La Guardia Airport, New York, N.Y., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Tweed-New Haven Airport, New Haven County, Conn.

No. MC–128383 (Sub-No. E51), filed May 1, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Washington National Airport, Gravelly Point,

Va., and Bradley International Airport, Hartford County, Conn., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Tweed-New Haven Airport, New Haven County, Conn.

By the Commission.

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

[FR Doc.74-11123 Filed 5-13-74;8:45 am]

[Notice No. 78]

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 June 3, 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-75112, By order of May 8, 1974, the Motor Carrier Board approved the transfer to Nampa Transport, Inc., Nampa, Idaho, of Certificate of Registration No. MC-121467 (Sub-No. 1) issued July 15, 1965 to Nampa Transfer & Storage, Inc., Nampa, Idaho, evidencing a right to engage in transportation in interstate commerce as described in Permit No. 1568, Second Amended, dated October 29, 1954, issued by the Idaho Public Utilities Commission. Kenneth G. Bergquist, P.O. Box 1775, Boise, Idaho, attorney for applicants.

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

[FR Doc.74-11129 Filed 5-13-74;8:45 am]

[Notice No. 64]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 3, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2392 (Sub-No. 96 TA), filed April 25, 1974. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 "F" Street, P.O. Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheeler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, from Blair, Nebr., to points in Iowa, Illinois, Missouri, Kansas, Wisconsin, Minnesota, North Dakota, South Dakota, Colorado, Wyoming, and Oklahoma, for 180 days. SUPPORTING SHIPPER: Ruminant Nitrogen Products Company, R. H. Ifft, Regional Manager, P.O. Box 450, 128 South 17th Street, Blair, Nebr. 68008. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebra. 68102.

No. MC 48423 (Sub-No. 5 TA), filed April 26, 1974. Applicant: G. E. BELMORE, doing business as MOTOR TRANSIT COMPANY, 5822 N. Interstate Avenue, Portland, Oreg. 97217. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural iron or steel*, between Portland and McMinnville, Oreg., on the one hand, and, on the other hand, points on the International Boundary line (United States-Canada), in Washington, Idaho, and Montana; (2) *steel*, from points on the International Boundary line (United States-Canada) at or near Blaine and Sumas, Wash., to Seattle, Wash.; and (3) *nails*, from points on the International Boundary line (United States-Canada) in Washington and Idaho, to Portland, Oreg., for 180 days. SUPPORTING SHIPPERS: Woodbury & Company, 4851 N. Lagoon, Portland, Oreg., 97217, and Myers Pacific, Inc., 3601 NW. Yeon Avenue, Portland, Oreg., 97210. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg., 97214.

No. MC 52921 (Sub-No. 25 TA), filed April 25, 1974. Applicant: RED BALL, INC., P.O. Box 520, 317 E. Lee (Collins Bldg.), Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Roof Packers, Inc., at or near Cactus, Tex. (Moore County), to points in Colorado, Kansas, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Georgia, and Florida, restricted to traffic originating at, and destined to the named points, for 180 days. SUPPORTING SHIPPERS: Ralph L. McGee, General Traffic Manager, American Beef Packers, Inc., 7000 W. Center Road, Omaha, Nebr. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240—Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 53965 (Sub-No. 94 TA), filed April 26, 1974. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, P.O. Drawer 838, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washing, cleaning, and scouring compounds, soap and soap products, textile softeners, syrup nonmedicated, shortening, margarine, vegetable oil compound aerated, toilet preparations, and dessert preparations* (except commodities in bulk) from the plant and warehouse facilities of Lever Brothers Company, located in the Commercial Zone of St. Louis, Mo., and East St. Louis, Ill., to points in Kansas, restricted, however, to traffic originating at the above origin, for 180 days.

NOTE.—Applicant does not intend to tack the authority here applied for to another authority held by it, or to interline with other carriers. SUPPORTING SHIPPER: Lever Brothers Company, 390 Park Avenue, New York City, N.Y. 10222. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 107295 (Sub-No. 712 TA), filed April 23, 1974. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (un-

frozen), from Princeville and Hoopeston, Ill., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, for 180 days. SUPPORTING SHIPPER: Thomas R. Boersma, Manager, Distribution Services, Joan of Arc, 2231 W. Altorfer Drive, Peoria, Ill. 61614. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, Room 414, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 107403 (Sub-No. 896 TA), filed April 26, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, liquid, in bulk, in tank vehicles, from Lawrenceville, Ill., to Ensley, Ala., for 180 days. SUPPORTING SHIPPER: R. W. Semler, Midwest Regional Traffic Manager, Witco Chemical Corporation, 6200 West 51st Street, Chicago, Ill. 60638. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 109551 (Sub-No. 7 TA), filed April 26, 1974. Applicant: MILLER TRUCKING, INC., 1001 South Fourth St., Gas City, Ind. 46933. 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: *Glass containers, closures therefor and paper cartons*, from Winchester and Richmond, Ind., into Kentucky and *rejected and returned shipments*, from points in Kentucky to Winchester and PORTING SHIPPER: Anchor Hocking Richmond, Ind., for 180 days. SUP-Corporation, Broad & Main Streets, Lancaster, Ohio 43130. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 109584 (Sub-No. 154 TA), filed April 26, 1974. Applicant: ARIZONA-PACIFIC TANK LINES, 5773 South Prince Street, (P.O. Box 192), Littleton, Colo. 80120. Applicant's representative: Kenneth A. Willhite (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizing compounds*, NOI, liquid, in bulk, in tank vehicles, from Bisbee, Ariz., to Deming, N. Mex., for 180 days. SUPPORTING SHIPPER: ReChem Corp., 5001 East Washington Street, Phoenix, Ariz. 85034. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 116314 (Sub-No. 27 TA), filed April 26, 1974. Applicant: MAX BINSWANGER TRUCKING, 13846 Firestone Blvd., Sante Fe Springs, Calif. 90670. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Creal, Calif., to Port Hueneme, Calif., and points in the Los Angeles Harbor Commercial Zone, for 180 days. SUPPORTING SHIPPER: California Portland Cement Co., 800 Wilshire Blvd., Los Angeles, Calif. 90017. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 119669 (Sub-No. 47 TA), filed April 25, 1974. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, P.O. Box 886, Columbus, Ind. 47201. Applicant's representative: Donald W. McCameron (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat 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 plant site and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in Virginia, West Virginia, Maryland, District of Columbia, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Illinois, Indiana, Kentucky, Michigan, and Ohio, for 180 days. SUPPORTING SHIPPER: American Beef Packers, Inc., 7000 W. Center Road, Omaha, Nebr. SEND PROTESTS TO: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 124649 (Sub-No. 4 TA), filed April 26, 1974. Applicant: JOSEPH BONANNO, INC., 1 Cranford Avenue, Linden, N.J. 07036. 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: (1) *Scrap metal*, in dump vehicles, from Neptune, N.J., to Torrington, Conn., and (2) *non-ferrous scrap metal, in* dump vehicles, from Waterbury, Conn., to Rahway, N.J., and Philadelphia, Pa., for 180 days. SUPPORTING SHIPPERS: Albert Bros., Inc., 225 Aurora Street, Waterbury, Conn. 06720, and Louis Abrams & Son, 11th and Railroad Avenue, Neptune, N.J. 07753. SEND PROTESTS TO: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 128219 (Sub-No. 2 TA), filed April 26, 1974. Applicant: SALVATORE T. ZIZZO, doing business as FRANKLIN TRUCK LINES, 20765 Main Street, Lannon, Wis. 53046. Applicant's representative: Salvotore T. Zizzo (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fiber pipe and conduit, plastic pipe and products, fiber vaults, and accessories* used in connection with said products, and on return *raw materials, products, and parts* used in the manufacture of said products, from West Bend, Wis., to points in Illinois, Indiana, Kentucky, Ohio, Michigan, Missouri, Iowa, and Minnesota, for 180 days. SUPPORTING SHIPPER: McGraw-Edison Co., Fibre Products Division, 2100 Northwestern Ave., West Bend, Wis. 53095. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 128381 (Sub-No. 8 TA), filed April 24, 1974. Applicant: BLUE EAGLE TRUCK LINE, INC., P.O. Box 446, 1437 Eastwood, Highland Park, Ill. 60035. Applicant's representative: Patrick H. Smyth, 327 South LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fire fighting equipment and parts and attachments* therefor when moving together with fire fighting equipment, from Northbrook, Ill., to points in the United States (except Alaska, Hawaii, Illinois, Ohio, Pennsylvania, and Louisiana), and (2) *equipment, materials, and supplies* used in the manufacture, installation, distribution, and repair of the commodities in (1) above (except commodities in bulk), from points in Alabama, Arkansas, Indiana, California, Connecticut, Georgia, Kentucky, Michigan, Montana, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and Wisconsin, to Northbrook, Ill., for 180 days. RESTRICTION: The transportation services authorized above are restricted to be performed under contract with General Fire Extinguisher Corporation. SUPPORTING SHIPPER: Patrick J. Carmody, Marketing Manager, General Fire Extinguisher Corporation, 1685 Sherman Road, Northbrook, Ill. 60062. SEND PROTESTS TO: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128988 (Sub No. 47 TA), filed April 17, 1974. Applicant: JO/KEL, INC., 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: *Upholstery and carpet tacking rims and strips, nails,*

adhesive cement, mechanic hand tools, and advertising materials, racks, and stands therefor, from City of Industry, Calif., to points in Oregon, Washington, Idaho, Nevada, Arizona, New Mexico, Utah, Colorado, Wyoming, and Montana; and *materials, equipment, and supplies* used in the manufacture and distribution of the commodities described above, from points in the above-named destination states, to City of Industry, Calif., for 180 days. RESTRICTION: The operations sought herein are subject to the following conditions: Restricted against the transportation of commodities in bulk and the authority sought is further restricted to a transportation service to be performed under a continuing contract or contracts with Consolidated Foods Corporation of City of Industry, Calif. SUPPORTING SHIPPER: Consolidated Foods Corporation, 13300 East Nelson Avenue, City of Industry, Calif. 91749. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128988 (Sub-No. 48 TA), filed April 25, 1974. Applicant: JO/KEL, INC., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular 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 which because of size or weight require the use of special equipment), from the facilities of Westinghouse Electric Corporation located at or near Irwin, Pa., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada (except Arizona, California, Nevada, Oregon, and Washington), under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. SUPPORTING SHIPPER: Westinghouse Electric Corporation, RD #5 Leger Road, Irwin, Pa. 15642. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129332 (Sub-No. 1 TA), filed April 26, 1974. Applicant: RICHARD M. BAAR, doing business as DICK BARR TRUCKING, 1445 W. Second Street, P.O. Box 828, Dickinson, N. Dak. 59601. Applicant's representative: Paul G. Kloster, P.O. Box 1097, Dickinson, N. Dak. 58601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Dickinson, N. Dak., to Plymouth, Wis., for the account of Dickinson Cheese Co. and *beer*, from Milwaukee, Wis., and Minneapolis, Minn., to Dickinson and Hettinger, N. Dak., for the account of Jerome's, Inc., for 180 days. SUPPORTING SHIPPERS: Dickinson Cheese Co., Dickinson, N. Dak. 58601, and Jerome's, Inc., Box 750, Hettinger, N. Dak. 58639. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 129516 (Sub-No. 27 TA), filed April 25, 1974. Applicant: PATTONS, INC. 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in sacks, from West Sacramento, Calif., to points in Washington, Oregon, and Idaho, for 180 days. SUPPORTING SHIPPER: Wilson Geo. Meyer & Co., 318 Queen Anne Avenue North, Seattle, Wash. 98109. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 133119 (Sub-No. 52 TA), filed April 26, 1974. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), from points in Florida, to ports of entry on the United States-Canada International Boundary line located in Minnesota, North Dakota, and Montana, restricted to traffic moving in foreign commerce, for 180 days. SUPPORTING SHIPPER: Scott National Company Limited, Calgary, Alberta, Canada, Archie Kisinger, Traffic Manager. SEND PROTESTS TO: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 135795 (Sub-No. 2 TA), filed April 24, 1974. Applicant: WILLIAM J. JAMES, doing business as BILL JAMES, 541 Willow Lane, Hereford, Tex. 79045. Applicant's representative: Mert Starnes, 904 Lavaca, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds and feed ingredients*, between Olton, Tex., on the one hand, and, on the other, points in Colorado, Kansas, New Mexico, and Oklahoma, under a continuing contract with The Feed Barn, Olton, Tex., for 180 days. SUPPORTING SHIPPER: Larry Garvin, President, The Feed Barn, Inc., P.O. Box 518, Olton, Tex. 79064. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Hearing Plaza, Amarillo, Tex. 79101.

