

# federal register

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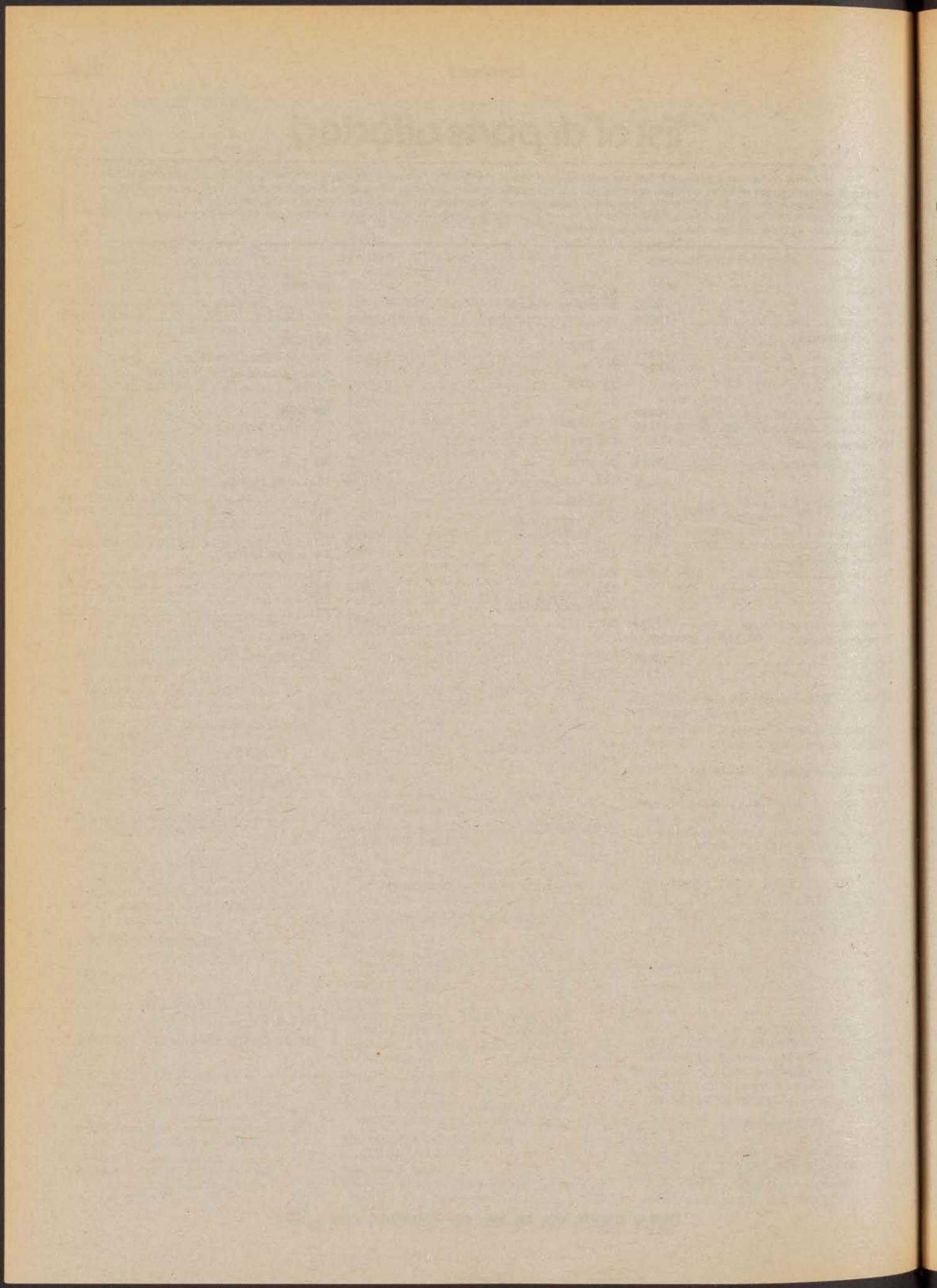
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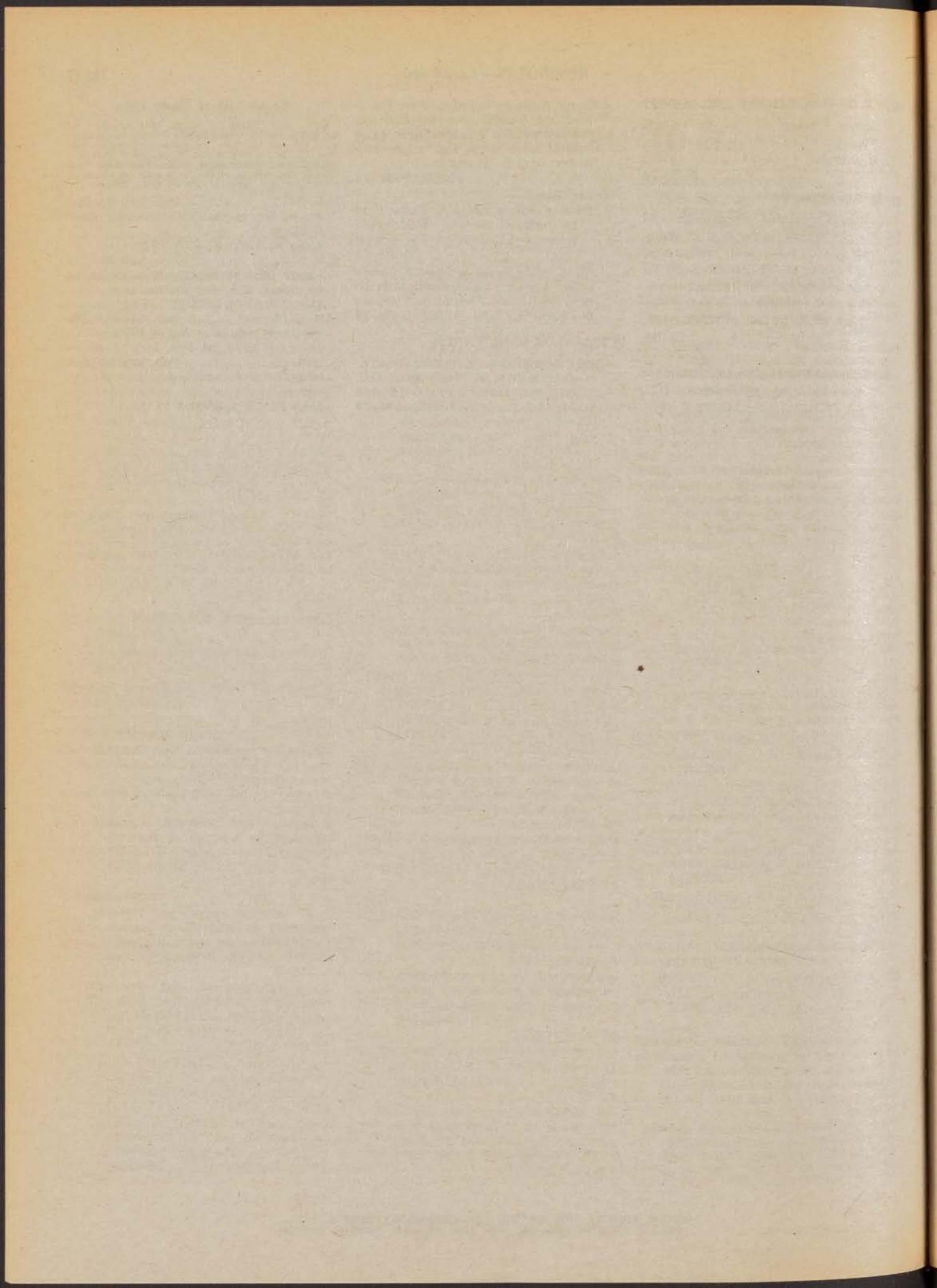
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**Weekly List of Public Laws**

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

- H.R. 3418..... Pub. Law 93-290  
Armed Forces, uniform enlistment qualifications  
(May 24, 1974; 88 Stat. 173)
- H.R. 5621..... Pub. Law 93-292  
Ready Reserve and Reserve, deceased members, U.S. flag presentation.  
(May 28, 1974; 88 Stat. 176)
- H.R. 6574..... Pub. Law 93-289  
Veterans' Insurance Act of 1974  
(May 24, 1974; 88 Stat. 165)
- S. 514..... Pub. Law 93-291  
Historical and archeological data, preservation  
(May 24, 1974; 88 Stat. 174)



# rules and regulations

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

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

## Title 7—Agriculture

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

#### PART 331—PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES

##### Subpart—Giant African Snail

##### REGULATED AREA IN FLORIDA

This document amends the regulation under the Federal Plant Pest Act (7 U.S.C. 150aa *et seq.*) restricting the interstate movement because of the giant African snail of certain products and articles from regulated portions of specified counties in the State of Florida by removing from the regulated portions of Dade County that portion specified below.

Pursuant to the provisions of section 106 of the Federal Plant Pest Act (7 U.S.C. 150ee), the notice of existence of hazardous situation and regulations related thereto with respect to the giant African snail (7 CFR 331.3), is hereby amended by deleting from paragraph (a) thereof the following portion of Dade County:

That portion of Dade County bounded by a line beginning at the intersection of Northwest 22d Avenue and Northwest 91st Street, thence extending east along Northwest 91st Street to its junction with Little River Boulevard, thence southeast and south along Little River Boulevard to the point where it merges with Northwest 14th Avenue, thence south along said avenue to its intersection with Northwest 83d Street, thence west along Northwest 83d Street to its intersection with Northwest 22d Avenue, thence north along Northwest 22d Avenue to the point of beginning.

(Sec. 106, 71 Stat. 33 (7 U.S.C. 150ee); 37 FR 28464, 28477; 38 FR 19140)

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that infestations of the giant African snail no longer exist in the area being removed from the list of regulated portions of Dade County in the State of Florida. Surveys have failed to reveal any infestations of giant African snail for at least 2 years in this area.

This amendment relieves certain restrictions heretofore imposed, and should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions being relieved.

Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendment are impracticable and unnecessary, and good cause is found for making it effective less

than 30 days after publication in the FEDERAL REGISTER.

*Effective date.* The foregoing amendment shall become effective June 5, 1974.

Done at Washington, D.C., this 30th day of May 1974.

LEO G. K. IVERSON,  
Deputy Administrator, Plant  
Protection and Quarantine  
Programs.

[FR Doc.74-12845 Filed 6-4-74; 8:45 am]

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

#### PART 911—LIMES GROWN IN FLORIDA

##### Expenses and Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of \$38,500 for the Lime Administrative Committee under Marketing Order No. 911, for the 1974-75 fiscal year and fixes a rate of assessment of \$0.05 per bushel of limes handled in such period to be paid to the Committee by each first handler as his pro rata share of such expenses.

On May 2, 1974, notice of rulemaking was published in the FEDERAL REGISTER (39 FR 15284) inviting written comments not later than May 21, 1974, regarding proposed expenses and the related rate of assessment for the period April 1, 1974, through March 31, 1975, and carryover of unexpended funds, pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. 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 Florida Lime Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

##### § 911.213 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee during the period April 1, 1974, through March 31, 1975, will amount to \$38,500.

(b) *Rate of Assessment.* The rate of assessment for said period, payable by each handler in accordance with § 911.41, is fixed at \$0.05 per bushel of limes.

(c) *Reserve.* Unexpended assessment funds in the amount of approximately \$7,655, which are in excess of expenses incurred during the fiscal year ended March 31, 1974, shall be carried over as a reserve in accordance with §§ 911.42 and 911.204 of said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until on or before July 5, 1974 (5 U.S.C. 553), in that (1) shipments of limes are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable limes handled during the aforesaid period, and (3) such period began on April 1, 1974, and said rate of assessment will automatically apply to all such limes beginning with such date.

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

Dated: May 30, 1974.

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

[FR Doc.74-12842 Filed 6-4-74; 8:45 am]

## Title 9—Animals and Animal Products

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

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

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

##### Deletion of the Commonwealth of Puerto Rico From List of Hog Cholera Eradication States

This amendment removes the Commonwealth of Puerto Rico from the list of Hog Cholera Eradication States in 9 CFR 76.2(f), as amended, because of the secondary spread of hog cholera within that State. This action is deemed necessary to prevent the further spread of the disease. The special provisions in 9 CFR Part 76, as amended, pertaining to the interstate movement of swine and swine products from Eradication and Free States are no longer applicable to the Commonwealth of Puerto Rico. However, the general provisions contained in 9 CFR Part 76, as amended, pertaining to the interstate movement of swine and swine products from nonquarantined areas apply to the Commonwealth of

Puerto Rico. This removal of the Commonwealth of Puerto Rico from hog cholera eradication status affects the Federal indemnities payable under other regulations (9 CFR Part 56, as amended) for swine slaughtered because of hog cholera in the Commonwealth of Puerto Rico.

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

In § 76.2, in paragraph (f) the name of the Commonwealth of Puerto Rico is deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

**Effective date.** The foregoing amendment shall become effective on June 5, 1974.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C. this 31st day of May 1974.

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

[FR Doc. 74-12880 Filed 6-4-74; 8:45 am]

#### SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

#### PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

##### Commuted Traveltime Allowances

The purpose of these amendments is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administra-

tor, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1) administrative instructions 9 CFR 97.2 (1974 ed.), as amended January 4, 1974 (39 FR 999) January 18, 1974 (39 FR 2265), March 18, 1974 (39 FR 10115), and April 4, 1974 (39 FR 12252), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective lists therein as follows:

##### WITHIN METROPOLITAN AREA

###### 1 HOUR

Add: Harrisburg, Pennsylvania (served from Camp Hill, Pennsylvania).

Delete: Camp Hill, Pennsylvania (served from Harrisburg, Pennsylvania).

##### OUTSIDE METROPOLITAN AREA

###### 2 HOURS

Add: Harrisburg, Pennsylvania (served from Northumberland, Pennsylvania).

Delete: Lancaster and Northumberland, Pennsylvania (served from Harrisburg, Pennsylvania).

###### 3 HOURS

Add: Harrisburg, Pennsylvania (served from Morgantown, Pennsylvania).

Delete: Morgantown, Pennsylvania (served from Harrisburg, Pennsylvania).

###### 7 HOURS

Add: Kansas City International Airport (served from Jefferson City, Missouri).

(64 Stat. 561; 7 U.S.C. 2260)

**Effective date.** The foregoing amendments shall become effective June 5, 1974.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of May 1974.

PIERRE A. CHALOUX,  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FR Doc. 74-12882 Filed 6-4-74; 8:45 am]

#### Title 14—Aeronautics and Space

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

[Airworthiness Docket No. 74-WE-28-AD; Amdt. 39-1862]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### AiResearch Model TSCP700-5 Auxiliary Power Units (APU)

There have been fatigue cracks in the fuel control differential pressure regula-

tor body of the Model TSCP700-4B APU's which can result in high pressure fuel leakage into the APU compartment. Since this same component is also used in the Model TSCP700-5 APU (installed in Airbus Industries A300B airplanes) and is subjected to the same operating conditions which have been determined to cause cracks to develop on the TSCP700-4B, an airworthiness directive is being issued to require an inspection of the regulator housing and the incorporation of a shut-down system to deliver fuel back to the inlet side of the pump in order to prevent pressure surges which can cause fatigue cracks. As an interim measure, the agency issued Amendment 39-1837 (39 FR 16874) AD 74-10-11, to prohibit all inflight operation of the TSCP700-4B APU's installed on McDonnell Douglas Model DC-10 aircraft. The FAA advised the Secretariat General A L Aviation Civile (SGAC) of this condition and recommended that similar action be considered on Model TSCP700-5 APU's installed in, but not limited to, Airbus Industries Model A300B aircraft, certificated in all categories.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

**AIRESEARCH MANUFACTURING COMPANY OF ARIZONA.** Applies to Model TSCP700-5 Auxiliary Power Units Installed in, but not limited to, Airbus Industries Model A300B Aircraft Certificated in all Categories

Compliance required as indicated.

(a) For APU's with less than 1500 operating cycles on the effective date of this AD, inspect, prior to any further in-flight operation, unless already accomplished, the fuel control differential pressure regulator housing, P/N 977320-1 or -2, for minimum dimensions and cracks per paragraphs 2.B. (2) and (3) of AiResearch Alert Service Bulletin 969900-49-A3644, dated May 14, 1974, or later FAA-approved revisions. Re-work parts, if necessary, per paragraph 2.B. (4).

Housings which meet the prescribed minimum dimensions, or which are reworked to meet these dimensions per paragraph 2.B. (4) shall be re-identified as P/N 977320-4. Housings not meeting these dimensional requirements shall be rendered unserviceable and replaced with serviceable P/N 977320-4 housings. Housings which meet inspection and dimensional requirements may be continued in service up to a maximum of 1500 operating cycles.

**NOTE:** For the purpose of this AD, an APU operating cycle is any operation consisting of a start and shut-down. The number of cycles may be determined by actual count, or, subject to acceptance by the assigned FAA Maintenance Inspector, may be calculated by dividing the fuel control assembly time in service by the operator's fleet average APU operating time per APU operating cycle.

(b) For all APU's with 1,500 or more operating cycles in service on the effective date of this AD, inspect per (a), above, prior to further in-flight operation, unless already

accomplished, and, in addition thereto, and prior to further in-flight operation, modify the fuel control assembly per (c), below.

(c) Before exceeding 1500 operational cycles in service, inspect the fuel control differential pressure regulator body per paragraph 2.B.(2) and modify the fuel control assembly in accordance with paragraphs 2.C. of AiResearch Service Bulletin 969900-49-A3644, dated May 14, 1974, or later FAA-approved revisions. Re-identify fuel control assembly per paragraph 2.D. of the referenced service bulletin.

(d) Within 3000 operating cycles in service after the accomplishment of paragraph (c), above, and at intervals not to exceed 3000 operating cycles in service thereafter, perform the inspections as defined in paragraph 2.B.(2) of AiResearch Service Bulletin 969900-49-A3644, dated May 14, 1974, or later FAA-approved revisions.

(e) The inspections prescribed in paragraph (d), above, may be discontinued when the fuel control differential pressure regulator P/N 977320-4 is replaced with a housing, P/N 977656-1.

(f) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiation data.

This amendment becomes effective June 10, 1974.

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

Issued in Los Angeles, California, on May 24, 1974.

R. S. SLIFF,  
Acting Director,  
FAA Western Region.

[FR Doc.74-12770 Filed 6-4-74; 8:45 am]

[Airworthiness Docket No. 74-WE-20-AD; Amdt. 39-1861]

**PART 39—AIRWORTHINESS DIRECTIVES**  
**McDonnell Douglas Model DC-10 Series**  
**Airplanes**

There has been an apparent in-flight depressurization which may have been associated with a lower cargo door. Since this condition is likely to exist or develop in other airplanes of the same type design, a telegraphic airworthiness directive (74-08-04) was issued March 7, 1974, and amended by a telegram dated March 22, 1974. The agency has determined that further modifications are necessary to assure that in-flight depressurization will not occur as a result of the opening of a lower cargo door. Therefore, an airworthiness directive is being issued to require the installation of a view port to wing-to-fuselage fillet panel assembly on center lower cargo doors on McDonnell Douglas Model DC-10-30, DC-10-30F, and DC-10-40 airplanes. The installation of revised electrical wiring for all lower cargo door latch actuators, springs to vent doors and linkages, revised lock mechanism viewing windows, and revised lower cargo door markings on all McDonnell Douglas DC-10 airplanes is also required. The installation must be performed on or before November 1, 1974.

The November 1, 1974, compliance time for the modifications has been estab-

lished by the agency on the basis of safety considerations. This compliance time provides the lead time for operators to schedule and plan compliance with the AD with minimum burden. To prescribe the modifications required by this AD under the usual notice and public procedures followed by the agency within the time the agency has determined is required in the interest of safety, would necessarily result in a reduction of the compliance time for modification required by this AD. This could possibly leave the operators insufficient time to schedule airplanes for compliance with the AD. Therefore, accomplishment of the modifications required by this AD within the time the agency has determined is necessary makes strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable and this amendment becomes effective on July 5, 1974. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, P.O. Box 92007 World Way Postal Center, Los Angeles, California 90009. All communications received before the effective date will be considered by the Administrator, and the AD may be changed in light of comments received. All comments will be available both before and after the effective date in the Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

In consideration of the foregoing, and pursuant to the authority of the Federal Aviation Act of 1958, as amended, delegated to me by the Administrator (31 FR 13697), Section 39.13 of Part 39 of the Federal Aviation Regulations is hereby amended by adding the following new airworthiness directive:

**McDONNELL DOUGLAS.** Applies to Model DC-10-10, DC-10-10F, DC-10-30, DC-10-30F, and DC-10-40 Airplanes Certificated in all Categories

Compliance required on or before November 1, 1974.

To assure that in-flight depressurization will not occur as a result of the opening of a lower cargo door, accomplish the following McDonnell Douglas DC-10 Service Bulletins, in accordance with each service bulletin effectivity, or equivalents approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(a) Service Bulletin 52-98, "Doors—Cargo—Modify Vent Doors," dated May 13, 1974, or later FAA-approved revision.

(b) Service Bulletin 52-99, "Doors—Cargo—Replace Lock Mechanism Viewing Window," Revision 1, dated April 19, 1974, or later FAA-approved revision.

(c) Service Bulletin 52-102, "Doors—Cargo—Revise Lower Cargo Door Markings," Revision 1, dated April 12, 1974, or later FAA-approved revision.

(d) Service Bulletin 52-106, "Doors—Cargo—Revise Electrical Wiring for Forward, Center, and Aft Cargo Doors Latch Actuators" dated April 25, 1974, or later FAA-approved revision.

(e) Service Bulletin 53-69, "Fuselage—Aerodynamic Fairings—Add View Port to Wing-To-Fuselage Fillet Panel Assembly on Center Cargo Door," dated May 6, 1974, or later FAA-approved revision. Only applies to Model DC-10-30, -30F and -40 airplanes.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herewith 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 may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90801. These documents may also be examined at FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California.

This amendment becomes effective July 6, 1974.

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

Issued in Los Angeles, California on May 24, 1974.

R. S. SLIFF,  
Acting Director,  
FAA Western Region.

[FR Doc.74-12769 Filed 6-4-74; 8:45 am]

[Docket No. 13819; Amdt. 39-1866]

**PART 39—AIRWORTHINESS DIRECTIVES**  
**Nihon Model YS-11/11A Airplanes**

There has been a report of a fire during ground operations on a Nihon Aeroplane Manufacturing Company (NAMC) Model YS-11A-500 airplane that resulted in extensive damage to the aircraft fuselage structure and cabin interior. Subsequent investigation revealed that the malfunction occurred as a result of a defective electrical wiring harness between the AiResearch auxiliary power unit (APU) electronic control box and the APU load control valve. The wire short in the harness that resulted allowed the bleed air valve to remain in the open position and caused the cooling turbine to overheat resulting in a fire in the proximity of the air conditioning compartment which propagated through the floor structure into the cabin interior. Since this condition is likely to exist or develop in other NAMC Model YS-11/11A series airplanes equipped with AiResearch APU's, an airworthiness directive is being issued to require the inspection and modification of APU wiring harnesses on NAMC YS-11/11A series airplanes equipped with AiResearch APU's.

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.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**NIHON AEROPLANE MANUFACTURING COMPANY LIMITED.** Applies to NAMC Model YS-11/11A Series Airplanes (S/N's 2050 through 2053, 2056, 2057, 2061, 2062, 2072, 2073, 2075, 2077, 2079, 2084, 2086, through 2089, 2091, 2100, 2118 through 2123, 2126, 2128, 2129, 2132, 2140, 2148, 2159, 2169, 2172, 2173, and 2179 through 2181) Equipped With AirResearch APU's

Compliance required within the next 25 hours' time in service after the effective date of this AD unless already accomplished.

To prevent a possible malfunction in the auxiliary power unit (APU) wiring harness that could result in a fire, inspect and modify the installation of the APU electrical wiring harnesses in accordance with the Japan Civil Aviation Bureau approved NAMC YS-11 Service Bulletin No. A49-13, dated February 25, 1974 or an equivalent approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region.

This amendment becomes effective June 12, 1974.

Issued in Washington, D.C., on May 29, 1974.

JAMES F. RUDOLPH,  
Director,  
Flight Standards Service.

[FR Doc. 74-12768 Filed 6-4-74; 8:45 am]

[Airspace Docket No. 74-SO-32]

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

**Designation of Control Zone; Correction**

On May 16, 1974, FR Doc. No. 74-11227 was published in the FEDERAL REGISTER (39 FR 17431), amending Part 71 of the Federal Aviation Regulations by amending the designation of the Pompano Beach, Fla., control zone.

In the amendment, reference is erroneously made to "Runway 8/27" in lieu of "Runway 8/26." It is necessary to amend the Federal Register Document to correct this error. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, Federal Register Document No. 74-11227 is amended as follows:

In line seven of the amended description " \* \* \* Runway 8/27 \* \* \* " is deleted and " \* \* \* Runway 8/26 \* \* \* " is substituted therefor.

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

Issued in East Point, Ga., on May 28, 1974.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc. 74-12771 Filed 6-4-74; 8:45 am]

**CHAPTER II—CIVIL AERONAUTICS BOARD**

**SUBCHAPTER A—ECONOMIC REGULATIONS**

[Reg. ER-853; Amdt. 20; Docket No. 26317]

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

**Logair and Quicktrans Rates**

**Correction**

In FR Doc. 74-11910 appearing at page 18071 of the issue for Thursday, May 23, 1974, the tables labeled "Saturn" and "ONA", in the first column on page 18072, should appear on page 18071 as the end of footnote 5.

**Title 21—Food and Drugs**

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

**SUBCHAPTER D—DRUGS FOR HUMAN USE**

[Recodification Docket No. 5]

**PART 310—NEW DRUGS**

**Designated Journals; Correction**

In FR Doc. 74-7383 appearing at page 11680 in the issue of Friday, March 29, 1974, on page 11682, under § 310.9 *Designated journals*, "American Journal of Hospital Pharmacy (Ann Arbor)" is corrected to read "American Journal of Hospital Pharmacy (Washington)."

Dated: May 30, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 74-12794 Filed 6-4-74; 8:45 am]

**Title 33—Navigation and Navigable Waters**

**CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION**

[CGD 74-48 R]

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

**Mystic River, Mass.**

This amendment changes the regulations for the Wellington Bridge across the Mystic River between Somerville and Medford, Massachusetts to allow the draw to remain closed to the passage of vessels. This amendment was circulated as a public notice dated December 2, 1973 by the Commander, First Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 74-48) on March 25, 1974 (39 FR 11096). No replies were received.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new subparagraph (3) to paragraph (g) of § 117.75 to read as follows:

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

(g) Mystic River—Bridges from mouth to and including Boston and Maine Rail-

road bridge between Somerville and Medford. \* \* \*

(3) Wellington Bridge between Somerville and Medford. The draw need not open for the passage of vessels, and paragraphs (b) to (f) of this section shall not apply to this bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655 (g) (2); 49 CFR 146(c) (5), 33 CFR 1.05-1(c) (4)).

*Effective date.* This revision shall become effective on July 8, 1974.

Dated: May 30, 1974.

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

[FR Doc. 74-12782 Filed 6-4-74; 8:45 am]

**Title 40—Protection of Environment**

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

**SUBCHAPTER E—PESTICIDE PROGRAMS**

**PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES**

**6-Chloropicolinic Acid**

A petition (PP 2F1265) was filed by Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the soil fungicide nitrapyrin (2-chloro-6-(trichloromethyl) pyridine) in or on the raw agricultural commodities potatoes at 2 part per million; cottonseed at 1 part per million; corn fodder and forage and sorghum fodder at 0.5 part per million; corn grain (field corn, sweet corn, popcorn), fresh corn including sweet corn (kernels plus cob with husk removed), sorghum forage and grain, sugar beets (roots and tops), and wheat (forage, grain, and straw) at 0.1 part per million (negligible residue).

Subsequently, the petitioner amended the petition by:

1. Proposing that the tolerances be established for residues of 6-chloropicolinic acid (resulting from the use of nitrapyrin) instead of for residues of nitrapyrin;

2. Deleting the proposed tolerances for residues in or on potatoes and sugar beets (roots and tops);

3. Increasing the proposed tolerance for residues in or on wheat (forage and straw) from 0.1 part per million to 0.5 part per million; and

4. By proposing a tolerance for negligible residues of 6-chloropicolinic acid in meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry and sheep.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the tolerances are being established.

2. Residues in plant or animal tissues will be in the form of 6-chloropicolinic acid or its conjugates.

3. The proposed tolerances are adequate to cover residues of 6-chloropicolinic acid in meat and poultry, and § 180.6(a) (2) applies.

4. There is no reasonable expectation of residues of 6-chloropicolinic acid in eggs and milk, and § 180.6(a) (3) applies.

5. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 180 is amended by adding the following new sections to Subpart C:

**§ 180.350 6-Chloropicolinic acid; tolerances for residues.**

Tolerances are established for residues of 6-chloropicolinic acid resulting from the use of the soil fungicide nitrapyrin (2-chloro-6-(trichloromethyl) pyridine) in or on raw agricultural commodities as follows:

1 part per million in or on cottonseed.  
0.5 part per million in or on corn fodder and forage, sorghum fodder, and wheat forage and straw.

0.1 part per million (negligible residue) in or on corn grain (field corn, sweet corn, popcorn), fresh corn including sweet corn (kernels plus cob with husk removed), sorghum grain and forage, and wheat grain.

0.05 part per million (negligible residue) in the meat, fat, and meat by-products of cattle, goats, hogs, horses, poultry and sheep.

Any person who will be adversely affected by the foregoing order may, at any time on or before July 5, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on June 5, 1974.

(Sec. 408(d) (2), 68 Stat. 512 (21 U.S.C. 346a (d) (2)))

Dated: May 31, 1974.

HENRY J. KORP,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.74-12912 Filed 6-4-74; 8:45 am]

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

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

**PART 60-5—WASHINGTON PLAN**

**Notice of Extension**

On December 22, 1970, the Department of Labor published the Washington Plan (35 FR 19352). The Washington Plan is intended to implement the provisions of Executive Order 11246 (as amended) and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors in the Washington area, including the District of Columbia, the Virginia cities of Alexandria, Fairfax and Falls Church, the Virginia counties of Arlington, Fairfax, Loudoun and Prince William and the Maryland counties of Montgomery and Prince Georges. Due to the many good faith efforts of those subject to the Plan, significant progress has been made in eliminating the under-utilization of minorities in the Washington area construction industry. In order to further ensure such positive efforts, it is deemed appropriate to extend the Washington Plan for an additional month through June 30, 1974.

The extension of the Washington Plan for an additional month is intended to fill the void between the expiration date of the Washington Plan which was May 31, 1974 and the imminent development of a multitrade agreement (hometown plan) acceptable to the Department of Labor in lieu of any and all of the requirements of the present plan. In the absence of Federal EEO Bid Conditions incorporating such an agreement, Appendix A of the Washington Plan must be included in all invitations or other solicitations for bids on federally involved construction contracts for projects, the estimated total cost of which exceeds \$500,000, in the Washington area until June 30, 1974. The goals contained in Appendix A for the year ending May 31, 1974, will be applicable to invitations and other solicitations for bids on federally involved construction contracts covered by the Washington Plan until June 30, 1974.

Signed this 31st 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.74-12966 Filed 6-4-74; 8:45 am]

**CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS**

**SUBCHAPTER F—TELECOMMUNICATIONS AND PUBLIC UTILITIES**

[FPMR Amdt. F-20]

**PART 101-35—TELECOMMUNICATIONS**

**Telephone Services**

Sections 101-35.203 (a) and (b) are amended and a new Subpart 101-32.49, Forms and Illustrations, is added to illustrate the chart currently referred to in § 101-35.203(a).

The table of contents for Part 101-35 is amended by the addition of new Subpart 101-35.49 as follows:

**Subpart 101-35.9—101-35.48—  
[Reserved]**

**Subpart 101-35.49—Forms and  
Illustrations**

Sec.  
101-35.4900 Scope of subpart.  
101-35.4901 Required information for changes in telephone services.

**Subpart 101-35.2—Major Changes and  
New Installations**

Sections 101-35.203 (a) and (b) are amended to read as follows:

**§ 101-35.203 Justification of major changes and new installations.**

(a) \* \* \*

(1) Information shall be provided as prescribed in the chart illustrated in § 101-35.4901.

\* \* \* \* \*

(b) *Intercity telephone service.* Describe the requirement which can not be satisfied by the FTS intercity voice network and include the average number of messages per business day, average, conversation time per message, operating time per message, and percent of messages in the busy hour based on 5 work-days. The information should cover toll calls originating at either end of the proposed circuit. A copy of the telephone company's monthly statement of the toll calls, including charges originating at either end of the proposed intercity circuit, should be furnished also.

\* \* \* \* \*  
Subpart 101-35.49 is added as follows:

**Subpart 101-35.49—Forms and  
Illustrations**

**§ 101-35.4900 Scope of subpart.**

This subpart contains forms and illustrations prescribed or available for use in connection with subject matter covered in other subparts of 101-35.

**§ 101-35.4901 Required information for changes in telephone services.**

NOTE: The illustration in § 101-35.4901 is filed as part of the original document.

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

*Effective date.* This regulation is effective on June 5, 1974.

Dated: May 29, 1974.

ARTHUR F. SAMPSON,  
Administrator of General Services.

[FR Doc.74-12856 Filed 6-4-74; 8:45 am]

Title 43—Public Lands: Interior  
**CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR**  
**APPENDIX—PUBLIC LAND ORDERS**  
 [Public Land Order No. 5411]

**ALASKA**

**Amendment of Public Land Orders No. 5174, No. 5180, and Any Order Amending the Foregoing Orders**

*Correction*

In FR Doc. 74-3621 appearing at page 5632 of the issue of Thursday, February 14, 1974, in paragraph 4, the figure "1574" in the fifth line should read "5174".

**Title 50—Wildlife and Fisheries**

**CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE**

**SUBCHAPTER F—AID TO FISHERIES**

**PART 255—FISHING VESSEL OBLIGATION GUARANTEE PROGRAM PROCEDURES**

*Correction*

In the FR Doc. 74-11348 of May 17, 1974, appearing on page 17557, 50 CFR, Chapter II, Part 255, in paragraph (b) of § 255.0 Sec. 1105(c) is corrected to read as follows:

(c) In the event of any payment by the Secretary of Commerce under section (a) or (b) of this section, the Secretary of Commerce shall have all rights in any security held by him relating to his guarantee of such obligations as are conferred upon him under any security agreement with the obligor. Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary of Commerce shall have the right, in his discretion, to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to a security agreement with the obligor or may place a vessel in the national defense reserve. The terms of sale shall be as approved by the Secretary of Commerce.

Dated: May 31, 1974.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,  
 Administrator.

[FR Doc. 74-12846 Filed 6-4-74; 8:45 am]

**PART 255—FISHING VESSEL OBLIGATION GUARANTEE PROGRAM PROCEDURES**

*Correction*

In FR Doc. 74-11348 appearing in the issue of May 17, 1974 on page 17555 make the following changes:

1. In paragraph 2, line 5, insert the word "Title" after the first entry.
2. In paragraph 3, line 4, the 5th word should read "loans".

3. In § 255.0(b) on page 17556, column 1, paragraph (g), lines 7 and 8 should read as follows:

"\* \* \* by the shipbuilder, or, if the vessel has been reconstructed or reconditioned, the actual \* \* \*"

4. In column 2 on page 17558, § 255.2 (b) (3), the last word in line 5 should be indented, run in with the remaining text and designated as a new paragraph (c).

5. In column 3 on page 17559 of § 255.3 (d) (1) (ii), the 4th word in line 14 should read "conservative".

6. In column 1 on page 17560 of § 255.3(d) (2) (vi) the last word in line 15 should read "science".

**Title 17—Commodity and Securities Exchanges**

**CHAPTER II—SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-10828]

**PART 240—GENERAL RULES AND REGULATIONS SECURITIES EXCHANGE ACT OF 1934**

**Mortgage Securities and Dealers; Exemption**

Adoption of a rule defining certain mortgage securities as exempted securities for certain purposes and rescission of Rule which exempts broker-dealers from registration requirements if they deal in whole loan mortgages under certain conditions.

The Securities and Exchange Commission today announced the adoption of Rule 3a12-4 (17 CFR 240.3a12-4) and rescission of Rule 15a-1 (17 CFR 240.15a-1) under the Securities Exchange Act of 1934 (the "Act"). The rule was originally released for public comment on December 13, 1973<sup>1</sup> and has been revised in line with some of the comments received. The principal effect of the new rule will be to exempt broker-dealers dealing solely in mortgage securities (as defined) under specified conditions and other exempted securities from the operation of subsections (a) and (c) (3) of Section 15 of the Act which provide, respectively, for registration of broker-dealers and for regulation of their financial responsibility by the Commission. Rule 15a-1 currently provides only for an exemption from the operation of the registration requirement.

*Background of proposed rule.* The Federal Home Loan Mortgage Corporation<sup>2</sup> ("FHLMC") has determined to im-

plement its Congressional mandate<sup>3</sup> to create a liquid secondary market in residential mortgages by establishing a pilot project for an automated trading information system that would list offerings to buy and sell: (1) government guaranteed and non-guaranteed aggregated and individual whole loan mortgages; (2) participation interests (as defined) in such mortgages; (3) commitments for such mortgages; (4) FHLMC guaranteed participation certificates; and (5) Government National Mortgage Association pass-through securities.<sup>4</sup> FHLMC will supervise, monitor and coordinate with the Commission on the regulation of the system.

In view of the Congressionally determined public need for more capital to be made available for real estate mortgages, the Commission has been working with FHLMC in clarifying the applicability of the Federal securities laws to the establishment and operation of the pilot system.<sup>5</sup> The Commission's action today is related directly to this joint effort.