No. MC 135874 (Sub-No. 43 TA), filed April 25, 1974. Applicant: LTL PERISHABLES, INC., 132nd & Q Streets, P.O. Box 37468, Omaha, Nebr. 68137. Applicant's representative: Bill White, P.O. Box 37468, Omaha, Nebr. 68137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats*, from Denison, Iowa, to St. Paul-Minneapolis, Minn., and commercial zones; Milwaukee, Kenosha, Green Bay, and Madison, Wis., and commercial zones; and Kearney, Nebr.; and Lawrence and Topeka, Kans., for 180 days. SUPPORTING SHIPPER: World Wide Meats, Inc., Wilbur Zitzlsperger, Sales Manager, Denison, Iowa 51442. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 136397 (Sub-No. 3 TA), filed April 26, 1974. Applicant: LLOYD G. APMAN AND JOHN M. APMAN, doing business as DELWIN TRANSFER CO., 1991 No. 7th St., No. St. Paul, Minn. 55109. Applicant's representative: James F. Finley, 920 Minnesota Building, St. Paul, Minn. 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry tankage and dried blood*, from Whitehall, Wis., to New Brighton, Minn., with no transportation for compensation on return except as otherwise authorized, for 180 days. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Wellens & Co., Inc. SUPPORTING SHIPPER: Wellens & Co., Inc., 6700 France Avenue So., Minneapolis, Minn. 55435. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 136897 (Sub-No. 11 TA), filed April 23, 1974. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 312, Phoeniz, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant site of CF & I Steel Corporation at Pueblo, Colo., to points in California (except those in Kern, Santa Clara, San Diego, and Los Angeles Counties) and to points in Arizona (except points in Maricopa County), for 180 days. SUPPORTING SHIPPER: CF & I Steel Corporation, P.O. Box 316, Pueblo, Colo. 81002. SEND PROTESTS TO: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Bldg., 230 N. First Avenue, Phoeniz, Ariz. 85025.

No. MC 139534 (Sub-No. 1 TA), filed April 26, 1974. Applicant: BLALOCK

WAREHOUSE, INC., 7412 NW. 43rd Street, Bethany, Okla. 73008. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* (except in bulk, in tank vehicles), restricted against the transportation of petroleum based fertilizer, from Texas City, Tex., to points in Oklahoma, for 180 days. SUPPORTING SHIPPER: Mr. James Peterson, Distr. Coordinator, Borden Chemical, Div. of Borden, Inc., 50 West Broad St., Columbus, Ohio 43215. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240—Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 139640 (Sub-No. 1 TA), filed April 25, 1974. Applicant: EQUIPMENT TRANSPORT OF MILWAUKEE, INC., 4825 North 36th Street, Milwaukee, Wis. 53208. Applicant's representative: John M. Sanderson, Jr., 5959 Dawson Court, Greendale, Wis. 53129. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Freight carts, trucks, trailers, wagons, or platform trailer trucks on drop frame flat bed trailers*, from Milwaukee, Wis., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Miller Tilt-Top Trailers, Inc., 450 South 92nd Street, Milwaukee, Wis. 53214 (James E. Steinke, Traffic Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 139668 (Sub-No. 2 TA), filed April 24, 1974. Applicant: ERNEST ALLEN, JR. AND EARL ALLEN, doing business as ALLEN COAL CO., 351 Main Street, Nelsonville, N.Y. 10516. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trap rock materials* (crushed stone), *stone aggregates, sand, and gravel*, from Danbury, Conn., to the Towns of Bedford, North Salem, Somers, Pound Ridge, Cortland, North Castle, Lewisboro (Westchester County), Southeast, Carmel, and Patterson (Putnam County), N.Y., for 180 days. SUPPORTING SHIPPER: New Haven Trap Rock Co., Div. of Ashland Oil Co., Inc., 2200 Whitney Ave., Hamden, Conn. 06518. SEND PROTESTS TO: Robert A. Radler, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 139731 TA, filed April 24, 1974. Applicant: MIDWEST ALASKA, INC., P.O. Box 511, Iron Mountain, Mich. 49801. Applicant's representative: Richard D. McLellan, 850 Michigan National Tower, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring and accessories* used in the installation of flooring, from the plant site of Horner Flooring Company at Dollar Bay, Mich., to points in Connecticut, Florida, Georgia, Iowa, Kentucky, Alabama, Maryland, Massachusetts, Missouri, New York, New Jersey, North Carolina, Oklahoma, Pennsylvania, Texas, and Virginia, for 180 days. SUPPORTING SHIPPER: Horner Flooring Company, Dollar Bay, Mich. 49922. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 139734 TA, filed April 24, 1974. Applicant: WHITAKER TRANSPORTATION COMPANY, INC., 1300 Market Street—Bay 20, Chattanooga, Tenn. 37402. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission and those injurious or contaminating to other lading) from points in Catoosa, Chatooga, Gordon, Murray, Walker, and Whitfield Counties, Ga., to Chattanooga, Tenn., restricted to traffic having a subsequent movement by freight forwarders from Chattanooga, Tenn. SUPPORTING SHIPPERS: Western Carloading Co., Inc., 1000 Chattahoochee Ave. NW., Atlanta, Ga. 30325, and Universal Carloading & Distr. Co., Inc., 345 Hudson Street, New York, N.Y. 10014. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

By the Commission.

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

[FR Doc.74-11126 Filed 5-13-74;8:45 am]

[Notice No. 65]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 6, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 464 TA), filed April 29, 1974. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, P.O. Box 160 (5314), Kenosha, Wis. 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses and parts thereof*, when moving therewith, from Delaware, Ohio, to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: The Flexible Company, North Water Street, Loudonville, Ohio 44842 (Richard G. Obrecht, Traffic Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 30844 (Sub-No. 504 TA), filed April 29, 1974. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, P.O. Box 5000 (50702), Waterloo, Iowa 50704. Applicant's representative: Larry L. Strickler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by retail discount stores (except foodstuffs and commodities in bulk), from New York, N.Y., to Bradley, Ill.; Columbus, Evansville, Gary, Indianapolis, Marion, Michigan City, and South Bend, Ind.; Shreveport, La.; Adrian, Battle Creek, Ferndale, Hazel Park, Holland, Jackson, Livonia, Riverview, Roseville, and Saginaw, Mich.; Charlotte, N.C.; Canton, Ohio; and Tulsa, Okla., for 180 days. SUPPORTING SHIPPER: Mangel Stores Corporation, 115 West 18th Street, New York, N.Y. 10011. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 80428 (Sub-No. 89 TA), filed April 29, 1974. Applicant: MCBRIDE TRANSPORTATION, INC., P.O. Box 430, 289 West Main Street, Goshen, N.Y. 10924. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water*, from Middleboro, Mass., to

Goshen, N.Y., for 180 days. SUPPORTING SHIPPERS: (1) Dairylea, Pearl River, N.Y. and (2) Natural Spring Water Corp., 200 Park Avenue, New York, N.Y. 10017. SEND PROTESTS TO: Robert A. Radler, Officer-in-Charge, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 94350 (Sub-No. 347 TA), filed April 29, 1974. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Amusement rides* on wheeled undercarriages equipped with Hitch-ball coupler, from points in Greenville County, S.C., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Venture Ride Mfg., Inc., Route 5, Highway 14, Greer, S.C. 29651. SEND PROTESTS TO: E. E. Strotheid, District Supervisor. Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Bldg., 1400 Pickens St., Columbia, S.C. 29201.

No. MC 97357 (Sub-No. 52 TA), filed April 26, 1974. Applicant: ALLYN TRANSPORTATION COMPANY, 14011 South Central Avenue, Los Angeles, Calif. 90059. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed and unprocessed crushed shale rock*, in bulk, in hopper-type vehicles, between points in Garfield County, Colo., on the one hand, and, points in Orange County, Calif., on the other hand, for 180 days. SUPPORTING SHIPPER: Union Oil Company of California, Union Oil Center, Los Angeles, Calif. 90017. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations. Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 99780 (Sub-No. 38 TA), filed April 23, 1974. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond Street, P.O. Box 1345 (61601), Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mattoon, Ill., to points in Iowa, Illinois, Kentucky, Missouri, Indiana, and Michigan, restricted to traffic originating at the above specified origin and destined to the above specified destinations, for 180 days. SUPPORTING SHIPPER: Diamond "E" Packers, 301 S. Lake Land Blvd., Mattoon, Ill. 61938. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 103051 (Sub-No. 308 TA), filed April 25, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: William G. North (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid*, in bulk, in tank vehicles, from points in Polk County, Fla., to points in Hillsborough County, Fla., restricted to shipments having a subsequent for hire movement by water, for 180 days. SUPPORTING SHIPPER: USAMEX Fertilizers, Inc., P.O. Box 1007, Brandon, Fla. 33511. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 123048 (Sub-No. 307 TA), filed April 29, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box A, Racine, Wis. 53406. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, agricultural machinery and accessories, attachments and parts* for agricultural implements and agricultural machinery, from Clay Center, Kans., to Ports of Entry on the International Boundary line between the United States and Canada at Noyes, Minn. and Detroit, Mich. and points in Connecticut, Delaware, Illinois, Indiana, Maine, Nebraska, Massachusetts, Missouri, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Pennsylvania, Vermont, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Allied Farm Equipment, Inc., 35 E. Wacker Drive, Chicago, Ill. 60601 (Arthur G. Bass, Sales Admin. Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 133119 (Sub-No. 53 TA), filed April 29, 1974. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 So. 14 Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* (except commodities in bulk, in tank vehicles), from the plants and warehouses of Wilson & Co., at or near Des Moines and Cedar Rapids, Iowa; Monmouth, Ill., Logansport, Ind.; Albert Lea, Minn.; Kansas City, Kans.; Oklahoma City, Okla.; and Marshall, Mo., to ports of entry on the International Boundary line located in the state of New York, restricted to traffic moving in foreign commerce, for 180 days. SUPPORTING SHIPPER: Letovsky Brothers Limited, Aaron M. Daniels, Traffic & Distribution Manager, 5105A Fisher St., Montreal, Quebec H4T 1J8, Canada. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 No. 14 Street, Omaha, Nebr. 68102.

No. MC 134783 (Sub-No. 19 TA) (Correction), filed April 9, 1974, published in the FEDERAL REGISTER issue of April 24, 1974, and republished as corrected this issue. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Dimmit Highway West, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202.

NOTE.—The purpose of this republication is to add the state of South Dakota as a destination point, which was omitted in previous publication. The rest of the application will remain the same.

No. MC 138875 (Sub-No. 19 TA), filed April 29, 1974. Applicant: SHOEMAKER TRUCKING COMPANY, 8624 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, P.O. Box 7651, Boise, Idaho 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Utah, to points in Oregon, Washington, and Idaho, for 180 days. SUPPORTING SHIPPERS: American Salt Company, 3142 Broadway, Kansas City, Mo., and Leslie Salt Company, P.O. Box 364, Newark, Calif. 94560. SEND PROTESTS TO: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 139705 (Sub-No. 1 TA), filed April 29, 1974. Applicant: PROPELLEX CORPORATION, 8213 Gravois, St. Louis, Mo. 63101. Applicant's representative: Richard T. Ciottone, 611 Olive Street, Suite 1400, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives*, from and to owned and leased premises of Propellex Corporation in Edwardsville, Ill., to and from owned and leased premises of McDonnell Douglas Corporation in and about St. Louis County, Mo., for 180 days. SUPPORTING SHIPPER: McDonnell Douglas Corporation, P.O. Box 516, St. Louis, Mo. 63166. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N 12th Street, St. Louis, Mo. 63101.

MOTOR CARRIERS OF PASSENGERS

No. MC 134361 (Sub-No. 5 TA), filed April 29, 1974. Applicant: WILDERNESS BOUND, LTD., R.D. No. 1, Box 365, Highland, N.Y. 12528. Applicant's representative: W. Norman Charles, 80 Bay Street, Glens Falls, N.Y. 12801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in all-expense round trip camping tours of more than one day's duration, restricted to the transportation of passengers between 14 and 19 years of age, inclusive in vehicles with a seating capacity not exceeding 15 passengers, including driver, and having an immediate prior movement by air, from New York, N.Y., begin-

ning and ending at Denver, Colo.; Salt Lake City, Utah, and Seattle, Wash., and extending to points in Arizona, California, Colorado, Montana, Idaho, Minnesota, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, for 180 days. SUPPORTED BY: There are approximately 13 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Robert A. Radler, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, 518 New Federal Building, Albany, N.Y. 12207.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-11127 Filed 5-13-74;8:45 am]

[Notice No. 66]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 7, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commisssion, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19945 (Sub-No. 43 TA) (correction), filed April 15, 1974, published in the FEDERAL REGISTER issue of May 1, 1974, and republished as corrected this issue. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101.

NOTE.—The purpose of this republication is to show the entire Supporting shipper's name, which was omitted in part in the FEDERAL REGISTER. The Supporting shipper's name is *Metal Goods Division of Alcan Aluminum Corporation*, 100 Erie View Plaza, 26th Floor, Cleveland, Ohio 44114, Cliff G. Pearson, General Traffic Manager. The rest of the publication will remain the same.

No. MC 121658 (Sub-No. 5 TA), filed April 26, 1974. Applicant: STEVE D. THOMPSON, P.O. Drawer 149, 1205 Percy Street, Winnsboro, La. 71295. Applicant's representative: Lawrence A. Winkle, 4645 N. Central Expressway, Dallas, Tex. 75205. 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, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Jackson, Miss., and Monroe, La., serving all intermediate points: From Jackson, Miss., over U.S. Highway 80 to Monroe, La., and return (also over Interstate Highway 20 for operating convenience only); (2) between Monroe and Sicily Island, La., serving all intermediate points: From Monroe, La., over Louisiana Highway 15 to Sicily Island, La., and return; (3) between Crowville and Winnsboro, La., serving all intermediate points: From Crowville over Louisiana Highway 17 to Winnsboro, La., and return; (4) between Ft. Necessity and Winnsboro, La., serving all intermediate points: From Ft. Necessity over Louisiana Highway 4 to Winnsboro, La., and return; (5) between Ruston, La., and Delta, La., serving all intermediate points: From Ruston over U.S. Highway 80 to Delta, La., and return (also over Interstate Highway 20 for operating convenience only);

(6) Between Tallulah and Vidalia, La., serving all intermediate points: From Tallulah over U.S. Highway 65 to Vidalia, La., and return; (7) between Ferriday and Winnfield, La., serving all intermediate points: From Ferriday over U.S. Highway 84 to Winnfield, La., and return; (8) between Winnfield and Ruston, La., serving all intermediate points: From Winnfield over U.S. Highway 167 to Ruston, La., and return; (9) between Ft. Necessity and Columbia, La., serving all intermediate points: From Ft. Necessity over Louisiana Highway 4 to Columbia, La., and return; (10) between Sicily Island, La., and Jonesville, La., serving all intermediate points: From Sicily Island over Louisiana Highway 8 to junction with Louisiana Highway 124, thence over Louisiana Highway 124 to Jonesville, La., and return; (11) between Sicily Island and Ferriday, La., serving all intermediate points: From Sicily Island over Louisiana Highway 15 to Ferriday, La., and return; (12) between Monroe and Tullos, La., serving all intermediate points: From Monroe over U.S. Highway 165 to Tullos, La., and return; (13) between Harrisonburg and Whitehall, La., serving all intermediate points: From Harrisonburg over Louisiana Highway 8 to Whitehall, La., and return; (14) between Archibald and Rayville, La.: From Archibald over Louisiana Highway 137 to junction with U.S. Highway 80, thence over U.S. Highway 80 to Rayville, La. (also over Interstate Highway 20 for operating convenience only); (15) between Crowville and Delhi, La., serving all intermediate points: From Crowville over Louisiana Highway 17 to Delhi, La., and return;

(16) Between Jackson, Miss., and Ruston, La., serving all intermediate points: From Jackson, Miss., over U.S. Highway 80 (also over Interstate Highway 20 for operating convenience only) to junction with U.S. Highway 65, thence over U.S. Highway 65 to Lake Providence, thence over Louisiana Highway 2 to Bernice, thence over U.S. Highway 167 to Ruston and return; (17) between Monroe and Mer Rouge, La., serving alll intermediate points: From Monroe over U.S. Highway 165 to Mer Rouge and return; (18) between Delhi and Oak Grove, La., serving all intermediate points: From Delhi over Louisiana Highway 17 to Oak Grove, La., and return; (19) between Ruston, La., and Shreveport, La., serving all intermediate points: From Ruston, La., over U.S. Highway 80 and Interstate Highway 20 to Shreveport, La., and return, serving all intermediate points and points within the Shreveport, La., commercial zone; (20) between Bernice, La., and Minden, La., serving all intermediate points: From Bernice, La., over U.S. Highway 167 to Junction City, La., thence over Louisiana Highway 9 to Summerfield, La., thence over Louisiana Highway Alternate 2 to Haynesville, La., thence over U.S. Highway 79 to Minden, La., and return, serving all intermediate points; (21) between Bernice, La., and U.S. Highway 79, serving all intermediate points: From Bernice, La., over Louisiana Highway 2 to junction U.S. Highway 79 and return serving all intermediate points; (22) between Junction of U.S. Highway 167 and Louisiana Highway Alternate 2 and Louisiana Highway 2: From the junction of U.S. Highway 167 and Louisiana Highway Alternate 2 over Louisiana Highway Alternate 2 to Summerfield, La. thence over Louisiana Highway 9 to function Louisiana Highway 2 and return, serving all intermediate points, for 180 days.

NOTE.—Applicant presently conducts operations over routes (1) through (18) under its Sub 3 TA authority. The effect of this application is to add routes (19) through (22) to its existing operations. Applicant intends to interline at all authorized points, including Shreveport and Monroe, La., and Jackson, Miss. SUPPORTING SHIPPERS: There are approximately 93 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 126402 (Sub-No. 14 TA), filed April 29, 1974. Applicant: JACK WALKER TRUCKING SERVICE, INC., 844

Loudon Avenue, Lexington, Ky. 40508. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, and *empty malt beverage containers* on return, from Columbus, Ohio, to Lexington, Ky., for 180 days. SUPPORTING SHIPPER: John W. Maurer, President, Bennie Robinson, Inc., West Third and Hickory Streets, Lexington, Ky. 40508. SEND PROTESTS TO: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 135457 (Sub-No. 3 TA), filed April 25, 1974. Applicant: COMMERCIAL CARTAGE CO., 3900 Reavis Barracks Road, St. Louis, Mo. 63125. Applicant's representative: Michael P. Malone (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Kansas City, Kans., to points in St. Louis, Jefferson and St. Charles Counties, Mo. and St. Louis, Mo., and St. Louis commercial zones as described in Tem 30 of MF–I.C.C. No. W–7, all points within the corporate limits of St. Louis, Mo.; all points in St. Louis, Jefferson and St. Charles Counties, Mo., within a line drawn 0.5 mile south, west and north of the following line: Beginning at the Jefferson Barracks Bridge south on the Mississippi River and extending westerly beginning at Barnhart, Mo. on County Highway M to Junction U.S. Highway 21 thence northwesterly on County Highway MM to Junction U.S. Highway 30; thence northerly on County Highway W to Junction U.S. Higwhay 44; thence northerly on U.S. Highway 109 to Junction County Highway CC to Junction U.S. Highway 40; thence northwesterly to Junction County Highway K; to Junction U.S. Highway 70; thence easterly U.S. Highway 70 to Junction County Highway C to Mississippi River; thence southerly to point of beginning:

All points within the corporate limits of East St. Louis, Granite City, Madison, Venice, Brooklyn, National City, Fairmont City, Washington Park, and Sauget, Ill.; that part of the village of Cahokia, Ill., bounded by Illinois Highway 3 on the east, First Avenue and Red-House (Cargill) Road on the south and southwest, the east line of the right-of-way of the Alton and Southern Railroad on the west, and the corporate limits of Sauget, Ill., on the northwest and north; that part of Centerville, Ill., bounded by a line beginning at the junction of 26th Street and the corporate limit of East St. Louis, Ill., and extending northeasterly along 26th Street to its junction with Bond Avenue, thence southeasterly along Bond Avenue to its junction with Owen Street, thence southwesterly along Owen Street to its junction with Church Road, thence southeasterly along Church Road to its junction with Illinois Avenue, thence southwesterly along Illinois Avenue to the southwesterly side of the right-of-way of the Illinois Central Railroad Co., thence along the southwesterly side of the right-of-way of the Illinois Central Railroad Co. to the corporate limits of East St. Louis, Ill., thence along the corporate limits of East St. Louis, Ill., to the point of beginning; and that area bounded by a line commencing at the intersection of the right-of-way of the Alton and Southern Railroad and the Madison, Ill., corporate limits near 19th Street, and extending east and south along said right-of-way to its intersection with the right-of-way of Illinois Terminal Railroad Co., thence southwesterly along the Illinois Terminal Railroad Co. right-of-way to its intersection with Illinois Highway 203, thence northwesterly along said highway to its intersection with the Madison, Ill., corporate boundary near McCambridge Avenue, thence northerly along the Madison, Ill., corporate boundary to the point of beginning, for 180 days. SUPPORTING SHIPPERS: J. D. Streett & Company, Inc., 4055 Park Avenue, St. Louis, Mo. 63110; Fisca Oil Co., Inc., 4830 Rainbow Boulevard, Shawnee Mission, Kans.; and Circo III, Inc., P.O. Box 12731, Creve Coeur, Mo. 63141. SEND PROTESTS TO: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 138875 (Sub-No. 18 TA) (Correction), filed April 10, 1974, published in the FEDERAL REGISTER issue of April 26, 1974, and republished as corrected this issue. Applicant: SHOEMAKER TRUCKING COMPANY, 8624 Franklin Road, Boise, Idaho 83705. Applicant's representative: Kent B. Power, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber mill products and composition board*, (1) From Pendleton, Oreg., and points in Oregon within ten miles thereof, points in Baker and Union Counties, Oreg., and points in that part of Oregon on and west of U.S. Highway 97, and points in that part of Washington on and west of U.S. Highway 99, to points in that part of Idaho south of the southern boundary of Idaho County, Idaho with no transportation for compensation on return except as otherwise provided; and (2) from points in Cowlitz, Skamania, Klickitat and Yakima Counties, Wash., and points in Washington on and west of Interstate Highway 5 to points in Baker, Grant, Malheur, Umatilla and Union Counties, Oreg., for 180 days. SUPPORTING SHIPPERS: Chandler Supply Company, 1301 North Orchard, Boise, Idaho 83704; Sioux Veneer Panel Company, 1700 River Street, Boise, Idaho; Idaho Forest Products, Inc., 320 South 13th, Boise, Idaho; Kaiser-Gypsum Corporation, and 300 Lakeside Drive, Oakland, Calif. SEND PROTESTS TO: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho 83724.