There has been some question as to whether broker-dealers who were exempt from registration because they dealt solely in whole loan mortgages, as provided in Rule 15a-1, were still required to comply with other provisions of the Act applicable to brokers and dealers, particularly the various financial responsibility rules under section 15(c) (3). In view of the special nature of the mortgage market and the participants in that market, the Commission has not sought to establish a unique regulatory structure governing the financial responsibility of such firms. The Commis-

<sup>1</sup> The Emergency Home Finance Act of 1970 was enacted following a determination by Congress that the nation needed more capital in residential mortgages and that this could be best accomplished by the establishment of a liquid market for such securities. FHLMC was established by this Act with the power "to make and enforce such by-laws, rules and regulations as may be necessary or appropriate to carry out the purposes or provisions of this title." 12 U.S.C. § 1452(b) (3).

<sup>2</sup> Non-guaranteed whole loan mortgages, participation interests and commitments must be registered under the Securities Act of 1933 unless they are exempt from such registration. FHLMC has received a "no-action" letter from the Division of Corporation Finance with respect to such listings on its system under certain conditions. Letter to Thomas E. Bomar, Chairman of FHLMC, from Neal S. McCoy, Associate Director, Division of Corporation Finance, dated May 22, 1974.

<sup>3</sup> The Government National Mortgage Association, pursuant to section 306(g) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. (Supp. IV) 1721(g)) issues securities (referred to as "pass-through" securities) which are guaranteed as to timely payment of principal and interest with the full faith and credit of the United States. These securities are collateralized by pools of Federal Housing Administration (FHA) and/or Veterans Administration (VA) guaranteed mortgages.

<sup>4</sup> See Securities Exchange Act Release No. 9865 (November 17, 1973), relating to the adoption of Rule 3a12-1.

<sup>1</sup> Securities Exchange Act Release No. 10551. (38 FR 34898 December 20, 1973)

<sup>2</sup> FHLMC was established by Title III of the Emergency Home Finance Act of 1970, cited as the "Federal Home Loan Mortgage Corporation Act," codified as 12 U.S.C. Sections 1451-1459. FHLMC's capital stock consists solely of non-voting common stock held by the twelve Federal Home Loan Banks and its Board of Directors is composed of the three members of the Federal Home Loan Bank Board. It is an integral part of the Federal Home Loan Bank System.

sion believes it appropriate to exempt all brokers and dealers who deal solely in mortgage securities, where the entire evidence of indebtedness is transferred and the unpaid principal amount of the individual loan or aggregate loans involved in the transaction is at least \$50,000, from the operation of section 15(c)(3) of the Act. In this regard, it should be noted that FHLMC has devised certain financial standards that must be maintained by the participants in its proposed automated system. Since there are mortgage brokers and dealers who may not participate in FHLMC's automated system and therefore may not be subject to financial responsibility oversight of FHLMC, the Commission believes that where a broker-dealer sells an exempted mortgage security there should be a minimum cash requirement applicable to each separate sale of a mortgage security. Thus, in order to maintain the status quo with respect to the sophistication of the participants in the mortgage market, the exemption under the rule is available in the case of a sale of the mortgage security by a broker-dealer, if at the time of such sale such mortgage security is not in default and has an unpaid principal amount of at least \$50,000. The words "is not in default" have been added to the rule to make clear that a mortgage in default would not be an exempted security.

At the same time, the Commission rescinds Rule 15-a-1, which had provided only for an exemption from the operation of the registration requirement for broker-dealers who deal in whole loan mortgages under certain conditions, and places the substance of its provisions within Rule 3a12-4.<sup>7</sup>

Rule 3a12-4 as originally proposed would have included only whole loan mortgages. In view of the comments received the rule has been revised to add certain mortgage participation interests and advance commitments to the exempted category. Trading in participation interests that represent one of two undivided interests in a whole loan or an aggregated whole loan (of which one interest is retained by the originator) presently amounts to over \$10 billion annually. Trading in commitments, which are contracts to purchase mortgages or participation interest in the future (generally within 2 years), comprises approximately one-half of the mortgage sales in the existing secondary mortgage market and are issued for the purpose of

shifting the long-term market risks such as interest rate fluctuations.

It should be noted that Rule 3a12-4 does not exempt transactions in qualified mortgage securities from other provisions of the Act (i.e., other than subsections (a) and (c)(3) of section 15) and implementing Commission rules under those provisions. For example, these transactions are not exempt from the margin and antifraud provisions.

It should also be noted that the exemption afforded by the rule may be inapplicable if the mortgage security is sold as part of an "investment contract." For example, the following is a list of accompanying services retained (i.e., not transferred with the mortgage) and other attributes afforded by the seller or someone other than the buyer that the Commission has previously indicated "may result in a mortgage constituting a part of an investment contract."

1. Complete investigation and placing service.
2. Servicing collection, payments, foreclosures, etc.
3. Implied or express guarantee against loss at any time or providing a market for the underlying security.
4. Making advances of funds to protect the security of the investment.
5. Acceptance of small uniform or continuous investments.
6. Implied or actual guarantee of specified yield or return.
7. Continual reinvestment of funds.
8. Payment of interest prior to actual purchase of the mortgage or trust note.
9. Providing for fractional interests in mortgages or deeds of trust (other than as provided for by the rule).
10. Circumstances which necessitate complete reliance upon the seller.
11. Seller's selection of the mortgage or deed of trust for the investor.

The Commission notes, however, that it does not generally consider the retention of attribute #2 alone sufficient to change a mortgage transaction into one involving an investment contract.

*Statutory basis.* Because the above described revisions in Rule 3a12-4 (17 CFR 240.3a12-4) are technical in nature or relax certain of the requirements of the Securities Exchange Act of 1934 the Securities and Exchange Commission finds that, for good cause, the notice and procedures specified in the Administrative Procedure Act, 5 U.S.C. 553 are unnecessary. Accordingly the Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange

Act of 1934, and particularly sections 3(a)(12), 15(a)(2), 15(c)(3), and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors, hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by rescinding § 240.15a-1 in its entirety and adopting § 240.3a12-4, effective July 1, 1974.

**§ 240.3a12-4 Exemptions from sections 15(a) and 15(c)(3) for certain mortgage securities.**

(a) When used in this Rule the following terms shall have the meanings indicated:

(1) The term "whole loan mortgage" means an evidence of indebtedness secured by mortgage, deed of trust, or other lien upon real estate or upon leasehold interests therein where the entire mortgage, deed or other lien is transferred with the entire evidence of indebtedness.

(2) The term "aggregated whole loan mortgage" means two or more whole loan mortgages that are grouped together and sold to one person in one transaction.

(3) The term "participation interest" means an undivided interest representing one of only two such interests in a whole loan mortgage or in an aggregated whole loan mortgage, provided that the other interest is retained by the originator of such participation interest.

(4) The term "commitment" means a contract to purchase a whole loan mortgage, an aggregated whole loan mortgage or a participation interest which by its terms requires that the contract be fully executed within 2 years.

(5) The term "mortgage security" means a whole loan mortgage, an aggregated whole loan mortgage, a participation interest, or a commitment.

(b) A mortgage security shall be deemed an "exempted security" for purposes of subsections (a) and (c)(3) of section 15 of the Act provided that, in the case of and at the time of any sale of the mortgage security by a broker or dealer, such mortgage security is not in default and has an unpaid principal amount of at least \$50,000.

**§ 240.15a-1 [Deleted]**

(Secs. 3(a)(12), 15(a)(2), 15(c)(3), 23(a); 48 Stat. 882, 895, 901; as amended 49 Stat. 1379, 52 Stat. 1075, 78 Stat. 565, 84 Stat. 1653 (15 U.S.C. 78(c), 78o(a), 78o(c)(3), 78w(a)))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

MAY 28, 1974.

[FR Doc. 74-12909 Filed 6-4-74; 8:45 am]

<sup>7</sup> A question has been raised as to whether whole loan mortgages can be aggregated and sold without losing their exempt status under Rule 15a-1. The exemption afforded by Rule 3a12-4 is not lost by such aggregation.

<sup>8</sup> See Securities Exchange Act Release No. 5633 (January 31, 1958) (Interpretation of Rule 15a-1 noting these eleven attributes).

# proposed rules

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

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

### RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

#### Reporting Requirements on Disposition of Raisins to Canada

Notice is given of a proposal to require handlers to report disposition of free tonnage raisins to Canada in the same manner as they now report other export shipments of free tonnage raisins. This action would be in accordance with the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order", regulating the handling of raisins produced from grapes grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was unanimously recommended by the Raisin Administrative Committee, hereinafter referred to as the "Committee".

The Committee's recommendation is under § 989.73(c) of the order. This section authorizes the Committee, with the approval of the Secretary, to request each handler to furnish to the Committee information as may be necessary to enable it to exercise its powers and perform its duties.

Section 989.173(c)(1) of Subpart—Administrative Rules and Regulations requires, in part, each handler who is not a processor to report monthly the aggregate quantity of each varietal type of free tonnage raisins which were shipped or otherwise disposed of by him during the preceding month, segregated according to domestic and export outlets. The last sentence of subdivision (v) of § 989.173(c)(1) provides that Canada shall be considered as a domestic outlet and not an export outlet for purposes of the required reports. Thus, the quantities of free tonnage raisins shipped by handlers to Canada are included in those quantities reported as shipments to domestic outlets. The Committee has concluded that reporting of free tonnage shipments to Canada as a separate figure would enable it to better exercise its powers and perform its duties and therefore has recommended that § 989.173(c)(1) be amended by deleting the last sentence of subdivision (v). After such deletion, Canada would be considered to be an export outlet for the reporting purposes of § 989.173(c) and thereafter, disposition of free tonnage raisins to Canada by handlers would be reported to the Committee as a separate figure.

To conform other reporting requirements in § 989.173 with this change, the proposal would also delete other references to Canada in § 989.173 by deleting the words "including Canada" in § 989.173(f)(4)(i) and by deleting the parenthetical phrase "(including Canada)" in the first sentence in § 989.173(f)(5).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than June 21, 1974. All written submissions made pursuant to this notice should be in quadruplicate and 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 30, 1974.

CHARLES R. BRADER,  
Acting Director,  
Fruit and Vegetable Division.

[FR Doc. 74-12841 Filed 6-4-74; 8:45 am]

## Animal and Plant Health Inspection Service

[9 CFR Part 102]

### VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

#### Notice of Proposed Rulemaking

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, United States Code, that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Part 102 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158).

These proposed amendments would update and correct the regulations pertaining to licensing as they are affected by recent amendments to other parts of 9 CFR. References to recently amended and new regulations and the use of newly defined terms constitute the primary changes. Paragraphing for emphasis and rewording for clarity have also been used.

Part 102—Licenses For Biological Products—is amended as follows:

1. Sections 102.3 (a) (4) and (b) (2) are amended to read:

#### § 102.3 License applications.

(a) *U.S. Veterinary Biologies Establishment License.* \* \* \*

(4) Triplicate copies of plot plans and blueprints, prepared as prescribed in

Part 108 of this subchapter, shall accompany the application for license, unless such plot plans or blueprints, are already on file with Veterinary Services.

(b) *U.S. Veterinary Biological Product License.* \* \* \*

(2) Each application for a U.S. Veterinary Biological Product License shall be supported by:

(i) At least three copies of an Outline of Production prepared in accordance with §§ 114.8 and 114.9 of this subchapter; and

(ii) At least three copies of test reports and research data sufficient to establish purity, safety, potency, and efficacy of the product; and

(iii) At least three copies of legends prepared as prescribed in § 108.8 of this subchapter designating which facilities are to be used in the preparation of the biological product; and

(iv) At least five copies of all labels in finished form or three copies of sketches prepared and submitted as prescribed in § 112.5 of this subchapter, together with information regarding all claims to be made on labels and in advertising matter to be used in connection with or related to the biological product.

2. Section 102.4 (a) and (b) is amended and a new paragraph (g) is added, to read:

#### § 102.4 U.S. Veterinary Biologies Establishment License.

(a) Before a U.S. Veterinary Biologies Establishment License will be issued by the Deputy Administrator for any establishment, an inspection shall be made to determine whether the condition, equipment, facilities, and the like, of the establishment, and the methods used to prepare biological products are in conformity with the requirements in the regulations.

(b) A license shall not be issued unless:

(1) In the opinion of the Deputy Administrator, the condition of the establishment, including its facilities, and the methods of preparation of biological products are such as reasonably to assure that the products shall accomplish the purpose for which they are intended; and

(2) The Deputy Administrator is satisfied on the basis of information before him that:

(i) The establishment shall be operated in compliance with the Act and applicable regulations and be under the supervision of person(s) competent in the preparation of biological products; and

(f) The applicant, or the person having the responsibility for producing biological products in the establishment, or both, is qualified by education and experience, and has demonstrated fitness to produce such products in compliance with the Act and regulations issued pursuant thereto; *Provided*, That, previous violations of the Act, or such regulations or both shall be relevant to the Deputy Administrator's determination of fitness.

(3) Written assurance is filed with Veterinary Services that the biological products which are licensed to be prepared therein shall not be so advertised as to mislead or deceive the purchasers and that the packages or containers in which the same are to be marketed shall not bear any statement, design, or device which is false or misleading in any particular.

(g) The provisions of paragraph (b) of this section shall also be applicable to, and be considered by, the Deputy Administrator in connection with each application for an additional product license.

3. Section 102.5(d) (1) is amended to read:

**§ 102.5 U.S. Veterinary Biological Product License.**

(d) The following provisions shall apply to all licensed biological products:

(1) Licensed biological products shall be prepared as required by the regulations and in accordance with a filed Outline of Production as prescribed in §§ 114.8 and 114.9 of this subchapter. No change shall be made in the preparation of a biological product without prior approval of the Deputy Administrator.

4. Sections 102.6 (b) (1) and (3) and (c) and (e) are amended to read:

**§ 102.6 U.S. Veterinary Biological Product License (Special).**

(b) \* \* \* (1) The product shall be prepared in a manner acceptable to the Deputy Administrator. The applicant for a license may be required to develop appropriate test methods for the product.

(3) The licensee shall request the handlers to whom the biological product is distributed to:

(i) Keep complete records showing the name and address of each purchaser of the product and the name, serial number, and quantity of the product sold to such purchaser; and

(ii) Furnish to each veterinarian, animal owner, or other person using the product, a report form, approved by Veterinary Services, which shall contain blank spaces for stating pertinent information concerning the results obtained from use of the product; and

(iii) Request users of the product to complete and return the report form to an official of the Department specified by the Deputy Administrator.

(c) A special license shall be dated to terminate on any date established by the Deputy Administrator at the time of issuance and the termination date shall appear on the license.

(1) Immediately prior to the termination date, the licensee may request reissuance of the special license or issuance of a regular product license. At that time, the licensee shall be given an opportunity to present to Veterinary Services to substantiate such request, all available data and information obtained since the special license was issued.

(2) After reviewing the matter with the licensee and considering all data and information, either obtained from the licensee or from other sources, the Deputy Administrator shall issue a regular product license, or reissue a special license, or allow the special license to terminate.

(e) Violation of any of the conditions of a special license shall constitute a violation of this section and may be grounds for suspension or revocation of the special license under § 105.1 of this subchapter.

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828-A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before July 8, 1974, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection of Biologics Licensing and Standards Staff, at the above address, during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 31st day of May 1974.

PIERRE A. CHALOUX,  
*Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.*

[FR Doc.74-12883 Filed 6-4-74;8:45 am]

**Rural Electrification Administration  
[ 7 CFR Part 1701 ]  
ELECTRIC DISTRIBUTION LOANS  
Loan Policy and Procedure**

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to amend REA Bulletin 20-2, Electric Loan Policy, and to replace the memorandum filed with that Bulletin dated, September 11, 1973, and entitled "Loan Processing for Distribution Borrowers. The proposed changes in loan policy and procedure establish revised criteria in accordance with which REA will process loan applications and approve new loans for rural electric distribution facilities.

Persons interested in the proposed changes in REA loan policy and procedure may submit written data, views or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, USDA-REA, Washington, D.C. 20250, on or before June 20. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

The text of the proposed memorandum amending REA policy and procedure for new loans to REA electric distribution borrowers is as follows:

**ELECTRIC DISTRIBUTION LOAN PROCEDURES—  
MODIFICATION OF LOAN CATEGORIES  
ALL REA ELECTRIC BORROWERS**

This replaces the File With to REA Bulletin 20-2 dated September 11, 1973. In fiscal 1974, the one-year loan program was modified to allow the processing of loan applications according to one of three loan categories. Experience indicates that processing loans in accord therewith has substantially reduced the loan application workload for the electric distribution borrowers as well as for REA. A modification of the loan categories will further ease the loan application burden and simplify the loan process. Effective July 1, 1974, the loan categories are redefined as follows:

*Category I.* Loan applications based on a new two-year construction work plan having a two-year loan requirement of \$750,000 or less will be considered for the full two-year amount.

*Category II.* All applications based on a new two-year construction work plan having a two-year loan requirement of more than \$750,000 will be considered for the full two-year amount for determining loan feasibility. Loan applications will be processed on the basis of approximately one-half of the approved two-year requirement.

Funds for the second portion are not committed when the first portion is loaned, but the feasibility of the two-year amount is determined. Processing of the second portion is initiated by a board resolution requesting the second portion (a sample resolution is attached). Borrowers whose second portion of a current two-year work plan remains unloaned will be expected to apply for that second portion when needed provided the following conditions are met:

1. The designated amount of the second portion loan funds request remains unchanged.
2. The borrower's financial characteristics remain relatively unchanged.
3. The budget purposes on the work plan remain unchanged.

*Category III.* This category is reserved for loan applications to which special circumstances apply. This category does not have minimum or maximum dollar amounts. Applications in this category will be processed for a one-year loan requirement.

Examples of applications included in this category are:

1. Applications having special purposes or unusual circumstances may be administratively determined to fit into this category.
2. Applications covering the second year of a two-year work plan where the first year was loaned prior to July 1, 1973.
3. Applications covering the second year of a Category III loan.
4. The second portion of a Category II loan when the application represents the first concurrent loan.

The amounts designated in this program pertain only to the loan requirements to be met by REA, and are exclusive of amounts to be obtained from supplemental lenders.

Loan procedures outlined above apply without regard to the borrower's eligibility for a standard (5 percent) or a special (2 percent) interest rate.

DAVID A. HAMIL,  
Administrator.

SAMPLE BOARD RESOLUTION REQUESTING  
SECOND PORTION OF CATEGORY 2 LOAN

WHEREAS, The \_\_\_\_\_ made  
(name and address  
of applicant)

application to the Rural Electrification Administration, \_\_\_\_\_,  
month day year  
for a loan in the two year amount of \$\_\_\_\_\_, and

WHEREAS, The Rural Electrification Administration processed this loan under Category 2 for the first portion in the amount of \$\_\_\_\_\_, and

WHEREAS, the financial characteristics of this organization have not materially changed, and

WHEREAS, The adjusted general funds level does not exceed the 8 percent guideline as set forth in REA Bulletin 1-7, and

WHEREAS, The second portion of the loan will be needed within \_\_\_\_\_  
(time period)

for budget purposes outlined in the two year construction work plan.

NOW, THEREFORE, BE IT RESOLVED,  
That \_\_\_\_\_ make  
(name of applicant)

application to the Rural Electrification Administration for the second portion (balance) of the Category 2 loan in the amount of \$\_\_\_\_\_, at \_\_\_\_\_ percent per annum, to be used in accordance with REA Bulletin 20-2,\* and that an application be made to \_\_\_\_\_ for a loan  
(name of supplemental lender)  
in the approximate amount of \$\_\_\_\_\_, at \_\_\_\_\_ percent per annum, under terms and conditions satisfactory to the Administrator, to provide the balance of the required financing.

BE IT FURTHER RESOLVED, That the REA note shall be in the full amount of the REA loan and provide for the repayment of principal to begin \_\_\_\_\_ years from the date thereof.

BE IT ALSO RESOLVED,<sup>2</sup> that \_\_\_\_\_  
(name of applicant),  
in order to facilitate the obtaining of the supplemental financing required, hereby authorize the Rural Electrification Administration to release to \_\_\_\_\_ information  
(name of supplemental lender)

relating to this application and to the financial and operating condition of \_\_\_\_\_, and such other  
(name of applicant)

information and data relating thereto as REA in its discretion determines necessary for said purpose.

I, \_\_\_\_\_, Secretary of \_\_\_\_\_ do hereby certify that the above is a true and correct excerpt from the minutes of the meeting of the Board of \_\_\_\_\_

\* The borrower shall establish the breakdown of the second proportions (REA and supplemental amounts) by following instructions in REA Bulletin 20-14, Attachment A. Enclose calculations.

<sup>2</sup> If the source of supplemental financing is not known, this portion should be submitted later as a separate resolution.

Directors of the \_\_\_\_\_, held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at which meeting a quorum was present.

Signature \_\_\_\_\_

[FR Doc.74-12839 Filed 6-4-74;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[ 29 CFR Chapter V ]

[Administrative Order No. 632]

SPECIAL INDUSTRY COMMITTEE FOR  
NEWLY COVERED EMPLOYMENT IN THE  
VIRGIN ISLANDS

Appointment; Convention; Notice of  
Hearings

Paragraph 6(c) (3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(c) (3), as amended by the Fair Labor Standards Amendments of 1974 (P.L. 93-259, approved April 8, 1974)) provided that in the case of any employee employed in the Virgin Islands brought within the purview of the minimum wage provisions by those amendments, a special industry committee shall be appointed under section 5 of the Act (29 U.S.C. 205) to recommend the highest minimum wage rate or rates which accord with the standards prescribed by section 8 of the Act (29 U.S.C. 208) and which shall be not less than 60 percent of the otherwise applicable minimum wage rate in effect under section 6(b), or \$1.00 an hour, whichever is greater, to be applicable to such employee in lieu of the rate or rates prescribed by subsection (b). The rate or rates recommended by the special committee shall not exceed the rates prescribed in section 6(b) for nonagricultural employees and section 6(a) (5) for agricultural employees. Thus, for nonagricultural employees the rates recommended shall not be in excess of \$1.90 an hour for the period ending December 31, 1974; \$2.00 an hour during the year beginning January 1, 1975, \$2.20 an hour during the year beginning January 1, 1976, and \$2.30 an hour after December 31, 1976. For agricultural employees the rates recommended shall not exceed \$1.60 an hour during the period ending December 31, 1974; \$1.80 an hour during the year beginning January 1, 1975; \$2.00 an hour during the year beginning January 1, 1976; \$2.20 an hour during the year beginning January 1, 1976, and \$2.30 an hour after December 31, 1976.

Pursuant to the above cited statutory authority and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), I hereby appoint Industry Committee No. 15 for Newly-Covered Employments in the Virgin Islands, to make recommendations in its industry, convene such committee, and give notice of the hearing to be held by it.

These newly covered employees include the following:

1. *Domestic service workers.* Domestic service means services of a household nature performed by an employee in or about the private home of the person by whom he or she is employed. A private

home is a fixed place of abode of an individual or family. A separate and distinct dwelling maintained by an individual or family in an apartment house or motel may constitute a private home. However, a dwelling house primarily used as a boarding or lodging house for the purpose of supplying such services to the public as a business enterprise is not a private home.

Domestic service in and about a private home includes services performed by persons employed as cooks, butlers, valets, maids, housekeepers, governesses, janitors, laundresses, caretakers, handymen, gardeners, footmen, grooms and chauffeurs.

2. Employees employed in retail and service establishments that are parts of covered enterprises and that have an annual dollar volume of sales which is not less than \$225,000 after January 1, 1975, and is not less than \$200,000 after January 1, 1976, and in any amount after January 1, 1977.

3. Employees engaged in handling telegraphic messages for the public where the revenue does not exceed \$500 a month.

4. Employees of motion picture theaters.

5. Agricultural employees engaged in processing shade-grown tobacco prior to stemming.

6. Employees in forestry or lumbering operations where the number of employees is eight or less.

7. Agricultural employees of conglomerates with an annual gross volume of sales exceeding \$10 million regardless of the number of employees engaged in agriculture.

Industry Committee No. 15 will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 11 a.m. on Monday, June 17, 1974.

The hearing will take place on the premises of the College of the Virgin Islands. The exact location will be posted at the main Administration Building of the college on the opening day of the hearing.

Promptly after the receipt of evidence and submissions, the committee shall resolve the issues before it and prepare a report containing its findings of facts, and conclusions as well as the reasons and basis therefor.

The committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give such industry a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands of American Samoa; except that the minimum rate or rates recommended shall not be less than 60 percent of the otherwise applicable wage rate in effect under subsection (b) or \$1.00 an hour, whichever is greater, to be applicable to such employee in lieu of the rate or rates prescribed by section 6(b), (or

\$1.14 an hour for nonagricultural employees or \$1.00 for agricultural employees for the period ending December 31, 1974; and with the further exception that the committee shall recommend the minimum wage prescribed in section 6(b), unless there is substantial documentary evidence, including pertinent unbridged profit and loss statements and balance sheets for a representative period of years or in the case of employees of public agencies other appropriate information, in the record which establishes that the industry, or a predominant portion thereof, is unable to pay that wage.

Whenever the industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, the industry committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living, and production costs; (b) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for the industry committee containing such data as he is able to assemble pertinent to the matters referred to it. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the U.S. Department of Labor as soon as they are completed and prior to the hearing. The industry committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in any of the hearings are required to file prehearing statements, as provided in 29 CFR 511.8, containing the data specified in that section not later than 10 days before the hearing date set, namely, June 7, 1974. However, in view of the need to give adequate time to prepare such statements, prehearing statements received on or before June 12, 1974 will be considered as if they were received on June 7, 1974.

Signed at Washington, D.C., this 31st day of May 1974.

PETER J. BRENNAN,  
Secretary of Labor.

[FR Doc. 74-12860 Filed 6-4-74; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Regs. No. 5]

### FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

#### Exclusion From Coverage of Certain Items and Services; Termination of Certain Providers of Services

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments implement section 229 of the Social Security Amendments of 1972 (Public Law 92-603), enacted October 30, 1972, under which the Secretary is authorized to exclude from coverage under the Federal Health Insurance for the Aged and Disabled Program (Medicare), items and services rendered by physicians, providers, and suppliers of services who are found to have committed program abuses, and in the case of such providers of services, to terminate their agreements to participate in the Medicare program. Determinations under this provision are also made applicable by section 229 to amounts paid for services furnished under State plans pursuant to title V (Maternal and Child Health and Crippled Children's Services) and title XIX (Grants to States for Medical Assistance Programs) of the Social Security Act.

In general, the new provisions provide for the termination of payments to physicians, providers, and suppliers of service for certain specific types of program abuse. A determination to terminate payments because of a false statement or representation of a material fact can be made by the Secretary whereas a determination to terminate or exclude for other types of abuse generally requires the concurrence of a program review team. The law provides that, after consultation with appropriate State and local professional societies, the appropriate carriers and intermediaries utilized in the administration of the Medicare program and consumer representative familiar with the health needs of the residents of the State, program review teams are to be appointed (composed of physicians, other professional personnel in the health care field, and consumer representatives) to review particular cases, where there is a likelihood that the provider, supplier, or other person furnishing items and services to individuals is involved in program abuse, and to examine such statistical data related to

program utilization as may be submitted by the Department.

In brief, cases under section 229 will be developed substantially in accordance with the procedures currently applied in other situations involving program abuse. Every physician, provider, or supplier of services subject to these procedures has the right to be heard and to present evidence before a determination to apply these provisions is made, published, and put into effect. Thereafter, the party also has a right to a formal hearing before an Administrative Law Judge of the Administration's Bureau of Hearings and Appeals and to judicial review of his determination. Should the determination be to terminate payments, appropriate notification will be sent to the Health Services Administration (title V) and the Medical Services Administration (title XIX-Medicaid) since, by law, payments under those programs will also be prohibited.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before July 5, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1862, 1866, and 1871, 49 Stat. 647, as amended, 79 Stat. 325, as amended, 79 Stat. 327, as amended, 79 Stat. 331, as amended; 42 U.S.C. 1302, 1395y, 1395cc, and 1395hh.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: January 16, 1974.

J. B. CARDWELL,  
Commissioner of Social Security.

Approved: May 24, 1974.

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

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) are further amended as set forth below.

1. A new § 405.315a is added to read as follows:

§ 405.315a Nonreimbursable expenses: Items or services furnished by excluded person.

(a) *Definitions.* As used in this section and in § 405.614:

(1) The term "provider of services" or "provider" means a hospital, skilled nursing facility, home health agency, or

provider of outpatient physical therapy services (see Subparts J, K, L, and Q of this part), and

(2) The term "person" means a physician or other supplier of services, other than a provider of services.

(b) *General.* Payment may not be made under title XVIII of the Act for expenses incurred for items or services which are furnished by a person where the Administration determines under this section that such person:

(1) Has knowingly and willfully made, or caused to be made, any false statement or representation of a material fact for use in an application or request for payment under title XVIII or for use in determining the right to a payment under title XVIII; or

(2) Has submitted or caused to be submitted (except in the case of a provider of services), bills or requests for payment under title XVIII containing charges (or in applicable cases, requests for payment of costs to such person) for items or services rendered which the Administration finds, with the concurrence of the appropriate program review team appointed pursuant to § 405.315b, to be substantially in excess of such person's customary charges (or in applicable cases, substantially in excess of such person's costs) for such items or services, unless the Administration finds there is good cause for such bills or requests containing such charges (or in applicable cases, such costs); for example, where the excess charges are found to be justified by unusual circumstances or medical complications requiring additional time, effort or expense in localities in which it is accepted medical practice to make an extra charge in such cases; or

(3) Has furnished items or services which are determined by the Administration, with the concurrence of the members of the appropriate program review team appointed pursuant to § 405.315b who are physicians or other professional personnel in the health care field, to be substantially in excess of the needs of individuals or to be harmful to individuals or to be of grossly inferior quality.

(c) *Notice of proposed determination.* Whenever the Administration proposes, on the basis of appropriate evidence and with the concurrence of a program review team when required (see § 405.315b), to exclude items and services rendered by a provider of services or other person from coverage under title XVIII in accordance with paragraph (b) of this section, or to terminate a provider's agreement in accordance with § 405.614 (a) (5), it shall give written notice to such provider or other persons of its intention to exclude such items and services, or to terminate such agreement, and of its reasons for such proposed determination. Such provider or other person may, within fifteen days from the date of mailing of such notice of proposed determination, submit any written statement (including any pertinent evidence) as to why the proposed determi-

nation to exclude its items and services from coverage, or to terminate its agreement, should not be put into effect. Within such period, the provider or other person may also request in writing the right to appear before a representative of the Administration who has not had any direct involvement in any investigation into the facts of the case, in order to examine and question the evidence and to present and cross-examine witnesses. The provider or other person may be represented by counsel or other qualified representative (see §§ 405.1590 and 405.1591). For good cause shown, the Administration may shorten or extend the time within which such statement (or evidence) or request to appear may be submitted.

(d) *Determination of exclusion or termination.* After the submission or appearance provided for in paragraph (c) of this section, or if none, after fifteen days from the date of mailing of the notice of proposed determination (or such other period as provided in paragraph (c) of this section), the Administration may make a determination under paragraph (b) of this section, or under § 405.614(a) (5), as appropriate. Such a determination is an "initial determination" for purposes of the appeals procedures in Subpart O of this part (see § 405.1502(e)).

(e) *Notice of determination of exclusion or termination.* (1) The Administration shall send written notice of the determination under paragraph (b) of this section, or under § 405.614(a) (5), to such provider or other person at least fifteen days before the effective date of such determination. This notice shall state the reasons for the determination, its effective date, and the extent of its applicability as it relates to such provider's or other person's participation under title XVIII of the Act. Such notice shall constitute the notice of initial determination for purposes of the appeals procedures in Subpart O of this part (see § 405.1503).

(2) The Administration shall also give notice of the determination to the public and to recipients of services from such persons excluded under this section.

(f) *Effective date of determination of exclusion.* A determination by the Administration under paragraph (b) of this section shall be effective with respect to items and services furnished an individual by such provider or other person after an effective date which shall be no earlier than fifteen days, but not later than 30 days, after the date on which notice of the determination of exclusion was mailed to such person in accordance with paragraph (e) of this section. Notwithstanding such effective date, payment may be made under title XVIII for items and services furnished by an excluded person until the recipient of such services is given notice of such exclusion (see § 405.315(e) (2)). Such determination of exclusion shall remain in effect until the Administration determines, and gives notice to the public, that the reason for the determination has been re-

moved and that there is reasonable assurance that it will not recur. (For the effective date of a termination of a provider's agreement under § 405.614(a) (5), see § 405.615.)

2. A new § 405.315b is added to read as follows:

**§ 405.315b Establishment of program review teams.**

(a) The Administration shall, after consultation with appropriate State and local professional societies, the appropriate carriers and intermediaries utilized in the administration of title XVIII, and consumer representatives familiar with the health needs of residents of the State, appoint one or more program review teams (composed of physicians, other professional personnel in the health care field, and consumer representatives) in each State which, among other things, shall:

(1) Undertake to review such statistical data on program utilization as may be submitted by the Administration;

(2) Submit to the Administration upon request, but at least annually, a report on the results of such review, together with recommendations with respect thereto;

(3) Undertake to review particular cases where there is a likelihood that the provider or other person furnishing items and services to individuals may come within the provisions of § 405.315a or § 405.614(a) (5);

(4) Submit to the Administration upon request, but at least annually, a report of cases reviewed pursuant to paragraph (a) (3) of this section along with an analysis of, and recommendations with respect to, such cases.

(b) In carrying out the functions of paragraph (a) of this section, such program review teams shall coordinate their activities with Professional Standards Review Organizations operating in the same area to avoid duplication of effort.

(c) When a Professional Standards Review Organization has demonstrated to the Secretary's satisfaction that it can carry out the functions of § 405.315a(b) (3) and § 405.614(a) (5) (iii), then the Secretary may authorize that professional Standards Review Organization to assume, for its area, the responsibilities of § 405.315a(b) (3) and § 405.614(a) (5) (iii).

(3) Section 405.614 is amended by revising paragraph (a) (4), adding paragraph (a) (5), and revising paragraph (c) to read as follows:

**§ 405.614 Termination by the Secretary.**

(a) *Cause for termination.* The Secretary may terminate an agreement if the Secretary determines that the provider of services: \* \* \*

(4) Refuses to permit examination of its fiscal or other records by, or on behalf of, the Secretary as may be necessary for verification of information furnished as a basis for payment under the health insurance benefits program; or

(5) (1) Has knowingly and willfully made, or caused to be made, any false

statement or representation of a material fact for use in an application or request for payment under title XVIII or for use in determining the right to a payment under title XVIII; or (ii) has submitted, or caused to be submitted, requests for payment under title XVIII of amounts for items and services substantially in excess of the costs incurred by such provider for providing such items and services; or (iii) has furnished items or services which are determined by the Administration, with the concurrence of the members of the appropriate program review team appointed pursuant to § 405.315b who are physicians or other professional personnel in the health care field, to be substantially in excess of the needs of individuals or to be harmful to individuals or to be of a grossly inferior quality.

(c) *Appeal by agency or institution.* Any provider dissatisfied with a determination terminating the section 1866 agreement with such provider, shall be entitled to a hearing with respect to such determination (see Subpart O of this part). The termination of a provider's agreement on grounds specified in paragraph (b) (5) of this section is subject to the additional procedures provided in § 405.315a.

4. The heading to Subpart O of Part 405 is revised to read as follows: "Subpart O—Providers of Services, Emergency Service Hospitals, Independent Laboratories, Suppliers of Portable X-Ray Services, and Persons; Determinations and Appeals Procedures".

5. Section 405.1501 is amended by revising the section heading, revising paragraphs (a) and (b) and adding new paragraph (f) to read as follows:

§ 405.1501 *Providers of services, emergency service hospitals, independent laboratories, suppliers of portable X-ray services, and persons; determinations and appeals procedures.*

(a) The provisions contained in this Subpart O shall govern the procedure for making and reviewing determinations with respect to (1) whether an institution, facility, agency, or clinic is a provider of services (i.e., a hospital, skilled nursing facility, home health agency, or for purposes of furnishing outpatient physical therapy services, a clinic, rehabilitation agency, or public health agency) within the meaning of title XVIII of the Social Security Act and Subparts J, K, L, or Q of this Part 405, as appropriate; (2) whether an institution is a hospital, as such term is included in section 1861(e) for purposes of sections 1814(d) and 1835(b) of the Act (see § 405.152(a)(1)), qualified to elect to a claim payment for all emergency hospital services furnished in a calendar year (see § 405.658); (3) the termination of the Secretary's agreement with a provider of services; (4) whether an institution continues to remain in compliance with the qualifications for claiming emergency service reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act; (5) whether an independent laboratory or supplier of portable X-ray services meets the appropriate conditions for coverage of its services (see Subparts M and N of this Part 405); or with respect to the exclusion from coverage, under the provisions of § 405.315a, of items and services rendered by a provider or other person (as defined in § 405.315a(a) under the provisions of section 1862(d) of the Act (see § 405.315(a))).

(b) Any institution, facility, agency, or clinic dissatisfied with an initial determination (see § 405.1502) that it does not qualify as a provider of services may request the Administration to reconsider that determination (see § 405.1510). If dissatisfied with the reconsidered determination of the Administration, or with an initial determination terminating the Secretary's agreement with it, an institution, facility, agency, or clinic is entitled to a hearing thereon and, if dissatisfied with the decision after such hearing, to Appeals Council review and then judicial review of such decision (see § 405.1530 et seq.).

(f) Any provider of services or other person dissatisfied with an initial determination excluding from coverage its items and services rendered to beneficiaries (see § 405.315a) is entitled to a hearing thereon and, if dissatisfied with the decision after such hearing, to Appeals Council review and then judicial review of such decision.

6. In § 405.1502, a new paragraph (e) is added to read as follows:

§ 405.1502 *Initial determinations.*

The Administration will make findings, setting forth the pertinent facts and conclusions, and an initial determination with respect to:

(e) The exclusion from coverage under the provisions of § 405.315a, of items and services rendered by a provider or other person to beneficiaries under title XVIII of the Act.

7. Sections 405.1503 and 405.1504 are revised to read as follows:

§ 405.1503 *Notice of initial determination.*

Written notice of an initial determination (see § 405.1502) with respect to whether an institution, facility, agency, or clinic is or is not a provider; or with respect to whether an institution is or is not a hospital for purposes of the emergency service reimbursement provisions of sections 1814(d) and 1835(b) of the Act; or with respect to the termination of an agreement; or with respect to whether an institution continues to remain in compliance with the qualifications for claiming emergency services reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act; with respect to whether an independent laboratory or supplier of portable X-ray services meets the appropriate conditions for coverage

of its services (see Subparts M and N of this Part 405); or with respect to the exclusion from coverage, under the provisions of § 405.315a, of items and services rendered by a provider or other person to beneficiaries under title XVIII of the Act, will be mailed to the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person concerned and will include the basis or reasons for the determination, and information concerning the appeal rights of the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person (see §§ 405.1510 and 405.1530).

§ 405.1504 *Effect of initial determination.*

The initial determination shall be final and binding upon the parties to the determination unless it is revised (see § 405.1519), or unless, in the case of a determination described in § 405.1502(a), (b) (1), or (d) (1), it is reconsidered in accordance with § 405.1514 or, in the case of a determination described in § 405.1502 (b) (2), (c), (d) (2), or (e), a request for a hearing is filed and a decision rendered.

8. In § 405.1505, a new paragraph (k) is added to read as follows:

§ 405.1505 *Administrative actions which are not initial determinations.*

Administrative actions which shall not be considered initial determinations under any provision of the regulations in this Subpart O include, but are not limited to, the following:

(k) The finding, pursuant to section 1862(d) (2) of the Act, that the basis for a determination excluding a person's items and services from coverage under title XVIII has not been removed or there is insufficient assurance that the basis for such exclusion will not recur.

9. Section 405.1519 is revised to read as follows:

§ 405.1519 *Revision of initial or reconsidered determination.*

Except in the case of a determination that an institution, facility, agency, or clinic qualifies as a provider of services, or that an institution qualifies to elect to claim payment for all emergency hospital services furnished in a calendar year, an initial or reconsidered determination which is otherwise final under § 405.1504 or § 405.1517 may be reopened by the Administration upon its own motion within 12 months after the date of the notice of the initial determination (see § 405.1503). Notice of the reopening of a determination and any revision thereof shall be given to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier or person which was a party to the determination (see § 405.1520).

10. Sections 405.1530, 405.1531, and 405.1532 are revised to read as follows:

§ 405.1530 *Hearing; right to hearing.*

After an initial and reconsidered determination that it does not qualify as a

provider of services or that an independent laboratory or supplier of portable X-ray services does not meet the conditions for coverage of its services or that an institution does not qualify to elect to claim payment for all emergency hospital services furnished in a calendar year (see §§ 405.1502 (a), (b) (1), and (d) (1), and 405.1514); or after an initial determination described in § 405.1502(b) (2), (c), (d) (2), or (e); or after a revised determination described in § 405.1519, an institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person shall be entitled to a hearing with respect to such determination, if such person or the representative of the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person files a written request for hearing as provided in § 405.1531.

**§ 405.1531 Filing a request for a hearing; time and manner of filing.**

(a) The request for a hearing shall be made in writing, signed by the person, or a proper official of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned and filed at an office of the Administration, or with an Administrative Law Judge (formerly called "hearing examiner") or the Appeals Council of the Bureau of Hearings and Appeals. The request must be filed within 6 months after the date on which written notice of an initial determination provided for in § 405.1502 (b) (2), (c), (d) (2), or (e), or a reconsidered or revised determination is mailed to the institution, facility, agency, clinic, laboratory, portable X-ray supplier or person (see §§ 405.1503, 405.1516, and 405.1520), except where the time is extended for "good cause" (see § 405.1569).

(b) The request for a hearing shall contain a statement as to the specific issues or findings of fact and conclusions of law in the preceding determination with which the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person disagrees, and the basis for its contention that the specific issues and/or findings and conclusions were incorrect.

(c) The legal representative or any other authorized official of the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person shall be a proper person to file the request for hearing.

**§ 405.1532 Parties to the hearing.**

The parties to the hearing shall be the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person which was a party to the prior determination (see §§ 405.1502 (b) (2), (c), (d) (2), and (e), 405.1514, and 405.1519) and the Bureau of Health Insurance. The Bureau of Health Insurance shall be represented at the hearing (see § 405.1543).

11. Section 405.1534 is revised to read as follows:

**§ 405.1534 Disqualification of hearing examiner.**

No Administrative Law Judge shall conduct a hearing in a case in which he is prejudiced or partial with respect to the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person, or where he has any interest in the matter pending for decision before him. Notice of any objection which a party to the hearing may have to the Administrative Law Judge who will conduct the hearing shall be made at the earliest opportunity. The Administrative Law Judge shall consider the objection(s) and shall, in his discretion, either proceed with the hearing or withdraw. If the Administrative Law Judge withdraws, another Administrative Law Judge shall be designated (see § 405.1533) to conduct the hearing. If the Administrative Law Judge does not withdraw, the objecting party may, after the hearing, present his objections to the Appeals Council as reasons why he believes the Administrative Law Judge's decision should be revised or a new hearing held before another Administrative Law Judge.

12. Sections 405.1536 and 405.1537 are revised to read as follows:

**§ 405.1536 Time and place of prehearing conference.**

The Administrative Law Judge shall fix a time and place for the prehearing conference, written notice of which shall be mailed to the parties not less than 10 days prior to the conference date. The notice shall inform the parties of the purpose of the prehearing conference and the issues sought to be resolved, stipulated to, or excluded. If a party has information which will involve additional issues for consideration at the prehearing conference, other than those set forth in the notice of determination (see §§ 405.1503, 405.1516, and 405.1520) and the request for hearing by the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person, timely notice should be given to the Administrative Law Judge and the other party of such information. The Administrative Law Judge may also raise any additional issues by including them in his notice of the prehearing conferences or during the conference.

**§ 405.1537 Conduct of prehearing conference.**

The prehearing conference shall be open to the person or his representative, the representatives of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier and the representatives of the Bureau of Health Insurance, to their technical advisors, and to such other persons as the Administrative Law Judge deems necessary or proper. The Administrative Law Judge may accept the agreement of the parties as to those facts which are not in controversy and as to questions which have been resolved favorably to the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person subse-

quent to the determination in dispute. The Administrative Law Judge may accept the agreement of the parties as to the remaining issues to be resolved. The parties may be requested to indicate what witnesses will be present to testify at the hearing, the qualifications of such witnesses, and the nature of other evidence to be submitted.

13. In § 405.1542, paragraph (a) is revised to read as follows:

**§ 405.1542 Hearing on new issues.**

(a) On the application of either party, or on his own motion, the Administrative Law Judge (formerly called "hearing examiner") may give notice at any time after a request for hearing has been filed (see § 405.1531), but prior to the closing of the record, that he will consider any specific new issue which may affect the rights of the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person, even though the Administration has not made an initial and reconsidered determination with respect to the issue and even though the issue arose after the request for hearing or prehearing conference. Except that, in the case of an initial determination described in § 405.1502(b) (2), (c), (d) (2), or (e), the Administrative Law Judge shall not consider any issue which arose on or after (1) the effective date of the termination of an institution's, facility's, agency's, or clinic's agreement with the Secretary, or (2) the date on which it is determined that a laboratory or portable X-ray supplier no longer meets the conditions for coverage of its services, (3) the effective date of the notification to an institution of its failure to remain in compliance with the qualifications for claiming emergency service reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act, or (4) the effective date of the exclusion from coverage of items and services rendered by a provider or other person (see § 405.315a). Notice of the time and place of the hearing on any new issue shall, unless waived (see § 405.1550), be given to the parties within the time and manner prescribed in § 405.1540. Upon giving of such notice, the Administrative Law Judge shall, except as otherwise provided, proceed to hearing on such new issues in the same manner as he would on an issue in which an initial and reconsidered determination had been made by the Administration and a hearing request with respect thereto had been filed.

14. Section 405.1543 is revised to read as follows:

**§ 405.1543 Joint hearings.**

When two or more institutions, facilities, agencies, clinics, laboratories, portable X-ray suppliers, or persons, have requested hearings and the same or substantially similar matters are in issue, the Administrative Law Judge may, if all parties agree, fix the same times and places for each prehearing conference or hearing and conduct all such proceedings

jointly. Where joint hearings are held, a single record of the proceedings shall be made and a separate decision issued with respect to each institution, facility, agency, clinic, laboratory, or portable X-ray supplies, or person.

15. Section 405.1545 is revised to read as follows:

**§ 405.1545 Conduct of the hearing.**

The hearing shall be open to the person and his representative, the representatives of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier, and the representatives of the Bureau of Health Insurance, their technical advisors, and to such other persons as the Administrative Law Judge deems necessary or proper. The Administrative Law Judge shall inquire fully into all of the matters at issue (see § 405.1542) and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to such matters. If the Administrative Law Judge believes that there is relevant and material evidence available which has not been presented at the hearing, the Administrative Law Judge may at any time prior to the mailing of notice of the decision, reopen the hearing for the receipt of such evidence. The order in which the evidence and the allegations shall be presented and the conduct of the hearing shall be at the discretion of the Administrative Law Judge.

16. Sections 405.1550, 405.1551, and 405.1552 are revised to read as follows:

**§ 405.1550 Waiver of right to appear and present evidence.**

If the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person waives its right to appear before the Administrative Law Judge and present testimony, it shall not be necessary for the Administrative Law Judge to give notice of and conduct an oral hearing. A waiver of this right shall be made in writing and filed with the Administrative Law Judge. A waiver may be withdrawn by an institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person, for good cause shown, at any time prior to the mailing of notice of the decision in the case. Even though an institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person has filed a waiver of a hearing before an Administrative Law Judge, the Administrative Law Judge may, nevertheless, give notice of a time and place and conduct a hearing if he believes that testimony of the person or his representative, representatives of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier or other persons is needed to clarify the facts in issue, or on a showing of good cause by the Bureau of Health Insurance of the need to present oral evidence. When such a waiver has been filed and no testimony received, the Administrative Law Judge shall make a record of the relevant written evidence, including applications, written statements, certificates, affi-

davits, reports, and other documents which were considered in connection with the initial, reconsidered, or revised determination (see §§ 405.1502, 405.1514, and 405.1519), and whatever additional relevant and material evidence was submitted by the parties for consideration by the Administrative Law Judge. Any additional evidence submitted by either party shall be furnished to the other party and that party shall be given a reasonable opportunity to submit further evidence in rebuttal. The parties may submit briefs or other written statements of evidence and/or proposed findings of fact or conclusions of law, copies of which shall be sent in accordance with § 405.1695. After the Administrative Law Judge sets the case for oral hearing and gives notice of the time and place for the hearing, the request for hearing shall be dismissed in accordance with § 405.1552 where the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person fails to appear without good cause.

**§ 405.1551 Dismissal of request for hearing.**

The Administrative Law Judge, at any time prior to the mailing of notice of the decision (see § 405.1557), may dismiss a hearing request where a party withdraws its request for a hearing or where the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person asks that its request be dismissed. An institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person may request a dismissal by filing a written notice with the Administrative Law Judge.

**§ 405.1552 Dismissal by abandonment.**

The Administrative Law Judge may dismiss a request for hearing upon its abandonment by the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person on whose behalf it was filed. An institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person may be deemed to have abandoned a request for hearing if the person, representative, or the proper official does not appear at the prehearing conference or hearing and prior to that time has not shown good cause as to why he could not appear; or, within 10 days after the mailing of a notice to the person or the representative by the Administrative Law Judge to show cause, did not show good cause for failing to appear or to notify the Administrative Law Judge prior to the time for the prehearing conference or hearing that he could not appear.

17. In § 405.1553, paragraphs (a) and (c) are revised to read as follows:

**§ 405.1553 Dismissal for cause.**

On his own motion, or on the motion of a party to the hearing, the Administrative Law Judge may dismiss a hearing request either entirely or as to any stated issue, under any of the following circumstances:

(a) *Res judicata*. Where there has been a previous determination or decision

by the Secretary with respect to the rights of the same institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person on the same facts and law pertinent to the same issue or issues which has become final either by judicial affirmation or, without judicial consideration, upon failure of the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person timely to request reconsideration, hearing, or review, or to commence a civil action with respect to such determination or decision.

(c) *Hearing request not timely filed*. Where an institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person has failed to file a hearing request timely and the time for filing such request has not been extended.

18. Section 405.1554 is revised to read as follows:

**§ 405.1554 Notice of dismissal and right to request review thereof.**

Notice of the Administrative Law Judge's dismissal action shall be mailed to the parties. Such notice shall advise the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person of its right to request review by the Appeals Council as provided in §§ 405.1561 and 405.1562.

19. Section 405.1563 is revised to read as follows:

**§ 405.1563 Action by the Appeals Council on request for review.**

The review or denial of the Administrative Law Judge's decision shall be conducted by a panel of at least two members of the Appeals Council designated by the Chairman or Deputy Chairman and one person from the U.S. Public Health Service designated by the Surgeon General, Public Health Service, Department of Health, Education, and Welfare, or his delegate. Except as provided in § 405.1568, the Appeals Council shall review the Administrative Law Judge's decision or dismissal where an institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person, files a request for review. The Appeals Council may dismiss, deny, or grant a request for review filed by the Bureau of Health Insurance. If the review is granted, the Appeals Council may either modify, affirm, or reverse the Administrative Law Judge's decision. Notice of the action by the Appeals Council shall be mailed to the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person and the Bureau of Health Insurance.

20. Section 405.1567 is revised to read as follows:

**§ 405.1567 Effect of the Appeals Council decision.**

The decision of the Appeals Council shall be final and binding unless a civil action (see § 405.1501 (b), (e), and (f)) is filed by the institution, facility, agency, clinic, or person in a district court of the United States as authorized by section

1869(c) or 1862(d)(3), as appropriate, of the Act or unless the decision is revised in accordance with § 405.1570. (Section 1869(c) of the Act does not grant judicial review of the Secretary's decision with respect to whether an independent laboratory or supplier of portable X-ray services meets the conditions for coverage, as required by Subparts M and N, respectively.)

21. Section 405.1569 is revised to read as follows:

**§ 405.1569 Extension of time to request a hearing or review or begin civil action.**

(a) Any institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person which is a party to an initial determination described in § 405.1502 (b)(2), (c), (d)(2), or (e); or to a reconsidered determination that it does not qualify as a provider of services or does not qualify to elect to claim payment for all emergency hospital services furnished in a calendar year or does not meet the conditions for coverage; or to a revised determination described in § 405.1519; or which is a party to a decision of an Administrative Law Judge (formerly called "hearing examiner") may request an extension of time for filing a request for hearing or review, as the case may be, although the time for filing the request has passed. If an extension of time for filing a request for hearing before an Administrative Law Judge is sought, the request may be filed with the Administrative Law Judge. In any other case, the request shall be filed with the Appeals Council. The request shall be in writing and shall state the reasons why the request was not filed within the required time. An institution, facility, agency, clinic, or person which is a party to a decision of the Appeals Council, may ask the Appeals Council for an extension of time for commencing civil action in a district court within 60 days from the date of the notice of the Appeals Council action and shall state the reasons an extension is required. For good cause shown, the Administrative Law Judge may extend the time for filing a request for hearing or the Appeals Council may extend the time for filing a request for review or civil action.

(b) An independent laboratory or supplier of portable X-ray services is not entitled to judicial review of the Secretary's final decision after the hearing and review; except where such final decision relates to the exclusion of its items and services from coverage under title XVIII (see § 405.1502(e)).

22. Sections 405.1572 and 405.1590 are revised to read as follows:

**§ 405.1572 Effect of revised determination.**

A revised decision by an Administrative Law Judge (formerly called "hearing examiner") shall be final and binding upon the parties thereto unless reviewed by the Appeals Council in accordance with §§ 405.1561-405.1563. A revised decision by the Appeals Council shall be final and

binding unless a civil action (see § 405.1501 (b), (e), and (f)) is filed by the institution, facility, agency, clinic, or person in a district court of the United States as authorized by section 1869 of the Act.

**§ 405.1590 Representation.**

An institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person may appoint as its representative any individual except an individual disqualified or suspended from acting as a representative in proceedings before the Social Security Administration or otherwise prohibited by law. Except where the representative appointed is an attorney, an institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person must give written notice of the appointment of a representative. The notice of appointment shall be filed at an office of the Administration, or with the Administrative Law Judge or the Appeals Council. Where the representative appointed is an attorney, in the absence of information to the contrary, his representation that he has the authority to represent the party shall be accepted as evidence of his authority.

23. Section 405.1592 is revised to read as follows:

**§ 405.1592 Fees for services.**

Fees for any services rendered by a representative appointed and qualified as in §§ 405.1590 and 405.1591 on behalf of any institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person shall not be subject to the provisions of section 206 of title II of the Social Security Act.

[FR Doc.74-12749 Filed 6-4-74; 8:45 am]

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**[46 CFR PART 73]**

[CGD 72-181]

**PASSENGER VESSELS**

**Proposed Subdivision Requirements**

The Coast Guard is considering amendments to the regulations for passenger vessels in services other than ocean or coastwise and vessels under 150 gross tons in ocean or coastwise service and not on an international voyage. The amendments concern § 73.15-5 which sets the minimum compartment standards of all passenger vessels other than ferry vessels.

The Coast Guard proposes to revoke § 73.15-5(a) which was promulgated before Subchapter T, Small Passenger Vessels, came into effect. Subchapter T is applicable to all vessels under 100 gross tons while § 73.15-5(b) is applicable to all vessels of 100 gross tons and over. The proposed change will clarify the subdivision requirements of Subchapter T when these requirements refer back to Subchapter H, Passenger Vessels. These amendments are editorial in nature and contain no new requirements.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commandant (G-CMC), Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify the notice (CGD 72-181), and give reasons for any recommendations. Comments received before July 18, 1974 will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. The proposal may be changed in the light of the comments received.

No hearing is contemplated but may be held at a time and place set in a later notice of the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

To implement the proposals, the Coast Guard would amend Part 73 of Title 46 of the Code of Federal Regulations as follows:

1. By revoking paragraph (a) of § 73.15-5.

2. By revising paragraph (b) of § 73.15-5.

As revised, § 73.15-5 would read as follows:

**§ 73.15-5 Compartmentation of all vessels other than ferry vessels.**

(a) [Reserved]

(b) Every vessel shall be subdivided so as not to submerge the margin line with any one main compartment flooded.

These amendments are proposed under 46 U.S.C. 482; 49 U.S.C. 1655(b)(1) and 49 CFR 1.46(b).

Dated: May 28, 1974.

D. H. CLIFTON,  
Captain, U.S. Coast Guard,  
Acting Chief, Office of Merchant Marine Safety.

[FR Doc.74-12780 Filed 6-4-74; 8:45 am]

**[46 CFR Part 178]**

[CGD 72-180]

**SMALL PASSENGER VESSELS**

**Proposed Subdivision Requirements**

The Coast Guard is considering amendments to the watertight bulkhead regulations for "S" vessels carrying not more than 150 passengers, "S" vessels carrying more than 150 passengers and all "L" vessels not on an international voyage. The amendments will allow credit for bulkheads spaced less than the current minimum allowable spacing for vessels under 143 feet in length and will clarify those subparts in Part 73 of Subchapter H, Passenger Vessels, which are applicable to Subchapter T vessels.

46 CFR 178.20-1(b) and 46 CFR 178.20-5 both refer to Parts 73 and 74 of Subchapter H (Passenger Vessels) for the subdivision requirement to be applied to

certain Subchapter T vessels. The proposed regulation changes will narrow down the applicable provisions of Part 73.46 CFR 178.20-5 requires that "S" vessels carrying more than 150 passengers and all "L" vessels regulated under Subchapter T meet the subdivision requirements of Part 73 of Subchapter H. 46 CFR 73.15-15 states that to be effective, watertight bulkheads abaft the collision bulkhead must be spaced not less than 10 feet plus 3 percent of the load waterline length. This requirement was established for ships well over 150 feet in length and the Coast Guard has recognized that this criterion is too stringent for vessels under 150 feet in length while an adequate degree of safety can be obtained at some lesser minimum bulkhead spacing. This proposed regulation change will provide uniform criteria for determining the minimum watertight bulkhead spacing while maintaining the degree of subdivision provided under Part 73 for vessels under 150 feet in length.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commandant (G-CMC/82), Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify the notice (CGD 72 180), and give reasons for any recommendations. Comments received before July 18, 1974 will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. The proposal may be changed in the light of the comments received.

No hearing is contemplated but may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

To implement the proposals, the Coast Guard would amend Part 178 of Title 46 of the Code of Federal Regulations as follows:

1. By revising paragraph (b) of § 178.20-1 to read:

§ 178.20-1 Requirements for "S" vessels carrying not more than 150 passengers—S.

(b) In lieu of complying with paragraph (a) of this section, any owner may, if he so desires, determine compliance with the subdivision and damaged stability requirements by direct calculations that take into account the form and proportions of the hull. If this option is taken the provisions of § 178.20-5 and the alternate procedure of § 179.10-3 of this chapter apply. These calculations and the supporting data must be submitted to the Commandant for approval.

2. By revising § 178.20-5 to read:

§ 178.20-5 Requirements for "S" vessels carrying more than 150 passengers and all "L" vessels—S and L.

(a) For "S" vessels carrying more than 150 passengers and all "L" vessels, engaged in international voyages, the location of the transverse watertight bulkheads to meet the requirements for subdivision and damage stability, is determined by direct calculations which take into account the form and proportions of the hull. For the purposes of this paragraph, the provisions of subparts 73.05, 73.15 and Part 74 of Subchapter H (Passenger Vessels) of this chapter shall be applicable. These calculations and the supporting data must be submitted to the Commandant for approval.

(b) For S vessels carrying more than 150 passengers and all L vessels, not engaged in international voyages, the location of the transverse watertight bulkheads to meet the requirements for subdivision and damaged stability is determined by direct calculations that take into account the form and proportions of the hull. For the purposes of this paragraph, the provisions of subparts 73.05, 73.15 (except 73.15-15 for vessels under 143 feet in length) and Part 74 of Subchapter H (Passenger Vessels) of this chapter apply. For vessels not over 143 feet in length, watertight bulkheads abaft the collision bulkhead, to be considered effective, may not be spaced less than 10 percent of the load waterline length but in no case may the minimum spacing be less than 6 feet. For double ended ferries, this minimum spacing applies between collision bulkheads. These calculations and supporting data must be submitted to the Commandant for approval.

These amendments are proposed under 46 U.S.C. 482; 49 U.S.C. 1655(b)(1) and 49 CFR 1.46(b).

D. H. CLIFTON,  
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.74-12781 Filed 6-4-74;8:45 am]

Federal Aviation Administration  
[ 14 CFR Part 71 ]

[Airspace Docket No. 74-WE-13]

CONTROL ZONE  
Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the San Diego, California (San Diego County—Gillespie Field) control zone.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261. All communications received on or before July 5, 1974 will be considered before action is taken

on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261.

A localizer and two fan markers are being installed to provide an instrument approach for Gillespie Field, San Diego, California. The navigation equipment will be owned by the County of San Diego; however, the approach procedure will be published for public use. The localizer will be aligned 282° T (268° M) and approach minima will be circling only. A small extension to the control zone is necessary to provide controlled airspace for aircraft executing the approach procedure while operating below 1,000 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (39 FR 354) the description of the San Diego, California (Gillespie Field) control zone is amended to read as follows:

SAN DIEGO, CALIF. (SAN DIEGO COUNTY—GILLESPIE FIELD)

Within a 3-mile radius of San Diego-Gillespie Field (latitude 32°49'26" N., longitude 116°58'18" W.) and within 1 mile each side of a 102° bearing from the end of Runway 27R, extending from the 3-mile radius zone to 5 miles east of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

Issued in Los Angeles, California, on May 28, 1974.

ARVIN O. BASNIGHT,  
Director, Western Region.

[FR Doc.74-12772 Filed 6-4-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Parts 566, 567, 568, 571]

[Docket No. 73-14; Notice 2]

MOTOR VEHICLE SAFETY STANDARDS  
Manufacturer Identification Code

This notice proposes an amendment to the Manufacturer Identification Regula-

tion, 49 CFR Part 566, and related sections of 49 CFR Parts 567, 568, and 571, which would establish the manufacturer identification code for use by manufacturers of vehicles and motor vehicle equipment (other than tires) to fulfill their identification, certification and labeling requirements.

On June 7, 1973, the NHTSA issued in the FEDERAL REGISTER (38 FR 14968) a notice of a proposed manufacturer identification code. The code would have consisted of one letter and four nonsignificant numbers to be assigned by the Department of Transportation.

On November 28, 1973, subsequent to the closing date for comments on the NHTSA proposal, the U.S. Department of Commerce issued a regulation which implemented a government-wide program for the standardization of data elements and representations used in Federal automated data systems (15 CFR Part 6; 38 FR 33482). This regulation was issued pursuant to Executive Order 11717 and section 111(f) of the Federal Property and Administrative Services Act of 1949, as amended (79 Stat. 1127, 40 U.S.C. 759). Under the Department of Commerce regulation, the National Bureau of Standards (NBS) is assigned the responsibility of providing procedures, guidelines, and criteria to Federal agencies for the development of standards relating to data elements. The NHTSA sought the guidance of the NBS in establishing a manufacturer identification code.

Two nine-digit manufacturer identification code systems were suggested by NBS: the Employer Identification Number (EIN) maintained by the U.S. Internal Revenue Service and the D-U-N-S number maintained by Dun and Bradstreet, Inc. The NBS recommendation is identical to the American National Standards Institute proposed American National Standard Structure for Identification of Organizations for Information Interchange. After a consideration of the relative merits of both systems, the NHTSA is proposing to adopt as its manufacturer identification code the nine-digit system administered by Dun and Bradstreet, Inc.

The manufacturer identification code would consist of nine-digit numbers assigned to business establishment headquarters locations, major branches, and certain remittance locations. Under an agreement with the United States General Services Administration, manufacturer identification numbers would be assigned at no charge by writing to Dun and Bradstreet, Inc., 99 Church Street, New York, N.Y. 10007, or any other Dun and Bradstreet office.

A number of comments concerning the original NHTSA proposal for a manufacturer identification code assigned by the Department of Transportation complained of the proliferation of identification codes and recommended one or another of the standard codes now in existence. The adoption of this system is meant to meet this objection. In addition, the recognition of discrete establishments will allow for a more effective defect analysis program.

Several comments received in response to the previous NHTSA proposal related to possible technical difficulty in adding a manufacturer's identification number to specific pieces of motor vehicle equipment because of size or optical properties. Specific comments are requested concerning this issue. The code would affect the following certification procedures and equipment standards:

49 CFR Part 567, Certification, would be amended by adding new §§ 567.4(g) (2) and 567.5(a)(2), and changing §§ 567.5(a)(4), 567(c), and 567.5(d) to reflect the new code marking requirements.

49 CFR Part 568, Vehicles Manufactured in Two or More Stages, would be amended by changing §§ 568.(a) (1) and 568.5 to reflect the code requirements.

49 CFR Part 571, Federal Motor Vehicle Safety Standards, would be amended to require the use of the new numbers in the following equipment standards:

Section 571.106, Hydraulic brake hoses.  
Section 571.116, Motor vehicle brake fluids.  
Section 571.125, Warning devices.  
Section 571.126, Truck-camper loading.  
Section 571.205, Glazing Materials (replacing the system presently specified in that standard).  
Section 571.208, Occupant crash protection.  
Section 571.209, Seatbelt assemblies.  
Section 571.211, Wheel nuts, wheel disks, and hubcaps.  
Section 571.213, Child seating systems.

In addition, a proposed amendment to Standard 108 (Docket 69-19, Notice 2, 37 FR 17493) is amended by this notice.

Use of the DOT symbol, or other means, to indicate compliance with the safety standards would be added to MVSS 208, 209, 211, and 213 for labeling uniformity.

In consideration of the foregoing, it is proposed that 49 CFR Part 566, Manufacturer Identification, Part 567, Certification, Part 568, Vehicles Manufactured in Two or More Stages, and Part 571, Federal Motor Vehicle Safety Standards, be amended as follows:

#### PART 566—MANUFACTURER IDENTIFICATION

1. Part 566, Manufacturer Identification, would be amended by adding a new § 566.7, to read:

§ 566.7 Code number.

Each manufacturer of motor vehicles or covered equipment shall apply for and receive a nine-digit number for identification purposes. Manufacturer identification numbers are assigned by Dun and Bradstreet, Inc., 99 Church Street, New York, N.Y. 10007, or any other Dun and Bradstreet branch office. Upon receipt of this number, each manufacturer shall advise the Associate Administrator, Motor Vehicle Programs, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 of his number, as well as any numbers assigned to plants, subsidiaries, or other entities under his control. Motor Vehicles or covered equipment shall be identified by the manufacturer identification

number assigned to the plant, subsidiary, or entity which manufactured it.

#### PART 567—CERTIFICATION

2. Part 567, Certification, would be amended by adding a new subparagraph (1-a) to § 567.4(g), to read:

§ 567.4 Requirements for manufacturers of motor vehicles.

(g) \* \* \*

(1-a) "Code number" followed by the code number assigned pursuant to § 566.7 of this chapter to the manufacturer identified in accordance with paragraph (g) (1) of this section.

3. Part 567, Certification, would be amended by adding a new subparagraph (1-a) to § 567.5(a) to read:

§ 567.5 Requirements for manufacturers of vehicles manufactured in two or more stages.

(a) \* \* \*

(1-a) "Code number" followed by the code number assigned pursuant to § 566.7 of this chapter to the manufacturer identified in accordance with § 567.5(a) (1).

§§ 567.5, 567.7 [Amended]

4. Part 567, Certification, would be amended by adding "and code number assigned pursuant to § 566.7 of this chapter" following "name" in §§ 567.5(a) (4), 567.5 (c) and (d), and 567.7(a).

#### PART 568—VEHICLES MANUFACTURED IN TWO OR MORE STAGES

§§ 568.4, 568.5 [Amended]

5. Part 568, Vehicles manufactured in two or more stages, would be amended by adding "code number assigned pursuant to § 566.7 of this chapter," following "name" in §§ 568.4(a) (1) and 568.5.

#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

6. Section 571.106, Brake hoses, would be amended by changing paragraph S5.2.2(b) to read:

§ 571.106 Standard No. 106; Brake hoses.

S5.2.2 \* \* \*

(b) The hose manufacturer's code number assigned pursuant to § 566.7 of this chapter.

7. Section 571.108, Lamps, reflective devices and associated equipment, as proposed in Docket 69-19, Notice 2, 37 CFR 17493, would be amended by changing § 4.8.1(d), to read:

§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.

S4.8.1 \* \* \*

(d) The manufacturer's code number assigned pursuant to § 566.7 of this chap-

ter, and model designation or part number.

8. Section 571.116, Motor vehicle brake fluid, would be amended by changing §5.2.2.2(b) and subparagraph §5.2.2.3(a), to read:

§ 571.116 Standard No. 116; Motor vehicle brake fluid.

§5.2.2.2 \* \* \* \*  
(b) The name of the packager of the brake fluid or the code number assigned pursuant to § 566.7 of this chapter.

§5.2.2.3 \* \* \* \*  
(a) The name of the packager of the brake fluid or the code number assigned pursuant to § 566.7 of this chapter.

9. § 571.125, Warning devices, would be amended by adding new paragraph §5.1.4(d) to read:

§ 571.125 Standard No. 125; Warning devices.

§5.1.4 \* \* \* \*  
(d) The code number assigned pursuant to § 566.7 of this chapter.

10. § 571.126, Truck-camper loading, would be amended by adding new paragraph §5.1.1(f), to read:

§ 571.126 Standard No. 126; Truck-camper loading.

§5.1.1 \* \* \* \*  
(f) "Code number" followed by the manufacturer's code number assigned pursuant to § 566.7 of this chapter.

11. Section 571.205, Glazing materials, would be amended to institute a new code for glazing material manufacturers by changing §6.2 to read:

§ 571.205 Standard No. 205; Glazing materials.

§6.2 Each prime glazing material manufacturer shall certify each piece of glazing material to which the standard applies that is designed as a component of any specific motor vehicle or camper, pursuant to section 114 of the National Traffic and Motor Vehicle Safety Act of 1966, by adding to the mark required by §6.1 in letters and numerals of the size specified in section 6 of ANS Z26, the symbol "DOT" and the code number assigned pursuant to § 566.7 of this chapter.

12. Section 271.208, Occupant crash protection, would be amended by adding a new paragraph §9.3 to read:

§ 571.208 Standard No. 208; Occupant crash protection.

§9.3 Each pressure vessel and explosive device shall be permanently and legibly marked or labeled with the manufacturer's code number assigned pursuant to § 566.7 of this chapter and the symbol DOT constituting a certification by the manufacturer that the device complies with all applicable motor vehicle safety standards.

13. Section 571.209, Seatbelt assemblies, would be amended by changing paragraph §4.1(k), to read:

§ 571.209 Standard No. 209; Seatbelt assemblies.

§4.1 \* \* \* \*  
(k) *Marking.* Each seatbelt assembly shall be permanently and legibly marked or labeled with:

(i) Year of manufacture, model, name of manufacturer or distributor, and manufacturer code number assigned pursuant to § 566.7 of this chapter.

(ii) The symbol DOT, or a statement that the seatbelt assembly complies with all applicable motor vehicle safety standards.

14. § 571.211, Wheel nuts, wheel discs, and hubcaps, would be amended by redesignating the contents of "S3. Requirements" as "S3.1 Winged Projections" and adding a new section "S3.2. Labeling." to read:

§ 571.211 Standard No. 211; Wheel nuts, wheel discs, and hubcaps.

§3.2. *Labeling.* Each wheel nut, wheel disc, and hubcap shall be permanently and legibly marked or labeled with the manufacturer's code number assigned pursuant to § 566.7 of this chapter and the symbol DOT, constituting a certification by the manufacturer that the device complies with all applicable motor vehicle safety standards.

15. Section 571.213, Child seating systems, would be amended by revising paragraph §4.1(a), to read:

§ 571.213 Standard No. 213; Child Seating Systems.

§4.1 *Labeling.* \* \* \* \*  
(a) The manufacturer's name, the code number, assigned pursuant to § 566.7 of this chapter, and certification by the manufacturer that the child seating system complies with all applicable motor vehicle safety standards. However \* \* \* \*

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing

date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

*Comment closing date:* August 5, 1974.

*Proposed effective date:* September 1, 1975.

(Secs. 103, 112, 114, 119, Pub. L. 89-563; 80 Stat. 718, 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on May 30, 1974.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc. 74-12861 Filed 6-4-74; 8:45 am]

**ENVIRONMENTAL PROTECTION AGENCY**

[ 40 CFR Part 52 ]

**VIRGINIA AIR QUALITY PLAN**

**Proposed Revisions**

On February 14, 1973, August 10, 1973, and February 12, 1974, the Commonwealth of Virginia submitted to the Administrator proposed revisions to the Commonwealth's Implementation Plan for the attainment and maintenance of national ambient air quality standards.

The proposed changes include:

1. An operations manual outlining the administrative procedures to be followed in the event of an emergency episode. The manual includes procedures to be followed in the event of an emergency episode. The manual includes procedures for the forecast, alert, warning and emergency stages of an episode. The manual was submitted on February 14, 1973.

2. A re-write of the air quality surveillance section of the original Implementation Plan. This section deals with surveillance practices, procedures, and instrumentation. Surveillance is used to establish trends in air quality with regard to ambient air quality standards. Surveillance is used also to activate air pollution episode control procedures. This revision was submitted February 14, 1973.

3. Amendments to §§ 10-17.10, 10-17.14, 10-17.18, 10-17.18:1, 10-17.18:2, 10-17.19, 10-17.29 and 10-17.30 of Title 10, Chapter 1.2 of the Code of Virginia and to § 46.1-301.1 of Title 46.1 of Chapter 4 of the Code of Virginia and to § 58-16.3 of Title 58, Chapter 1 of the Code of Virginia. These amendments include a change in the title of the chief executive officer of the State Air Pollution Control Board, changes in the procedures for amending, adopting, repealing or enforcing certain rules, regulations, permits, variances, orders, special orders, and control programs, changes in the

power of the Board to govern its relationship with its own employees, changes in the duties of local air pollution control committees, changes increasing the possible state penalties for violation of the state law and orders of the Board and adding equivalent penalties for violations of rules and regulations of the Board in the absence of an order. These amendments also provide for deference to local regulations where such regulations are more stringent than state regulations. These amendments also provide for deference to local regulations governing the residential burning of leaves. The amendments submitted to Title 46.1, Chapter 4, § 46.1-301.1, prohibit operation of motor vehicles of model years 1973 and later if the pollution control systems of said vehicles are rendered inoperative. The amendment submitted, for public and EPA information to Title 58, Chapter 1, § 58-16.3 provides special tax treatment for certified pollution control equipment and facilities. Approval or disapproval action will not be taken by the Administrator with respect to the taxation amendment since it involves matters of state and local taxation rather than the institution or implementation of emission controls. The various amendments to the Code of Virginia were submitted in part on February 14, 1973, and in part, on August 10, 1973.