NOTE.—The purpose of this republication is to correct that part of the territory description to read in Part (1) as to points in that part of *Idaho* south of the southern boundary of Idaho County, Idaho, in lieu of Oregon, which was published in error.

No. MC 139566 (Sub-No. 1 TA), filed April 29, 1974. Applicant: FEDERAL ARMORED EXPRESS, INC., 910 S. Grundy Street, Baltimore, Md. 21203. Applicant's representative: Edward J. Sheppard IV, Suite 1100, Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Special nuclear material*, in armored vehicles, (1) between Erwin, Tenn., on the one hand, and, on the other, New Haven, Conn.; West Mifflin, Pa.; Lynchburg, Va.; Schenectady, N.Y.; and Sargents, Ohio, and (2) between Lynchburg, Va., and Oak Ridge, Tenn., restricted to a transportation service to be performed under a continuing contract or contracts with Edlow International Company, Washington, D.C., for 180 days. SUPPORTING SHIPPER: Mr. Samuel Edlow, President, Edlow International Company, Suite 404, 1100 17th St. NW., Washington, D.C. 20036. SEND PROTESTS TO: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 139658 (Sub-No. 1 TA), filed April 25, 1974. Applicant: HARRY POOLE, INC., 2322 Kensington Road, Macon, Ga. 31201. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Basic slag*, from points in Jefferson County, Ala., and *dolomitic limestone*, from points in Lee County, Ala., in bulk, in dump trucks, to points in Georgia in and south of Troup, Merriwether, Pike, Lamar, Monroe, Bibb, Twiggs, Wilkinson, Johnson, Emanuel, Bulloch, Effingham, and Chatham Counties, Ga., for 180 days. SUPPORTING SHIPPERS: The Georgia Marble Co., 3460 Cumberland Parkway NW., Atlanta, Ga. 30316, and Agri-Business Supply Co., Inc., 1203 8th Avenue, Albany, Ga. 31705. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 139703 (Sub-No. 1 TA), filed April 29, 1974. Applicant: DENNIS BERGER, doing business as BERGER BROS., 68 Johnson Drive, Dickinson, N. Dak. 58601. Applicant's representative: Dennis Berger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hay balers*, from facilities of Vermeer Manufacturing Co. at or near Pella, Iowa, to points in North Dakota and South Dakota, for 180 days. SUPPORTING SHIPPER: Vermeer Manufacturing Co., P.O. Box 200, Pella, Iowa 50219. SEND PROTESTS TO: Joseph H. Ambs, Dis-

trict Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 139712 (Sub-No. 1 TA), filed April 25, 1974. Applicant: CREAMLAND DAIRIES, INC., 1911 2nd Street NW., Albuquerque, N. Mex. 87125. Applicant's representative: Edwin E. Piper Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, edible meat by-products, frozen and perishable foods, and foodstuffs and dairy products*, from Denver, Colo., to Albuquerque, N. Mex., for the accounts of Strear Foods, Inc., Denver, Colo., and Zanios Foods, Albuquerque, N. Mex., for 180 days. SUPPORTING SHIPPERS: Zanios Foods, 308 Menaul Blvd. NE., Albuquerque, N. Mex. 87125, and Strear Foods, Inc., 2500 Commanche NE., Albuquerque, N. Mex. 87107. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 139744 (Sub-No. 1 TA), filed April 26, 1974. Applicant: WADDELL FERTILIZER TRANSPORT, INC., R.R. #6, Frankfort, Ind. 46041. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Crawfordsville, Ind., to points in Illinois, for 180 days. SUPPORTING SHIPPER: Occidental Chemical Company, 4671 SW. Freeway, P.O. Box 1185, Houston, Tex. 77001. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 139745 (Sub-No. 1 TA), filed April 25, 1974. Applicant: WILLIAMS & SONS TRUCKING COMPANY, 600 Sunnyside Lane, Atlantic, Iowa 50022. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste products* for recycling, from points in Iowa on and south of U.S. Highway 20 and on and west of U.S. Highway 63 to Chicago, Ill., and its commercial zone, and Kansas City, Mo., and its commercial zone, for 180 days. SUPPORTING SHIPPER: Williams Garage & Auto Parts, Edward K. Williams, Owner, 600 Sunnyside Lane, Atlantic, Iowa 50022. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 139754 TA, filed April 25, 1974. Applicant: SOFT DRINK CARRIERS, INC., 5820 Centre Avenue, Pittsburgh, Pa. 15206. Applicant's representative: Robert R. Wertz, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages and other soft drinks and materials, equipment, and supplies* used in the production, sale, and distribution of such beverages, between Twinsburg, Cleveland, and Akron, Ohio, on the one hand, and, on the other, points in Pennsylvania within and west of the Counties of McKean, Cameron, Clearfield, Blair, Cambria, and Somerset, for 180 days. SUPPORTING SHIPPERS: Great Lakes Canning, Inc., III Cascade Plaza, Akron, Ohio 44308; The Akron Coca-Cola Bottling Company, Suite 306, III Cascade Plaza, Akron, Ohio 44308; Quaker State Coca-Cola Bottling Co., 5722 Centre Avenue, Pittsburgh, Pa. 15206; and The Cleveland Coca-Cola Bottling Company, Inc., 3705 Carnegie Avenue, Cleveland, Ohio 44115. SEND PROTESTS TO: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 139755 TA, filed April 25, 1974. Applicant: HENRY M. KIDWELL, doing business as FRONTIER TRADING, 2420 West Court Street, Pasco, Wash. 99301. Applicant's representative: Henry M. Kidwell, 910 South 10th Pasco, Wash. 99301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel buildings and building materials*, (1) from Watertown, S. Dak., to points in Washington and Oregon, and (2) between points in Washington and Oregon, for 180 days. SUPPORTING SHIPPER: K. J. Merson Corporation, Inc., Box 1566, Blaine, Wash. 98230. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

WATER CARRIERS OF PROPRETY

No. W-1276 TA, filed April 26, 1974. Applicant: F. AND F. TOWING CO., INC., 4514 Flechas Street, Pascagoula, Miss. 39567. Applicant's representative: M. C. Flechas III (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Pulpwood*, from points on the Warrior-Tombigbee and Alabama River Systems to Moss Point, Miss., for 180 days. SUPPORTING SHIPPER: International Paper Company, P.O. Box 2328, Mobile, Ala. 36601. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Bureau of Operations,, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

By the Commission.

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

[FR Doc.74-11128 Filed 5-13-74;8:45 am]

MOTOR CARRIER TRANSFER PROCEEDINGS

[Notice No. 79]

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-74929. By application filed May 8, 1974, T. E. QUINN TRUCK LINES LIMITED, P.O. Box 401, Niagara Falls, Ontario, Canada, seeks temporary authority to lease a portion of the operating rights of MOTEK TRANSPORT SYSTEMS, INC. (Formerly Beaney Transport Ltd.), P.O. Box 392, Lansdale, PA 19446, under section 210a(b). The transfer to T. E. QUINN TRUCK LINES LIMITED, of the operating rights of MOTEK TRANSPORT SYSTEMS, INC. (Formerly Beaney Transport, Ltd.), is presently pending.

No. MC-FC-75152. By application filed May 7, 1974, EQUIPMENT EXPRESS LIMITED, R.R. 2, 8105 Don Mills Road, Gormley, Ontario, Canada, seeks temporary authority to lease the operating rights of LEON FRIEDMAN, C. A., Agent for Trustees and Bond Holders, doing business as L. Woods & Son Transport Limited, 5005 Irwin Ave., LaSalle, Quebec, Canada, under section 210a(b). The transfer to EQUIPMENT EXPRESS LIMITED, of the operating rights of LEON FRIEDMAN, C. A., Agent for Trustees and Bond Holders, doing business as L. WOODS & SON TRANSPORT LIMITED, is presently pending.

Dated: May 9, 1974.

By the Commission.

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

[FR Doc.74-11130 Filed 5-13-74;8:45 am]

[No. MC-2880 (Sub-No. 14)]

SOMERSET BUS CO., INC.

Abandonment of Service

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 1, held at its office in Washington, D.C., on the 2nd day of May, 1974.

It appearing, That Somerset Bus Co., Inc., of Mountainside, N.J., holds a certificate of public convenience and necessity in No. MC-2880 (Sub-No. 14), authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of passengers and their baggage, and express newspapers in the same vehicle with passengers, between Piscataway, N.J,. and Elizabeth, N.J., serving all intermediate points; between Plainfield, N.J., and South Plainfield, N.J., serving all intermediate points; and between South Plainfield, N.J., and Carteret, N.J., serving all intermediate points;

It further appearing, That by petition filed January 2, 1974, said carrier requests voluntary revocation of its certificate for the reason that the operations conducted thereunder are no longer profitable;

It further appearing, That the said request for revocation properly may not be given consideration until such time as the affected members of the public have been given notice thereof and an opportunity to express their positions

thereon; and good cause appearing therefor:

It is ordered, That within 30 days of the service date of this order, applicant shall submit to this Commission written proof that notice of the proposed discontinuance of service together with a facsimile of this order (a) has been posted for seven consecutive days in any bus presently operated over the routes sought to be abandoned, and (b) has been published for six consecutive days in newspapers of general circulation in Piscataway, Elizabeth, Plainfield, South Plainfield and Carteret, N.J.

It is further ordered, That within 45 days of the service date of this order any person-in-interest may submit to this Commission its written statement, verified under oath, as to why it believes that the above-specified certificate should not be revoked.

It is further ordered, That further consideration of this matter be, and it is hereby, deferred until expiration of the time period for filing of written statements.

It is further ordered, That notice of the request for revocation and of this order be published in the FEDERAL REGISTER.

It is further ordered, That a copy of this order be served upon the New Jersey Department of Transportation.