4. An amendment to the Virginia regulations on odor. This amendment was submitted only for the information of the Environmental Protection Agency and the public since odor regulations are not designed for the attainment or maintenance of any national ambient air quality standard. Approval or disapproval action is not appropriate for the odor amendment. This change was submitted August 10, 1973.

5. Amendments to section 3.703 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution changing air quality standards for sulfur oxides (sulfur dioxide) to 0.03 ppm from 0.02 ppm annual arithmetic mean, and from 0.10 ppm to 0.14 ppm maximum 24 hour concentration not to be exceeded more than once per year. These amendments were submitted February 12, 1974.

All proposed revisions submitted by the Commonwealth of Virginia received proper public advertisement and hearing in accordance with 40 CFR 51.4 except that in some instances less than a full 30 day notice was given to other states included in interstate regions with Virginia. Also, notice to local agencies was oral rather than written. To cure any possible deficiencies, Virginia has sent copies of this notice to all relevant local agencies and adjoining state agencies advising those agencies of the opportunity to submit comments to the Administrator. In accordance with the policy reflected in 40 CFR 51.4(e), the Administrator approves these actions on the part of Virginia as compliance with 40 CFR 51.4(b) (4) and (5).

The public is invited to submit comments on whether the above described

proposed revisions should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received by July 5, 1974 will be considered. The Administrator's decision to approve or disapprove each proposed revision will be based on whether it meets the requirements of section 110(a) (2) (A)-(H) of the Act and EPA regulations in 40 CFR, Part 51.

Copies of the proposed revisions are available for public inspection during normal business hours at the Offices of EPA, Region III, Curtis Building, 2d Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, and in the Office of the Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219, and at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

(42 U.S.C. sec. 1857c-5)

Dated: May 30, 1974.

RUSSELL E. TRAIN,  
Administrator.

[FR Doc.74-12913 Filed 6-4-74;8:45 am]

## POSTAL SERVICE

### [ 39 CFR Parts 123, 124 ]

#### PREPARATION FOR MAILING

##### Nonmailable Writings and Articles

The Postal Service proposes to promulgate revised regulations concerning matter the mailable of which is prohibited or conditioned by law. Part 123 has been retitled: Nonmailable matter—written, printed and graphic matter; Part 124 has been retitled: Nonmailable matter—articles and substances; special mailing rules.

The two parts are closely interrelated. For example, the rules governing the authority of postmasters to give interpretative advice to mailers are all contained in Part 123.

Because certain "written, printed and graphic" materials (Part 123) potentially involve First Amendment considerations, they are treated differently from "articles and substances" (Part 124). Generally, postmasters are forbidden to determine whether matter in Part 123 is nonmailable so as to prevent the entry of such matter into the mails. Instead, they are instructed to call postal customers' attention to the relevant portion of Part 123 (which, in turn, cites the appropriate sections of the U.S. Code which make the mailing of certain matter a criminal offense). Responsibility for compliance with the law is with the mailer. Postmasters are also directed to refer any suspected law violation or information concerning such law violation on matter found in the mailstream to the Postal Inspection Service.

Postmasters have wider latitude concerning the acceptability for mailing of "articles and substances." By virtue of

Part 124, they are expected to advise mailers as to the mailable of most items and to inform them of any special rules governing matter subject to this Part, and they are authorized to exclude matter they determine to be nonmailable from entry into the mails. Certain suspected violations involving matter found in the mails are to be referred directly to the Inspection Service. They involve the mailing of firearms, switchblade knives, motor vehicle master keys, and controlled substances (narcotics). All other questionable mailings are to be referred to the Mail Classification Division of the Finance Department. Postmasters are also authorized to take any reasonable or necessary steps to protect postal personnel and equipment from injury or damage.

In rewriting Part 124 (and related portions of Part 123) an effort has been made to facilitate access by postal customers and postal officials to the basic criteria applicable to the mailing of various restricted articles; to provide more detailed information concerning the mailable of particular classes of articles; and to furnish specific instructions for obtaining administrative mailable determinations by the Mail Classification Division, Finance Department.

As rewritten, Part 124 also introduces a number of substantive changes. These include revisions in the regulations governing the mailing of intoxicating liquors which are not taxed as beverages, disease germs, controlled substances (narcotics), firearms and meat products. Plant quarantine information has been deleted and will be reissued as a separate publication.

Interested persons who wish to do so may submit written data, views, or arguments concerning the proposed regulations to the Manager, Mail Classification Division, Finance Department, U.S. Postal Service, Washington, D.C. 20260, at any time before June 20, 1974. Material submitted after that date will be considered by the Postal Service as it may bear on the need for amending final regulations promulgated in Parts 123 and 124.

Accordingly, complying voluntarily with the advance notice requirement of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking, the Postal Service proposes to completely revise Parts 123 and 124 of Title 39, Code of Federal Regulations, to read as set forth below, to be effective July 1, 1974.

ROGER P. CRAIG,  
Deputy General Counsel.

#### PART 123—NONMAILABLE MATTER—WRITTEN, PRINTED AND GRAPHIC MATTER

- Sec.
- 123.1 General provisions.
  - 123.2 Responsibility of mailer.
  - 123.3 Advice to mailers; mailable decisions.
  - 123.4 Nonmailable written, printed, or graphic matter generally.
  - 123.5 Sexually oriented advertisements.

AUTHORITY: 39 U.S.C. 401, 3001-3011.

### § 123.1 General provisions.

(a) *Scope of this part.* Certain potentially undesirable, harmful or dangerous matter has been declared non-mailable by statute or regulation. This part contains the rules relating to such nonmailable matter in written, printed or graphic form. The rules relating to non-mailable articles and substances and the special conditions under which certain of them can be mailed are contained in Part 124 of this chapter.

(b) This part contains rules on how advice may be given to mailers on mailings of matter covered in this Part and Part 124 of this chapter. These rules restrict Postmasters in making decisions to exclude written, printed and graphic matter from the mails as nonmailable. See § 123.3.

(c) *Other nonmailable matter.* Matter is also nonmailable when it cannot be forwarded to its destination because of illegible, incorrect or insufficient address or because it fails to comply with postal regulations regarding preparation for mailing, classification, rates of postage, size, weight, etc.

### § 123.2 Responsibility of mailer.

It is the responsibility of the mailer to refrain from depositing nonmailable matter in the mails. When a mailer is in doubt as to whether particular matter is nonmailable, he should inquire of the postmaster prior to depositing such matter in the mails. See § 123.3.

### § 123.3 Advice to Mailers; Mailability Decisions.

(a) *General advice.* When a mailer seeks advice as to whether particular matter may be mailed, or where the postmaster otherwise learns that matter of questionable mailability is to be mailed, it is his responsibility to call to the mailer's attention the relevant provisions of Parts 123 and 124 and any relevant guidelines issued by the Postal Service. The scope of the postmaster's authority to decide whether particular matter is nonmailable and to exclude matter from the mails in accordance with his decision depends upon the nature of the matter in question and is determined by this section.

(b) *Mailability decision not authorized—written, printed and graphic matter.* Postmasters are not authorized to decide whether written, printed or graphic matter (Part 123) is nonmailable and to exclude such matter from the mails in accordance with his decision. As stated in paragraph (a) of this section postmasters should call the attention of prospective mailers of such matter to any apparently relevant provisions of this Part 123. If, after being so informed, the mailer demands that matter described in Part 123 be accepted for mailing, such matter shall be accepted and shall be treated as provided in paragraph (e) of this section.

(c) *Mailability decisions authorized.* Postmasters may decide whether articles and substances (Part 124 of this chapter) are nonmailable and shall, where appro-

priate, refuse to accept for mailing such matter determined to be nonmailable. If the mailer desires review of the postmaster's decision, the postmaster shall refer a sample or complete statement of the facts, whichever may be appropriate, to the Manager of Mail Classification Division, Finance Department.

(d) *Laws and regulations of other agencies.* Postmasters shall not give advisory opinions concerning the mailing of articles and substances (Part 124 of this chapter) under laws and regulations administered by agencies other than the Postal Service, but postmasters shall inform postal customers of the existence of such laws and regulations, and the source from which further information may be obtained, when known. For example, postal customers with questions about the interstate shipment of rifles and shotguns should be referred to the Director, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Washington, D.C. 20226, or to the nearest Regional Director of this Bureau.

(e) *Referral to the inspection service.*

(1) Mail matter believed to be nonmailable under this Part that has entered the mails or a report containing information on such matter shall be referred immediately to the Inspection Service and the matter shall be handled in accordance with instructions promptly furnished by the Inspection Service.

(2) Mail matter believed to be nonmailable under Part 124 of this chapter that has entered the mails shall be withheld from dispatch or delivery. Matter coming within the scope of §§ 124.4, 124.5, 124.6 and 124.7 of this chapter (Firearms and Switchblade Knives, Controlled Substances, Motor Vehicle Master Keys, Abortive and Contraceptive Devices and Materials and Intoxicating Liquors) or a report containing information on such matter, shall be immediately referred to the attention of the Inspection Service. All other articles and substances, or a report containing information on such matter, shall be referred to the Mail Classification Division, Finance Department. Postmasters are authorized and directed to take any steps reasonable and necessary to protect Postal Service personnel and equipment from the effects of potentially dangerous or injurious materials or substances found in the mails.

(f) *Judicial determinations.* The other provisions of this Part do not apply to matter, the mailability of which has been determined by the Judicial Officer or a court of competent jurisdiction. Such matter shall be treated in accordance with the applicable decision of the Judicial Officer or court, whichever is appropriate.

(g) *Administrative appeals.* Any mailer who believes his right to use the mails is being wrongly impaired by reason of any final mailability determination or ruling under Part 123 or 124 may appeal to the Judicial Officer Department by filing a written Notice of Appeal with the Docket Clerk, U.S. Postal Service, Washington, D.C. 20260, together with a copy or description of the determination or

ruling in question. Such appeals shall be governed by Part 953 of this chapter, Rules of Practice in Proceedings Relating to Mailability.

### § 123.4 Nonmailable written, printed or graphic matter generally.

(a) *Solicitations in the guise of bills or statements of account* (39 U.S.C. 3001(d)). Any matter otherwise legally acceptable in the mails which could reasonably be considered a bill, invoice, or statement of account due, but is in fact a solicitation for an order, is nonmailable unless such matter conforms to the following requirements:

(1) Each such solicitation shall prominently bear on its face the following notice:

This is a solicitation for the order of goods and/or services and not a bill, invoice, or statement of account due. You are under no obligation to make any payments on account of this offer unless you accept this offer.

(2) The prescribed notice shall be printed on the face of the solicitation:

(i) In a size not smaller than the type size for printing any other word on the solicitation nor under any circumstances less than 12-point type;

(ii) In no less conspicuous type than the boldest type used to print other words on the solicitation.

(3) The background on which the prescribed notice is printed shall not diminish the contrast between the background and the printing so that it is less than the contrast between the background and the printing of any other words on the face of the solicitation.

(4) There shall be a clear space no less than one-quarter of an inch surrounding the prescribed notice.

(5) The prescribed notice shall be printed in boldface type capital letters.

(6) The prescribed notice shall not, by folding or any other device, be rendered less prominent than any other information on the face of the solicitation.

(7) In the case of a solicitation for the order of goods not involving services, the following may be omitted from the prescribed notice: "And/or services". Similarly, in the case of a solicitation for the order of services not involving goods, the following may be omitted from the prescribed notice: "Goods and/or".

(8) No solicitation shall state that it has been approved by the Postal Service or by the Postmaster General or that it conforms to any Federal law or regulations issued thereunder.

(b) *Lottery matter* (18 U.S.C. 1302)—

(1) Definition. Any scheme or promotion, whether or not lawful under the laws of any state, which, upon payment of consideration, offers a prize dependent in whole or in part upon lot or chance, is a lottery.

(2) The following matter is unlawful mail matter:

(i) Any letter, package, postal card, or circular which advertises, invites or otherwise permits or facilitates participation in a lottery;

(ii) Any lottery ticket or part thereof or substitute;

(iii) Any form of payment for a lottery ticket or share;

(iv) Any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of a lottery or similar enterprise, or any list of prizes awarded in such an enterprise.

(3) This section does not apply to any fishing contest not conducted for profit wherein prizes are awarded for the species, size, weight, or quality of fish caught by contestants in any bona fide fishing or recreational event (18 U.S.C. 1305).

(c) *Advertising matter.* (1) Any advertising, promotional, or sales matter which solicits or induces the mailing of any article described in §§ 124.2, 124.3, 124.4(f) and 124.8 of this chapter (harmful matter, radioactive material, switchblade knives, and intoxicating liquor), is likewise nonmailable except that such matter relating to articles described in §§ 124.2, 124.3 and 124.4(f) of this chapter is mailable if it contains wrapping or packaging instructions which are in accord with such provisions of Part 124 of this chapter (18 U.S.C. 1716).

(2) Advertisements for motor vehicle master keys (see § 124.6(b)) of this chapter are nonmailable (18 U.S.C. 1716A, 39 U.S.C. 3002).

(3) Any advertisement or other written representation that any article, substance or thing may or can be used for producing abortion, is nonmailable (18 U.S.C. 1461). (See § 124.7(a) of this chapter.)

(4) Unsolicited advertisements for articles or things which are designed, adapted or intended for preventing conception are nonmailable except when sent to a manufacturer of such articles or things, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital or clinic. Advertisements contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive are not deemed unsolicited for the purposes of this section (39 U.S.C. 3001). (See § 124.7(b) of this chapter.)

(d) *Other prohibited matter.* The following are nonmailable:

(1) *Fictitious matter* (18 U.S.C. 1342). Any matter addressed to a person using any fictitious name, title, or address in conducting, through the mail, any scheme or device in violation of law if, after notification, the addressee fails to appear at the post office and be identified or if the fictitious character of such mail is established to the satisfaction of the Judicial Officer in consequence of a proceeding initiated pursuant to Part 953 of this chapter.

(2) *Copyright violations* (17 U.S.C. 109). Mail of foreign origin containing matter determined by a court of competent jurisdiction to violate the copyright laws of the United States or any copyright convention or treaty to which the United States is a party.

(3) *Certain foreign communications.* Matter addressed to foreign countries posted in violation of law or treaty stipulation.

(4) *Lewd or filthy matter* (18 U.S.C. 1461, 1462). Obscene, lewd, lascivious, or filthy publications or writings, or mail containing information concerning where, how, or from whom such matter may be obtained, and matter which is otherwise mailable but which has on its wrapper or envelope any indecent, lewd, lascivious, or obscene writing or printing. Any mail containing any filthy, vile, or indecent thing.

(5) *Matter inciting to violence* (18 U.S.C. 1461, 1717). Any matter of a character tending to incite arson, murder, assassination, treason, insurrection, or forcible resistance of any law of the United States, or containing any threat to take the life of, or to inflict harm upon, the President of the United States.

(6) *Libelous matter* (18 U.S.C. 1718). Any matter otherwise mailable which has on its outside wrapper or envelope or any postal card which bears on its face, any libelous, scurrilous, defamatory or threatening language or delineation or is otherwise obviously intended to reflect injuriously on the character or conduct of another.

(7) *Other matter* (18 U.S.C. 1717). Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book or other publication, matter or thing, described in the statutes hereinafter referenced.

(i) Forged or altered military or official passes (18 U.S.C. 499);

(ii) Matter bearing forged or altered seals of Government departments or agencies (18 U.S.C. 506);

(iii) Defense information (18 U.S.C. 793, 794);

(iv) Documents obtained by persons falsely assuming to be foreign diplomats (18 U.S.C. 915);

(v) False statements influencing foreign governments (18 U.S.C. 954);

(vi) Matter relating to a conspiracy to injure property of a foreign government (18 U.S.C. 956);

(vii) Matter unlawfully in aid of a foreign government (18 U.S.C. 957);

(viii) Matter relating to an expedition against a friendly nation (18 U.S.C. 960);

(ix) Matter relating to delivery of an armed vessel to a belligerent nation (18 U.S.C. 964);

(x) Matter wrongfully bearing seal of a Government department or agency (18 U.S.C. 1017);

(xi) Passport applications containing false statements, and passports falsely obtained (18 U.S.C. 1542);

(xii) Forged, altered or misused passports (18 U.S.C. 1543, 1544);

(xiii) Matter bearing false statements intended to injure armed forces during war (18 U.S.C. 2388).

#### § 123.5 Sexually oriented advertisements.

(a) *General* (1) Section 3010 of title 39, United States Code, provides a means by which a member of the public can act to protect himself and his minor children from receiving unsolicited sexually oriented advertisements through the mails. This section permits any person

who is served by the U.S. Postal Service to file with the Postal Service a statement that he does not desire to receive any sexually oriented advertisements through the mails. Any mailer who sends that person an unsolicited sexually oriented advertisement more than 30 days after the date on which the Postal Service adds his name to its reference list of those who desire this protection, may be subject to both civil and criminal sanctions, as provided in 39 U.S.C. section 3011 and in 18 U.S.C. sections 1735-37.

(2) 39 U.S.C. section 3010(d) defines a "sexually oriented advertisement" as "any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing." It further provides that "material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical or other work the remainder of which is not primarily devoted to sexual matters."

(3) The responsibility for insuring that no unsolicited sexually oriented advertisement is sent through the mails to any person in violation of section 3010 is placed by that section on the mailers of sexually oriented advertisements. No provision of Postal Service regulations may be used to place this responsibility upon the Postal Service. For example, the privilege of a sender to recall a piece of mail provided by § 153.5 of this chapter may not be so used, although it may be used in good faith to request the recall of a specific piece of mail inadvertently deposited in the mails addressed to a person on the list.

(b) *Application for listing.* (1) A person may invoke the protection of § 3010 by completing and filing, with any postmaster or other designated Postal Service representative, Part II of Application for Listing Pursuant to 39 U.S.C. 3010, PS Form 2201, which may be obtained at any post office. Form 2201 bears a pre-printed identifying number in two places: On the instruction portion (Part I) and on the application portion (Part II). After filing the application portion the customer should retain the instruction portion and should use the identifying number in any subsequent communication with the Postal Service concerning his application.

(2) A person may file on his own behalf and on behalf of any of his children under the age of 19 years who reside with him or are under his care, custody, or supervision. An authorized officer, agent, fiduciary, surviving spouse or other representative, may file in behalf of a corporation, firm, association, estate, or deceased or incompetent addressee.

(3) Each postmaster shall transmit all applications received at his post office of the Office of ADP Services, Management Information Systems Depart-

ment, U.S. Postal Service, Box 677, Washington, DC 20044 on a daily basis. The applications shall be packaged so that they will not be subject to folding, bending or other mutilation or damage.

(4) The Mail Classification Division, Finance Department, as soon as practical after receipt of a Form 2201, shall place the customer's name and address and the names and addresses of his minor children if any are included on the application, on the Postal Service List (hereafter List) of persons desiring not to receive sexually oriented advertising. This information will be processed during the month and at the end of each month a revised or supplemental List will be prepared. The List will be dated the 10th day of the month following the month in which the Forms 2201 were processed. The 30-day period provided by section 3010(b) starts on the effective date of the List on which a person's name first appears.

(5) A person's name and address will be retained on the List for a period of 5 years, unless a request for revocation is sooner filed by that person. A person must file a new application at the end of the 5-year period if he desires to continue his name on the List. The names and addresses of minor children will be automatically removed from the List when they attain 19 years of age. A minor must file an original application in his own behalf if he desires to continue his name on the List after reaching 19 years of age.

(6) The filing of a single application results in the listing of a single address for the person filing. A person who receives mail at more than one address and who wishes the protection of section 3010 at more than one address should file a separate application for each. A person who moves must file a new application to receive the protection of section 3010 at his new address. The submission of Change of Address Order PS Form 3575 will not be effective for this purpose. It would not be a violation of section 3010 to mail a sexually oriented advertisement to a person at an address other than that which is shown for him on the List. It would be a violation, however, to mail such an advertisement to him at the address shown for him even though he has moved from that address.

(c) *Revocation of listing.* A person, at any time, may request the removal of his name and address, or that of one or more of his minor children, from the List by so notifying his postmaster. It would not be evidence of a violation of § 3010 if a person received a sexually oriented advertisement in the mails on or after the date he gives such notice.

(d) *Availability of Postal Service list.*  
(1) Copies of the List or portions thereof and periodic amendments thereto shall be available to any person by annual subscription or by purchase of individual issues of the List. Requests for subscriptions and purchases of the individual issues should be submitted to the Manager, Mail Classification Division, Finance Department, U.S. Postal Service, Washington, D.C. 20260.

(i) A subscription year runs from January 1 through December 31. An annual subscriber will receive on a monthly schedule a reproduced copy of the printout of the List and may also receive, upon request, a computer tape of the List. If the blank tape used in preparation of the taped List is furnished by the Postal Service, a charge of \$30 per tape is applied. Further information on the format of the tapes may be obtained from the Manager, Mail Classification Division. Computer tapes of the List will be available only to annual subscribers. Requests for subscriptions must be accompanied by a certified check for \$5,000 payable to the U.S. Postal Service to be applied, at the end of the subscription year, against the annual subscription fee. Any excess over the annual subscription fee will be refunded and any deficiency charged to the subscriber. The annual subscription fee will be established at the end of each subscription year and will represent the net cost (after deduction of receipts from sales of individual issues of the List), prorated among the subscribers, of compiling, processing, printing, and distributing the List. In no event will the annual subscription fee exceed \$10,000.

(ii) Nonsubscribers who wish to purchase reproduced copies of the printout of the List must request such copies by the 25th of each month to allow sufficient time for the List to be received by the 10th of the following month. The reproduced printout may be purchased at a fee of one-half of 1 cent per page, payable in cash or by certified check. All checks must be made payable to the U.S. Postal Service and should be sent to the Manager, Mail Classification Division.

(2) This List may be used by mailers only to protect persons whose names appear on it from receiving unwanted sexually oriented advertisements through the mails. No person, including a subscriber to the List, may use the List for any other purpose, and no person may sell, lease, rent, lend, exchange or license another to use this List for any purpose whatsoever, including its use by another to remove names from a list of persons to whom sexually oriented advertisements will be sent. No person may use the List or a copy thereof for the purpose of preparing mailing or other lists for sale, lease, rent, loan, exchange or use by another. Violators are subject to criminal prosecution.

(e) *Marking of envelope.* Section 3010 (a) authorizes and directs the Postal Service to provide a mark or notice which must be placed on the envelope or cover of any sexually oriented advertisement sent through the mails, together with the name and address of the sender. The following provisions are in implementation of this authority and direction:

(1) Any person who mails or causes to be mailed any sexually oriented advertisement shall place in the upper left-hand corner of the exterior face of the mail piece, whereon appear the address designation and postmarks, postage stamps, or indicia thereof, the sender's

name and address. In the right-hand portion below the postage stamp, or indicia thereof, and above the addressee designation, there shall be placed "Sexually Oriented Ad". The words "Sexually Oriented Ad," however, need not be placed on the exterior envelope or cover of a mail piece containing such an advertisement, if the contents of the mail piece are enclosed in a sealed envelope or cover, inside the exterior envelope or cover, which sealed envelope or cover bears conspicuously the words "Sexually Oriented Ad."

(2) The name and address of the sender and the legend required by subparagraph (1) of this paragraph, if the latter is placed on the exterior face of the mail piece, shall be printed in a size type no smaller than that used for any other word on the envelope or other cover, and in no event smaller than 12-point type. Such type shall be no less conspicuous than the boldest type used to print other words on the exterior face of the mail piece.

(3) The contrast between the background and printing of the sender's name and address and the contrast between the background and the printing of the prescribed notice shall be no less than the contrast between the background and printing of any other words on the envelope or other wrapper.

(4) A clear space no less than one-quarter of an inch wide shall surround the sender's name and address and the prescribed notice, separating each from any other matter appearing on the same envelope or cover.

(f) *Violations.* (1) The following is a partial list of conduct which may violate 39 U.S.C. section 3010 or 18 U.S.C. section 1735:

(i) The mailing of a sexually oriented advertisement in an envelope or other wrapper which does not bear the name and address of the sender and the legend "sexually oriented ad" as provided by paragraph (e) of this section;

(ii) The mailing directly or indirectly of a sexually oriented advertisement to a person whose name and address have been on the List for more than 30 days;

(iii) The sale, loan, lease, or licensing the use of the List or a copy thereof in whole or in part;

(iv) The use of the List or a copy of it in whole or in part for any other purpose than to insure that no mailings of sexually oriented advertisements are made to persons on the List.

No person who mails sexually oriented advertisements only to persons who have specifically requested to receive the same will be deemed to have violated the statute or regulations, provided he is otherwise in compliance with the law, regardless of whether he has purchased and used the U.S. Postal Service list.

(2) A person who wishes to report that he has received an unsolicited sexually oriented advertisement after his name and address have been on the list for more than 30 days should submit the entire mail piece, including the envelope or other wrapper, to any postmaster. The

mail piece must be opened by the addressee. When submitting the mail piece, the addressee must endorse the envelope or other wrapper and also the contents thereof in substance as follows: "I received this mail piece on (date)", and sign the statement. He should also state the identifying number appearing on his application if it is known to him. See paragraph (b) (1) of this section. The postmaster of the installation to which the mail piece is submitted shall send it without delay to the Postal Inspector in Charge of the Division which has geographical jurisdiction over the address of the mailer.

(3) If a violation of paragraph (d) of this section comes to the attention of any postal officer or employee, he shall, through his postmaster, report such violation to the postal inspector whose territory includes his postal installation. Mail of a mailer in violation or apparent violation of section 3010 may not be refused for dispatch or delivery without a proper court order. Appropriate instructions to postmasters will be issued in the event that a court order is obtained.

(4) A customer who wishes to ascertain whether his name has been placed on the List should direct his inquiry to the Manager, Mail Classification Division, Finance Department, U.S. Postal Service, Washington, DC 20260.

(g) *Disposal of Original Form PS 2201.* (1) It is anticipated that because of the possible volume of filings pursuant to paragraph (b) (1) of this section it may be an undue burden upon the Postal Service to retain the original executed application forms. If it is determined by the Senior Assistant Postmaster General, Support Group, to be such a burden, each application shall be photographed on microfilm as soon as the information required for compliance with paragraph (b) (4) of this section has been obtained and shall thereafter be destroyed.

#### PART 124—NONMAILABLE MATTER—ARTICLES AND SUBSTANCES; SPECIAL MAILING RULES

Sec.	
124.1	General provisions.
124.2	Harmful matter (18 U.S.C. 1716).
124.3	Radioactive material (18 U.S.C. 1716).
124.4	Firearms, knives and sharp instruments (18 U.S.C. 1715, 1716).
124.5	Controlled substances, narcotics (18 U.S.C. 1716).
124.6	Motor vehicle master keys (18 U.S.C. 1716A, 39 U.S.C. 3002).
124.7	Abortive and contraceptive devices or materials.
124.8	Nonmailable articles (18 U.S.C. 1716).

AUTHORITY: 39 U.S.C. 401, 3001-3011.

##### § 124.1 General provisions.

(a) *Scope of this part.* Certain potentially harmful or dangerous articles and substances are nonmailable. Some of them may be mailed if specially prepared for mailing or if mailed between specified classes of persons. This Part covers the rules applicable to nonmailable articles and substances and the special rules under which certain of them may

be mailed. This part does not contain rules relating to nonmailable written, printed or graphic material. For rules relating to these kinds of material, see Part 123 of this chapter.

(b) *Responsibility of mailer.* The mailer is responsible for compliance with applicable postal laws and regulations governing mailability and preparation for mailing as well as other laws and regulations pertaining to the shipment of particular matter. The general requirements applicable to preparation, packaging and packing of mailable matter are contained in Part 121 of this chapter.

(c) *Mailability rulings.* For rules on giving advice as to the mailability matter covered by this Part and Part 123, see § 123.3 of this chapter.

(d) *Other laws and regulations.* The customer's right to mail particular matter may be affected by conditions or limitations upon transportation of specific articles imposed by Federal agencies having jurisdiction over interstate transportation. See, for example: 49 CFR Parts 100 through 199 (Department of Transportation Regulations); 14 CFR Part 103 (Federal Aviation Regulations); the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513), 21 U.S.C. 801; and the Gun Control Act of 1968 (Public Law 90-618), 18 U.S.C. 921. For the rule on advising mailers about these other laws and regulations see § 123.3(d).

(e) *Markings and labels.*—(1) *Identification of contents.* The identity or nature of contents of anything mailed under any of the provisions of this Part 124, except firearms and switchblade knives (§ 124.4), controlled substances (§ 124.5) and motor vehicle master keys (§ 124.6) must be stated plainly on the outside of the parcel as a condition of mailing.

(2) *Address marking.* The name and address of both the mailer and the addressee must be affixed to the outside of any package the mailing of which is covered by this Part 124 using a material or method which is not water soluble and which cannot be easily rubbed off or smeared.

(3) *Labels.* Except for controlled substances mailed under § 124.6, labels or other markings required by Federal law or regulation of any Federal agency must be securely affixed to the outside of the package.

(4) *Airmail shipment certification.* Every airmail shipment of restricted articles mailable under this Part shall be accompanied by a shipper's certification prepared in accordance with Federal Aviation Regulations, completed and signed in duplicate by the mailer.

##### § 124.2 Harmful matter (18 U.S.C. 1716).

(a) Except as provided below, any article, composition, or material which may kill or injure another or injure the mail or other property is nonmailable. Harmful matter includes, but is not limited to:

(1) All kinds of poison or matter containing poison;

(2) All poisonous animals, except scorpions (see paragraph (1) (3) (iv) of this section), all poisonous insects, all poisonous reptiles, and all kinds of snakes;

(3) All disease germs or scabs;

(4) Narcotics and other "Controlled Substances" as defined by 21 U.S.C. 801 or the regulations thereunder, and

(5) All explosives, flammable material, infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode.

Harmful matter also includes that which is likely to destroy, deface, or otherwise damage the mails or postal equipment, or which is likely to harm postal employees, such as caustic poisons (acids and alkalies), oxidizing materials, or highly flammable liquids, gases or solids; or which is likely under conditions incident to transportation to cause fires through friction, through absorption of moisture, through spontaneous chemical changes or as a result of retained heat from manufacturing or processing; explosives or containers previously used for shipping high explosives having a liquid ingredient (such as dynamite), ammunition; fireworks; radioactive materials; matches; or articles emitting abnoxious odors. (For advertisements for the mailing of harmful matter generally see § 123.4(c) (1) of this chapter.)

(b) *Chemicals.* The great variety of chemical compositions precludes the listing of each such item that may be mailed and each such item that may not be mailed. The acceptability of chemicals for mailing generally depends upon container fluid/vapor capacities, the ability of the complete package to contain the product, and the method of absorbing and containing the product in case of accidental leakage of the primary container. To permit mailability determinations on specific products, the following information is required:

(1) Name of material.

(2) Chemical composition by percentage of ingredient.

(3) Flash point.

(4) Toxic properties.

(5) Irritant action to eyes and skin.

(6) Special precautions necessary to permit handling to avoid harm to postal personnel or property or other mail matter.

(7) Explanation of warning labels required by State or Federal regulations.

(8) Proposed method of packaging.

(c) *Explosives.* All Class A and B explosives as defined by Title 49, CFR, are nonmailable. When specifically authorized by the Mail Classification Division, some Class C explosives may be mailed if they are prepared for mailing as may be determined sufficient to render such matter not outwardly or of their own force dangerous or injurious to life, health or property.

(d) *Flammable material.*—(1) *Flammable solids and oxidizing materials; matches.* Flammable solids are those items, other than explosives, which are liable to cause fires through friction, absorption of moisture, spontaneous

chemical changes, or retained heat or which can be readily ignited and when ignited burn rapidly, vigorously and persistently. Oxidizing materials are those, such as peroxide, which yield oxygen readily to stimulate combustion of organic matter. Flammable solids and oxidizing materials in general are subject to the rules relating to the mailability of chemicals. Matches are mailable under the following conditions:

(i) Strike-anywhere matches may not be mailed.

(ii) Safety matches may be mailed under the following conditions:

(A) Safety matches (book, card or strike-on-box) must be of a type that will not ignite spontaneously under conditions normally incident to transportation and of a type which can be readily ignited by friction only by striking on the manufacturer's (or similar) box, book or card.

(B) Matches must be tightly packed to prevent movement within the container and to prevent ignition by rubbing against adjoining boxes, books or cards. They must be securely wrapped in paper or foil or packed in tightly closed inner containers.

(C) Not more than 50 books of matches may be packed in each inside container. Inner packages shall be securely packed in strong wood or fiberboard mailing containers. The maximum weight of matches that may be packed in any outside container is 50 pounds. Alternatively, book safety matches up to a maximum of 50 books may be packed in a fiberboard carton, covered with kraft paper, having a securely-glued inside lining consisting of aluminum foil at least 0.0004 inch thick. The carton must have a full depth lid with all joints secured with gummed paper tape.

(2) *Flammable liquids.* Flammable liquids and semi-solids which may liquify under normal conditions of mailing and which have a flash point above 20° F. may be accepted for domestic surface mail. Overseas mail and air mail are restricted to items with a flash point above 100° F. Containers of flammable liquids must have sufficient air space to prevent vapor expansion pressure variations from causing container failure.

(e) *Gases.* Compressed gas containers containing gaseous matter must be of metal or of other nonshattering material meeting Federal requirements applicable to the interstate transportation of gases. Containers with release mechanisms must be cushioned to absorb shock and protected against damage or accidental discharge in transit. (See § 121.5(c).) Definitions of terms covering compressed gases are set forth in Title 49, CFR. These items are generally considered mailable if exempt from compliance with Federal statutes, regulations, and associated tariffs applicable to their interstate transport. Non-exempt items are nonmailable.

(f) *Powders.* Powders which, if allowed to escape from their containers could cause damage, discomfort, destruction or

soiling, must either be packed in sift-proof containers or in other containers sealed in durable sift-proof outer containers.

(g) *Poisons.*—(1) *Highly toxic poisons for scientific use.* Highly toxic poisons for scientific use which are not outwardly or of their own force dangerous or injurious to life, health or property may be shipped only between manufacturers, dealers, bona-fide research or experimental scientific laboratories, and employees of the Federal, State, or local governments who have official use for such poisons. Any such employee must be designated by the head of his agency to receive or send such poisons.

(2) *Highly toxic poisonous drugs and medicines.* Highly toxic poisonous drugs and medicines may be shipped only from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers and veterinarians. (See 18 U.S.C. 1716.)

(h) *Disease germs and biological products.* Disease germs and scabs, such as contained in etiologic agents, diagnostic specimens and biological products which may cause disease, are nonmailable except when it is determined that such items are properly prepared for mailing and conform to Federal requirements applicable to interstate transportation of such matter. To be accepted, such matter must be packaged in waterproof inner containers which are not permeable by the contents. When other than dry items are mailed, the inner container(s) must then be packaged in sufficient absorbent cushioning material to completely absorb the contents in case of leakage of the inner container. The cushioning and inner container(s) of liquid or semi-liquid must then be enclosed in a sealed nonpermeable outer container which may also serve as the shipping container.

(i) *Marking.* When applicable, the outer containers will have required marking affixed (e.g., the etiologic agent label required for international mail by § 213.25 of the Postal Service Publication 42).

(i) *Perishable matter.*—(1) *Time factor.* Harmless live animals, perishable foods, and game may be sent through the mail only if they can reach their destination in good condition in the normal transit time between the mailing and address points. Perishable foods may be shipped at the mailer's risk, provided they are not subject to rapid decay and the generating of obnoxious odors. Air mail, special handling, or special delivery services are recommended.

(2) *Highly perishable food and game.* (i) Crates, boxes, baskets, or other containers used to ship highly perishable goods should be constructed to protect the contents and to prevent their escape.

(ii) Berries, fruits, and vegetables are not mailable, unless presented in dry condition.

(iii) Water ice used as a refrigerant must be packed as though it were a liquid in accordance with § 121.5(c) of this chapter "Dry ice" (carbon dioxide solid)

is acceptable when wrapped securely in heavy paper. Dry ice must not be packed in glass, metal, or other air-tight containers. Sufficient insulation is necessary if a fiberboard box is used, in order to prevent condensation and wetting of the shipping carton.

(3) *Live animals.*—(i) *Live day-old poultry.* Live day-old chicks, ducks, geese, guinea fowl, and turkeys are acceptable in the mail only under the following conditions:

(A) They must be presented for mailing in the original unopened hatchery box from the hatchery of origin.

(B) The date and hour of hatching must be noted on the box by a representative of the hatchery who has personal knowledge thereof. (In the case of COD shipments made by a hatchery for the account of others, the name or initials and address of the hatchery or the post office box number and address of the hatchery must be prominently shown in connection with this requirement.)

(C) They must not be over 24 hours old.

(D) The box must be properly ventilated and of proper construction and strength to bear safe transmission in the mail. (These boxes will not be stacked more than 10 high.)

(E) They can be delivered to the addressee within 72 hours of the time of hatching regardless of whether the addressee resides in town or on a rural or star route.

(F) They must be mailed sufficiently early in the week to avoid receipt at the office of address, in case of missed connections, on a Sunday, on a national holiday, or on the afternoon preceding a Sunday or holiday.

(G) Shipments shall not be forwarded to the addressee from the office of origin address nor returned to mailer if delivery cannot be made to either the addressee or sender within 72 hours of the time of hatching, but will be disposed of in accordance with § 159.2(h) of this chapter, "Shipments" that are delayed beyond the 72-hour limit by washouts, snow blockades, wrecks, and the like, will be disposed of by postmasters in accordance with instructions in § 159.2(h) of this chapter.

(H) If a COD shipment is received at the office of address and it is not promptly accepted by the addressee, it will be held for delivery until the expiration of the 72-hour period from the time of hatching, if there is a possibility that delivery may be made within that period. If, at the expiration of the 72-hour period, the shipment has not been accepted, it will be sold. COD shipments will not be sold to the original addressee unless paid for in full, including all postal service charges. If the parcel is sent as ordinary or insured mail, it will be disposed of in accordance with § 159.2(h) of this chapter.

(I) Boxes of day-old poultry of approximately identical size, securely fastened together to prevent separation in transit, may be accepted for mailing as a single parcel provided such parcel

does not exceed 100 inches in length and girth combined.

(J) Day-old poultry, originally shipped by air express or air cargo and then presented for mailing, must be in first-class condition, and prepared in accordance with paragraph (i) (3) (i) (A) through (F) of this section.

(K) The shipments must bear special delivery or special handling postage in addition to regular postage.

(L) Day-old poultry vaccinated with Newcastle Disease (live virus) are nonmailable.

(M) Each box should bear, in addition to the address label on top, another address label on the side, or the narrow end, if the box is rectangular in shape, to eliminate unnecessary handling when boxes are stacked.

(N) Whenever live, day-old poultry is sent air mail all provisions of the airline tariffs must be met and air carriers must have equipment available to safely deliver shipments within the specified time limitations, allowing for delays en route in air and ground transportation.

(i) *Other animals.* (A) Mailable—Small, harmless, cold-blooded animals (except snakes) which do not require food or water or attention during handling in the mail and which do not create sanitary problems or obnoxious odors are mailable. For example, the following are mailable: Baby alligators and caymans not exceeding 20 inches in length, bloodworms, earthworms, mealworms, chameleons, frogs, toads, goldfish, hellgrammites, newts, salamanders, leeches, lizards, snails and tadpoles. Turtles (including terrapins, tortoises and all other animals of the Order *Testudinata*, Class *Reptilia*) with a carapace not exceeding 2½ inches in length, and viable turtle eggs, may be accepted for mailing only when accompanied by a certificate issued by the State Health Department of the State of origin certifying that such turtles or viable turtle eggs are free of bacteria of the *Salmonella* and *Arizona* genera. The certification shall be based upon results obtained through the test procedures specified by the Department of Health, Education, and Welfare. (See 42 CFR 72.26.) The mailing containers shall be marked in bold block letters: "Turtles or turtle eggs—complies with 124.293b, PSM." Turtles with a carapace exceeding 2½ inches in length are nonmailable. Animals mailed into the Trust Territory of the Pacific Islands require a permit issued by the Director of Agriculture of that Territory. Shipping containers for mailable animals must be, as a minimum, made of 275-pound double-wall corrugated weather-resistant fiberboard, and shall be adequately ventilated and marked to indicate contents.

(B) Nonmailable—No warm-blooded animals except day-old poultry are acceptable. The following are examples of animals which are not mailable: Hamsters, white mice, rats, guinea pigs, rabbits, kittens, puppies, chickens, flying squirrels, parakeets, canaries and pigeons.

(iii) *Insects.* (A) Bees are acceptable in the continental surface mail when shipped in accordance with Federal and State regulations to assure that they are free of disease. Packages of honey bees must bear special delivery or special handling postage. Queen bees only may be shipped airmail.

(B) Other live, nonpoisonous and nondisease-conveying insects may be sent through the mail when properly prepared for mailing and when shipped in accordance with regulations of the U.S. Department of Agriculture. When such insects are mailed into the Trust Territory of the Pacific Islands, they are also subject to regulations of the Director of Agriculture of that Territory.

(iv) *Live scorpions.* Live scorpions which are to be used for purposes of medical research or for the manufacture of antivenin will be accepted only in the continental surface mail when packaged in a double mailing container, both parts of which are closed or fastened to prevent escape of the scorpions. The inner container must be of material which cannot be punctured by the scorpions and must be plainly marked "Live Scorpions." Cushioning material must be used when necessary to prevent shifting of the inner container. The outer container must be of sufficient strength to prevent crushing of the package or exposure of the contents during normal handling in the mail, and also must be plainly marked "Live Scorpions."

(4) *Meat and meat products*—(i) *Certificate required.* Shipments of meats and meat products may be sent through the mail only if they conform with regulations of the U.S. Department of Agriculture under Federal statutes. Each shipment must be accompanied by a certificate by the mailer unless the shipment shows on the outside the mark of Federal meat inspection. The mailer's certificate may be applied directly to the outside of the parcel, container or wrapper (in the case of volume shippers), or be submitted on Form 3583 filed at a time of mailing. (See paragraph (i) (4) (iii) of this section.)

(ii) *Mark of federal meat inspection.* Outside containers used to mail meat or meat products bearing the following mark of Federal Meat Inspection may be accepted without requiring a certificate:



(iii) *Form of certificate.* (A) Volume shippers of U.S. inspected and passed products may elect to rubber hand stamp or by other means affix the following certificate to the address side of each package of meat and meat products:

I hereby certify that the following described product, which is offered for shipment in commerce, has been U.S. inspected and passed by the U.S. Department of Agriculture, is so marked, and at this date is not adulterated or misbranded.

Kind of product	Amount and weight
-----	-----
-----	-----
Signature of shipper	
-----	
Address of shipper	

(B) Mailers not preparing their shipments as provided in paragraph (i) (4) (ii) or (iii) (A) of this section should use Form 3583, "Certificate of Shipper Interstate Mail Shipment of Meat or Meat-Food Products." The form is designed for use by all other shippers of meat or meat-food products subject to the inspection regulations of the U.S. Department of Agriculture. Three types of certificates are included in the form. The shipper must complete both sides of the form and submit it to the postmaster with each shipment.

(iv) *Disposition of Form 3583.* The original Form 3583 shall be filed in such a manner as to be readily available to authorized Department of Agriculture employees. This original shall be maintained for a period of two years after December 31 of the year in which the transaction occurred. A copy will be provided the mailer upon request.

(5) *Dead wild animals.* The dead bodies, or parts thereof, of any wild animals, wild birds or their eggs, are acceptable for mailing only when they have been lawfully killed or taken, and their shipment is not prohibited by law of the United States or of the State, Territory, district or foreign country or subdivision thereof in which killed or taken or offered for shipment. Mailing of fresh game is also subject to requirements of paragraph (i) (4) of this section.

(6) *Furs, hides, skins or pelts.* Parcels containing furs, hides, skins, or pelts of wild animals are mailable only when their contents are properly dried or cured, have no offensive odor, and are plainly marked, labeled, or tagged on the outside with the names and addresses of the shipper and addressee, together with such endorsement, if any, as may be required by state laws. Hides and pelts must be wrapped when necessary to prevent damage to other mail.

(7) *Plant quarantines.* Regulations on plant quarantines are found in Postal Service Publication 14.

#### § 124.3 Radioactive Material (18 U.S.C. 1716).

Radioactive material may not be mailed except in accordance with the regulations found in Publication 6. (For advertisements for the mailing of radioactive material, see § 123.4(c) (1).)

#### § 124.4 Firearms, knives and sharp instruments (18 U.S.C. 1715, 1716).

(a) *Pistols, revolvers and other concealable firearms generally.* Pistols, revolvers and other firearms capable of

being concealed on the person (hereinafter referred to as "hand guns") are nonmailable except when mailed between the parties specified in paragraph (a) (2) and (4) of this section and upon the filing of an affidavit or statement as required by paragraph (a) (3) and (5) of this section.

(1) *Definitions.* (i) The term "hand gun" means any pistol, revolver or other firearm or device the mailing of which is regulated by this section.

(ii) The term "pistol" or "revolver" means a hand gun styled to be fired by the use of a single hand and to fire or otherwise expel a projectile by the action of an explosion, spring, or other mechanical action, or air- or gas-pressure with sufficient force to be used as a weapon.

(iii) The term "firearm" means any device, including a starter gun, which is designed to or may readily be converted to expel a projectile by the action of an explosion, spring, or other mechanical action, or air- or gas-pressure with sufficient force to be used as a weapon.

(iv) The phrase "other firearms capable of being concealed on the person" includes, but is not limited to, short-barreled shotguns, and short-barreled rifles.

(v) The term "short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length. The term "short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length. These definitions include any weapon made from a shotgun or rifle, whether by alteration, modification or otherwise, if such weapon as modified has an overall length of less than 26 inches. A short-barreled shotgun or rifle of greater dimension may also be regarded as nonmailable when it has characteristics allowing it to be concealed on the person.

(vi) The terms "licensed manufacturer" and "licensed dealer" mean, respectively, a manufacturer of firearms or a bona-fide dealer therein duly licensed by the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, pursuant to the Gun Control Act of 1968 (Pub. L. 90-618), 18 U.S.C. 921 et seq.

(vii) The term "antique firearm" means any firearm (including those with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898, or any replica thereof if such replica

(A) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(B) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(2) *Mailings between authorized persons.* Subject to the requirements of paragraph (a) (3) of this section, hand guns may be mailed by a licensed manufacturer of firearms, a licensed dealer therein, or an authorized agent of the Federal Government or the government

of a State, District or Territory, only when addressed to a person in one of the following categories for use in connection with his official duties:

(i) Officers of the Army, Navy, Air Force, Coast Guard, Marine Corps, or Organized Reserve Corps;

(ii) Officers of the National Guard or Militia of a State, District or Territory;

(iii) Officers of the United States or of a State, Territory or District whose official duty is to serve warrants of arrest or commitment;

(iv) Employees of the Postal Service specifically authorized by the Chief Postal Inspector;

(v) Officers and employees of enforcement agencies of the United States;

(vi) Watchmen engaged in guarding the property of the United States, a State, Territory or District;

(vii) Purchasing agent or other designated member of agencies employing officers and employees included in paragraph (a) (2) (iii), (iv), and (v) of this section.

(3) *Affidavit of addressee required.* Any person proposing to mail a hand gun pursuant to § 124.412 must file with the postmaster, at the time of mailing, an affidavit signed by the addressee setting forth that he is qualified to receive the firearm under the particular paragraph (a) (2) (i) through (vii) of this section, and that the firearm is intended for his official use. The affidavit must also bear a certificate stating that the firearms are for the official duty use of the addressee, signed by one of the following as appropriate:

(i) For officers of Armed Forces, a certificate by the commanding officer;

(ii) For officers and employees of enforcement agencies, a certificate signed by the head of the agency employing the addressee to perform the official duty in connection with which the firearm is to be used;

(iii) For watchmen, a certificate signed by the chief clerk of the department, bureau or independent branch of the Government of the United States, the State, the Territory, or the District by which the watchman is employed;

(iv) For the purchasing agent or other designated member of enforcement agencies, a certificate signed by the head of such agency, that the firearm is to be used by an officer or employee included in paragraph (a) (2) (iii), (iv), and (v) of this section.

(4) *Mailings between licensed manufacturers and dealers.* Hand guns may also be conveyed in the mails between licensed manufacturers of firearms and licensed dealers therein in customary trade shipments or for repairs or replacement of parts.

(5) *Certificate of manufacturers and dealers.* A licensed manufacturer or dealer need not file the affidavit required under paragraph (a) (3) of this section but must file with the postmaster a statement (Form 1508, "Statement by Shipper of Firearms") signed by the mailer that he is a licensed manufacturer of firearms or dealer therein, that

the parcels containing handguns (or major component parts thereof) are customary trade shipments or contain such articles for repair or replacement of parts, and that to the best of his knowledge or belief the addressees are licensed manufacturers of firearms or dealers therein. If satisfied with the mailer's statement, the postmaster will accept the parcels for mailing. If the postmaster is not satisfied with the mailer's statement, he will forward it to the Mail Classification Division, Finance Department, for a ruling.

(6) *Federal Bureau of Investigation; crime detection bureaus.* Hand guns addressed to the Federal Bureau of Investigation, or its Director, or to the scientific laboratory or crime detection bureau of any agency whose members are federal law-enforcement officers or officers of a State, Territory or District authorized to serve warrants of arrest or commitment, may be accepted for mailing without regard to the provisions of paragraph (a) (2) through (5) of this section.

(7) *Official shipments.* Hand guns may be accepted for mailing without regard to the provisions of paragraph (a) (2) (5) of this section when offered by an authorized agent of the federal government as an official shipment to any qualified addressee in paragraph (a) (2) (i) through (vii) of this section or to a licensed manufacturer of firearms or dealer therein or to a federal agency.

(b) *Antique firearms.* Antique firearms sent as curios or museum pieces may be accepted for mailing without regard to the provisions of paragraph (a) (2) through (5) of this section.

(c) *Rifles and shotguns.* While unloaded rifles and shotguns not precluded by paragraphs (a), (a) (1) of this section are mailable, mailers are responsible for compliance with the Gun Control Act of 1968, Pub. L. 90-618, 26 U.S.C. 921, et seq., and the rules and regulations promulgated thereunder, 26 CFR 178, as well as state and local laws. The mailer may be required by the Postal Service to establish, by opening of the parcel or by written certification, that the gun is unloaded and not precluded by paragraph (a) (1) (v) of this section. It is recommended that all such mailings be sent by registered mail.

(d) *Legal opinions about mailing firearms.* Postmasters are not authorized to give opinions concerning the legality of any shipment of rifles or shotguns. (See § 124.3(d).)

(e) *Switchblade knives*—(1) *When mailable.* Knives having a blade which opens automatically by hand pressure applied to a button or other device in the handle, or by operation of inertia, gravity, or both, are mailable only when sent to:

(i) The following designated supply or procurement officers and employees ordering, procuring, or purchasing such knives for use in connection with the activities of their respective governments or organizations;

(A) Civilian or Armed Forces supply or procurement officers and employees of the federal government;

(B) Supply or procurement officers of the National Guard, the Air National Guard, or the Militia of a State, Territory, or the District of Columbia;

(C) Supply or procurement officers or employees of the municipal government of the District of Columbia or of the government of any State or Territory, or of any county, city or other political subdivision of a State or Territory;

(ii) Manufacturers of such knives, or bonafide dealers therein, in connection with a shipment made pursuant to an order from any person designated in paragraph (e) (1) (i) of this section. (For advertisements for the mailing of switchblade knives, see paragraph (e) (1) of this section.)

(2) *Identification of addressee.* Before making delivery, the postmaster will satisfy himself that the addressee is in one of the categories of 124.4 1a.

(3) *Explanation of mailing.* When the postmaster is in doubt as to the mailability of a proposed shipment of switchblade knives, he shall require the mailer to furnish a written statement explaining how the mailing complies with this section. If the explanation is not satisfactory to the postmaster, he will forward it to the Mail Classification Division, Finance Department, for a ruling.

(f) *Marking of parcels of firearms and switchblade knives.* No markings of any kind which would indicate the nature of the contents shall be placed on the outside wrapper or container of any parcel containing firearms or switchblade knives.

(g) *Sharp objects and knives.* Sharp-pointed or sharp-edged instruments such as knives, tools, ice picks, razor blades, etc., must be wrapped to protect their points and edges from cutting through the outer carton in which they are shipped.

#### § 124.5 Controlled substances, narcotics (18 U.S.C. 1716).

(a) *Definitions.*—(1) *Controlled substances.* A "controlled substance" is any narcotic, hallucinogenic, stimulant or depressant drug included in Schedules I through V of the "Controlled Substances Act" (Public Law 91-513), 21 U.S.C. 801 et seq., and the regulations thereunder, 21 CFR 1300 et seq.

(2) *Narcotic drugs.* Narcotic drugs as defined in the Controlled Substances Act include opium, cocaine and opiates (synthetic narcotics) and the derivatives thereof.

(b) *Declaration as to injurious nature.* Controlled substances are, by reason of their addictive nature or capacity for abuse, hereby declared to be "Articles, compositions, or materials which may kill or injure another" within the intent and meaning of 18 U.S.C. 1716.

(c) *Nonmailable generally.* Except under the conditions specified in § 124.5, controlled substances are nonmailable matter and shall not be conveyed in the mails or delivered from any post office or station thereof nor by any letter carrier.

(d) *Mailing requirements.*—(1) *Authorized mailings.* Controlled substances may be transmitted in the mails between persons registered with the Drug En-

forcement Administration or between persons who are exempted from registration such as military, law enforcement and civil defense personnel in the performance of their official duties. Prescription medicines containing non-narcotic controlled substances may be mailed from a registered practitioner or dispenser to an ultimate user. Prescription medicines containing narcotic drugs may be mailed only by Veterans Administration medical facilities to certain veterans. Parcels containing controlled substances must be prepared and packed for mailing in accordance with the requirements of paragraph (d) (2) of this section.

(2) *Preparation and packing.* (i) The inner container or any parcel containing controlled substances must be marked and sealed in accordance with the applicable provisions of the Controlled Substances Act, 21 U.S.C. 801, and the regulations promulgated thereunder, 21 CFR 1300 et seq.

(ii) The inner container of prescription medicines containing controlled substances must, in addition to the marking and sealing requirements set forth above, be labeled to show the name and address set forth above, be labeled to show the name and address of the practitioner or the name and address of the pharmacy or other person dispensing the prescription (if other than the practitioner) and the prescription number.

(iii) Every parcel containing controlled substances shall be placed in a plain outer container or securely overwrapped in plain paper.

(iv) No markings of any kind which would indicate the nature of the contents shall be placed on the outside wrapper or container of any parcel containing controlled substances.

(3) *Use of registered mail required.* Parcels containing controlled substances, including those sent to D.E.A. Regional Offices for disposal (see 21 CFR 1307.21), generally must be sent by registered mail, return receipt requested. The Drug Enforcement Administration number or exemption status of the sender shall be set forth in the senders' address section of PS 3806 or PS 3877, as applicable. This information shall appear in the following format:

DEA Registration No. 654321

or

DEA Exempt—Police.

(4) *Regular mail permitted.* The following may be sent by regular mail without regard to the provisions of paragraph (d) (3) of this section.

(i) Prescription medicines containing non-narcotic controlled substances listed in Schedule II in amounts not exceeding a 34-day supply or 100 dosage units, whichever is less; and

(ii) Prescription medicines containing controlled substances listed in Schedules III, IV and V in amounts not exceeding a 100-day supply or 200 dosage units, whichever is less.

(iii) Physician's samples of medicines containing nonnarcotic controlled sub-

stances in amounts not exceeding the limitations set forth in paragraph (d) (4) (i) or (ii) of this section.

(e) *Exempt shipments.* Small quantities of unknown matter suspected of containing controlled substances may be sent by regular mail without regard to the other provisions of § 124.5 only when addressed to a federal, state or local law enforcement agency for law enforcement purposes. Such mailings must comply with paragraph (d) (2) (iii) and (iv) of this section.

(f) *Violations.* Violations of this section shall be referred to the Inspection Service.

#### § 124.6 Motor vehicle master keys (18 U.S.C. 1716A, 39 U.S.C. 3002).

(a) *Definition.* Motor vehicle master key means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or an exact duplicate of such keys) or manipulation type device designed to operate two or more motor vehicle ignition, door, or trunk locks of different combinations, including any pattern, impression, or mold from which a master key or manipulation device can be made.

(b) *Mailability.* The items defined in § 124.6(a) and any advertising (§ 124.4 (c) (2)) for the sale of any of these items, are nonmailable except when sent to:

- (1) Lock manufacturers
- (2) Professional locksmiths
- (3) Motor vehicle manufacturers or
- (3) Motor vehicle manufacturers or
- (4) Federal, State or local government agencies.

(c) *Marking.* No markings of any kind which would indicate the nature of the contents shall be placed on the outside wrapper or container of any parcel containing motor vehicle master keys.

(d) *Questioned mailings.* When the postmaster at either the office of mailing or the office of address has reason to question whether the addressee qualifies under paragraph (b) of this section to receive a mailing, or whether an item is nonmailable for any other reason, he shall require the mailer or addressee to furnish a written explanation of the addressee's eligibility, or of the item's mailability. If the explanation is not satisfactory to the postmaster, he shall forward it with his statement of the pertinent facts to the Mail Classification Division, Finance Department, for a ruling.

#### § 124.7 Abortive and contraceptive devices or materials.

(a) *Abortive devices and materials (18 U.S.C. 1461).* Any article or thing designed, adapted or intended for producing abortion is nonmailable. (For advertisements of abortive devices and materials see § 123.433 of this chapter.)

(b) *Unsolicited samples of contraceptive materials (39 U.S.C. 3001, 18 U.S.C. 1461).* Unsolicited samples of articles or things which are designed, adapted or intended for preventing conception are mailable only when sent through the mails to a manufacturer of such articles

or things, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital or clinic. (For advertisement of contraceptive materials, see § 123.4(c)(4) of this chapter.)

**§ 124.8 Nonmailable articles (18 U.S.C. 1716).**

(a) *Intoxicating liquors.* Potable beverages of  $\frac{1}{2}$  percent or more alcoholic content by weight, which are taxable under Chapter 51 of the Internal Revenue Service Code, are nonmailable. If the product conforms to applicable requirements of the Internal Revenue Service and Food and Drug Administration and is neither an alcoholic beverage, poisonous nor flammable (See § 124.2(d)), it may be mailed. (For advertisements for the mailing of intoxicating liquor, see § 123.4(c)(1) of this chapter.

(b) *Matter emitting obnoxious odors.* Any matter which is a source of an obnoxious odor is nonmailable.

(c) *Liquids.* Liquids and semi-solids which may liquify under normal conditions and are otherwise mailable, must be adequately prepared for mailing in accordance with § 121.5(b) of this chapter.

[FR Doc.74-12933 Filed 6-4-74;8:45 am]

**SECURITIES AND EXCHANGE  
COMMISSION**

[ 17 CFR Part 230 ]

[Release No. 33-5497]

**EXEMPTION OF CERTAIN PROMISSORY  
NOTES**

**Withdrawal of Proposed Rule**

The Securities and Exchange Commission announced today that it was withdrawing proposed Rule 239 (17 CFR 230.239) under the Securities Act of 1933 ("Act") from further consideration. The proposed rule, if adopted, would have provided a limited exemption from the registration provisions of the Act for certain first lien mortgages on real property. See in this regard, Securities Act Release No. 5419 (September 6, 1973, 38 FR 24668) which originally announced the proposed rule.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

MAY 23, 1974.

[FR Doc.74-12910 Filed 6-4-74;8:45 am]

# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF THE TREASURY

### Monetary Offices

#### REPORTING OF LARGE DOMESTIC CURRENCY TRANSACTIONS

##### Notice of Intent To Enforce Regulations

The Treasury Department announced today that beginning June 15, 1974, the regulations requiring banks and certain other financial institutions to report unusual transactions involving more than \$10,000 in currency will be enforced. The regulations are among those which implement Titles I and II of Pub. L. 91-508, which was upheld by the Supreme Court on April 1, 1974. Until the Court's decision, enforcement of the provisions requiring the reporting of large domestic currency transactions had been enjoined by a Federal district court. Such transactions should be reported on IRS Form 4789, which may be obtained from any Internal Revenue Service district office.

Dated: May 31, 1974.

[SEAL] EDWARD C. SCHMULTS,  
General Counsel.

DAVID R. MACDONALD,  
Assistant Secretary.

[FR Doc.74-12864 Filed 6-4-74;8:45 am]

### Office of the Secretary

#### LOAN TO GOVERNMENT OF MALAYSIA

##### Public Notice of Invitation To Bid

**I. Invitation to bid—classes of bidders.** The Department of the Treasury, acting for the Department of Defense, by this notice and under the terms and conditions hereof invites bids on the interest rate on a \$9,375,000 loan to the Government of Malaysia, hereinafter referred to as the borrower. The loan is described in Section V hereof. Bidding hereunder shall be subject to the "Regulations Governing the Sales of Treasury Bonds Through Competitive Bidding" (31 CFR 340) insofar as applicable.

The purpose of the loan is to provide private financing for the purchase by the borrower of defense articles and services from United States sources in furtherance of the Foreign Military Sales Act, as amended, P.L. 90-626, October 22, 1968, 82 Stat. 1326; 22 U.S.C. 2571-2793 and Executive Order 11501, December 22, 1969, 34 FR 20169.

Bids will be received only from incorporated banks, trust companies, recognized dealers in investment securities, and other financial institutions doing business in the United States. Bids must be submitted to the Federal Reserve

Bank of New York in accordance with the provisions of the last section hereof.

**II. United States Government Guaranty of Loan.** The loan agreement provides that the obligation of the lender is to be conditioned upon the issuance by the United States of a guaranty of timely payment of 100 percent of the principal and 100 percent of the interest thereon by the borrower. The guaranty will further provide that the United States agrees that any claim which it may now or hereafter have against any beneficiary for any reason whatsoever shall not affect in any way the right of any other beneficiary to receive full and prompt payment of any amount otherwise due under this guaranty.

In addition, the borrower covenants at section 5(b) of the loan agreement that:

Any claim which it may now or hereafter have against any person, corporation, firm or association or other entity (including without limitation, the United States, DOD, any Bank, any assignee of any Bank, and any supplier of the Defense items) in connection with any transaction, for any reason whatsoever, shall not affect the obligation of the Borrower to make the payments required to be made to the Undersigned under this Loan Agreement, or under the Notes, and shall not be used or asserted as a defense to the payment of such obligation or as a set-off, counterclaim, or deduction against such payments.

The guaranty, which is authorized by the Foreign Military Sales Act, will be made by the Government of the United States acting through the Department of Defense. The Act provides that "any guaranties issued hereunder shall be backed by the full faith and credit of the United States."

##### III. Tax exemptions. There will be no:

(a) Federal income tax resulting from section 7.1 of the loan agreement which will provide that the borrower shall pay to the lender the guaranty fee charged to the latter by the Department of Defense. (The lender will be acting merely as a conduit.)

(b) Federal stamp tax; or

(c) Tax imposed by the borrower.

**IV. The loan, promissory notes, participations—eligibility for purchase by national banks as collateral for treasury tax and loan accounts, etc.** (a) Because of the guaranty, the loan, the promissory notes and the participations are deemed to be fully and unconditionally guaranteed obligations of the United States backed by its full faith and credit. Accordingly, they will not be subject to the lending limits of national banks or to the limitations and restrictions concerning

dealing in, underwriting and purchase of investment securities.

(b) Section 1.4 of the loan agreement authorizes the sale of participations to legal entities doing business in the United States. Such participation will be acceptable from special depositaries of public money at their face amount to secure deposits under Department of the Treasury Circular No. 92, current revision (31 CFR 203), provided that they adequately identify the loan and meet the following conditions:

(1) The participation certificate contains the following provision: "Participant may assign or endorse over this participation certificate to the (Name of the Federal Reserve Bank or Branch of the territory in which the participant is located) in connection with a pledge of collateral security to protect a Treasury tax and loan account under Treasury regulations published at Title 31, Code of Federal Regulations, Part 203. In the event that this participation certificate is assigned to (Same bank or branch as above), it shall not be further assigned or sub-divided without prior written notice to that bank and the prior written consent of this bank."

(2) The participation certificate is supported by the original or certified copies of the guaranty agreement relating to the basic loan and the necessary power of attorney and resolution in favor of the Reserve Bank as prescribed in 31 CFR 203.8(d).

(3) The guaranty agreement provides that the guaranty referred to therein is transferable to any participant or beneficiary.

**V. Description of loan agreement.** The principal features of the loan are as follows:

(a) There will be a commitment fee payable semiannually of one-quarter of one percent ( $\frac{1}{4}$  of 1 percent) per annum on the daily average unused amount of the commitment. The commitment fee will be calculated on a 365-day basis and actual days elapsed.

(b) There will be a commitment period from the "date of execution" of the loan agreement to and including December 31, 1974 or such earlier date as the entire commitment of the lender shall have been utilized. For this purpose, the "date of execution" will be the date on which the loan agreement is signed on behalf of the borrower or the date on which the Department of Defense executes the guaranty agreement, whichever is later.

(c) The minimum drawdown under the loan agreement will be \$500,000.

(d) The principal is to be repayable in eight consecutive semiannual installments of \$1,171,875, specifically each December 31 and June 30, beginning December 31, 1974 and ending on June 30, 1978.

(e) Interest is payable on a fixed semiannual basis beginning December 31, 1974 and thereafter on June 30 and December 31 of each year until the entire principal has been repaid.

VI. *Submission of bids—acceptance and opening of bids.* Each bid shall be submitted in triplicate on the letterhead of the bidder and shall specify a single annual rate of interest which shall apply on a 365-day basis only to the portion of the loan in use. The rate shall be expressed as a percent per annum not to exceed three decimals, for example, 5.125 percent. Each bidder may submit a bid for the entire amount of the loan or portions thereof in multiples of \$3,125,000.

Bidders should fill in the blanks in the loan agreement (except for the date of the loan agreement itself) and should furnish three signed copies when submitting the bids. Most of the blanks are self-explanatory. At section 7.1., the guaranty fee will be 1/400th of the amount of the principal liability under the guaranty.

The bids should be enclosed in sealed envelopes and must be received in the Securities Department of the Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045, not later than 11:00 a.m., Eastern Daylight Time, on June 14, 1974.

Bids will be opened at the Federal Reserve Bank at 11:00 a.m., Eastern Daylight Time, on June 14, 1974. In determining the successful bids, those specifying the lowest rate of interest will be accepted. Upon award of the bids, the Government of the United States will promptly secure the signature of the borrower to the loan agreement, as well as necessary copies thereof, and will return one copy.

Copies of the loan agreement, of the exhibits and of the guaranty agreement may be obtained upon request from the Department of the Treasury, Bureau of the Public Debt, Room 200, Washington Building, Washington, D.C. 20226, or by telephoning (202) 964-2992 or (202) 964-8241.

Dated: May 30, 1974.

[SEAL] PAUL A. VOLCKER,  
Under Secretary of the  
Treasury for Monetary Affairs.

[FR Doc.74-12865 Filed 6-4-74;8:45 am]

#### TAPERED ROLLER BEARINGS FROM JAPAN

Antidumping; Withholding of Appraisal Notice

JUNE 3, 1974.

Information was received on October 31, 1973, that tapered roller bearings from Japan were being sold at less than fair value within the meaning of the

Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER on December 4, 1973, on page 33408. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the exporter's sales price (section 204 of the Act; 19 U.S.C. 163) of tapered roller bearings from Japan is less, or is likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

*Statement of reasons.* The information currently before the U.S. Customs Service tends to indicate that there are sufficient sales in the home market to provide an adequate basis of comparison for fair value purposes. Sales by the manufacturers are to related parties in the United States. Accordingly, the probable basis of comparison will be between exporter's sales price and the adjusted home market price of such or similar merchandise sold in Japan.

Exporter's sales price will probably be calculated by deducting from the resale price to unrelated purchasers in the United States, U.S. duties, Customs brokerage fees, freight and insurance charges, commissions, inspection fees and selling expenses, as appropriate.

Home market price will probably be calculated on the basis of a preponderant delivered price, with a deduction for inland freight. Adjustments will probably be made for differences in warranty costs, credit costs, selling expenses and packing costs.

Using the above criteria, there are reasonable grounds to believe or suspect that exporter's sales price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisal of tapered roller bearings from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street, N.W., Washington, D.C. 20229, in time to be received by his office on or before June 17, 1974. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before July 5, 1974.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective on June 5, 1974. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] DAVID R. MACDONALD,  
Assistant Secretary of the Treasury.  
[FR Doc.74-13031 Filed 6-4-74;9:07 am]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 20101]

### NEW MEXICO

#### Notice of Application

MAY 29, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185) as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for a 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 27 E.,

Sec. 8, NW¼NE¼, S½NE¼ and E½SE¼;

Sec. 9, SW¼SW¼;

Sec. 16, N½NW¼ and SE¼NW¼.

This pipeline will convey natural gas across 1.47 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

MARIE D. LARRAGOITE,  
Acting Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.74-12848 Filed 6-4-74;8:45 am]

#### Office of the Secretary

[INT DES 74-64]

### PROPOSED IMPORTATION REGULATIONS ON INJURIOUS WILDLIFE

#### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for the Proposed Importation Regulations on Injurious Wildlife, and invites written comments on or before July 29, 1974.

Importation Regulations on Injurious Wildlife. The proposal recommends restrictions on the importation of all wildlife, except that which is found to create a low risk of injury to human beings, the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States. A list of

such "low risk" wildlife is included with the proposal.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife  
Division of Law Enforcement  
1612 K Street, NW,  
Suite 600  
Washington, D.C. 20006

Bureau of Sport Fisheries and Wildlife  
Office of Environmental Coordination  
Department of the Interior  
Room 2246  
18th and "C" Streets, NW,  
Washington, D.C. 20240

Regional Director  
U.S. Department of the Interior  
Fish and Wildlife Service  
P.O. Box 3737  
Portland, Oregon 97208

Regional Director  
U.S. Department of the Interior  
Fish and Wildlife Service  
P.O. Box 1306  
Albuquerque, New Mexico 87103

Regional Director  
U.S. Department of the Interior  
Fish and Wildlife Service  
Federal Building  
Fort Snelling  
Twin Cities, Minnesota 55111

Regional Director  
U.S. Department of the Interior  
Fish and Wildlife Service  
17 Executive Park Drive N.E.,  
Atlanta, Georgia 30329

Regional Director  
U.S. Department of the Interior  
Fish and Wildlife Service  
U.S. Post Office and Courthouse  
Boston, Massachusetts 02109

Regional Director  
U.S. Department of the Interior  
Fish and Wildlife Service  
10597 West Sixth Avenue  
Denver, Colorado 80215

Area Director  
U.S. Department of the Interior  
Fish and Wildlife Service  
813 "D" Street  
Anchorage, Alaska 99501

Regional Solicitor  
Federal Building  
450 Golden Gate Avenue #14126  
San Francisco, California 94102

U.S. Department of the Interior  
Fish and Wildlife Service  
4471 N.W. 36th Street  
Miami Springs, Florida 33166

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Coordination. Please refer to the statement number above.

STANLEY D. DOREMUS,  
*Deputy Assistant Secretary,  
Program Development and Budget.*

MAY 29, 1974.

[FR Doc. 74-12847 Filed 6-4-74; 8:45 am]

[INT FES 74-29]

### PROPOSED OIL AND GAS EXPLORATION IN OCALA NATIONAL FOREST, FLORIDA

#### Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the U.S. Geological Survey, Department of the Interior, has prepared a final environmental impact statement on an application by the Amoco Production Company for a permit to drill an exploratory well on one of its existing oil and gas leases in the Forest with consideration given to the potential for additional drilling whether or not oil or gas is discovered in the initial well.

Reading copies of the final environmental impact statement on "Proposed Oil and Gas Exploration in Ocala National Forest, Florida" are available at:

U.S. Geological Survey  
Public Inquiries Office  
National Center, Mail Stop 341  
Reston, Virginia 22092

U.S. Department of Interior  
Office of Communications, Room 7222  
Eighteenth and C Streets NW,  
Washington, D.C. 20240

Central Florida Community College Library  
Ocala, Florida.

Central Florida Regional Library  
15 Southeast Osceola Avenue  
Ocala, Florida

Palatka Public Library  
216 Reid Street  
Palatka, Florida

St. Johns River Junior College Library  
5001 St. Johns Avenue  
Palatka, Florida

Eustis Memorial Library  
4 North Grove Street  
Eustis, Florida

University of Florida Library  
University Station  
Gainesville, Florida

Upon written request, individual copies may be obtained from Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

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

MAY 30, 1974.

[FR Doc. 74-12870 Filed 6-4-74; 8:45 am]

### DEPARTMENT OF AGRICULTURE

#### Agricultural Research Service

#### GENERAL CONFERENCE COMMITTEE OF THE NATIONAL POULTRY IMPROVE- MENT PLAN

##### Notice of Meeting

Notice is hereby given that the General Conference Committee of the National Poultry Improvement Plan will meet at 8 a.m., June 17, 1974 at the Hotel Utah, Salt Lake City, Utah. This Com-

mittee represents cooperating State Agencies and participating industry members in advising the Department of Agriculture with respect to the interpretation of and changes in the provisions of the National Poultry Improvement Plan.

The purpose of the meeting will be to review the proposed changes to the National Poultry Improvement Plan. These proposed changes will subsequently be discussed and voted on by official delegates from the 47 cooperating States, during the biennial National Plan Conference, Hotel Utah, Salt Lake City, Utah, June 17-19, 1974.

The meeting of the General Conference Committee is open to the public. Written statements may be filed with the Committee before or after the meeting. Public attendance, depending on available space, may be limited to those persons who have notified the Chairman in writing, at least 5 days prior to the meeting, of their intention to attend the June 17 meeting.

All communications regarding this meeting should be addressed to Raymond D. Schar, Chairman, General Conference Committee, Building 265, BARC-East, Beltsville, Maryland 20705.

Done at Washington D.C., this 31st day of May 1974.

RALPH J. McCracken,  
*Acting Administrator,  
Agricultural Research Service.*

[FR Doc. 74-12844 Filed 6-4-74; 8:45 am]

#### Farmers Home Administration

[Notice of Designation Number A050]

#### PUERTO RICO

##### Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following municipalities in Puerto Rico:

Aguada	Manati
Aguadilla	Maricao
Aibonito	Maunabo
arroyo	Moca
Barceloneta	Morovis
Barranquitas	Naranjito
Cabo Rojo	Orocovis
Cayey	Patillas
Cidra	Penuelas
Coamo	Ponce
Comerio	Rincon
Corozal	Sabana Grande
Culebra	Salinas
Dorado	San German
Florida	San Sebastian
Guanica	Santa Isabel
Guayama	Tos Alta
Guayanilla	Tos Baja
Jayuya	Vega Alta
Juan Diaz	Vega Baja
Lajas	Vieques
Lares	Villalba
Las Marias	Yauca

The Secretary has found that this need exists as a result of a natural disaster consisting of drought occurring from October 1, 1972, through July 1,

1973, in all 46 municipalities. The municipalities of Morovis and Vega Baja also suffered adversely because of a hailstorm and tornado on May 1, 1973, in addition to the drought.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Rafael Hernandez-Colon that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 30, 1974, for physical losses and production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 30th day of May 1974.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc.74-12843 Filed 6-4-74; 8:45 am]

#### Forest Service

#### COOPERATIVE SPRUCE BUDWORM SUPPRESSION 1974 PROJECT

##### Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for suppression of the spruce budworm in Minnesota in 1974. Forest Service Report Number USDA-FS-NA-FES (Adm.) 74-02.