By the Commission, division 1.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-11120 Filed 5-13-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLOMBIA

Entry or Withdrawal From Warehouse for Consumption

Correction

In FR Doc. 74-10233 appearing at page 15528 of the issue for Friday, May 3, 1974, the following changes should be made:

1. On page 15528, in the third column, the second paragraph, in the first line, the effective date should read: "June 2, 1974";

2. In the same column, in the 20th line of the third paragraph, the name "Telena de Florez" should read: "Helena de Florez";

3. On page 15529 in the first column, the eighth line of the first paragraph of the letter, the effective date should read: "June 2, 1974";

4. The last two lines of the aforementioned paragraph which reads: "until 60 days following the date of publication." should read: "until July 2, 1974."

CUMULATIVE LIST OF PARTS AFFECTED—MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

PROCLAMATIONS:

4289 ... 15251
4290 ... 15253
4291 ... 15255
4292 ... 17213
4293 ... 17215

EXECUTIVE ORDERS:

11588 (see EO 11781) ... 15749
11615 (see EO 11781) ... 15749
11627 (see EO 11781) ... 15749
11695 (superseded in part by EO 11781) ... 15749
11723 (superseded in part by EO 11781) ... 15749
11730 (superseded in part by EO 11781) ... 15749
11748 (see EO 11781) ... 15749
11781 ... 15749
11782 ... 15991

PRESIDENTIAL DOCUMENTS OTHER THAN EXECUTIVE ORDERS AND PROCLAMATIONS:

Memorandum of Apr. 23, 1974 ... 17216

5 CFR

213 ... 15383, 16228, 16229, 16851, 17096
532 ... 16439
733 ... 16851
930 ... 15110

6 CFR

150 ... 16126
152 ... 16127
153 ... 16127
155 ... 15276

PROPOSED RULES:

150 ... 15309, 15488

7 CFR

1 ... 15277
2 ... 16470
52 ... 15404, 15996
68 ... 17217
220 ... 16470, 16851
225 ... 15756
301 ... 15404
401 ... 16471
730 ... 15758
731 ... 15759
780 ... 16851
795 ... 15996
905 ... 16231
907 ... 15277, 16471
908 ... 15278, 15761, 16472, 17218
910 ... 15403, 15996, 16852, 17219
911 ... 15097
944 ... 16472
1007 ... 15762
1030 ... 15405
1032 ... 15417
1046 ... 15427
1049 ... 15437
1050 ... 15448

7 CFR—Continued

1060 ... 16232
1061 ... 16242
1062 ... 15458
1063 ... 16251
1064 ... 16260
1065 ... 16273
1068 ... 16285
1069 ... 16294
1070 ... 16303
1071 ... 15775
1073 ... 15786
1076 ... 16312
1078 ... 16321
1079 ... 16278, 16328
1090 ... 15798
1094 ... 15807
1096 ... 15817
1097 ... 15826
1098 ... 15836
1099 ... 15469
1102 ... 15847
1104 ... 15997
1106 ... 16008
1108 ... 15855
1120 ... 16019
1126 ... 16031
1127 ... 16042
1128 ... 16053
1129 ... 16064
1130 ... 16073
1131 ... 16084
1132 ... 16094
1137 ... 15867
1138 ... 16105
1207 ... 16117
1434 ... 15098
1806 ... 17093
1832 ... 16117
1842 ... 16117
1843 ... 15868

PROPOSED RULES:

52 ... 17234
612 ... 16480
620 ... 15284
621 ... 15284
622 ... 15284
623 ... 15284
624 ... 15284
911 ... 15284
915 ... 15488
924 ... 16361
928 ... 17236
930 ... 17105
944 ... 15141
1001 ... 15488
1002 ... 15488
1004 ... 15488
1015 ... 15488
1033 ... 15488
1036 ... 15488
1040 ... 15488
1049 ... 15488
1701 ... 16362

8 CFR

PROPOSED RULES:

242 ... 15283

9 CFR

73 ... 15756
76 ... 16852
78 ... 15402
92 ... 16853
108 ... 16854
112 ... 16856
113 ... 16856
114 ... 16869
116 ... 16872
331 ... 15257
381 ... 15257

PROPOSED RULES:

71 ... 16894

10 CFR

Rulings ... 15140
50 ... 16439
211 ... 15138, 15960, 16873, 17213
212 ... 15138, 17215
215 ... 15137

PROPOSED RULES:

20 ... 16481
40 ... 16901
50 ... 16901
70 ... 16901
211 ... 17237

12 CFR

201 ... 16873
303 ... 16229
523 ... 17219
545 ... 15111
581 ... 15111

PROPOSED RULES:

340 ... 15510
545 ... 16484
561 ... 15881

13 CFR

PROPOSED RULES:

108 ... 16907
121 ... 17111

14 CFR

39 ... 15257, 15258, 16118, 16338, 16873–16877, 17097, 17219, 17220
71 ... 15099, 15259, 15383, 16118, 16119, 16339, 16439, 16440, 16877, 17097, 17098, 17221
73 ... 15259, 16339, 17097
75 ... 16340, 17098
97 ... 15259, 16340
217 ... 16878
221 ... 16119
239 ... 16879
241 ... 16120
242 ... 16879
243 ... 16880
298 ... 16341, 16881

PROPOSED RULES:

25 ... 16900
39 ... 15143, 16900

45 CFR—Continued

46 CFR

47 CFR

49 CFR

50 CFR

FEDERAL REGISTER PAGES AND DATES—MAY

Pages	*Date*	*Pages*	*Date*
15087–15241	May 1	16219–16432	8
15245–15375	2	16433–16824	9
15377–15741	3	16825–17085	10
15743–15983	6	17087–17206	13
15985–16217	7	17207–17293	14

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PART II

FEDERAL ENERGY OFFICE

■

MANDATORY PETROLEUM ALLOCATION AND PRICE REGULATIONS

Revision of Mandatory Crude Oil Allocation Program

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Revision of Mandatory Crude Allocation Program

A notice of proposed rulemaking which contained revisions to the mandatory crude allocation program found in Subpart C of Part 211 was issued on March 5, 1974 (39 FR 8633, March 6, 1974). Comments were invited from interested persons by March 20, 1974, and more than 100 comments were received by FEO. All comments, including late-filed comments where possible, have been read and considered. The amendment published herewith has been modified to take into account many of the suggestions contained in the comments. Some of the modifications are substantive in nature, but all are consistent with the policy objectives set forth in the March 5 notice.

The notice of proposed rulemaking was designed to remove disincentives to the increased production and importation of crude oil which exist under the current crude oil allocation program. The specific disincentives in the existing program concerned allocations between major oil companies, price disincentives associated with the volume of allocated crude oil, and product dislocations.

The revised crude oil program eliminates allocations between the major oil companies by limiting allocations to small and independent refiners.

With respect to price disincentives, a new § 212.94 is added which provides that refiner-sellers will sell their allocated crude oil to refiner-buyers at the refiner-seller's weighted average cost plus a 30 cents per barrel handling charge, a transportation adjustment and a gravity adjustment. FEO has eliminated the price provisions contained in § 212.88 under the existing program which permitted a refiner-seller to pass through to its customers an additional 84 cents per barrel representing an approximation of the average industry profit earned from refining a barrel of oil. Since a refiner-seller is now free to replace any crude oil which is allocated away from the seller without having such replacement crude oil subject to allocation and since there are now increased supplies of crude oil available with the lifting of the embargo, the new § 211.94 adequately compensates refiner-sellers for sales of allocated crude oil.

As noted, the existing crude oil program also created product dislocations. This has meant that crude oil was redirected away from some refiner-sellers capable of producing certain highly refined petroleum products which had the effect of reducing the production of those products. This problem was compounded by the fact that the program discouraged the replacement of the allocated crude oil by such a refiner-seller through tying allocation liability to increased crude oil avails. Under the revised crude oil program, those refiners will now be encouraged to replace the crude oil which they must sell to refiner-buyers. Through replacement, these refiners will be able to produce the needed products.

The amendment also takes into account the February 28, 1974 amendment to the allocation rules then in effect. That amendment provided that all imported crude oil supplies obtained by a refiner in excess of its estimated supplies for February 1–April 30, 1974 would not be subject to allocation.

Major Features of the New Crude Oil Allocation Program

Purchasers limited to small and independent refiners. Under the new crude oil program, small and independent refiners are entitled to receive allocations of crude oil in each allocation quarter. Small and independent refiners are defined as provided in the Emergency Petroleum Allocation Act of 1973 rather than as suggested in the notice of proposed rulemaking.

Petrochemical producers. Petrochemical producers are included within the definition of a refiner, and are thus eligible to receive allocations on the same basis as small and independent refiners. Although petrochemical producers had previously been entitled to receive 100 percent of current requirements (subject to the application of an allocation fraction) under Subpart J of Part 211, that subpart has proven to be deficient in operation and therefore will shortly be the subject of a notice of proposed rulemaking. This revised treatment of petrochemical producers guarantees that these firms will now automatically receive allocations in the same manner as all small and independent refiners. To the extent the operation of the crude allocation program would not serve to maintain petrochemical producers at the same approximate level of priority formerly assigned in Subpart J, the FEO will entertain requests for exceptions.

Fixed purchase opportunity for small and independent refiners. In each allocation quarter (the first of which commences June 1, 1974), each refiner-buyer is eligible to purchase an amount of crude oil equal to one quarter of the crude oil runs to stills of such refiner-buyer in the year 1972 less the volume of crude oil runs to stills of such refiner-buyer for the period February through April, 1974, with certain adjustments. Provision is also made for allocation of crude oil with respect to expanded or new refinery capacity since 1972.

The allocation amount for each refiner-buyer is thus a fixed amount (with adjustments for a national shortfall of crude supplies and supplies in excess of 100% refining capacity). The February through April, 1974 crude oil runs to stills were used as a floor for the fixed allocation amount, in that, in substantially all cases, this period represented a very low level of crude supplies and would indicate the worst case for a refiner-buyer's supply situation.

Fixed Share for allocating refiners. The only refiners required to make allocations of crude oil under the program would be refiners which do not qualify as small or independent refiners. A refiner-seller's allocation obligation would be basically a fixed percentage share of the total amount to be allocated to all refiner-buyers in an allocation quarter. Each refiner-seller's percentage share would be its proportional share of the reported refinery capacity of all refiner-sellers as of January 1, 1973. It is important to note that a refiner-seller's relative share of the total allocation obligation would not increase as the refiner-seller acquires additional crude oil since the percentage share is fixed by reference to an event in the past. This removes an important disincentive to import since, under the current program, until the exemption level is reached, each incremental barrel imported increased a seller's obligation to allocate.

Pricing of allocated crude oil. For sales of allocated crude oil, refiner-sellers may charge the weighted average price of all crude oil delivered to such refiner-seller during the month of the allocation sale, with adjustments for transportation and gravity. The distinctions in the calculation of the weighted average price and gravity adjustments for refiner-sellers in Districts I–IV and in District V have been retained. Refiner-sellers are also permitted to charge a 30 cents per barrel handling fee for allocation sales of crude oil.

Adjustment of 1974 runs. A refiner-buyer's volume of crude oil runs to stills for the period February through April, 1974 excludes the volume of crude oil runs to stills in such period attributable to crude oil purchased by that refiner-buyer in such period under the existing allocation program and the volume of crude oil runs to stills in such period attributable to imports of crude oil in such period in excess of the reported estimate of crude oil imports of that refiner-buyer for such period.