The environmental statement concerns a proposed cooperative aerial spray project on approximately 3,500 acres of forest lands within Finland State Forest, in Lake County, Minnesota to prevent or minimize tree mortality and reduce high spruce budworm populations until the mature timber can be harvested. To accomplish these objectives, the insecticide methoxychlor (Zectran<sup>®</sup>) will be applied by aircraft. The impacts, both beneficial and adverse, available alternative actions, and the purposes and objectives of the cooperative spruce budworm suppression program are discussed in detail.

This final environmental statement was filed with CEQ on May 22, 1974.

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

USDA, Forest Service  
South Agriculture Bldg., Room 3230  
12th St. and Independence Ave. SW.  
Washington, D.C. 20250

USDA, Forest Service  
Northeastern Area  
State and Private Forestry  
6816 Market Street, Room 207  
Upper Darby, Pennsylvania 19082

A limited number of single copies are available upon request to:

Robert D. Ralsch, Area Director  
Northeastern Area  
State and Private Forestry  
6816 Market Street  
Upper Darby, Pennsylvania 19082

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

Dated: May 22, 1974.

H. W. BURNETT,  
Acting Director, Northeastern  
Area, State and Private Forestry.

[FR Doc.74-12840 Filed 6-4-74; 8:45 am]

#### MULTIPLE-USE PLAN—HOLLAND LAKE PLANNING UNIT

##### Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the proposed Multiple-Use Plan—Holland Lake Planning Unit, Report Number USDA-FS-FES (Adm.) 74-62.

The environmental statement concerns a proposed management plan for about 70,750 acres of National Forest land on the Swan Lake Ranger District of the Flathead National Forest, Missoula County, Montana. The proposed plan provides the District Ranger with management direction and guidance for each of the eleven management units within the total planning area.

This final environmental statement was filed with CEQ on May 29, 1974.

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

USDA, Forest Service  
South Agriculture Bldg., Room 3230  
12th St. and Independence Ave., SW  
Washington, DC 20250

USDA, Forest Service  
Region 1—Northern Region  
200 East Broadway  
Missoula, Montana 59801

USDA, Forest Service  
Flathead National Forest  
290 North Main  
Kalispell, Montana 59901

USDA, Forest Service  
Swan Lake Ranger Station  
Bigfork, Montana 59911

A limited number of single copies are available upon request to Edsel L. Corpe, Forest Supervisor, Flathead National Forest, 290 North Main, Kalispell, Montana 59901.

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

KEITH M. THOMPSON,  
Acting Regional Forester,  
Northern Region, Forest Service.

MAY 29, 1974.

[FR Doc.74-12849 Filed 6-4-74; 8:45 am]

## DEPARTMENT OF COMMERCE

### Maritime Administration

[Docket No. S-418]

#### DELTA STEAMSHIP LINES, INC.

##### Notice of Application

Notice is hereby given that Delta Steamship Lines, Inc. has applied for an increase in its aggregate number of sailings for all its subsidized services from 79 to 91 sailings per annum. Delta provides service between U.S. Gulf ports and ports on the East Coast of South America and between U.S. Gulf ports and ports in West Africa. Concurrently, Delta is also applying for authorization to operate up to two additional C-4 type cargo vessels on its Trade Route No. 14 Service 2 from U.S. Gulf ports to West Africa.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on June 19, 1974, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated therein.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: June 3, 1974.

JAMES S. DAWSON, Jr.,  
Secretary.

[FR Doc.74-13017 Filed 6-4-74; 8:45 am]

#### National Bureau of Standards VOLUNTARY STANDARDS

##### Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby

given of the withdrawal of the following Commercial Standards:

- CS 120-58, "Ponderosa Pine Doors."  
 CS 163-64, "Ponderosa Pine Windows, Sash and Screens (Using Single Glass and Insulating Glass)"  
 CS 171-58, "Hardwood Veneered Doors (Solid-Core, Hollow-Core and Panel and Sash)"  
 CS 190-64, "Wood Double-Hung Window Units"  
 CS 204-64, "Wood Awning Window Units"  
 CS 205-64, "Wood Casement Window Units"  
 CS 208-57, "Standard Stock Exterior Wood Window and Door Frames"  
 CS 262-63, "Water-Repellent Preservative Non-Pressure Treatment for Millwork"  
 CS 264-64, "Wood Horizontal-Sliding Window Units (All Sash Operating)"  
 CS 265-64, "Wood Horizontal-Sliding Window Units (One or More Non-Operating Sash)"  
 CS 266-64, "Wood Single-Hung Window Units"

It has been determined that each of these standards has become technically inadequate, and in view of the existence of up-to-date National Woodwork Manufacturers Association standards for the products covered, revision of the Commercial Standards would serve no useful purpose.

This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of March 27, 1974 (39 FR 11319), to withdraw these standards.

The effective date for the withdrawal of these standards will be 60 days after the publication of this notice. This withdrawal action terminates the authority to refer to these standards as voluntary standards developed under the Department of Commerce procedures.

Dated: May 30, 1974.

RICHARD W. ROBERTS,  
*Director.*

[FR Doc.74-12838 Filed 6-4-74; 8:45 am]

**Social and Economic Statistics Administration**

**MULTI-ESTABLISHMENT COMPANIES**

**Notice of Consideration for Surveys**

Notice is hereby given that the Bureau of the Census is considering a proposal under the provisions of title 13, United States Code, sections 181, 224, and 225, to conduct a 1974 Company Organization Survey. It is designed to collect information on the number of employees, payrolls, geographic location, current status and kind of business for the establishment of multi-establishment companies. The information will provide a base for the general purpose Standard Statistical Establishment List. The data will have significant application to the needs of the public and to governmental agencies, and are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than November 1, 1974.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted to the Director in writing on or before July 5, 1974, will receive consideration.

EDWARD D. FAILOR,  
*Administrator, Social and Economic Statistics Administration.*

MAY 30, 1974.

[FR Doc.74-12852 Filed 6-4-74; 8:45 am]

**Office of the Secretary  
 EXPORTERS' TEXTILE ADVISORY COMMITTEE**

**Notice of Public Meeting**

The Exporters' Textile Advisory Committee will meet at 10:00 a.m. on June 18, 1974, in Room 3817, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee, which is comprised of 26 members representing exporting firms and three trade associations, advises Department officials concerning ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

1. Review of Export Trends.
2. Report on Conditions in the Export Markets.
3. Non-Tariff Barriers Affecting U.S. Trade.
4. Export Documentation.
5. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

SETH M. BODNER,  
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.*

[FR Doc.74-12964 Filed 6-4-74; 8:45 am]

**DEPARTMENT OF HEALTH,  
 EDUCATION, AND WELFARE**

**Food and Drug Administration  
 ADVISORY COMMITTEES**

**Notice of Meetings**

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Dentifrices and Dental Care Agents.	June 19 and 20, 9 a.m., Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 19, 9 a.m. to 10 a.m., closed June 19 after 10 a.m., closed June 20. Michael D. Kennedy, Room 10B-05, 5000 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

*Purpose.* Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing dentifrices and dental care agents.

*Agenda.* Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Skin Test Antigens.	June 25, 9:30 a.m., Room 121, Bldg. 29, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.	Open 9 a.m. to 12 noon, closed after 12 noon. Clay Sisk, Room 220, Bldg. 29, 9000 Rockville Pike, Bethesda, Md. 20014, 301-496-2883.

*Purpose.* Reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products which are used in diagnostic substances for dermal tests.

*Agenda.* Open session: Panel orientation; introductory session; and panel organizational matters. Closed session: General review of data submitted and assignments to panel members.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of

regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice of the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public.

The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meetings is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: May 30, 1974.

A. M. SCHMIDT,  
Commissioner of Food and Drugs.

[FR Doc. 74-12795 Filed 6-4-74; 8:45 am]

[DESI 9296]

#### CERTAIN ANTIHYPERTENSIVE COMBINATION DRUGS

##### Drugs for Human Use; Drug Efficacy Study Implementation

In the FEDERAL REGISTER of February 6, 1973 (38 FR 3418), the Commissioner of Food and Drugs published conclusions concerning the effectiveness of certain antihypertensive combination drugs. That announcement is amended to include the following reformulated antihypertensive combination drug:

NDA 12-708; Diutensen-R Tablets containing methyclothiazide and reserpine; Mallinckrodt Chemical Works, Pharmaceutical Products Division, Post Office Box 5439, St. Louis, MO 63160.

This drug is concluded to be effective for treatment of hypertension, and the FEDERAL REGISTER of February 6, 1973

states the conditions of approval and marketing of such combination drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 30, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 74-12793 Filed 6-4-74; 8:45 am]

[DESI 1002; Docket No. FDC-D-0211;  
NDA 10-740]

#### MERRELL-NATIONAL LABORATORIES, PIPRADROL HYDROCHLORIDE

##### Order Refusing Approval of Supplemental New Drug Application

In the FEDERAL REGISTER of September 12, 1969 (34 FR 14339) the Food and Drug Administration published its conclusions, pursuant to the Drug Efficacy Study, concerning Alertonic Elixir (pipradrol hydrochloride, choline, inositol, vitamins and minerals) marketed by Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 Amity Road, Cincinnati, OH 45215 (NDA 10-740). The notice stated that there was a lack of substantial evidence that the product is effective for its claimed uses. Subsequently, a notice of opportunity for hearing (35 FR 16421; October 21, 1970) and a final order withdrawing approval (39 FR 8179; March 4, 1974) were published.

Merrell-National elected to reformulate Alertonic and submitted a supplement to NDA 10-740 to provide for a liquid dosage form containing pipradrol hydrochloride as the only active ingredient. Having reviewed available data pertaining to pipradrol hydrochloride in liquid or solid dosage form, the Food and Drug Administration concluded that the reformulated Alertonic was less-than-effective (possibly effective) for fatigue, apathy, or lack of energy and activity accompanying mild depression or occurring by themselves without sufficient physical cause. That conclusion was published in the FEDERAL REGISTER of December 12, 1972 (37 FR 26455). Data submitted did not provide substantial evidence of effectiveness and, in a letter of February 28, 1974, Merrell-National was informed that the supplemental application was not approvable and that the Director of the Bureau of Drugs intended to recommend that a notice of opportunity for hearing issue on the proposal to refuse to approve the supplement. Merrell-National responded March 21, 1974, stating that the product had been deleted, and waived opportunity for a hearing on the issue of refusal to approve the supplement.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him

(21 CFR 2.121), finds that on the basis of information submitted to him as part of the supplemental application, there is a lack of substantial evidence that the drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Therefore, pursuant to the foregoing finding, approval of the supplement to NDA 10-740 providing for reformulated Alertonic, filed on July 13, 1972, is refused.

Dated: May 30, 1974.

J. RICHARD CROUT,  
Director, Bureau of Drugs.

[FR Doc.74-12796 Filed 6-4-74; 8:45 am]

[DESI 9366; Docket No. FDC-D-556;  
NDA 11-932]

**PFIZER LABORATORIES, DIVISION OF  
PFIZER, INC.**

**Nialamide, Withdrawal of Approval of New  
Drug Application**

On January 4, 1974, there was published in the FEDERAL REGISTER (39 FR 1084) a notice of opportunity for hearing (DESI 9366) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of NDA 11-932 for Nimid Tablets containing 25 milligrams or 100 milligrams nialamide per tablet; Pfizer Laboratories, Division of Pfizer, Inc., 235 East 42nd Street, New York, New York 10017.

The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effects it purports or is represented

to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 11-932 and all amendments and supplements applying thereto is withdrawn effective on June 17, 1974.

Shipment in interstate commerce of the above-listed product or of any identical, related or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: May 30, 1974.

J. RICHARD CROUT,  
Director, Bureau of Drugs.

[FR Doc.74-12797 Filed 6-4-74; 8:45 am]

[DESI 8904; Docket No. FDC-D-674;  
NDA 8-904]

**WILLIAM H. RORER, INC., PROCAINE  
ISOBUTYRATE**

**Notice of Withdrawal of Approval of New  
Drug Application**

On December 5, 1973, there was published in the FEDERAL REGISTER (38 FR 33512) a notice of opportunity for hearing (DESI 8904) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of NDA 8-904 for Probutylin Capsules and Elixir, containing procaine isobutyrate; William H. Rorer, Inc., 500 Virginia Drive, Fort Washington, PA 19034.

The basis of the proposed action was the lack of substantial evidence that the drug product is effective for its labeled indications.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing. Rorer has informed the Administration that the products have been discontinued.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to

have under the conditions of use prescribed, recommended, or suggested in the labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application NDA 8-904 and all amendments and supplements applying thereto is withdrawn effective on June 17, 1974.

Shipment in interstate commerce of the above-listed products or any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: May 30, 1974.

J. RICHARD CROUT,  
Director, Bureau of Drugs.

[FR Doc.74-12798 Filed 6-4-74; 8:45 am]

**DEPARTMENT OF  
TRANSPORTATION**

Coast Guard  
[CGD 74-39]

**ATCHAFALAYA RIVER (BERWICK BAY),  
LOUISIANA**

**Special Order To Assist Traffic; Termination**

Notice is hereby given that Ellis L. Perry, Rear Admiral, United States Coast Guard, Commander, Eighth Coast Guard District, on May 8, 1974, terminated the Special Order to Assist Traffic published in the Thursday, March 7, 1974, issue of the FEDERAL REGISTER (39 FR 8947).

Dated: May 30, 1974.

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

[FR Doc.74-12779 Filed 6-4-74; 8:45 am]

[CGD 74-31]

**MISSISSIPPI RIVER IN THE VICINITY  
OF THE PORT OF NEW ORLEANS**

**Special Order To Regulate the Mooring of  
Barges and Vessel Operation and Control  
Barge Breakaways**

Notice is hereby given that Ellis L. Perry, Rear Admiral, United States Coast Guard, Commander, Eighth Coast Guard District, on May 8, 1974, amended Special Order No. 3-74 pertaining to the mooring of barges and vessel operation and control barge breakaways in the vicinity of the Port of New Orleans, which notice was published in the FEDERAL REGISTER of Tuesday, February 19, 1974 (39 FR 6137).

The amendment revokes paragraph 4c (Standby towboats) and paragraph 4d (Transfers in the fleet) of the Special Order.

All other requirements of Special Order No. 3-74 remain in effect until further notice.

Dated: May 29, 1974.

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

[FR Doc. 74-12778 Filed 6-4-74; 8:45 am]

Federal Highway Administration  
MICHIGAN

Proposed Action Plan; Addition of  
Addresses for Comments

In FR Doc. 74-12291, appearing at page 18690 in the issue of Wednesday, May 29, 1974, comments to the Michigan State Proposed Action Plan may also be sent to the following addresses on or before June 18, 1974.

1. Michigan Division Office—FHWA, Room 211, Federal Building, P.O. Box 147, Lansing, Michigan 48901.
2. FHWA Regional Office—Region 5, 18209 Dixie Highway, Homewood, Illinois 60430.

NORBERT T. TIEMANN,  
Federal Highway Administrator.

[FR Doc.74-13009 Filed 6-4-74;8:45 am]

National Highway Traffic Safety  
Administration

CHEVROLET AND BUICK CARBURETORS  
Public Proceeding Regarding Defect  
Investigation

Pursuant to section 113 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq., 1402), the Associate Administrator, Motor Vehicle Programs, has made an initial determination that a defect relating to motor vehicle safety exists with respect to failures of the fuel inlet plug on Rochester "Quadrajets" carburetors in 1965 and 1966 Chevrolets and 1966 Buicks manufactured by General Motors, in that such failures result in engine compartment fires which could cause loss of vehicle control and personal injury.

A public proceeding will be held at 10 a.m., on July 9, 1974, in Room 5332, Department of Transportation Headquarters, 400 Seventh Street, SW., Washington, D.C. 20590, at which General Motors will be afforded an opportunity to present its views and evidence to establish that the alleged defect does not exist or does not affect motor vehicle safety. Interested persons are invited to participate through written or oral presentations. A transcript will be kept and exhibits may be accepted. There will be no cross examination of witnesses.

The agency's investigative file in this matter is available for public inspection during regular working hours (7:45 a.m. to 4:15 p.m.) in the Technical Reference Division, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590.

(Sec. 113, Pub. L. 89-563, 80 Stat. 718 (25 U.S.C. 1402); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on May 30, 1974.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.74-12851 Filed 6-4-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-269, 50-270]

DUKE POWER CO.

Notice of Issuance of Facility Licenses  
Amendments

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License Nos. DPR-38 and DPR-47 (respectively) issued to the Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station, Units 1, and 2, located in Oconee County, South Carolina. The amendments are effective one day from date of issuance.

The amendments permit changes in control rod group and power distribution limits and require tighter control over reactor power quadrant tilt.

The application for the amendments complies with the standards and requirements of the Act and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendments.

For further details with respect to these actions, see (1) the application for amendments dated March 8, 1974, (2) Amendment Nos. 1 to License No. DPR-38 and License No. DPR-47, with any attachments, and (3) the Commission's related Safety Evaluation dated April 19, 1974. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oconee County Library, 201 S. Spring Street, Walhalla, South Carolina 29691.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 29th day of May 1974.

For the Atomic Energy Commission,

ALBERT SCHWENCER,  
Chief, Light Water Reactors  
Branch 2-3, Directorate of  
Licensing.

[FR Doc.74-12783 Filed 6-4-74;8:45 am]

[Docket No. 70-1257]

EXXON NUCLEAR CO.

Notice of Availability of Final Environmental  
Statement for Mixed Oxide Fabrication  
Plant

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10

CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the Mixed Oxide Fabrication Plant currently operating under an interim license by EXXON Nuclear Company in Richland, Washington, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352. The Final Environmental Statement is also being made available at the State Clearinghouse, Office of the Governor, State Planning and Community Affairs Agency, Olympia, Washington 98504, and at the Regional Clearinghouse, Benton-Franklin Governmental Conference, 906 Jadwin Avenue, Richland, Washington 99352.

The notice of availability of the Draft Environmental Statement for the Mixed Oxide Fabrication Plant, and requests for comments from interested persons was published in the FEDERAL REGISTER on January 4, 1974 (39 FR 1090). The comments received from Federal agencies, State and local officials, and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Dated at Bethesda, Maryland, this 19th day of May.

For the Atomic Energy Commission.

R. B. CHITWOOD,  
Chief, Technical Support  
Branch, Directorate of Li-  
censing.

[FR Doc.74-12784 Filed 6-4-74;8:45 am]

[Docket No. PRM-20-5]

WEST MICHIGAN ENVIRONMENTAL  
ACTION COUNCIL, INC.

Filing of Petition

Notice is hereby given that the West Michigan Environmental Action Council, Inc. (WMEAC) 822 Cherry Street, SE., Grand Rapids, Michigan, by petition for rule making dated April 10, 1974, has petitioned the Commission to amend its radiation protection standards as they apply to insoluble particles of plutonium and other alpha-emitting hot particles as more fully described in petition for rule making 20-5 filed by the Natural Resources Defense Council, Inc. (NRDC) together with the report appended to the NRDC petition by Drs. Arthur R. Tamplin and Thomas B. Cochran, entitled "Radiation Standards for Hot Particles."

A notice of filing of petition for rule making 20-5 by NRDC was published in

the FEDERAL REGISTER on March 28, 1974 (39 FR 11450) inviting comments from interested persons on or before May 28, 1974. The petition filed by WMEAC incorporates by reference the petition filed by NRDC.

WMEAC is an intervenor *In the Matter of Consumers Power Company (Big Rock Point Nuclear Plant)*, Docket No. 50-155. The petitioner requests the Commission to order the Atomic Safety and Licensing Board in Docket No. 50-155 to take no further action (except to void or suspend the effectiveness of Amendment No. 4 to Consumers Power Company's license No. DPR-6 for the Big Rock Point plant) in said proceeding until the matters set at issue in the petition for rule making have been finally determined.

A copy of the petition for rule making by WMEAC is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Rules and Proceedings Branch, Office of Administration—Regulation, U.S. Atomic Energy Commission, Washington, D.C., on or before August 5, 1974.

Dated at Germantown this 30th day of May, 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,  
Secretary of the Commission.

[FR Doc.74-12874 Filed 6-4-74;8:45 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

#### Entry or Withdrawal From Warehouse for Consumption

MAY 31, 1974.

On October 4, 1973, there was published in the FEDERAL REGISTER (38 FR 27545) a letter dated September 28, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Haiti and exported to the United States during the twelve-month period which began on October 1, 1973, pursuant to the Bilateral Cotton Textile Agreement of November 3, 1971, as amended, between the Governments of the United States and Haiti.

Among the provisions of the agreement, as amended, is one establishing an aggregate limit for the 64 categories of 4,961,250 square yards equivalent for the agreement year which began on October 1, 1973. Pursuant to paragraph 16 of the agreement, the United States Gov-

ernment has decided to control imports at that aggregate level for the remainder of the agreement year. The level of restraint contained in the letter published below has been adjusted to reflect entries charged against such level through March 31, 1974 for categories not subject to specific ceilings. The level has not been adjusted to reflect entries in Categories 39, 51, 53 and 63 which are subject to specific ceilings.

Accordingly, there is published below a letter of May 31, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that the amounts of cotton textile products in Categories 1 through 64, produced or manufactured in Haiti, which may be entered or withdrawn from warehouse for consumption during the twelve-month period beginning October 1, 1973 and extending through September 30, 1974, be limited to 3,568,708 square yards equivalent.

SETH M. BODNER,  
Chairman, Committee for the  
Implementation of Textile  
Agreements, and Deputy As-  
sistant Secretary for Re-  
sources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF  
TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20229.

MAY 31, 1974.

DEAR MR. COMMISSIONER: This directive further amends but does not cancel the directive issued to you on September 28, 1973 by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry during the twelve-month period beginning October 1, 1973 of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Haiti, in excess of designated levels of restraint. The directive of September 28, 1973 was previously amended by directive of December 5, 1973.

Pursuant to paragraph 16 of the Bilateral Cotton Textile Agreement of November 3, 1971, as amended, between the Governments of the United States and Haiti, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed, effective as soon as possible, and for the period extending through September 30, 1974, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Haiti, in excess of an adjusted level of restraint of 3,568,708 square yards equivalent.<sup>1</sup>

Cotton textiles and cotton textile products in categories other than Categories 39, 51, 53 and 63, produced or manufactured in Haiti, and which have been exported to the United States prior to October 1, 1973 shall not be subject to this directive.

Cotton textiles and cotton textile products in categories other than Categories 39, 51, 53 and 63 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to

<sup>1</sup> This level has been adjusted to reflect entries charged through March 31, 1974 for categories not subject to specific ceilings. It has not been adjusted to reflect entries in Categories 39, 51, 53, and 63.

the effective date of this directive shall not be denied entry under this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3430).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti and with respect to imports of cotton textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,  
Chairman, Committee for the Imple-  
mentation of Textile Agreements,  
and Deputy Assistant Secretary for  
Resources and Trade Assistance.

[FR Doc.74-12915 Filed 6-4-74;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

### CHEVRON CHEMICAL CO.

#### Notice of Establishment of Temporary Tolerances

Chevron Chemical Co., 940 Hensley St., Richmond, CA 94804, submitted a petition (PP 4G1420) requesting establishment of temporary tolerances for residues of the fungicide *cis-N*-(1,1,2,2-tetrachloroethyl) - thio]-4-cyclohexene-1,2-dicarboximide in or on the raw agricultural commodities peanut hulls at 1 part per million and peanuts at 0.1 part per million.

It has been determined that temporary tolerances for residues of the fungicide in or on peanut hulls at 1 part per million and peanuts at 0.1 part per million will protect the public health. They are therefore established as requested on condition that the fungicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Chevron Chemical Co. name.

These Temporary tolerances expire May 31, 1975.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: May 31, 1974.

HENRY J. KOPP,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.74-12914 Filed 6-4-74;8:45 am]

[OPP-180011]

**USE OF STRYCHNINE ALKALOID IN AN EMERGENCY RABID ANIMAL CONTROL PROGRAM IN TEXAS****Notice of Issuance of a Specific Exemption**

Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), notice is hereby given that the Environmental Protection Agency (EPA) granted a specific exemption from the provisions of section 3 of the Act (86 Stat. 979) on May 15, 1974, to the Texas State Department of Health, Austin, Texas. This specific exemption will allow the use of strychnine alkaloid baits as a means of emergency control of rabid foxes, raccoons, skunks, possums, bobcats, and coyotes only in Sutton and Schleicher counties, on non-Federal lands. However, EPA has determined that, if the State of Texas diagnoses rabies in animals in additional counties, the State should contact Regional EPA personnel prior to June 30, 1974, when the approved program is to be concluded, for possible approval to extend the control program to these additional counties.

The primary (non-urban) program will include placement of strychnine alkaloid-treated tallow baits. Trained personnel of the Bureau of Veterinary Public Health, Texas State Department of Health, will be responsible for conducting and monitoring this control program. A maximum of 500 strychnine baits will be placed within each 3-mile radius where rabid animals are detected, provided this radius encompasses areas of human habitation. Baits are to be labeled as poisonous and placed to maximize efficacy and limit non-target animal exposure. Baits remaining longer than 30 days must be collected and destroyed. Animals killed by poisoning must be buried.

If it is determined that a clear hazard to humans and domestic animals also exists in the urban area, a secondary program similar to the primary program will be implemented. In this case, the local citizenry must be notified of the program in advance to prevent poisoning of humans and domestic animals. In addition, the EPA Regional Office (VI) must be notified in advance of this secondary program. These strychnine baits will be made from eggs; the egg baits will be placed in the urban areas at night at 10 p.m. or after and must be picked up the following morning by daylight, in order to lessen the possibility of accidental poisoning of humans and domestic animals. No egg bait will be left in the urban areas during daylight hours. No more than 5,000 baits (eggs or tallow) are to be used in the program. These and other details are to be coordinated with the Regional office.

This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR § 166.2(a), issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

The purpose of this control program is to prevent further exposure of domestic animals and man to rabid animals, thereby preventing, so far as is possible, domestic animal deaths and the need for postexposure human antirabies treatment.

No irreversible adverse environmental effects have been detected in previous use of strychnine in similar programs nor are any anticipated as a result of use in this rabid animal control program. Because of the emergency nature of the situation and the epizootic proportions, a poisoning program as outlined above is deemed to be the best possible alternative. This program has been authorized with the concurrence and support of the Center for Disease Control, Atlanta, Georgia.

This exemption is valid only through June 30, 1974; it is subject to withdrawal if it is determined by the Administrator (EPA) that the State of Texas is not complying with the governing regulations or if such action is necessary to protect man or the environment.

The official file on this subject will be available for review by interested parties during regular working hours (8 a.m. to 4:30 p.m.) and will be maintained in the Office of the Director, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Room 347, East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

Dated: May 24, 1974.

CHARLES L. ELKINS,  
Acting Assistant Administrator  
for Water and Hazardous  
Materials.

[FR Doc.74-12787 Filed 6-4-74; 8:45 am]

**FEDERAL ENERGY OFFICE**

[Order 5]

**STATE OFFICES OF PETROLEUM ALLOCATION****Delegation of Authority**

Section 211.15 (10 CFR 211.15) of the Mandatory Petroleum Allocation Regulations provides that any state, including the territories and possessions of the United States, may apply to the Federal Energy Office for permission to establish a State Office of Petroleum Allocation. Section 211.15 also provides for delegation of authority to State Offices by FEO.

Effective June 1, 1974, each supplier which supplies allocated products for which there is a State set-aside is required by § 211.17(c) to designate a representative within each State in which the supplier acts as a prime supplier. Such designation must be made by June 15, 1974. The State Offices of Petroleum Allocation are required to consult, to the maximum extent practicable, with a prime supplier's representative before issuing authorizing documents affecting the set-aside volumes to be provided by the supplier.

In order to provide the State Offices of Petroleum Allocation with sufficient flexibility to continue past practices which

have proved satisfactory in the administration of the State set-aside program, FEO believes that each State Office of Petroleum Allocation should be delegated the authority to waive the requirements of § 211.17(c).

Therefore, pursuant to the authority vested in me as Administrator of the Federal Energy Office by Executive Order 11748, 38 FR 33575, *It is hereby ordered, That:*

1. The authority of the Federal Energy Office to waive the provisions of § 211.17(c) of the Mandatory Petroleum Allocation Regulations, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, by granting exceptions or exemptions thereto, is delegated to the State Offices of Petroleum Allocation which have been certified pursuant to § 211.15 of the regulations.

2. The State Offices of Petroleum Allocation may by exception or exemption waive in whole or in part the requirements of § 211.17(c).

3. Such waivers may be revoked or modified at any time by the State Offices of Petroleum Allocation.

4. This order is effective June 1, 1974.

JOHN C. SAWHILL,  
Administrator,  
Federal Energy Office.

MAY 31, 1974.

[FR Doc.74-12916 Filed 6-4-74; 8:45 am]

**FEDERAL HOME LOAN BANK BOARD**

[H. C. #174]

**FRED MEYER, INC.****Receipt of Application for Permission To Acquire Control of Fred Meyer Savings and Loan Association**

MAY 31, 1974.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Fred Meyer, Inc., Portland, Oregon, for approval of acquisition of control of the Fred Meyer Savings and Loan Association, Portland, Oregon, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash of shares of said association by Fred Meyer, Inc. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision Federal Home Loan Bank Board, Washington, D.C. 20552, on or before July 5, 1974.

[SEAL] GREENVILLE L. MILLARD, JR.  
Assistant Secretary,  
Federal Home Loan Bank Board.

[FR Doc.74-12859 Filed 6-4-74; 8:45 am]

**FEDERAL MARITIME COMMISSION****CITY OF MILWAUKEE AND HANSEN SEAWAY SERVICE, LTD.****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 25, 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:**

J. L. Haskell  
Deputy Port Director  
Board of Harbor Commissioners of the City  
of Milwaukee  
City Hall, Room 606  
Milwaukee, Wisconsin 53202

Agreement T-2965, between the City of Milwaukee (City) and Hansen Seaway Service, Ltd. (Hansen) grants Hansen the exclusive right to provide stevedoring services at the City Heavy Lift Dock located at Milwaukee, Wisconsin. The term of this agreement will be for a period of 2 years with renewal options. Hansen will pay City an annual fee of \$12,000, a tonnage charge based on the amount of cargo handled over the facility and wharfage charges as they appear in City's published tariff. At the same time, Hansen will be permitted to rent office space and other available covered space as well as the use of agreed storage space at rates to be agreed upon by the parties. Finally, Hansen will abide by all the rules, regulations and charges as set forth in City's published tariff.

Dated: May 31, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-12876 Filed 6-4-74; 8:45 am]

[Independent Ocean Freight Forwarder  
License No. 369]

**RENEY FORWARDING CO., INC.**

**Order of Revocation**

Rene Forwarding Co., Inc., 104 Fifth Avenue, New York, New York 10011, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 369 for revocation, effective May 24, 1974.

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. 369 be and is hereby revoked effective May 24, 1974, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Rene Forwarding Co., Inc.

AARON W. REESE,  
Managing Director.

[FR Doc.74-12875 Filed 6-4-74; 8:45 am]

**FEDERAL POWER COMMISSION**

[Docket No. E-8796]

**ALABAMA POWER CO.**

**Rate Schedule Change**

MAY 28, 1974.

Take notice that on May 13, 1974 Alabama Power Company (Alabama) tendered for filing an unsigned service agreement with Pea River Electric Cooperative, Inc. (Pea River) intended to replace Rate Schedules FPC No. 114 and No. 115. Alabama states the said Agreement provides that the Ozark delivery point of Pea River will be converted to Alabama's FPC Electric Tariff Original Volume No. 1, as of June 18, 1974. In addition, the said Agreement, according to Alabama shows that the Newton Delivery Point of Pea River will be converted to Alabama's FPC Electric Tariff, Original Volume No. 1, as of July 15, 1974.

Alabama also tendered for filing Sixth Revised Sheet No. 38 to its FPC Electric Tariff, Original Volume No. 1. Alabama states the said Revised Sheet indicates that the Newton and Ozark delivery points of Pea River will be converted to Rate Schedule REA-1 of Alabama's FPC Tariff, Original Volume No. 1.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 10, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken,

but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12802 Filed 6-4-74; 8:45 am]

[Docket No. RP74-92]

**ALGONQUIN GAS TRANSMISSION CO.**  
**Proposed Changes in Rates, Charges, and Tariff**

MAY 28, 1974.

Take notice that on May 16, 1974, Algonquin Gas Transmission Company (Algonquin Gas) tendered for filing proposed changes in rates and charges, to become effective on July 1, 1974. Algonquin Gas states that the proposed changes are applicable to gas service rendered to its customers under its tariff Rate Schedules F-1, WS-1, I-1, E-1, X-5, T-1, and SNG-1. The change amounts to an increase in revenues of approximately \$17.6 million annually based upon volumes for the twelve months ended February 28, 1974, as adjusted.

Of the total increase, \$16.5 million applies to Rate Schedule SNG-1, and, \$1.1 million represents increases applicable to other rate schedules.

According to Algonquin Gas, the proposed change in rates is needed in order to meet increased cost of operations under current economic conditions, including an overall rate of return of 9.75 percent. Algonquin Gas requests an effective date of July 1, 1974 for the proposed changes.

Algonquin Gas also tendered for filing a newly revised FPC Gas Tariff entitled, "FPC Gas Tariff, First Revised Volume No. 1 (Supersedes Original Volume No. 1)." The Company states it is necessary to file a newly revised tariff since several tariff provisions have become obsolete, in that they are no longer applicable to Algonquin Gas' current operating conditions, and the tariff in general requires revision in order to eliminate duplicate provisions and to combine and coordinate provisions which are common to each rate schedule. Algonquin Gas further states that the newly revised tariff modifies the Company's delivery and billing unit in all of its rate schedules from "Mcf" to "MMBtu" in order to provide a unit which reflects possible differences in heat content of gas delivered as among the customers served, and to coordinate with a similar change in the FPC Gas Tariff of Algonquin Gas' pipeline supplier, Texas Eastern Transmission Corporation.

Algonquin Gas states further that copies of the filing have been served upon all of its customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before June 6, 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. Algonquin Gas' proposed revised tariff and rate filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12832 Filed 6-4-74; 8:45 am]

[Docket No. E-8795]

#### ALLEGHENY POWER SERVICE CORP.

##### Modification of Electric Service Agreement

MAY 29, 1974.

Take notice that on May 9, 1974, Allegheny Power Service Corporation (Applicant) filed, pursuant to section 35 of the Commission's Regulations, a Modification to the Electric Service Agreement, dated October 31, 1967, between Applicant and the City of Hagerstown, Maryland. Said Electric Service Agreement has been designated as Applicant's Rate Schedule FPC No. 30. The Modification tendered in this application provides for an additional point of interconnection.

Exhibit B in the tendered filing provides as follows: The Modification does not increase any rate; it only adds an additional supply point and increases the amount of service that Hagerstown can receive. Granting of this request will have no effect upon purchases under other rate schedules. The Applicant provided an additional point of interconnection with Hagerstown in May 1972, and increased the capacity available to Hagerstown to 48,000 Kw.

The City of Hagerstown, Maryland Certificate of Concurrence is simultaneously filed. It is requested that the Modification to the Electric Service Agreement be deemed effective as of May 1, 1972.

Any person desiring to be heard or to make any protest with reference to the subject matter of this Notice should on or before June 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to

make the protestants parties to the proceeding. The documents referred to above are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12834 Filed 6-4-74; 8:45 am]

[Docket No. E-8187]

#### BOSTON EDISON CO.

##### Further Postponement of Prehearing Conference and Hearing

MAY 24, 1974.

On May 16, 1974, Staff Counsel filed a motion for change of hearing date in the above matter because of conflict in the schedule of the Administrative Law Judge. The motion states the proposed date of July 1 would conflict with other scheduled commitments of Counsel for the Town of Norwood. On May 23, 1974, the City of Norwood (Norwood) filed a motion or answer in partial opposition to change in hearing date. The answer requests that the hearing be phased and that the discrimination issue be set for hearing on June 10, 1974.

On May 24, 1974, Commission Staff Counsel filed a reply to Norwood's answer.

Upon consideration, notice is hereby given that the hearing is postponed to July 1, 1974, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12801 Filed 6-4-74; 8:45 am]

[Docket No. CI74-385]

#### BRUNSON & MCKNIGHT, INC.

##### Order Establishing Procedures, Setting Hearing Date and Granting Intervention

MAY 24, 1974.

On January 31, 1974, Brunson & McKnight, Inc. (B&M) filed in Docket No. CI74-385 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 to Transwestern Pipeline Company (Transwestern) from the Hat Mesa (Morrow) Field, Lea County, New Mexico (Permian Basin), all as more fully set forth in the application in this proceeding.

B&M proposes to sell approximately 90,000 Mcf per month from the Brunson & McKnight, Inc. Hat Mesa well for a period of one year at a rate of 55.0¢ per Mcf (14.65 psia) which is to be adjusted upward or downward from 1,000 Btu per cubic foot, but is not to be adjusted upward beyond 1,100 Btu per cubic foot. The proposed rate is in excess of 35¢ per Mcf established by Commission Opinion No. 662. This application was noticed on February 11, 1974 and was published in the FEDERAL REGISTER on February 19, 1974. On February 28, 1974, Transwest-

ern petitioned to intervene in these proceedings.

In Order 431, issued April 15, 1971, the Commission stated, inter alia, that it would consider limited term certificates with pre-granted abandonment, if the pipeline were to demonstrate emergency need. We note, however, that the Commission in a recent order has already held that an emergency exists on Transwestern's system. See Marathon Oil Co., ---- FPC ----, Docket No. CI74-258, issued January 16, 1974. We therefore conclude that there is an emergency on El Paso's system.

The subject application was filed under Order No. 431<sup>1</sup> and therefore requires evidence to be submitted in the hearing hereinafter ordered by the pipeline (to the extent not hereinabove found to exist) (1) that it has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system, it has filed a plan pursuant to Section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the Nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market (Nueces Industrial Gas Company, 45 FPC 1224, 1227 (1971)), and whether that rate is in line with the prevailing normal intrastate market (Atlantic Richfield Company, ---- FPC ----, Docket No. CI73-691, order issued August 30, 1973, and ---- FPC ----, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's length negotiations and competitive bidding through non-affiliated entities.

The Commission finds:

(1) Good cause exists to set for formal hearing the application for a limited term certificate herein.

(2) The intervention of Transwestern in this proceeding may be in the public interest.

<sup>1</sup> Section 2.70 of the Commission's General Policy and Interpretations.

The Commission orders:

(A) The application for limited term certificate for sale of natural gas filed in Docket No. CI74-385 is hereby set for hearing.

(B) Transwestern is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further*, That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16 and the Commission's Rules and Regulations under that Act, a public hearing shall be held commencing July 15, 1974, at 10 a.m., e.d.t., at a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(D) Applicant and all petitioners supporting the application shall, on or before July 8, 1974, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission:<sup>2</sup>

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12799 Filed 6-4-74;8:45 am]

[Docket No. CI74-649]

**RICHARD A. CAMPBELL**

Notice of Application

MAY 29, 1974.

Take notice that on May 14, 1974, Richard A. Campbell (Applicant), P.O. Box 51733, Lafayette, Louisiana 70501, filed in Docket No. CI74-649 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

<sup>2</sup> Concurring statements of Commissioners Brooke and Smith, and dissenting statement of Commissioner Moody are filed as part of the original document.

gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas) from certain leases in the Church Point Field, Acadia Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced an emergency sale of natural gas to Texas Gas from subject acreage on March 27, 1974, for 60 days within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale after the end of the emergency period for one year at 55.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant estimates monthly deliveries of gas to Texas Gas at 3,750 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 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.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12827 Filed 6-4-74;8:45 am]

[Docket No. CI74-434]

**C & K OFFSHORE CO.**

Notice Postponing Hearing

MAY 28, 1974.

On May 24, 1974, Staff Counsel filed a motion to postpone the hearing sched-

uled for May 19, 1974 by Order issued April 22, 1974 in the above-designated matter. On May 28, 1974, C & K Offshore Company filed an answer opposing the motion. By letter dated May 28, 1974, Staff Counsel advised that the Public Service Commission of New York and the American Public Gas Association concur in the request.

Upon consideration, notice is hereby given that the hearing in the above matter is postponed to June 12, 1974, at 2 p.m. Staff counsel and interveners may file supplementary testimony on or before June 7, 1974.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12814 Filed 6-4-74;8:45 am]

[Docket No. CI74-629]

**CNG PRODUCING CO.**

Notice of Application

MAY 28, 1974.

Take notice that on April 30, 1974, CNG Producing Company (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CI74-629 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Consolidated Gas Supply Corporation (Consolidated) from the Block 118 Field, East Cameron Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional pricing procedure to sell to Consolidated natural gas produced from the East Cameron Block 118 Field at an initial price of 45 cents per Mcf at 15.025 psia subject to Btu adjustment<sup>1</sup> pursuant to the terms of a contract dated April 24, 1974. Said contract provides for fixed annual price escalations of 1.0 cent per Mcf, as well as certain tax reimbursement and provisions for upward price adjustment to an area ceiling rate.<sup>2</sup> The application states that sales volumes under the subject contract are estimated to be 66,000 Mcf per month.

The application states that the contract price of 45 cents per Mcf is lower than that contracted for by other producers operating in the East Cameron Block 118 Field who have contracted to sell natural gas to Texas Eastern at an initial rate of 50 cents per Mcf with such contracts limited to terms of 10 years. The application asserts further that it is universally recognized that there is no cheaper alternative supply

<sup>1</sup> Btu adjustment is calculated downward for gas containing less than 1,000 Btu per cubic foot or upward adjustment if provided by an area ceiling rate.

<sup>2</sup> Applicant waives said "area rate clause" conditioned upon receipt of a satisfactory order by the Commission granting the instant application as herein requested.

than domestically produced natural gas, noting that LNG, SNG, and gasified coal gas are all estimated to cost in excess of one dollar per Mcf and, based on present estimates, will not become available to Consolidated until the mid-1970's in the case of LNG and the 1980's in the case of coal gas. Applicant asserts that 45.0 cents per Mcf is the minimum price necessary to enable Applicant to continue its drilling program in the East Cameron Block 118 Field and assist Consolidated in avoiding the necessity to curtail firm services.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 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.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12804 Filed 6-4-74; 8:45 am]

[Docket No. CI74-495]

#### CNG PRODUCING CO.

##### Extension of Time and Postponement of Hearing

MAY 29, 1974.

On May 24, 1974, CNG Producing Company filed a motion for consolidation with Docket No. CI74-629 and revision of the procedural dates fixed by order issued July 15, 1974, in the above-designated matter. The motion states that there was no objection to the motion by any of the parties or the staff.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Direct evidence of Applicant and Interveners, June 25, 1974.

Answering evidence of Staff and Interveners in opposition, July 25, 1974.

Rebuttal evidence, August 13, 1974.

Hearing, September 4, 1974 (10 a.m., e.d.t.).

Action on the motion for consolidation is deferred pending further action.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12835 Filed 6-4-74; 8:45 am]

[Docket No. CP74-282]

#### COLUMBIA GULF TRANSMISSION CO.

##### Notice of Application

MAY 28, 1974.

Take notice that on May 6, 1974, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP74-282 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain field lines and measuring stations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon in place and by salvage a measuring station located in the Orange Grove Field, Terrebonne Parish, Louisiana, used to receive gas from Texasgulf Inc. (Operator), et al., and 1,700 feet of 4-inch supply line and measuring station, and 24,000 feet of 6-inch supply line in the Twin Island field, Cameron Parish, Louisiana, used to receive gas from Consolidated Gas Supply Corporation. Applicant states that the wells connected to the subject facilities are no longer capable of producing natural gas and that the reservoirs in which they were completed are fully depleted. Applicant states further that the gas purchase contracts relating to sales by the producers from said fields have been terminated by cancellation agreements executed by the purchaser, Columbia Gas Transmission Corporation, and the respective producers. Texasgulf Inc. was authorized in Docket No. CI73-852 to abandon the sale of natural gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10 and the regulations under the Natural Gas Act (18 CFR 157.10)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12805 Filed 6-4-74; 8:45 am]

[Docket No. RI74-46]

#### DALPORT OIL CORP.

##### Notice of Settlement Agreement

MAY 28, 1974.

The Federal Power Commission hereby issues notice of a settlement agreement submitted in this proceeding by Dalport Oil Corporation (Dalport) on April 8, 1974. This proceeding involves an increase in rate for gas sold to El Paso Natural Gas Company (El Paso), pursuant to Dalport's FPC Gas Rate Schedule No. 6. This gas is produced in Lea County, New Mexico (Permian Basin Area).

On July 11, 1973, Dalport filed a petition for special relief to 35 cents per Mcf for the period ending December 31, 1973, with a 1 cent annual escalation per Mcf.

Pursuant to Commission order issued March 13, 1974, a prehearing conference was held on March 14, 1974. At the prehearing conference Dalport provided additional information and explanations, and supporting data. After evaluation of these filings, Staff constructed a cost study which supports the rate proposed by Dalport. The Staff's cost study shows that the proposed rate is justified taking into consideration the additional work which must be completed on the subject well in order to produce the remaining reserves and provide these volumes of natural gas to the interstate market.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12820 Filed 6-4-74; 8:45 am]

[Docket No. E-8797]

#### ELECTRIC ENERGY, INC.

##### Supplement To Rate Schedule

MAY 28, 1974.

Take notice that on May 14, 1974 Electric Energy Inc. (Electric) tendered for filing Supplement No. 8 to its Rate Schedule FPC No. 3. Electric states the said Supplement consists of a Letter Agreement, dated May 10, 1973, between

Electric and the Atomic Energy Commission (AEC), whereby supplemental power, reserved on a weekly basis, will be obtained from any of Electric Energy, Inc. Sponsoring Companies and delivered to the AEC during the period May 3, 1974 to June 30, 1974.

Electric requests an effective date of May 3, 1974 for said Supplement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12803 Filed 6-4-74; 8:45 am]

[Docket No. CP74-289]

#### EL PASO NATURAL GAS CO.

##### Notice of Application

MAY 29, 1974.

Take notice that on May 13, 1974, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-289 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing special operating arrangements with Pacific Gas and Electric Company (PG&E) and Southern California Gas Company (SoCal) to assist Applicant in maintaining reliable service to Priority 1 and 2 east-of-California natural gas customers during the 1974-75 heating season, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant projects that for the 1974-75 heating season (November 1, 1974, through April 30, 1975) Priority 1 and 2 needs of its full requirement east-of-California natural gas customers will exceed Applicant's supply of gas by approximately 6.5 million Mcf. To meet such deficiency Applicant proposes, by contract with PG&E dated April 18, 1974, the following arrangements to commence on May 1, 1974 (or such later date following receipt of all necessary regulatory authorizations) and to continue through April 30, 1975:

By curtailing daily deliveries of gas to its low priority<sup>1</sup> east-of-California cus-

tomers, Applicant states it will obtain and deliver to PG&E additional quantities of gas (advance sale gas) above those quantities PG&E would otherwise receive from Applicant at the Topock, Arizona, delivery point, subject to PG&E's operational capability to receive such deliveries and limited to cumulative deliveries of 25,000,000 Mcf during the contract period. Additionally, for each advance sale delivery day a quantity of gas equal to 1½ percent of advance sales for that day is proposed to be delivered at no charge to PG&E to replace its compressor fuel used and losses incurred incident to this arrangement. It is stated that during the 1974-75 heating season, Applicant has the right, subject to PG&E's consent, to reduce, by a maximum of the lesser of 300,000 Mcf or the cumulative total of advance sales to date, daily deliveries to PG&E below the volume which PG&E would otherwise receive under the currently effective service agreement between the parties dated February 10, 1969, now on file with the Commission. By PG&E's subsequently accepting reduced deliveries at Applicant's request (after prior accumulation of advance sale deliveries), Applicant states that equivalent quantities will be available to maintain Priority 1 and 2 service to its east-of-California customers during the 1974-75 heating season.

It is proposed that PG&E will purchase such advance sale gas from Applicant on a monthly basis at the rate in effect under Rate Schedule G of Applicant's FPC Gas Tariff, Original Volume No. 1, computed at the unit cost that results from a load factor of 100 percent.<sup>2</sup> In consideration of the added burden on PG&E's storage and other facilities, applicant proposes to credit PG&E's monthly account by the total of a uniform monthly amount obtained by dividing \$4,392,000 by the total number of months (a partial month counting as a whole month for this purpose) during the period from the date that all regulatory authorizations have been received through April 30, 1975, plus 1.1 percent of an amount equal to the sum paid by PG&E (calculated without regard to the storage billing credit herein provided) for the total cumulative volume of advance sale gas, if any, delivered through the end of the billing month less a sum proportionate to the total cumulative reductions in deliveries, if any, made under the agreement through the end of the billing month. If at the term's end total reductions in PG&E deliveries are less than total advance sales, and if for any reason a similar temporary agreement between Applicant and PG&E is not reached for the 1975-76 heating season, then, the application indicates, a uniform schedule of reducing deliveries to PG&E through July 1975 will be agreed upon to amortize said advance sale gas credit remaining at term's end.

As a condition of PG&E's entering into the subject agreement, Applicant has

also entered into a "back-up" agreement with SoCal dated April 26, 1974. The "back-up" agreement provides that on those days on which PG&E does not consent to accept reduced deliveries from Applicant, Applicant may divert from SoCal up to 300,000 Mcf of gas per day, below the quantities of gas which SoCal would otherwise receive, during the period November 1, 1974, through April 30, 1975. The agreement, it is stated, is subject to the conditions that (1) the outstanding accumulative reduction in deliveries at any one time does not exceed 1,500,000 Mcf, (2) prior to diversion from SoCal maximum reductions in deliveries to PG&E have been made, and (3) gas diverted from SoCal by Applicant will be returned in kind prior to any further advance sales to PG&E or resumption of deliveries to low priority east-of-California customers. Applicant states that the "back-up" agreement provides that in consideration of SoCal's support, Applicant will reduce SoCal's monthly bill by \$0.375 multiplied by the volumes in Mcf diverted.

Applicant states that it has filed concurrently with its application, pursuant to Part 154 of the Commission's Regulations, changes in the storage service provisions of its tariff as necessary to implement the special operating arrangements, including provisions for a surcharge rate of 5.77¢ per Mcf to be paid by Applicant's east-of-California customers having Priority 1 and 2 gas requirements which are to be protected as a result of the special operating arrangements herein proposed. Such surcharge is designed to recover for Applicant the cost to be incurred by it under the special operating arrangements from the commencement of service through April 30, 1975, from those east-of-California customers which will be the beneficiaries of the service protection afforded by such arrangements. Applicant proposes to contract with those of its direct industrial customers who have Priority 1 and 2 requirements, and who will benefit from the project presented herein, for the recovery from such customers of that portion of such cost attributable to them. Separate provisions are also made for refund to Applicant's appropriate east-of-California customers of any excess in surcharge revenues over actually incurred costs and provisions for Applicant to recover from its affected east-of-California customers any deficiencies in such surcharge revenues under actually incurred costs.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any

<sup>1</sup> Presently Applicant anticipates that the subject special operating arrangements can be fully utilized through curtailment of only Priority 5 service to its east-of-California customers.

<sup>2</sup> Such rate in effect on April 2, 1974, is 53.31 cents per Mcf.

person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-12812 Filed 6-4-74; 8:45 am]

[Rate Schedule 12, etc.]  
**EXXON CORP. ET AL.**  
Rate Change Filings

MAY 28, 1974.

Take notice that the procedures listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before June 17, 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.

KENNETH F. PLUMB,  
Secretary.

termining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-12831 Filed 6-4-74; 8:45 am]

[Docket No. CI74-650]

**GREAT SOUTHERN OIL AND GAS  
COMPANY, INC.**

Notice of Application

MAY 29, 1974.

Take notice that on May 13, 1974, Great Southern Oil and Gas Company, Inc. (Applicant), P.O. Box 51436, Lafayette, Louisiana 70501, filed in Docket No. CI74-650 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 to Texas Gas Transmission Corporation (Texas Gas) from the Mowata Field, Acadia Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Texas Gas an estimated 4,000 Mcf of natural gas per month for one year from the Mowata Field at a rate of 35.0 cents per Mcf at 15.025 psia, subject to a downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 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

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
May 6, 1974	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	12	Texas Eastern Transmission Corp.	Texas Gulf Coast.
May 9, 1974	Kerr-McGee Corp., Kerr-McGee Center, Oklahoma City, Okla. 73102.	107	Phillips Petroleum Co.	Hugoton-Anadarko.
May 19, 1974	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	115	United Gas Pipe Line Co.	Other Southwest.

[FR Doc. 74-12810 Filed 6-4-74; 8:45 am]

[Docket No. RP72-136]

**FLORIDA GAS TRANSMISSION CO.**  
Proposed Changes in Rates and Charges

MAY 28, 1974.

Take notice that on May 15, 1974, Florida Gas Transmission Company (Florida Gas) tendered for filing Fifth Revised Sheet 3-A to its FPC Gas Tariff, Original Volume No. 1, containing changes in rates in its Rate Schedules G and I. The changes in rates result from the application of the purchased gas cost adjustment provision in Section 15, General Terms and Conditions of the tariff, which was approved by the Commission in Docket No. RP72-136. Florida Gas proposes the changes become effective on July 1, 1974.

A comparison between the currently effective rates and those to be made effective on July 1, 1974 under this filing is as follows:

	Cents per therm	
	Currently effective	To become effective July 1, 1974
Rate Schedule G.....	6.977	7.011
Rate Schedule I.....	5.587	5.621

The annual effect on the proposed changes is \$252,000 based on sales for the twelve months ended March 31, 1974.

Florida Gas states that a copy of its filing has been served upon all customers purchasing gas under its FPC Gas Tariff, Original Volume No. 1 and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 June 20, 1974. Protests will be considered by the Commission in de-

matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12824 Filed 6-4-74;8:45 am]

[Docket No. RI74-235]

**GROUP 27, AGENT**  
**Petition for Special Relief**

MAY 28, 1974.

Take notice that on May 16, 1974, Group 27, Agent (Petitioner), P.O. Box 13244, Houston, Texas 77019, filed a petition for special relief in Docket No. RI74-235 seeking a rate of 75 cents per Mcf for the sale of gas to Tennessee Gas Pipeline Company from a well in the South Luck Field, Matagorda County, Texas. Petitioner states that it is willing to expend \$25,000 for the installation of a pump which would restore gas production from the subject well, in exchange for its proposed rate, and estimates a production rate of 250,000 cubic feet per day.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 17, 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.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12818 Filed 6-4-74;8:45 am]

[Docket No. CP73-294]

**IROQUOIS GAS CORP. ET AL.**  
**Application To Amend**

MAY 28, 1974.

Take notice that on May 22, 1974, Iroquois Gas Corporation (Iroquois), 10 Lafayette Square, Buffalo, New York 14203, Pennsylvania Gas Company (Penn Gas), 213 Second Avenue, Warren, Pennsylvania 16365, United Natural Gas Company (United), 308 Seneca Street, Oil City, Pennsylvania 16301, and NFG Gas Corporation (National-NY), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP73-294 an application to amend the Commission's

order issued May 10, 1974, in said docket (51 FPC -----), pursuant to sections 7(b) and 7(c) of the Natural Gas Act, all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection.

The order of May 10, 1974, granted Applicants permission and approval to abandon certain facilities and issued a certificate of public convenience and necessity authorizing the acquisition and operation of these same facilities, all to facilitate a major realignment of the National Fuel Gas Company (National-NJ) system. The applicants are to be transformed into two companies, one, United, with the name changed to National Fuel Gas Supply Corporation (NFG), will assume the production, gas purchase, gathering, storage, transmission, and sale for resale functions, and the other, National-NY, will assume the distribution functions. The existing holding company, National-NJ, was to be merged by National-NY. Applicants state that the plan of realignment has been conditional upon receiving a satisfactory tax ruling to be certain that there would be no additional federal tax burden on either investors or customers and that they have been advised that the realignment of the three operating companies can proceed without adverse tax consequences but that elimination of the holding company would be considered in a way that would incur adverse tax consequences.

Applicants state that after consideration they have concluded that the tax consequences require the holding company to be kept in existence. Accordingly, Applicants request modification of the order of May 10, 1974, to recognize that this aspect of the original proposal will not be undertaken and National-NJ will remain in existence with two major subsidiaries, the distribution company and the supply company.

Applicants describe the steps in the amended plan of realignment as follows:

The first step of the amended plan of realignment will be the transfer of the gas distribution property, related intrastate transmission and general plant facilities, and certain other assets of Iroquois, Penn Gas and United to National-NY. In exchange for these assets National-NY will (a) assume certain liabilities related to gas distribution operations, (b) issue common stock to each transferor and (c) assume certain long-term indebtedness of each transferor to National-NJ. The consideration received by the transferors will in each case equal the original cost of its assets transferred to National-NY net of accumulated depreciation. By this step, National-NY will become a gas distribution company, operating under the jurisdiction of the New York, Pennsylvania and Ohio public utility regulatory commissions, and carrying out the distribution and intrastate transmission operations now performed by Iroquois, Penn Gas and United.

The second step will be for Iroquois, Penn Gas and United to transfer all of the shares of National-NY held by them to National-NJ in exchange for certain of their respective shares held by National-NJ. After such exchange of shares, Iroquois, Penn Gas, United and National-NY will all be wholly

owned subsidiaries of the holding company, National-NJ.

The final step of the amended realignment will be the creation of an integrated gas supply network by the transfer of the remaining plant and property of Iroquois and Penn Gas to United by means of a merger of these three companies, United, as the owner and operator of this network will be engaged in the production, purchase, storage, interstate transmission and sale for resale of natural gas. It will make no sales to ultimate consumers and over 98 percent of its sales will be to its affiliate, National-NY. The remainder will be sales for resale to non-affiliated distributors currently being made by United and Penn Gas.

Applicants assert that the completed realignment will result in National-NY's, the distribution company, and United's, the supply company, providing integrated wholesale and retail gas service to the area now being served by Iroquois, Penn Gas and United and each resulting company will be a wholly-owned subsidiary of National-NJ, with their outstanding long-term indebtedness also held by National-NJ. Applicants further state that the continuation of the holding company will have no effect on the operations of the supply and distribution companies and that all of the operating benefits anticipated in the original proposal will be equally obtainable under the new arrangement.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application to amend should on or before June 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12809 Filed 6-4-74;8:45 am]

[Docket No. CI74-433]

**J. S. ABERCROMBIE MINERAL**  
**COMPANY, INC., ET AL.**

**Order Establishing Procedures, Setting**  
**Hearing Date and Granting Interventions**

MAY 24, 1974.

On February 11, 1974, J. S. Abercrombie Mineral Company, Inc., et al. (Abercrombie) filed in Docket No. CI74-433 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 to El Paso Natural Gas Company (El Paso) from the Antelope Ridge Area, Lea County, New Mexico (Permian Basin), all as more fully set forth in the application in this proceeding.

Abercrombie proposes to sell approximately 600,000 Mcf per month to El Paso from the subject acreage for 16 months at an initial rate of 55.0¢ per Mcf (14.65 psia) which is to be adjusted upward or downward from 1,000 Btu per cubic foot. The proposed rate is in excess of 35¢ per Mcf established by Commission Opinion No. 662. This application was noticed on February 26, 1974 and was published in the Federal Register on March 5, 1974. On March 18, 1974, Pacific Gas and Electric Company petitioned to intervene in these proceedings, as did El Paso on March 20, 1974.

In Order 431, issued April 15, 1971, the Commission stated, *inter alia*, that it would consider limited term certificates with pre-granted abandonment, if the pipeline were to demonstrate emergency need. We note, however, that the Commission in a recent order has already held that an emergency exists on El Paso's system. See *Superior Oil Co.*, ---- FPC ----, Docket No. CI74-327, issued March 25, 1974. We therefore conclude that there is an emergency on El Paso's system.

The subject application was filed under Order No. 431<sup>1</sup> and therefore requires evidence to be submitted in the hearing hereinafter ordered by the pipeline (to the extent not hereinabove found to exist) (1) that it has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system, it has filed a plan pursuant to section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the Nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the short-fall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. *Atlantic Refining Company v. Public Service Commission of New York*, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to

elicit the supply of gas" into the interstate market (Nueces Industrial Gas Company, 45 FPC 1224, 1227, (1971)), and whether that rate is in line with the prevailing normal intrastate market (Atlantic Richfield Company, ---- FPC ----, Docket No. CI73-691, order issued August 30, 1973, and ---- FPC ----, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's length negotiations and competitive bidding through non-affiliated entities.

The Commission finds:

(1) Good cause exists to set for formal hearing the application for a limited term certificate herein.

(2) The intervention of the above parties in this proceeding may be in the public interest.

The Commission orders:

(A) The application for limited term certificate for sale of natural gas filed in Docket No. CI74-433 is hereby set for hearing.

(B) The above parties are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however*, that the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further*, that the admission of said interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15 and 16 and the Commission's Rules and Regulations under that Act, a public hearing shall be held commencing July 17, 1974, at 10 a.m., e.d.t., at a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(D) Applicant and all petitioners supporting the application shall, on or before July 10, 1974, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.<sup>2</sup>

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12800 Filed 6-4-74;8:45 am]

[Docket No. ID-1586]

FRANCIS L. KINNEY

Supplemental Application

MAY 29, 1974.

Take notice that on May 20, 1974, Francis L. Kinney (Applicant), filed a supplemental application with the Federal Power Commission, seeking authority to hold the following positions pursuant to section 305(b) of the Federal Power Act:

Vice President, The Connecticut Light and Power Company, Public Utility.

Vice President, The Hartford Electric Light Company, Public Utility.

Vice President, Western Massachusetts Electric Company, Public Utility.

Vice President, Holyoke Water Power Company, Public Utility.

Vice President, Holyoke Power & Electric Company, Public Utility.

Both The Connecticut Light and Power Company and The Hartford Electric Light Company are Connecticut corporations, engaged principally in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of gas at retail within the State of Connecticut.

Western Massachusetts is a Massachusetts corporation engaged principally in the production, purchase, transmission, distribution and sale of electricity at wholesale and retail in a substantial portion of western Massachusetts.

Holyoke Water Power is a Massachusetts corporation engaged principally in the manufacture, purchase, transmission, distribution and sale of electricity to industrial, municipal and wholesale customers in the Cities of Holyoke and Chicopee and to the Town of South Hadley in western Massachusetts.

Holyoke Power and Electric is a wholly-owned subsidiary of Holyoke which conducts certain of Holyoke's electric operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to

<sup>2</sup> Concurring statements of Commissioners Brooke and Smith, and dissenting statement of Commissioner Moody filed as part of the original document.

<sup>1</sup> Section 2.70 of the Commission's General Policy and Interpretations.

make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12816 Filed 6-4-74; 8:45 am]

[Docket No. CI74-292]

### KIRBY PETROLEUM CO.

#### Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

MAY 24, 1974.

On November 1, 1973, Kirby Petroleum Company (Kirby) filed, in Docket No. CI74-292, an application requesting issuance of a limited term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's Regulations thereunder, for the sale of gas to Texas Eastern Transmission Corporation (Texas Eastern) from acreage in the White Castle Area, Iberville Parish, South Louisiana (Southern Louisiana Area).

Specifically, Kirby proposes to sell and deliver to Texas Eastern up to 2,000 Mcf of gas per day, plus additional gas which may be available and which the purchaser can receive, at a rate of 55.0 cents per Mcf subject to downward Btu adjustment from a base of 1,000 and upward Btu adjustment from a base of 1,000 to a maximum of 1,100 Btu's per cubic foot.

Concurrently with its certificate application, Kirby submitted a letter agreement dated October 17, 1973, as the proposed rate schedule. The letter agreement limits Texas Eastern's take or pay obligation to 2,000 Mcf per day; however, if additional volumes are available and Texas Eastern has sufficient capacity to handle the additional volumes, Kirby will deliver such volumes to Texas Eastern.

Kirby commenced an emergency sale to Texas Eastern from the subject acreage on October 23, 1973, at a rate of 55.0 cents per Mcf, pursuant to Order No. 418.

Texas Eastern on November 21, 1973, and Algonquin Gas Transmission Company (Algonquin) on November 26, 1973, filed timely petitions to intervene in support of the application.

We take further note, however, that the Commission in a number of recent orders has already held that an emergency exists on Texas Eastern's system. See *Southwestern Electric Power Co. et al.*, — FPC —, Docket No. CI74-131, issued November 15, 1973. We therefore, conclude that there is an emergency on Texas Eastern's system which could warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The subject application was filed under Order No. 431<sup>2</sup> and therefore requires evidence to be submitted in the hearing hereinafter ordered by the pipeline (to the extent not hereinabove found to exist) (1) that it has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system, it has filed a plan pursuant to section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the Nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. *Atlantic Refining Company v. Public Service Commission of New York*, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market (*Nueces Industrial Gas Company*, 45 FPC 1224, 1227 (1971)), and whether that rate is in line with the prevailing normal intrastate market (*Atlantic Richfield Company*, — FPC —, Docket No. CI73-691, order issued August 30, 1973, and — FPC —, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's-length negotiations and competitive bidding through non-affiliated entities.

The Commission finds:

(1) The intervention of Texas Eastern and Algonquin in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) Texas Eastern and Algonquin are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however*, That the participation of said intervenors shall be limited to matters affecting asserted rights and inter-

<sup>2</sup> Section 2.70 of the Commission's General Policy and Interpretations.

ests as specifically set forth in said petitions for leave to intervene; and *Provided, further*, That the admission of said intervenors shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on July 24, 1974, at 10 a.m., (e.d.t.), in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(C) On or before July 15, 1974, Kirby and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

By the Commission,<sup>3</sup>

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12711 Filed 6-4-74; 8:45 am]

[Docket No. ID-1733]

### JOSEPH R. MAHER Notice of Application

MAY 29, 1974.

Take notice that on May 20, 1974, Joseph R. Maher (Applicant) filed an initial application with the Federal Power Commission, seeking authority to hold the following positions pursuant to section 305 (b) of the Federal Power Act:

Director, The Connecticut Light and Power Company, Public Utility.  
Director, The Hartford Electric Light Company, Public Utility.  
Director, Western Massachusetts Electric Company, Public Utility.  
Director, Holyoke Water Power Company, Public Utility.  
Director, Holyoke Power & Electric Company, Public Utility.

Both The Connecticut Light and Power Company and The Hartford Electric Light Company are Connecticut corporations, engaged principally in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of gas at retail within the State of Connecticut.

<sup>3</sup> Concurring statements of Commissioners Brooke and Smith, and dissenting statement of Commissioner Moody filed as part of the original document.

Western Massachusetts is a Massachusetts corporation engaged principally in the production, purchase, transmission, distribution and sale of electricity at wholesale and retail in a substantial portion of western Massachusetts.

Holyoke Water Power is a Massachusetts corporation engaged principally in the manufacture, purchase, transmission, distribution and sale of electricity to industrial, municipal and wholesale customers in the Cities of Holyoke and Chipewee and to the Town of South Hadley in western Massachusetts.

Holyoke Power and Electric is a wholly-owned subsidiary of Holyoke which conducts certain of Holyoke's electric operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12823 Filed 6-4-74;8:45 am]

[Docket No. E-8308]

**NORTHERN INDIANA PUBLIC SERVICE CO.**

**Notice of Memorandum**

MAY 29, 1974.

Take notice that on May 15, 1974 Northern Indiana Public Service Company (NIPS) tendered for filing Memorandum No. 59 to its Rate Schedule FPC No. 8. NIPS states said Memorandum relates to the costing of overhaul and emergency energy when such energy must be supplied at a cost higher than the State Line Generating Station, either from oil or gas-fired units or from other Commonwealth Edison of Illinois sources.

NIPS requests an effective date of May 6, 1974 for said Memorandum.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 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 June 12, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person

wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12822 Filed 6-4-74;8:45 am]

[Docket No. RP74-88]

**NORTH PENN GAS CO.**

**Proposed Changes in FPC Gas Tariff**

MAY 29, 1974.

Take notice that North Penn Gas Company (North Penn), on May 15, 1974, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, effective July 1, 1974. The proposed changes would increase revenues from jurisdictional sales and service by \$970,491 based on the 12-month period ending February 28, 1974 as adjusted.

North Penn states that the principal reasons for the proposed increase are:

1. To reflect the general inflation in costs in every aspect of its pipeline operations which are not now reflected in its current effective rates.

2. To increase its rate of return to 9.5% which is the minimum return required to maintain the integrity of investor-provided capital presently devoted to the business and attract on a reasonable basis the necessary amount of capital required in the future.

In addition North Penn is requesting a Gross Receipts Tax Surcharge Clause in its tariff which will be applicable to Rate Schedule P-1 only.

Copies of the filing were served upon the Company's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 13, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12828 Filed 6-4-74;8:45 am]

[Docket No. G-9279, etc.]

**NORTHERN NATURAL GAS CO.**

**Motion To Order Payment of Refunds**

MAY 29, 1974.

Take notice that on May 7, 1974, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) transmitted a motion to this Commission that it order Northern Natural Gas Company (North-

ern) to refund to Kansas-Nebraska the sum of \$2,432.44, plus accumulated interest.

Kansas-Nebraska states that Northern was ordered by this Commission, in the above captioned docket, to retain portions of the amounts received by Northern from Pan American Petroleum Corporation in this proceeding because of uncertainties concerning Kansas-Nebraska's intended disposition of its share of the refund.

Kansas-Nebraska states in its motion that it proposes to refund to its jurisdictional customers the amount retained by Northern plus the accumulated interest on such amount by crediting the sum to its Unrecovered Purchase Gas Cost Account in accordance with its FPC Gas Tariff, Second Revised Volume No. 1.

Kansas-Nebraska, in its motion, requests the Commission to issue an order approving the proposed disposition and directing Northern to refund said amount plus accumulated interest.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12806 Filed 6-4-74;8:45 am]

[Docket No. RP69-1]

**NORTHERN NATURAL GAS CO.**

**Motion To Order Payment of Refunds**

MAY 29, 1974.

Take notice that on May 7, 1974, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) transmitted a motion to this Commission that it order Northern Natural Gas Company (Northern) to refund to Kansas-Nebraska the sum of \$26,647.19 plus accumulated interest.

Kansas-Nebraska states that Northern was ordered by this Commission, in the above captioned docket, to retain refunds due to Kansas-Nebraska because of uncertainties concerning Kansas-Nebraska's intended disposition of its share of the refund.

Kansas-Nebraska states in its motion that it proposes to refund to its jurisdictional customers the amount retained by Northern plus the accumulated interest on such amount by crediting the sum to its Unrecovered Purchase Gas Cost Account in accordance with its FPC Gas Tariff, Second Revised Volume No. 1.

Kansas-Nebraska, in its motion, requests the Commission to issue an order approving the proposed disposition and directing Northern to refund said amount plus accumulated interest.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.74-12833 Filed 6-4-74;8:45 am]

[Docket No. RP72-115]

**OKLAHOMA NATURAL GAS GATHERING CORP.**

**Tendered Tariff Sheets**

MAY 28, 1974.

Take notice that on May 16, 1974, Oklahoma Natural Gas Gathering Corporation (Gathering Corporation), tendered for filing tariff sheets providing for changes in Gathering Corporation's FPC Gas Tariff to include Fourth Revised Sheet PGA-1. The Company states that the tariff sheet will become effective July 1, 1974 and will revise Gathering Corporation's Base Tariff Rate to recover the balance accumulated in the unrecovered purchase gas cost account and flow through the increase in the system cost of purchased gas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.74-12808 Filed 6-4-74;8:45 am]

[Docket No. CI74-655]

**PETROLEUM CORP.**  
**Notice of Application**

MAY 28, 1974.

Take notice that on May 14, 1974, The Petroleum Corporation (Applicant), 3303

Lee Parkway, Dallas, Texas 75219, filed in Docket No. CI74-655 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 to El Paso Natural Gas Company (El Paso) from the existing Hull No. 1 Well and any additional wells hereafter drilled, owned or controlled by Applicant in section 121, Block A.H.E. & W.T. Ry. Co. Survey in the Sonora Upper Canyon Gas Field, Sutton County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant is currently selling up to 2,000 Mcf of gas per day from subject acreage to El Paso under a one-year certificate granted by Commission order issued in Docket No. CI73-854 on July 31, 1973, at a price of 45.0 cents per Mcf at 14.65 psia. Applicant proposes to sell to El Paso up to 200 Mcf of gas per day from subject acreage at a price of 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, commencing on August 1, 1974, or on the issuance date of an appropriate certificate if such date is later, within the contemplation of § 2.70 of the Commission's general policy and interpretations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 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.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.74-12817 Filed 6-4-74;8:45 am]

[Docket No. CI74-626]

**PHILLIPS PETROLEUM CO.**

**Notice of Application**

MAY 28, 1974.

Take notice that on May 3, 1974, Phillips Petroleum Company (Applicant), Bartlesville, Oklahoma 74004, filed in Docket No. CI74-626 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 to Pacific Lighting Service Company (PLS) from Applicant's interest in gas well gas from Federal Lease No. OCS P-0166, between the depth of 100 feet below the bottom of the Repetto Sands and the depth of 100 feet below the bottom of the Vaqueros Sands, offshore Santa Barbara County, California, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver natural gas from said acreage to PLS pursuant to the terms of a 20-year contract dated November 29, 1973. Under said agreement Applicant is to deliver the subject gas to PLS at Applicant's LaConchita Shore site located in Ventura County, California, at an initial price for such gas well gas of 60.0 cents per Mcf at 14.73 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot.

Applicant states that the only pipelines that Applicant will own or operate in connection with this sale will consist of its gathering lines extending from the production platforms to the point of delivery described above. Applicant states further that its initial price of 60.0 cents per Mcf is less than the prices charged in numerous intrastate sales and less than prices in some emergency interstate sales. Applicant asserts that the testing and development of these deep gas reserves are in the public interest.

The application states that estimated sales volumes under the instant application are unknown at this time.

Applicant states that it is presently selling casinghead gas to PLS from the Repetto Sands underlying Federal Lease No. OCS P-1066.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 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.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.74-12819 Filed 6-4-74; 8:45 am]

[Project 2140]

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE**

**Application for New License**

MAY 24, 1974.

Public notice is hereby given that application for new license was filed December 22, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by the Public Service Company of New Hampshire (Correspondence to: Mr. Eliot Priest, Vice President, Public Service Company of New Hampshire, 1000 Elm Street, Manchester, New Hampshire 03105) for its constructed Project No. 2140, known as the Garvins Falls Project located on the Merrimack River in the Town of Bow, City of Concord, Merrimack County, New Hampshire. The project affects navigable waters of the United States and the Cities of Laconia and Manchester are within a radius of approximately 25 miles. The present license expires December 31, 1975.

The Garvins Falls Project with an installed capacity of 5,600 kw consists of: (1) A dam, approximately 550 feet in length with maximum height of 18 feet in two sections (a) a low crest section (elevation 216.85 feet U.S.G.S. datum) approximately 475 feet in length surmounted by 3-foot flashboards and (b) a high crest section (elevation 218.65 feet U.S.G.S. datum) approximately 75 feet in length; (2) a canal about 500 feet in length leading from the southern end of the dam to the powerhouse; (3) a ten-foot wide waste gate at the end of the canal; (4) a reservoir, eight miles in length, extending upstream to the foot of the Sewalls Falls Dam; (5) a powerhouse containing two generators rated at 2400 kw and 3200 kw, (6) a substation containing six 1500 kva step-up transformers; (7) a single 34.5 kv transmission line extending 340 feet to the Applicant's Garvins Substation, and (8) all other facilities and interests appurtenant to the operation of the project.