Adjustments for unusual or nonrecurring operating conditions. Upon application by a refiner-buyer prior to May 20, 1974, FEO may adjust a refiner-buyer's reported volume of crude oil runs to stills for the year 1972 to compensate for reductions in volume due to unusual or nonrecurring operating conditions. FEO may at any time, without application by the refiner-buyer concerned, adjust the volume of crude oil runs to stills of a refiner-buyer for the year 1972 or for the period February through April 1974, if the reported runs to stills in such period is inaccurate or not representative of normal operating conditions.

Limit of allocations to 100 percent of capacity. No allocation will be made that will result in crude oil supplies to a refiner-buyer in excess of 100 percent of refinery capacity, with adjustments for processing agreements. Allocations in a subsequent allocation quarter will be reduced by the amount by which an allocation in a previous quarter resulted in

supplies in excess of 100 percent of capacity.

Requirement that refiner-buyers process allocated crude oil. Each refiner-buyer is required to process in its refineries, or have processed for its account by another refiner, any crude oil purchased under the allocation program in, or within a reasonable time following, the allocation quarter in which such crude oil was so purchased.

NEW AND FUTURE REFINING CAPACITY

New refining capacity substantially completed by May 1, 1974. The FEO has provided for allocations on a basis equivalent to allocations to 1972 refining capacity, to post-1972 refining capacity, a substantial portion of the construction of which has been completed by May 1, 1973. This new refining capacity is eligible to receive allocations to bring it up to the particular refiner-buyer's 1972 supply to capacity ratio, taking into consideration supplies in excess of 1974 first quarter levels available for such new capacity.

Future refining capacity (After May 1, 1974). FEO is committed to fostering construction of new and expanded refinery capacity. To this end, the revised crude allocation program is designed to assure adequate sources of crude oil for future refinery capacity which is not substantially constructed by May 1, 1974. The revised program establishes a procedure for allocations of crude oil supplies to this type of refinery capacity.

The Emergency Petroleum Allocation Act extends only through February 28, 1975. There is no assurance that allocation auhority either in its present form or as amended will be extended beyond that date. Consequently, FEO expects that firms with expanded refinery capacity will have arranged substantial crude oil supplies aside from amounts to be allocated. However, in furtherance of FEO's desire to expand domestic capacity, particularly among small and independent refiners, provision is made in these regulations for allocation to future new and expanded facilities. FEO will establish an appropriate allocation level, endeavoring to assure supplies adequate for such facilities to operate at the national average supply-to-capacity ratio, but taking into account a series of enumerated factors to insure the viability and operability of any new facilities.

FEO will continue to review the regulations applicable to new and and expanded refinery capacity in light of world crude oil availability and access to world crude oil supplies by persons engaged in constructing new and expanded refinery capacity and is prepared to consider future changes in the rules whenever necessary to assure adequate crude oil supplies for this capacity. FEO is also prepared to review the December 1, 1973 supplier/purchaser relationships established in § 211.63 in connection with this objective.

In addition to assuring available crude oil supplies, FEO is committed to insuring that the allocation program does not unduly interfere with the distribution of products refined in new facilities. In particular, FEO is prepared to consider exceptions from allocation obligations relating to distribution of products refined at new facilities pursuant to long-term support contracts between the new refinery and wholesale purchaser-consumers where the latter participates in the financing of facilities under arrangements for delivery of refined products to wholesale purchaser-consumers for a period of 10 years or more.

COMPUTATION OF AND ADJUSTMENTS TO ALLOCATION RIGHTS OF REFINER-BUYERS

Prior to May 20, 1974, each refiner-buyer is required to report to FEO, as provided in § 211.66, its volume of crude oil runs to stills for the year 1972 and for the period February through April, 1974, reflecting the required adjustments. The FEO will then compute the quantity of crude oil which each refiner-buyer will be eligible to purchase during an allocation quarter, taking into consideration certain other adjustments.

On a continuing basis, the only adjustment provided for to a buyer's fixed allocation entitlement relates to the requirement that allocations shall not result in supplies in excess of 100% of capacity to any refiner-buyer. (Certain one-time adjustments to the allocation amounts for the quarter commencing June 1, 1974 are discussed below under "Corrections for February–April, 1974 Allocation Period.") The quantity of crude oil that a refiner-buyer is eligible to purchase in an allocation quarter will be reduced by the amount of crude oil available to the refiner-buyer in a prior allocation quarter that resulted in crude oil supplies in excess of 100 percent of such refiner-buyer's refinery capacity, except that such reduction based on crude oil supplies in any prior allocation quarter shall not be for an amount in excess of the volume of crude oil actually purchased by the refiner-buyer in that prior quarter.

ADJUSTMENT TO OBLIGATIONS OF REFINER-SELLERS

The sole adjustment to the obligation of a refiner-seller on a continuing basis in the new program is for unsold amounts in the prior allocation quarter. A similar adjustment together with a one-time adjustment for inaccurate estimates reported in the first crude oil sales period, are discussed below under "Corrections for February–April, 1974 Allocation Period." The continuing adjustment for unsold obligations of refiner-sellers provides for a carryover of unsold amounts for one allocation quarter. For example, if a refiner-seller did not sell all of his fixed percentage share of the total allocation obligation in the allocation quarter commencing June 1, 1974, the unsold amount would remain as its sales obligation in the allocation quarter commencing September 1, 1974, but would not be a sales obligation in the allocation quarter commencing December 1, 1974. In computing sales obligations for a particular allocation quarter, unsold amounts are deducted from the total allocation obligation and the balance is apportioned among refiner-sellers in accordance with the fixed percentage share of each.

CORRECTIONS FOR FEBRUARY–APRIL, 1974 ALLOCATION PERIOD

Correction for unsold amounts. To the extent that a refiner-buyer classified as a refiner-seller in the February through April 1974 period did not sell its entire required amount under the buy/sell list, its purchase opportunity in the allocation quarter commencing June 1, 1974, will be reduced by that unsold amount. Similarly, refiner-sellers that were classified as such in the February–April, 1974 period will first be required to sell their unsold amounts, if any, in the allocation quarter commencing June 1, 1974.

Correction for inaccurate estimates. The quantity of crude oil that a refiner-buyer is eligible to purchase in the allocation quarter commencing June 1, 1974, will be reduced by the excess, if any, of the volume of domestic crude oil runs to stills of that refiner-buyer for the period February through April, 1974 over the reported domestic crude oil supply estimates of that refiner-buyer for such period. Such purchase opportunity will be increased by (i) the excess, if any, of such estimated domestic crude oil runs to stills for such period over the volume of its domestic crude oil runs to stills for such period and by (ii) the excess, if any, of the reported imported crude oil supply estimates of that refiner-buyer for such period over the volume of its imported crude oil runs to stills for such period. The effect of this corrective provision will be the reverse when applied to refiner-sellers. That is to say, a seller's obligation will be increased where a buyer's rights would be decreased, and vice versa. FEO has adopted these corrective provisions because of certain inequities on the first buy/sell list, which were inherent in a system based on estimates.

Computation of sales obligations in first allocation quarter. In computing the amount required to be sold by each refiner-seller in the allocation quarter commencing June 1, 1974, unsold amounts from the February–April, 1974 allocation period shall be considered the first obligation of the refiner-seller concerned.

The total of the unsold amounts shall be deducted from the total allocation obligation, and the balance shall be apportioned among all refiner-sellers in accordance with their respective fixed percentage shares. Adjustments shall then be made to the fixed percentage share amounts to reflect inaccuracies in estimates in the February–April, 1974 allocation period, as described above. To the extent that there is a net overage or shortfall as a result of these adjustments as compared to the original balance, this amount will be either credited or added to the obligations of all refiner-sellers in accordance with their respective fixed percentage shares.

MISCELLANEOUS

Provision is made for publication of a buy-sell list, the commencement of de-

liveries, the reporting of transactions under the program, and the conditions of sales (including new § 211.94 concerning prices). In addition, the revision deals with those situations where a refiner-buyer is unable to negotiate a transaction.

Section 211.66(f) requires that each refiner claiming the status of a small or independent refiner must submit to FEO by May 20, 1974 an affidavit setting forth the basis for its claim. FEO will review these claims and determine whether the refiner is entitled to be a refiner-buyer under the revised program.

Possible reduction of purchase opportunities. Finally, FEO may consider revision of the crude oil program in the future to reduce purchase opportunities for refiner-buyers, in subsequent allocation quarters, as the current February, 1975 termination date for the Emergency Petroleum Allocation Act approaches. Such a gradual phasing down of allocation entitlement could take the form of progressive percentage reductions of the fixed purchase opportunities in succeeding allocation quarters.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, E.O. 11748; 38 FR 33575)

In consideration of the foregoing, 10 CFR Chapter II is revised as set out herein, effective immediately.

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

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

1. Subpart C of Part 211 is revised to read as follows:

Subpart C—Crude Oil and Refinery Yield Control

Sec.

Subpart C—Crude Oil and Refinery Yield Control

§ 211.61 Scope.

(a) This subpart is applicable to all producers, refiners and others who purchase or obtain crude oil for resale, transfer or use.

(b) This subpart provides for the mandatory allocation of crude oil produced in or imported into the United States other than the first sale of crude oil exempted pursuant to the provisions of § 210.32 of this chapter.

(c) This subpart also provides a program for refinery yield control.

§ 211.62 Definitions.

For purposes of this subpart—

"Allocation quarter" means a consecutive three month calendar period which commences one month prior to the start of each calendar quarter. The first allocation quarter shall be the three-month period from June 1, 1974 through August 31, 1974.

"Crude oil runs to stills" means, in the case of a refiner other than a petrochemical producer, the total number of barrels of crude oil input to distillation units processed by a refiner and measured in accordance with Bureau of Mines Form 6–1300–M and, in the case of a petrochemical producer, the total number of barrels of crude oil input to processing units for conversion into petrochemicals.

"Future refining capacity" means, for each refiner, the sum of the capacity of its refineries not included within the definitions of refining capacity and new refining capacity and operated continuously in the normal course of such refiner's business. Future refining capacity shall be certified by the FEO.

"Independent refiner" means a refiner which (a) obtained, directly or indirectly, in the calendar quarter which ended immediately prior to November 27, 1973, more than 70 percent of its refinery input of domestic crude oil (or 70 percent of its refinery input of domestic and imported crude oil) from producers which do not control, are not controlled by, and are not under common control with, such refiner, and (b) marketed or distributed in such quarter and continues to market and distribute a substantial volume of gasoline refined by it through independent marketers.

"New refining capacity" means, for each refiner, the sum of the capacity of its refineries not included within the definition of refining capacity and is operated continuously in the normal course of such refiner's business, a significant portion of the construction of which has been completed prior to May 1, 1974. New refining capacity shall either be certified by the FEO or be the subject of a starter allocation under Section 25 of the Oil Import Regulations (32A CFR OI Reg. 1–25).

"Petrochemical producer" means a person who manufactures petrochemicals in a petrochemical plant by processing petrochemical feedstock.

"Processing agreement" means any agreement pursuant to which an owner of crude oil agrees to have that crude oil processed or refined by another person and retains ownership in some or all of the petroleum products so processed or refined from the crude oil.

"Refinery" means an industrial plant, regardless of capacity, processing crude oil feedstock and manufacturing refined petroleum products, residual fuel oil or petrochemicals, and shall include a petrochemical plant.

"Refiner" means a firm which owns, operates or controls the operations of one or more refineries.

"Refiner-buyer" means any small refiner or independent refiner.

"Refiner-seller" means a refiner which is not a small refiner or an independent refiner as defined in this section, except that a refiner which is not a small refiner or an independent refiner, and the refinery capacity of which consists solely of new refining capacity or future refining capacity, shall not be classified as a refiner-seller.

"Refinery capacity" means, for each refiner, the sum of the refining capacity, new refining capacity and future refining capacity of its refineries.

"Refining capacity" means, for each refinery, the capacity reported to the Bureau of Mines as of January 1, 1973, as certified by the FEO. Any capacity of a refinery which has ceased to be operated continuously in the normal course of business since the January 1973 report to the Bureau of Mines shall be deducted from refining capacity.

"Small refiner" means a refiner, the sum of the capacity of the refineries of which (including the capacity of any person who controls, is controlled by, or is under common control with such refiner) does not exceed 175,000 barrels per day. A refiner which is a small refiner as of January 1, 1974 shall not cease to be classified as such by virtue of new refining capacity operational after January 1, 1974 or future refining capacity which results in a refinery capacity for such refiner in excess of 175,000 barrels per day.

§ 211.63 Supplier/purchaser relationships.

(a) All supplier/purchaser relationships in effect under contracts for sales, purchases, and exchanges of domestic crude oil on December 1, 1973, shall remain in effect for the duration of this program, except purchases and sales made to comply with this program: *Provided, however,* That (1) any such supplier/purchaser relationship may be terminated by the mutual consent of both parties; (2) the provisions of this paragraph do not apply to the first sale of crude oil pursuant to § 210.32 of this chapter; and (3) the provisions of this paragraph shall not apply to the seller of any crude oil if the present purchaser of such crude oil refuses, after notice by the seller, to meet any bona fide offer made by another purchaser to buy such crude oil at a lawful price above the price paid by the present purchaser.

(b) New crude petroleum may be sold to any person. Once the sale is made, the seller of such new crude petroleum shall continue to sell to that purchaser subject to the provisions of paragraph (a)(1), (2) and (3) of this section.

§ 211.64 Transactions under prior program.

(a) Any agreement for the sale or purchase of crude oil entered into as a result of the provisions of this subpart as in effect immediately prior to May 10, 1974, shall be fully performed notwithstanding any provision of this subpart as in effect on May 10, 1974.

(b) Special Rule No. 1 issued under the provisions of this subpart as in effect immediately prior to May 10, 1974, shall remain in full force and effect.

§ 211.65 Method of allocation.

(a) *Purchase opportunities of refiner-buyers.* (1) In each allocation quarter, each refiner-buyer shall be entitled to purchase an amount of crude oil equal to one quarter of the volume of crude

oil runs to stills of such refiner-buyer for the year 1972 less the volume of crude oil runs to stills of such refiner-buyer for the period February through April 1974, as adjusted under the provisions of this section. If the estimated aggregate amount of crude oil to be produced in and imported into the United States in any allocation quarter is less than the aggregate amount of crude oil produced in and imported into the United States in the corresponding period of 1972, refiner-buyers for that allocation quarter shall have the amount of crude oil that they would otherwise be entitled to purchase reduced on a pro rata basis.

(2) A refiner-buyer's refinery capacity for the purposes of paragraphs (a)(6) and (c)(2) of this section and volume of crude oil runs to stills for the year 1972 and for the period February through April, 1974 shall (i) include (A) the volume of crude oil processed by another refiner for that refiner-buyer pursuant to a processing agreement and (B) the volume of crude oil processed by that refiner-buyer for a person other than a refiner pursuant to a processing agreement, and (ii) exclude the volume of crude oil processed by that refiner-buyer for another refiner pursuant to a processing agreement.

(3) A refiner-buyer's volume of crude oil runs to stills for the period February through April, 1974 shall exclude (i) the volume of crude oil runs to stills in such period attributable to crude oil purchased by that refiner-buyer in such period pursuant to the provisions of this subpart and (ii) the volume of crude oil runs to stills in such period attributable to imports of crude oil in such period in excess of the reported estimate of crude oil imports of that refiner-buyer for such period.

(4) Upon application by a refiner-buyer prior to May 20, 1974, for purposes of the calculations in paragraph (a)(1) of this section, the FEO may adjust such refiner-buyer's reported volume of crude oil runs to stills for the year 1972 to compensate for reductions in volume due to unusual or nonrecurring operating conditions. The FEO may at any time, for purposes of such calculations and without application by the refiner-buyer concerned, adjust the volume of crude oil runs to stills of a refiner-buyer for the year 1972 or for the period February through April, 1974, if it determines that such refiner-buyer's reported volume of crude oil runs to stills for such year or period is inaccurate or not representative of normal operating conditions.

(5) For purposes of the calculations in paragraph (a)(1) of this section, the volume of crude oil runs to stills of a refiner-buyer in 1972 shall be (i) increased by the volume of crude oil necessary to operate any new refining capacity of that refiner-buyer at the supply to capacity ratio at which all refineries of that refiner-buyer operated in the year 1972, taking into consideration crude oil supplies (in excess of supplies included in its February through April, 1974 crude oil runs to stills) available to that refiner-buyer for such new capacity, and (ii) decreased by the volume of crude oil runs to stills of such refiner-buyer attributable to any refining capacity which has ceased to be operated continuously in the normal course of business since December 31, 1972.

(6) No allocation shall be made under this subpart which will result in crude oil supplies in excess of 100 percent of refinery capacity to any refiner-buyer.

(7) Each refiner-buyer shall process in its refineries, or have processed for its account by another refiner, any crude oil purchased under this subpart in, or within a reasonable time following the allocation quarter in which such crude oil was so purchased.

(b) *Future refining capacity.* (1) Notwithstanding any provisions of paragraph (a) of this section to the contrary, future refining capacity of a refiner-buyer shall be eligible to receive allocations of crude oil, as hereinafter provided. Each refiner-buyer that wishes to receive an allocation under this paragraph (b) shall apply to the FEO, on forms and instructions issued by the FEO. No such application shall be made until such future capacity will become operational in the allocation quarter for which the allocation is sought. In no event shall any such application be made less than 60 or more than 90 days prior to the commencement of such allocation quarter. The FEO may specify a fixed or varying allocation amount or amounts of crude oil for such future refining capacity, and in so doing shall consider the following factors:

(i) The source and volume of anticipated crude oil supplies for such future refining capacity;

(ii) the efforts made by that refiner-buyer to obtain or locate crude oil supplies for such future refining capacity;

(iii) the projected ability of all refiner-sellers to obtain supplies of crude oil for their refinery capacity;

(iv) the economic feasibility of operating such future refining capacity absent any allocations;

(v) the extent to which such future refining capacity is designed to implement the national policies relating to protection of the environment; and

(vi) the extent to which such future refining capacity incorporates high conversion facilities and the patterns of product yield conform to the anticipated national requirements for refinery products.

(2) The FEO will endeavor to assure supplies to future refining capacity to enable such capacity to operate at the national supply to capacity ratio.

(c) *Computation of total allocation obligation.* (1) Prior to May 20, 1974, each refiner-buyer shall report to the FEO, as provided in § 211.66, its volume of crude oil runs to stills for the year 1972 and for the period February through April, 1974, which reported volume shall reflect the adjustments specified in paragraph (a) (2), (3), (4) and (5) of this section. The FEO will then compute the quantity of crude oil which each refiner-buyer will be eligible to purchase during an allocation quarter. The sum of the quantities of crude oil that all refiner-buyers are eligible to purchase for delivery during an allocation quarter shall be the total allocation obligation for refiner-sellers for such allocation quarter.

(2) The quantity of crude oil that a refiner-buyer shall be eligible to purchase under this subpart in an allocation quarter shall be reduced by the amount of crude oil available to refiner-buyer in a prior allocation quarter that resulted in crude oil supplies in excess of 100 percent of that refiner-buyer's refinery capacity, except that such reduction based on crude oil supplies in any prior allocation quarter shall not be for an amount in excess of the volume of crude oil actually purchased by that refiner-buyer under this subpart in such prior allocation quarter.

(3) The purchase opportunity of each refiner-buyer which was classified as a refiner-seller in the period February through April, 1974 and did not sell its total required quantity of crude oil in such period pursuant to the buy/sell list published by the FEO shall be reduced by such unsold amount in the allocation quarter commencing June 1, 1974.

(4) The quantity of crude oil that a refiner-buyer shall be eligible to purchase under this subpart in the allocation quarter commencing June 1, 1974, shall be (i) reduced by the excess of the volume of domestic crude oil runs to stills of that refiner-buyer for the period February through April, 1974 over the reported estimated domestic crude oil runs to stills of that refiner-buyer for such period and (ii) increased by (A) the excess of such estimated domestic crude oil runs to stills for such period over the volume of its domestic crude oil runs to stills for such period, and (B) the excess of the reported estimates of imported crude oil runs to stills of that refiner-buyer for such period over the volume of its imported crude oil runs to stills for such period.

(d) *Refiner-sellers' sales obligations.* (1) Each refiner-seller shall offer for sale crude oil, directly or through exchange, to refiner-buyers. The quantity of crude oil that each refiner-seller shall be required to offer for sale to refiner-buyers during an allocation quarter shall be equal to that refiner-seller's fixed percentage share multiplied by the total allocation obligation for the particular allocation quarter, as adjusted in this paragraph (d). A refiner-seller's fixed percentage share is its proportionate share of the total refining capacity of all refiner-sellers as reported to the Bureau of Mines on January 1, 1973, as certified by the FEO. New refining capacity or future refining capacity shall not subject a refiner-seller to any increase in its fixed percentage share.

(2) The quantity of crude oil that a refiner-seller shall be required to offer for sale in the allocation quarter commencing June 1, 1974, shall be (i) increased by the excess of the volume of domestic crude oil runs to stills of that refiner-seller for the period February through April, 1974 over the reported estimated domestic crude oil runs to stills

of that refiner-seller for such period and (ii) reduced by (A) the excess of such estimated domestic crude oil runs to stills for such period over the volume of its domestic crude oil runs to stills for such period, and (B) the excess of the reported estimates of imported crude oil runs to stills of that refiner-seller over the volume of its imported crude oil runs to stills for such period. For purposes of this paragraph (d)(2) a refiner-seller's crude oil runs to stills shall reflect the adjustments in paragraph (a)(2) of this section and include amounts sold and exclude amounts purchased under this subpart in the period February through April, 1974.

(3) In each allocation quarter, each refiner-seller that did not sell its total quantity of crude oil required to be offered for sale under this subpart in the prior allocation quarter or, in the case of the allocation quarter commencing June 1, 1974, the period February through April, 1974, shall first be required to offer for sale such unsold amount to refiner-buyers; *provided, however,* that such unsold amount in such prior allocation quarter or period shall constitute a sales obligation of a refiner-seller only for the allocation quarter immediately following such prior allocation quarter or period.

(4) In calculating the quantity of crude oil that each refiner-seller is required to offer for sale in an allocation quarter, the aggregate of the quantities of crude oil required to be sold under paragraph (d)(3) of this section shall be deducted from the total allocation obligation for such allocation quarter, and the balance shall be offered for sale by all refiner-sellers in accordance with their respective fixed percentage shares. Sales by a refiner-seller in an allocation quarter shall be deemed to be first in satisfaction of that refiner-seller's obligation under paragraph (d)(3) of this section, to the extent of such obligation, and next in satisfaction of that refiner-seller's fixed percentage share of such balance.

(5) For the allocation quarter commencing June 1, 1974, after calculation of the amount of each refiner-seller's fixed percentage share of the total allocation obligation less the quantities of crude oil required to be sold under paragraph (d)(3) of this section, the adjustments specified in paragraph (d)(2) of this section shall be made to such amount. To the extent that the aggregate of such adjusted obligations of all refiner-sellers either exceeds or is less than the total allocation obligation less such quantities under paragraph (d)(3) of this section, the adjusted obligation of each refiner-seller (exclusive of amounts required to be sold under paragraph (d)(3) of this section) shall be either reduced or increased, as the case may be, by its fixed percentage share of such excess or shortfall.

(e) *Buy-sell list.* On the first day of the allocation quarter commencing June 1, 1974, and 15 days prior to each subsequent allocation quarter, the FEO shall publish a notice for that allocation quarter listing the quantity of crude oil each refiner-buyer is eligible to purchase, the total allocation obligation for all refiner-sellers, the fixed percentage share for each refiner-seller and the quantity that each refiner-seller will be obligated to offer for sale to refiner-buyers. The commencement date for starting deliveries under sales agreements in an allocation quarter shall be 15 days after publication of the related notice. Any agreements for the sale or purchase of crude oil after such commencement date shall be retroactive to the starting delivery date. All deliveries must be completed or arranged for before the end of the allocation quarter.

(f) *Sale/purchase transaction report.* Within fifteen days of the publication of the notice under paragraph (e) of this section, each transaction made to comply with this program shall be reported by the buyer and seller to the FEO. This report shall identify the selling refiner and purchasing refiner-buyer and indicate the volumes of the crude oil sold or purchased.

(g) *Conditions of sale.* (1) The terms and conditions of each sale of crude oil, other than the prices, shall be consistent with normal business practices. The crude oil offered must be suitable for processing in and practical for delivery to the refiner-buyer.

(2) All crude oil transferred pursuant to this section shall be priced in accordance with the provisions of Part 212 of this chapter.

(3) Exchanges of crude oil may be utilized to comply with the purchase and sale provisions of this section.

(h) *Failure to negotiate transactions.* (1) Each refiner-buyer shall use its best effort to consummate the purchases of crude oil under this subpart from refiner-sellers prior to requesting assistance from the FEO. A refiner-buyer that is unable to negotiate a contract to purchase crude oil within 15 days of the publication of the notice specified in paragraph (e) of this section may request after the expiration of such 15 day period that the FEO direct one or more refiner-sellers to sell an acceptable type of crude oil to such refiner-buyer. Such a request must be made within 30 days of the publication of such notice. Upon such request, the FEO may direct one or more refiner-sellers which have not sold their required allocation quarter quantity to sell crude oil to the refiner-buyer. If the refiner-buyer declines to purchase the crude oil specified by the FEO, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during that allocation quarter, provided that the refiner-seller or refiner-sellers have fully complied with all of the provisions of this section.

(2) Refiner-sellers which have not negotiated sales with refiner-buyers of the required volume of crude oil within fifteen days of the publication of the notice specified in paragraph (e) of this section shall notify the FEO. The FEO may then direct that refiner-seller to sell that volume to a refiner-buyer which has not obtained its total amount permitted under paragraph (a) of this section.

§ 211.66 Reporting requirements.

(a) All matters pertaining to the allocation of crude oil and the refinery yield control program shall be addressed to the Administrator, Federal Energy Office, P.O. Box 2885, Washington, D.C. 20013.

(b) A monthly report shall be required from refiners on forms and instructions issued by the FEO as to crude oil runs and products produced.

(c) Initial report. By May 20, 1974 each refiner shall provide the FEO with a report showing the following:

(1) Its refining capacity (as defined in § 211.62).

(2) Any new refining capacity (as defined in § 211.62) of such refiner.

(3) The volume of the crude oil runs to stills of such refiner for the period February through April 1974, taking into account, and separately specifying the amount of, the adjustments provided for in § 211.65.

(4) The volume of the crude oil runs to stills of such refiner for the year 1972, taking into account, and separately specifying the amount of, the adjustments provided for in § 211.65.

(5) Estimated runs of all domestic and imported crude oil for the forthcoming allocation quarter including (i) the volume of crude oil processed by another refiner for that refiner pursuant to a processing agreement and crude oil processed by that refiner for a person other than a refiner pursuant to a processing agreement, and excluding (ii) the volume of crude oil which that refiner processes for another refiner pursuant to a processing agreement.

(6) Such other information as the FEO may request.

(d) Quarterly report. Thirty days prior to each allocation quarter commencing after August 31, 1974, each refiner shall file with the FEO a report showing the following:

(1) The volume of crude oil runs to stills of such refiner for the most recent calendar quarter, taking into account, and specifying the amount of, the adjustments provided for in § 211.65 (a)(2).

(2) The volume of crude oil runs to stills of such refiner for the allocation quarter preceding the current allocation quarter, taking into account, and specifying the amount of, the adjustments provided for in § 211.65(a)(2).

(3) The volume of crude oil available to such refiner in the allocation quarter preceding the current allocation quarter.

(4) Estimated runs of all domestic and imported crude oil for the forthcoming allocation quarter including (i) the volume of crude oil processed by another refiner for that refiner pursuant to a processing agreement and crude oil processed by that refiner for a person other than a refiner pursuant to a processing agreement, and excluding (ii) the volume of crude oil which that re-

finer processes for another refiner pursuant to a processing agreement.

(5) Any change in refinery capacity since the previous report.

(6) Such other information as the FEO may request.

(e) All information required by paragraphs (c) and (d) shall identify domestic and imported crude oil and shall state the average cost to the refiner of the domestic and imported crude oil run. Such reports shall also identify amounts of crude oil produced from a stripper well lease as defined in § 210.32 of this chapter.

(f) Each refiner who claims to be a small refiner or an independent refiner shall submit to the FEO ten days prior to the allocation quarter commencing June 1, 1974, an affidavit setting forth the factual basis for its claim.

(g) Any refiner whose refinery capacity exceeds 175,000 barrels per day and who does not report as provided in paragraph (f) of this section will be deemed a refiner-seller.

§ 211.71 Mandatory refinery yield control program.

(a) *Purpose.* The refinery yield control program is designed to require each refiner to utilize available supplies of crude oil in a manner best suited to ensure adequate production levels of refined petroleum products and residual fuel oil which are or may be in short supply, consistent with the objectives of this chapter.

(b) *Scope.* This section applies as specified to the production of refined petroleum products and residual fuel oil from crude oil by each refiner in the United States.

(c) *Product yield controls*—(1) *Definitions.* As used in this section—

"Adjustment factor" means the percentage established by the FEO by which the base percentage yield of a particular refined petroleum product or residual fuel oil is multiplied to obtain the adjusted percentage yield of that particular product or residual fuel oil.

"Adjusted percentage yield" means the product of the base percentage yield of a particular refined petroleum product or residual fuel oil multiplied by the adjustment factor for that product or residual fuel oil.

"Base percentage yield" means the ratio expressed as a percentage, which the total number of barrels of a particular refined petroleum product or residual fuel oil produced by a refiner during a specified base period bears to the refiner's total crude runs to stills in that base period.

(2) *Adjustment of base percentage yield.* Whenever a refined petroleum product or residual fuel oil is or will be in short supply, the FEO may require refiners to adjust their base percentage yield of that product or residual fuel oil in order to increase the relative output of that product or residual fuel oil in short supply. If the FEO determines that an adjustment to the base percentage yield of a particular refined petroleum product or residual fuel oil is necessary, the FEO shall publish an adjustment factor by which each refiner must multiply its base percentage yield of that product or residual fuel oil to obtain the adjusted percentage yield of that product or residual fuel oil.

(3) *Joint compliance.* Upon approval by the FEO, two or more refiners may adjust their base percentage yield of a particular refined petroleum product or residual fuel oil on a pooled basis, such that the combined production of that product or residual fuel oil by the two or more refiners would equal the combined production of those refiners if each refiner had separately equalled or exceeded its adjusted percentage yield of that product or residual fuel oil.

(d) *Allocation of crude oil.* The FEO may adjust the quantities of crude oil allocated among refiners under § 211.65 in a manner designed to ensure desired production levels of refined petroleum products or residual fuel oil in short supply for which an adjustment factor has been established. Such adjustments shall be designed to meet the objectives of this chapter and of the Act, such that refiners which increase production in excess of their adjusted percentage yield of that product or residual fuel oil, or less than the adjusted percentage yield of that product or residual fuel oil may be allocated greater or lesser quantities of crude oil during the next allocation quarter, respectively.

§ 212.88 [Revoked]

2. Section 212.88 of Part 212 is revoked.

3. Section 212.94 is added to read as follows:

* * * * *

§ 212.94 Allocated crude pricing.

(a) *Scope.* This section applies to each sale of crude oil made pursuant to the provisions of § 211.65 of this chapter, effective for sales obligations for the June 1, 1974, and subsequent allocation quarters.

(b) *Rule.* Notwithstanding the general rules described in this subpart, the price at which crude oil shall be sold when required in § 211.65 of this chapter during each month shall be in Districts I–IV the weighted average price of all crude oil delivered to a refiner-seller in that month for those Districts, and in District V, the weighted average price of all crude oil delivered to a refiner-seller in that month for that District, plus, in all Districts, a handling fee of 30 cents per barrel, any transportation adjustment as specified in paragraph (b)(1) of this section and any gravity adjustment as specified in paragraph (b)(2) of this section. Each refiner-seller making such a sale shall calculate its price under this section and shall maintain records, which shall be made available to the FEO upon request, listing the volumes and delivered prices of all crude oil delivered to its refineries during each month.

(1) Actual additional transportation expenses incurred to move the crude oil to the refiner-buyer's refinery shall be paid by the refiner-buyer. Actual transportation expenses saved as a result of moving the offered crude oil directly to the refiner-buyer's refinery shall be deducted from the selling price, if customarily included in such price.

(2) The price adjustment for gravity differential of crude oil offered for sale under § 211.65 of this chapter in Districts I–IV shall be the weighted average price for those Districts calculated under paragraph (b) of this section plus or minus 2 cents per barrel per °API that the crude oil being offered for sale under § 211.65 of this chapter is above or below the weighted average °API of estimated runs of all crude oil for the forthcoming calendar quarter for the refiner-seller in Districts I–IV, and, in District V, shall be the weighted average price for that District calculated under paragraph (b) of this section plus or minus 5 cents per barrel per °API that the crude oil being offered for sale under § 211.65 of this chapter is above or below the weighted average °API of estimated runs of all crude oil for the forthcoming calendar quarter for the refiner-seller in District V.

(c) *Calculations.* For the purpose of calculating the weighted average price of all crude oil delivered to a refiner-seller during each month, a refiner-seller shall use, for domestic crude oil, the delivered cost of all domestic crude oil at the point of purchase, plus any gathering or trucking allowance, pipeline tariffs, water transportation costs, terminalling costs and exchange differentials paid to deliver such crude oil to the refiner-seller's refineries; and, for imported crude oil, the landed cost plus any pipeline tariffs, water transportation costs, terminalling costs, exchange differentials, import fees, insurance, duty, and taxes paid to deliver such crude oil to the refiner-seller's refineries.

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