Applicant's estimated net investment in the project is \$600,615 which is less than its estimate of fair value.

Under present plans, the Applicant proposes to develop a boat ramp and dock in addition to the recreation facilities to be developed at its downstream Hooksett Project No. 1913.

Applicant's supplies project energy to its system which serves 10 cities and 183 other municipalities within the State of New Hampshire and 16 communities in Maine and Vermont. Electricity is also furnished to 8 other utilities. In addition, the project releases a 1000 cfs continuous flow from the project for the benefit of Applicant's downstream Merrimack Steam Station.

Any person desiring to be heard or to make protest with reference to said application should on or before July 26, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.74-12811 Filed 6-4-74; 8:45 am]

[Docket No. E-8807]

**PUBLIC SERVICE COMPANY OF OKLAHOMA**

**Notice of Cancellation of Contract**

MAY 29, 1974.

Take notice that on May 20, 1974, Public Service Company of Oklahoma (PSCO) tendered for filing a Notice of Cancellation of Contract. This Notice of Cancellation is of a contract between PSCO and Red River Valley Rural Electric Association dated October 2, 1968, Rate Schedule FPC No. 179. The contract was canceled effective November 18, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 10, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.74-12821 Filed 6-4-74; 8:45 am]

[Docket No. RP73-49]

**SOUTH GEORGIA NATURAL GAS CO.**

**Revised Tariff Sheets**

MAY 28, 1974.

Take notice that on May 16, 1974 South Georgia Natural Gas Company (South Georgia) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1:

Sixth Revised Sheet No. 3A.  
Thirty-First Revised Sheet No. 5.  
Thirtieth Revised Sheet No. 6.  
Twenty-Second Revised Sheet No. 9.  
Twenty-First Revised Sheet No. 11.  
Twenty-Fifth Revised Sheet No. 12B.

South Georgia states that the above sheets represents a rate change under its PGA clause, such clause approved to become effective April 14, 1973, by Commission Order in Docket No. RP73-49 issued April 13, 1973. South Georgia further states that it proposes to increase its rates \$456,025 for the purpose of tracking a rate increase filing by Southern Natural Gas Company on May 16, 1974, which would increase South Georgia's cost of gas \$785,593 annually.

South Georgia requests an effective date of July 1, 1974, or such other date as the rate increase filed by Southern Natural is permitted to go into effect.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., 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 June 10, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.74-12829 Filed 6-4-74; 8:45 am]

[Docket No. RI74-237]

**SUN OIL CO.**

**Petition for Special Relief**

MAY 29, 1974.

Take notice that on May 22, 1974, Sun Oil Company (Petitioner), P.O. Box 2880, Dallas, Texas 75221, filed a petition for special relief in Docket No. RI74-237, seeking a rate above the applicable area ceiling under Opinion No. 586. Petitioner seeks a price of 40.0 cents per Mcf, plus 1¢ per Mcf annual escalations, adjusted for upward and downward Btu from a base of 1000, for the sale of gas from certain leases in the John Creek Field, Hutchinson County, Texas to Northern Natural Gas Company under its FPC Gas Rate Schedule Nos. 139 and 347 and to Transwestern Pipeline Company under

its FPC Gas Rate Schedule No. 122. Petitioner states that it plans to enter the Yanda et al. Unit Well No. 1, located in the John Creek Field and dually complete this well in the Cleveland Sand and, if successful, plans to dually complete up to five wells in the Cleveland Sand. Petitioner states that it estimates that there are some 2.763 Bcf of recoverable reserves which could be obtained through its proposed program.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 17, 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.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12825 Filed 6-4-74;8:45 am]

[Docket No. RI74-236]

**SUN OIL CO.**

**Petition for Special Relief**

MAY 29, 1974.

Take notice that on May 22, 1974, Sun Oil Company (Petitioner), P.O. Box 2380, Dallas, Texas 75221, filed a petition for special relief in Docket No. RI74-236, seeking a rate above the applicable area ceiling under Opinion No. 586. Petitioner seeks a price of 45.0 cents per Mcf, plus 1¢ per Mcf annual escalations, adjusted for upward and downward Btu from a base of 1000, for the sale of gas to Natural Gas Pipeline Company of America under its FPC Gas Rate Schedule No. 233 from the Cole-McGrew Unit Well No. 2, Morrow-Chester Formation, section 28-4N-24ECM, Beaver County, Oklahoma. Petitioner proposes to re-enter the dry hole and to complete the Morrow-Chester Formation. Petitioner states that there are some 500 MMcf of reserves located in the Morrow-Chester Formation which may be obtained by such proposal.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 17, 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 par-

ticipate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12826 Filed 6-4-74;8:45 am]

[Docket No. E-7929]

**TOLEDO EDISON CO.**

**Revised Tariff Sheets**

MAY 28, 1974.

Take notice that The Toledo Edison Company (Toledo) on May 8, 1974, tendered for filing service agreements with the City of Bryan, Ohio, and the Village of Pemberville, Ohio, under Toledo's FPC Electric Tariff, Original Volume No. 1. Toledo states that the existing contracts (Rate Schedule FPC Nos. 7 and 17) with these two customers terminate on May 31, 1974, and that as of that date they will be served under Toledo's Tariff. An effective date of June 1, 1974, is requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., 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 June 10, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12813 Filed 6-4-74;8:45 am]

[Docket No. E-8794]

**TOLEDO EDISON CO.**

**Changes in Rates and Charges**

MAY 28, 1974.

Take notice that The Toledo Edison Company (Toledo) on May 16, 1974, tendered for filing a proposed new Fuel Conservation Power Schedule, pursuant to the Commission's Notice and Order issued April 30, 1974, in New England Power Pool Participants, et al., Docket No. RM74-22, et al. Toledo states that service under the proposed rate schedule will be offered as soon as it becomes effective. The Company is not requesting any accelerated effective date since it has received no request for fuel conservation energy.

The proposed new rate schedule states that it is intended to provide a rate under which coal generated electric power would be available on an off-peak basis for transmission to other systems during periods of critical oil shortage. The Energy Charge is priced at out-of-pocket generation costs, with fuel priced

on a replacement basis, plus ten percent. The Generation Usage Charge of 2.5 mills per KWH is derivable by proration from a supported, approved and widely used short term power rate of 45 cents per KW-week.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., 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 June 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12807 Filed 6-4-74;8:45 am]

[Docket No. RP74-89]

**TRUNKLINE GAS CO.**

**Proposed Changes in FPC Gas Tariff**

MAY 28, 1974.

Take notice that Trunkline Gas Company (Trunkline) on May 15, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by \$63,940,397 based on the 12 month period ending January 31, 1974, as adjusted.

Changes in Trunkline's tariff, other than the increased rates being filed for, are as follows:

(1) A new format in which the commodity rate in each zone was split into its component parts defined as gas supply and capacity, respectively.

(2) Revisions of the Pipeline Service, Excess Service, General Service and Small General Service Rate Schedules requiring adjustments to the capacity component of the commodity rate at six months intervals to reflect the changes in Trunkline's gas deliveries above and below the base levels which have been established in the proposed rates.

(3) Section 19 of Trunkline's General Terms and Conditions is a proposed tariff provision authorizing Trunkline to adjust its rates upward or downward semi-annually for changes in the level of advance payments included in Account 166. Section 19 is based on the tracking provision for advance payments which has been in effect since April 1972 pursuant to Article V of the Stipulation and Agreement dated February 8, 1972.

Trunkline states that this increase in rates is necessitated by additional new transportation and gas supply costs associated with the Stingray project, a revision in depreciation rates, increases in

[Docket No. RP72-110]

**ALGONQUIN GAS TRANSMISSION CO.**  
**Notice of Rate Change**

MAY 30, 1974.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas) on May 16, 1974, tendered for filing Substitute Eighth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1.

This sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 22 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1. The rate change, Algonquin Gas states, is being filed to reflect a decrease in purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation (Texas Eastern) effective May 1, 1974, as a result of a rate decrease issued by Texas Eastern on May 7, 1974.

The above-noted Texas Eastern filing reflects a reduction in Texas Eastern's base tariff rates and was filed under Commission Opinion Nos. 672 (issued November 1, 1973) and 672-A (issued January 15, 1974), disallowing inclusion of certain advance payments (Nova Scotia) in Texas Eastern's rate base. Accordingly, Algonquin Gas has filed, in place of its Eighth Revised Tariff Sheet No. 3-A filed on April 19, 1974, a substitute tariff sheet reflecting the above-noted Texas Eastern May 1, 1974 revision. The proposed effective date of the substitute tariff sheet is May 1, 1974, the effective date of Texas Eastern's rate decrease.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8, 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 June 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
 Secretary.

[FR Doc.74-12895 Filed 6-4-74;8:45 am]

[Docket No. RP74-91-1]

**CITY OF RIPLEY, MISSISSIPPI**  
**Notice of Petition for Emergency Relief**

MAY 31, 1974.

Take notice that on May 8, 1974, the City of Ripley, Mississippi (City), filed a petition for emergency relief pursuant to § 1.7 of the Commission's Rules of Practice and Procedure requesting, (1)

waiver of a \$40,710.00<sup>1</sup> penalty assessed by Tennessee Gas Pipeline Company, a Division of Tenneco (Tennessee) for violations of Tennessee's curtailment plan during the January-March, 1974, curtailment period; or (2) a reduction in the City's April-October, 1974, period entitlement by the amount of the overrun (i.e. 4071 Mcf) to offset the penalty imposed by Tennessee.

The gas the City purchases from Tennessee is used in a municipally owned natural gas transmission and distribution system serving the citizens of the City and its environs and the towns of Blue Mountain and Falkner, Mississippi, as well as residences and commercial establishments along the routes of the City's gas main.

The City states it had adequate notice of Tennessee's implementation of its curtailment plan and in order to comply with the plan's provisions the City installed a telemetry system which records the quantity of gas received from Tennessee. The City further states that due to a malfunction of the telemetry system in March, 1974, it overran its Curtailment Period Quantity Entitlement (CPQE) by 4,071 Mcf. City states, that Tennessee thereupon assessed a penalty of \$40,710.00 for the overrun (\$10.00 per Mcf) in accordance with its tariff provisions.

In support of its petition for emergency relief, the City states that payment of the penalty would create a severe economic depression in the City's economy; that the payment of the penalty would have to be passed on to the citizens, taxpayers, and consumers of the City, and that the negative economic effect of these citizens would be incalculable.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should on or before June 10, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to this proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
 Secretary.

[FR Doc.74-12911 Filed 6-4-74;8:45 am]

costs of senior capital and operating expenses and declining gas supply. Trunkline requests an effective date of July 1, 1974 for the proposed changes.

Copies of the filing were served upon the company's jurisdictional customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., 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 June 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
 Secretary.

[FR Doc.74-12830 Filed 6-4-74;8:45 am]

[Docket No. E-8803]

**VIRGINIA ELECTRIC AND POWER CO.**  
**Notice of Supplement**

MAY 29, 1974.

Take notice that on May 17, 1974 Virginia Electric and Power Company (VE&P) tendered for filing Supplement dated May 4, 1974 to its FPC Rate Schedule No. 87-18. VE&P states the said Supplement is between it and Virginia Electric Cooperative for connection of a new Delivery Point (Kings Dominion), located east of Route 688 near Doswell, in Hanover County, Virginia.

VE&P requests an effective date as that of the date of connection of facilities which it expects to occur sometime in July, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., 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 June 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
 Secretary.

[FR Doc.74-12815 Filed 6-4-74;8:45 am]

[Project No. 460]

**CITY OF TACOMA****Notice of Issuance of Annual License**

MAY 30, 1974.

The City of Tacoma, Licensee for Lake Cushman Project No. 460, located in Mason County, State of Washington, has been granted an extension of time until December 1, 1974, to file an application for a new license pursuant to section 15 of the Federal Power Act and Commission Regulations thereunder (sections 16.1-16.6).

The license for Project No. 460 was issued effective June 3, 1974, for a period ending June 3, 1974, therefore in order to authorize the continued operation of the project, pursuant to Section 15 of the Act pending filing and completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to the City of Tacoma for the continued operation and maintenance of Lake Cushman Project No. 460.

Take notice that an annual license is issued to the City of Tacoma (Licensee) for the period June 4, 1974, to June 3, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 460 subject to the terms and conditions of its present license.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12887 Filed 6-4-74;8:45 am]

[Project No. 2739]

**CITY OF VANCEBURG, ET AL.****Notice of Application for Approval of a Preliminary Permit for Unconstructed Project**

MAY 30, 1974.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by City of Vanceburg, Kentucky and Vanceburg Light, Heat and Power System (Correspondence to: Philip P. Ardery, Brown, Todd & Heyburn, Sixteenth Floor, Citizens Plaza, Louisville, Kentucky 40202) for proposed Project No. 2739, known as the Meldahl Project, which is located on the Ohio River on the Kentucky side of the Captain Anthony Meldahl Locks and Dam in the Commonwealth of Kentucky, County of Bracken some 436.2 river miles below Pittsburgh, Pennsylvania, and approximately 1.7 river miles downstream from the town of Chilo, Ohio. The proposed project would also be located near the towns of Maysville and Newport, Kentucky, and New Richmond, Ripley, and Cincinnati, Ohio.

The proposed run of the river project would affect approximately 81.4 acres of U.S. land which are under the supervision of the U.S. Corps of Engineers and would utilize water from a government dam. The hydroelectric facilities for this project would consist of a powerhouse

containing low-head generating units with a proposed capacity of 70,000 kw.

Vanceburg plans to use the power generated at the project to meet its load requirements and to sell any excess energy to East Kentucky Rural Electric Cooperative Corporation. Vanceburg, through its transmission facilities, plans to be interconnected with the East Kentucky System.

Any person desiring to be heard or to make protest with reference to said application should on or before July 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12890 Filed 6-4-74;8:45 am]

[Dockets Nos. CP74-292 and CP74-293]

**Notice of Applications****INTERSTATE TRANSMISSION ASSOCIATES (ARCTIC) ET AL.**

MAY 30, 1974.

Take notice that on May 14, 1974, Interstate Transmission Associates (Arctic) (ITAA), Pacific Interstate Transmission Company (PacIn), 720 West Eighth Street, Los Angeles, California 90017, and Northwest Energy Company (Energy), 315 East Second South, Salt Lake City, Utah 84111, [hereinafter collectively referred to as "Applicant"]<sup>1</sup> filed in Docket No. CP74-292 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport natural gas in interstate commerce from a point near Kingsgate, British Columbia, through the states of Idaho, Washington, Oregon, and

<sup>1</sup> PacIn, a wholly-owned subsidiary of Pacific Lighting Corporation (PacLight), is a corporation organized and existing under the laws of the State of California. Energy, a wholly-owned subsidiary of Northwest Pipeline Corporation (Northwest), is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Salt Lake City. PacIn and Energy intend to form ITAA as a general partnership to be organized under the laws of Utah, with the possibility of using a corporate form of organization either initially or at a subsequent time. Upon formation of ITAA, PacIn and Energy will withdraw as Applicants in the instant proceedings, leaving ITAA as the sole Applicant.

Nevada to the Nevada-California border all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Take further notice that, in conjunction with the above proposal, Applicant filed in Docket No. CP74-293 an application pursuant to Executive Order No. 10485 for a permit to construct, operate, maintain and connect a 42-inch O.D. pipeline approximately 2.6 miles in length, extending from a point of connection with the facilities of Canadian Arctic Gas Pipeline Limited (Canadian Arctic) at the international boundary near Kingsgate to a point of connection with a meter station, also to be constructed under such permit, which meter station is to consist of measuring equipment, instrumentation, meter buildings and other appurtenances all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes in Docket No. CP74-292 to construct and operate, as a contract carrier of natural gas, a 42-inch pipeline approximately 373 miles in length from a point near Kingsgate through Idaho and Washington to Rye Valley, Oregon,<sup>2</sup> and a 36-inch pipeline approximately 504 miles in length from Rye Valley to a point on the California-Nevada border near Oasis, California. Applicant further proposes to construct and operate a total of 249,350 standard installed horsepower to be located at eleven compressor stations along the pipeline, four meter stations, and other appurtenant facilities. Applicant requests authority to transport up to a maximum design capacity of 1,900,000 Mcf of natural gas per day at 14.73 psia for PacIn's account through these proposed facilities.

Applicant states that the instant applications are part of an overall project designed to make available to markets in the lower 48 states volumes of natural gas from Northern Alaska and the Mackenzie Delta region of northern Canada. Natural gas produced in the Prudhoe Bay area of the North Slope of Alaska will be transported across Alaska through a natural gas transmission system proposed to be constructed by Alas-

<sup>2</sup> Interstate Transmission Associates (ITA), a general partnership owned by PacIn and Energy, filed in Docket No. CP74-216, on February 26, 1974, an application for authority to construct, *inter alia*, a 26-inch pipeline which will parallel the 42-inch pipeline under consideration in the instant application. Applicant states that it is possible that ITAA will acquire the facilities of ITA subsequent to certification in Docket No. CP74-216 and size the first 373 miles of its pipeline so that the combination of the 26-inch and the new pipeline would have approximately the same capacity as the single pipeline proposed by ITAA in the instant application. In this way there would be no duplication of facilities, according to Applicant. The facilities proposed in Docket No. CP74-216 are to be constructed to transport gas produced in Alberta by Pan-Alberta Gas, Ltd.

kan Arctic Gas Pipeline Company (Alaskan Arctic) in Docket No. CP74-239. Alaskan Arctic will deliver such natural gas at the Alaskan-Canadian international boundary to Canadian Arctic at a point of interconnection with the facilities proposed to be constructed by Canadian Arctic, including facilities to connect the Mackenzie Delta reserves. Canadian Arctic will transport the gas in a southeasterly direction through Canada, continuing to a point near Caroline, Alberta. At this point, the pipeline will split with one line delivering the gas destined for mid-western and eastern regions of the United States to a delivery point on the international boundary near Monchy, Saskatchewan. The other line, which will transport gas destined for the western and Rocky Mountain markets of the United States, will extend to a delivery point near Kingsgate.

The gas destined for the mid-western and eastern market areas will be delivered by Canadian Arctic into the facilities proposed to be constructed by the Northern Border Pipeline Company (Northern Border) in Docket No. CP74-290 at a point of interconnection between the facilities of Canadian Arctic and Northern Border near Monchy. Northern Border will transport and deliver such volumes to various pipeline companies serving the mid-western and eastern market areas.

The gas destined for the western markets served by ITAA will be transported by Canadian Arctic to an interconnecting point near Kingsgate, from which Applicant will transport its share of the volumes to its markets. The gas destined for markets served by Pacific Gas Transmission Company (PacGas) will be delivered to Alberta Natural Gas Company Ltd. (Alberta Gas) by Canadian Arctic at the Alberta-British Columbia border then further transported to PacGas at Kingsgate for ultimate transportation and delivery to markets in northern and central California, as more fully explained in the application in Docket No. CP74-242.

Applicant expects initially to deliver approximately 20 percent of such volumes as are received from Canadian Arctic for the account of PacIn into the facilities of Northwest in the vicinity of Rye Valley and to deliver approximately 80 percent of such volumes to Southern California Gas Company (SoCal) at the Nevada-California border near Oasis.

Applicant states that initially the proposed facilities will have a daily capacity of 558,000 Mcf of natural gas, but that such facilities through the addition of compressor horsepower may be increased to the ultimate design capacity of 1,900,000 Mcf of gas per day, as described *supra*. The timing of the construction of facilities necessary to increase the system capacity, according to Applicant, will depend upon the contractual commitments between shippers and producers as well as the deliverability of the committed gas reserves. Applicant intends to present the detailed timing of facilities and the resulting economic impact as part of supplemental exhibits to be filed later. Applicant therefore, requests, pur-

suant to Sections 1.7 and 1.14 of the Commission's Rules of Practice and Procedure (18 CFR 1.7 and 1.14), that the Commission waive the requirements to file Exhibits I, K, L, N, O and P to the application in Docket No. CP74-292 and proposes to file the balance of the required exhibits in support of this proposed project at the earliest possible date.

Applicant states the following applications are interdependent with Applicant's filing and are necessary to effectuate Applicant's proposal herein:

#### APPLICATIONS PRESENTLY ON FILE

(1) Applications of Alaskan Arctic in Docket Nos. CP74-239 and CP74-240 pursuant to Section 7(c) of the Natural Gas Act and Executive Order No. 10485, respectively, for permission to construct and operate a pipeline from the Prudhoe Bay area on the North Slope of Alaska to the Alaskan-Yukon international boundary where it will interconnect with the pipeline of Canadian Arctic and for permission to construct, operate, maintain and connect facilities at the Alaskan-Yukon international boundary.

(2) Application of Canadian Arctic before the National Energy Board of Canada for authority to construct and operate the Canadian Arctic system.

#### APPLICATIONS TO BE FILED

(1) Applications of various shippers before the Federal Power Commission and the National Energy Board to export and import natural gas between the United States and Canada.

(2) Applications of various producers of Alaskan gas for certificates to sell gas in interstate commerce pursuant to section 7(c) of the Natural Gas Act.

(3) Application of PacIn pursuant to section 7(c) of the Natural Gas Act for authorization to sell natural gas in interstate commerce.

(4) Application, if necessary, of Northwest to construct and operate facilities on its transmission system in order to accept and redeliver gas received from PacIn pursuant to this project.

(5) Application of SoCal before the California Public Utilities Commission for authority to construct and operate facilities in order to transport gas to be delivered to it by Applicant at the Nevada-California border.

Applicant states that it has not yet entered into contracts for the construction of, or for any of the materials requisite to the construction of the proposed facilities. Applicant further states that Northwest will act as operator of the proposed facilities, pursuant to an operating agreement, not yet executed, between Applicant and Northwest.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Com-

mission 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 the application in Docket No. CP74-292 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-12892 Filed 6-4-74; 8:45 am]

[Docket No. E-8587]

#### PUBLIC SERVICE COMPANY OF INDIANA Order Denying Applications for Rehearing and Denying Motion To Dismiss

MAY 30, 1974.

On April 4, 1974, the Cities of Crawfordsville, Logansport, Peru, and Washington, Indiana (Cities), and the City of Frankfort, Indiana (Frankfort), tendered for filing Applications for Rehearing of the Commission's Suspension Order issued March 7, 1974, in the above referenced docket. The Cities also tendered for filing a Motion to Dismiss the Section 206 investigation instituted by that order. On April 23, 1974, the Public Service Company of Indiana (PSCI) filed an answer to the Motion to Dismiss.

Our order of March 7, 1974, concluded that the Cities' Interconnection Agreements (Agreements) with PSCI were fixed rate, fixed term contracts, and accordingly, we instituted an investigation pursuant to Section 206 of the Federal Power Act to determine whether PSCI's proposed rates were in the public interest. In regard to Frankfort's Interconnection Agreement (Agreement), however, we concluded that the Agreement contained a proper *Memphis*<sup>1</sup> clause in Article 12 which would permit such a unilateral filing with the Commission. As a result, the proposed rates for Frankfort were accepted for filing, suspended for the full statutory period, and set for

<sup>1</sup> *United Gas Pipe Line Company v. Memphis Light, Gas and Water Division*, 358 U.S. 103 (1958).

hearing pursuant to section 205 of the Federal Power Act.

Cities, in their application, raise the following allegations: (1) the Commission instituted the section 206 investigation based solely on PSCI's unsupported allegation that failure to apply the rate increase to the Cities would result in undue discrimination vis a vis other wholesale customers; (2) there were not sufficient facts available concerning the profitability of the contracts between PSCI and the Cities to justify our determination that a section 206 investigation is necessary; (3) the Commission failed to examine every facet of PSCI's operations to determine if an undue discriminatory burden on other PSCI customers would result; (4) the lack of specificity in the March 7, 1974, order shifted to the Cities the burden of proving that the rates currently in effect are profitable; and (5) the Commission did not articulate the specific issues which will be the subject of the section 206 investigation.

Although the Supreme Court has indicated that the fixed rate contract can only be unilaterally changed pursuant to a section 206 investigation,<sup>2</sup> at no point has the Court articulated any restrictions on our authority to institute such an investigation. As the Court emphasized in the *Mobile* decision, contracts remain fully subject to the paramount power of the Commission to modify them when necessary in the public interest.<sup>3</sup> In its answer to the Cities' petition to intervene filed with the Commission on February 19, 1974, PSCI alleges that its rate of return from firm power sales to the five municipalities with generation was 2.57 percent for the twelve months ended June 30, 1973, and that sufficient information is available to determine whether the proposed rates are not in the public interest. Further, the fact that Cities' are served under fixed rate, fixed term contracts while Frankfort is subject to the change in rates proposed by PSCI (immediately following the suspension period) may indicate undue rate discrimination among these customers. We believe that there is before us at least a prima facie case requiring further investigation in an evidentiary hearing. We conclude that a section 206 investigation is necessary to determine whether a sufficient showing can be made so as to satisfy the test enunciated by the Supreme Court in the *Sierra* case, supra. With regard to the question of the burden of proof, our order of March 7, 1974, did not shift the burden of proof to the Cities.

Frankfort's petition alleges that we misinterpreted the provisions of its contract with PSCI. Article 12 of its Agreement with PSCI reads as follows:

This Agreement is made subject to the jurisdiction of any governmental authority

<sup>2</sup> *Federal Power Commission v. Sierra Pacific Power Company*, 350 U.S. 348 (1956).

<sup>3</sup> *United Gas Pipe Line Company v. Mobile Gas Service Corporation, et al.*, 350 U.S. 344 (1956).

or authorities having jurisdiction in the premises. The terms and conditions of this Agreement, and the provisions of the rates attached hereto and made a part hereof, may be changed by the Company from time to time by filing such change(s) with the Federal Power Commission and upon receipt of such Commission's acceptance for filing will supersede and cancel the present terms and conditions of this Agreement and such rate provisions.

It is Frankfort's contention that, despite the above provisions, Article 2, sections 2.2 and 2.3 and Article 11 of the Agreement require a binding mutual agreement before any amendment to the contract can be effected. The relevant portion of Section 2.2 reads as follows:

Inasmuch as the specific services to be rendered in furtherance of such purpose will vary from time to time during the duration of this Agreement, and the terms and conditions applicable to such services may require modification from time to time, it is intended that such specific services and the terms and conditions applicable thereto will be set forth in service schedules mutually agreed upon between the parties. Subject to the provisions of Article 12 hereof, such service schedules, until and unless changed by such mutual agreement, shall be those provided by section 2.3 hereof.

Frankfort's argument assumes that Article 12 is merely an implementing provision for Articles 2 and 11.

Our interpretation of the Agreement is that Article 12 provides PSCI with an alternate means of revising the Agreement through the machinery of the regulatory process. To interpret Articles 2 and 11 as a precondition to Article 12 would eliminate any need for Article 12. Our interpretation of Frankfort's contract is strengthened by comparing it with the provisions found in the Cities' fixed term, fixed rate contracts. Frankfort's Agreement is the most recent of the Agreements at issue in this proceeding, and it is identical to the other contract except for the addition of the language in Section 2.2 subjecting that section to the provisions of Article 12 and a substantial revision of the language of Article 12 itself. In contrast to Article 12 in Frankfort's contract, the Article 12 in the Cities' Agreements read as follows:

"This Agreement is made subject to the jurisdiction of any governmental authority or authorities having jurisdiction to the premises."

The language of this article evidences no *Memphis* intent and, in fact, seems to have the kind of implementing function that Frankfort would have us assign to the Article 12 in its contract.

The applications for reconsideration of the Cities and Frankfort and Cities' motion to dismiss raise no facts or points of law which would provide an appropriate basis for modification of the Commission's Order of March 7, 1974.

The Commission finds:

The applications for reconsideration of the Cities and Frankfort and Cities' motion to dismiss raise no facts or points of law which would provide an appropriate basis for modification of the Commission's Order of March 7, 1974.

The Commission orders:

(A) The applications for reconsideration of the Cities and Frankfort, filed on April 4, 1974, are denied.

(B) The Cities' motion to dismiss the section 206 investigation, filed on April 4, 1974, is denied.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12885 Filed 6-4-74; 8:45 am]

[Docket No. RP73-89]

#### SEA ROBIN PIPELINE CO.

#### Notice of Filing of Revised Tariff Sheet

MAY 29, 1974.

Take notice that on May 16, 1974, Sea Robin Pipeline Company tendered for filing Third Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1 to affect a purchased gas adjustment to its rates. The tariff sheet has a proposed effective date of July 1, 1974, and is in purported compliance with the provisions of Order Nos. 452, 452-A and 452-B.

Sea Robin states that copies of the revised tariff sheet and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., 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 June 17, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12888 Filed 6-4-74; 8:45 am]

[Docket No. E-8176]

#### SOUTHERN CALIFORNIA EDISON

#### Notice of Extension of Time

MAY 29, 1974.

On May 23, 1974, Southern California Edison Company filed a motion for an extension of time to serve its rebuttal evidence as required by notice issued March 29, 1974, in the above-designated matter. The motion states that neither Staff Counsel nor Interveners object to the requested extension.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of Rebuttal Evidence, June 14, 1974.  
Hearing, June 25, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.74-12893 Filed 6-4-74;8:45 am]

[Docket No. CP73-154]

**SOUTHERN NATURAL GAS CO.**

**Notice of Withdrawal of Application in Part**

MAY 30, 1974.

By amendment filed April 1, 1974, to its application in Docket No. CP73-154 for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, Southern Natural Gas Company has withdrawn that part of the application designated as Phase II, in which authorization is sought for a synthetic natural gas or maximum utilization plant, and so much of that part of the application designated as Phase I as is concerned with the addition of compression facilities at the existing Selma Compressor Station. No hearing has been held or convened on the subject application.

Therefore, take notice that pursuant to Section 1.11 of the Commission's Rules of Practice and Procedure, 18 CFR 1.11, the withdrawal of the application in part shall be effective May 1, 1974.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.74-12894 Filed 6-4-74;8:45 am]

[Docket No. CP74-287]

**TRANSWESTERN PIPELINE CO.**

**Notice of Application**

MAY 30, 1974.

Take notice that on May 13, 1974, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP74-287 an application pursuant to section 7 (b) and (c) of the Natural Gas Act and § 157.7 (g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval of the abandonment, for the 12-month period commencing July 1, 1974, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system saleable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed \$3,000,000, nor will the cost of any single project exceed \$500,000. Applicant states that the proposed facilities will be initially financed from funds made available from com-

pany operations and may at some later date be financed through issuance of long-term debt or additional equity.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.74-12884 Filed 6-4-74;8:45 am]

[Project No. 1889]

**WESTERN MASSACHUSETTS ELECTRIC CO.**

**Notice of Supplement to Pending Application**

MAY 30, 1974.

Public notice is hereby given that a supplement to an existing application for new major license was filed March 25, 1974 under the Federal Power Act (16 U.S.C. 791a-825r) by Western Massachusetts Electric Company (correspondence to: Mr. Robert E. Barrett, Jr., President, Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089) for the pending Exhibit S for the constructed Turners Falls Project No. 1889, located on the Connecticut River, in the Towns of Erving, Gill, Greenfield, Montague and Northfield, Massachusetts and in the vicinity of Town of Hinsdale, New Hampshire and the town of Vernon, Vermont.

The supplement presents four Exhibit S drawings which propose a design for

fish passage facilities at Cabot powerhouse, at the spillway of the Turners Falls dam, and at the Gatehouse at the dam which controls the discharge of impounded project water into the power canal extending to Cabot powerhouse. The purpose of these facilities is to allow anadromous fish arriving at the tailrace of Cabot powerhouse or at the base of Turners Falls dam of Project No. 1889 to reach the project reservoir formed by Turners Falls dam across the Connecticut River.

Any person desiring to be heard or to make protest with reference to said application should on or before July 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.74-12886 Filed 6-4-74;8:45 am]

[Docket No. E-8157]

**WISCONSIN PUBLIC SERVICE CORP.**

**Notice of Filing of Rate Schedules**

MAY 29, 1974.

Take notice that on May 20, 1974, Wisconsin Public Service Corporation (WPSC) tendered for filing 6th Revised Sheet No. 1, Schedule W-1, which reflects certain revisions in its rate schedule for Primary Resale Service. This filing was made pursuant to the Commission's Order Approving Rate Settlement in Docket No. E-8157 (issued April 30, 1974). The Company states that copies of the filing have been mailed to the customers affected and to the appropriate state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.74-12889 Filed 6-4-74;8:45 am]

[Docket No. E-8798]

**WESTERN MASSACHUSETTS ELECTRIC CO.****Notice of Rate Schedule Changes**

MAY 30, 1974.

Take notice that Western Massachusetts Electric Company (WMECO) on May 16, 1974, tendered for filing proposed changes in its rate schedules designated FPC Nos. 22, 24, 25, 33, 45 and 67. The proposed changes would, effective June 15, 1974, increase revenues from jurisdictional sales and service by \$686,000 based on the 12 month period ending December 31, 1974. In addition, WMECO proposes to make modifications in its fuel adjustment clause formula and, with respect to certain of its wholesale customers, to adopt a demand energy charge rate form and reactive power and late payment charges.

The increased rates are proposed in order to provide WMECO with increased revenues in order to permit it to earn a higher return upon its property devoted to service of its wholesale customers. WMECO cites, *inter alia*, increased taxes, high interest rates and rising labor and material costs in support of this rate increase.

Copies of the filing were served upon WMECO's jurisdictional customers and the Commonwealth of Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-12891 Filed 6-4-74;8:45 am]

**GENERAL SERVICES ADMINISTRATION****COMMISSION ON GOVERNMENT PROCUREMENT RECOMMENDATIONS****Executive Branch Position**

Notice is given that an executive branch position has been reached on the following Commission on Government Procurement (COGP) recommendations:

I. *Recommendation I-1*. "Implement the revised Presidential Statement of Government Patent Policy promptly and uniformly."

*Executive Branch Position*. The recommendation has been adopted. Implemen-

tation has been accomplished by: (1) the promulgation of GSA licensing regulations in Federal Property Management Regulations (FPMR) 101-4.1 for Government owned inventions; (2) Part 1-9 of the Federal Procurement Regulations (FPR) establishing uniform contract clauses and procedures for patent rights applicable to civilian agencies; and (3) a revision to the Armed Services Procurement Regulation (ASPR), Section 9. The Federal Council for Science and Technology will be assigned responsibility to consider amending or repealing certain legislation to allow for total Government-wide implementation of the Presidential Statement of Government Patent Policy.

II. *Recommendation I-14, 15, and 16*. *Recommendation I-14*. "Amend or repeal statutes limiting agency flexibility in dealing with the publication of works developed under Government contracts."

*Recommendation I-15*. "Enact legislation giving all agencies authority to acquire private copyrights or interests therein."

*Recommendation I-16*. "Establish an interagency task force under the lead of the Office of Federal Procurement Policy to develop and evaluate the implementation of a statement of Government copyright policy."

*Executive Branch Position*. The recommendations have been adopted. The Federal Council for Science and Technology will be assigned responsibility to lead an interagency task force and develop a statement of Government copyright policy in implementation of Recommendation I-16. The Council will also, during this study, consider appropriate implementation of Recommendations I-14 and I-15.

Dated at Washington, DC, on May 22, 1974.

R. E. ZECHMAN,  
Acting Associate Administrator  
for Federal Management Policy.

[FR Doc.74-12854 Filed 6-4-74;8:45 am]

**COMMISSION ON GOVERNMENT PROCUREMENT RECOMMENDATIONS Implementation**

In accordance with our policy to announce implementations or pending implementations of Commission on Government Procurement (COGP) recommendations, the following notice is given:

I. *Recommendation A-36*. "Enact legislation to authorize negotiated sale of surplus elephantine tools (such as heavy machine tools) and of equipment which is 'excess to Government ownership but not to Government requirements,' with adequate protection to the Government for its future needs when competition is not feasible. While the lack of such authority now appears to be a problem only for the Department of Defense, to provide for future contingencies the legislation should cover all agencies."

*Executive Branch Position*. This recommendation has been accepted and it is

expected that implementation will be effected through appropriate legislation. (H.R. 611 and S. 2152)

II. *Recommendation B-12*. "When a potential organizational conflict of interest exists and use of a hardware exclusion clause is proposed, require a senior official of the procurement agency to examine the circumstances for benefits and detriments to both the Government and potential contractors, and reach and justify his decision to contract with either no restraint, partial restraint, or strict hardware exclusion provisions."

*Executive Branch Position*. This recommendation has been accepted. Implementation will be effected by appropriate regulatory issuances in the Federal Procurement Regulations (FPR) and the Armed Services Procurement Regulation (ASPR). Executive branch coordination and private sector comments will be sought.

III. *Recommendation D-5*. "Encourage agencies to use headquarters procurement staff personnel in the conduct of on-the-job training of field procurement personnel to (a) implement techniques adopted to specific field activity needs, and (b) identify possibilities for procurement innovation and transfusion."

*Executive Branch Position*. This recommendation has been adopted. The recommendation will be implemented by the media of a Federal Management Notice which will soon be issued by GSA. The provisions of the Notice will apply to all executive departments and establishments having decentralized purchasing activities.

IV. *Recommendation D-19*. "Review transportation procurement techniques to determine whether more innovative procurement methods are warranted when alternative sources and modes are available."

*Executive Branch Position*. This recommendation has been adopted. It is being implemented through the ongoing efforts to implement the recommendations of the Joint Agency Transportation Study and by a continuing examination of procurement techniques relative to obtaining competition among alternative sources and modes of transportation services.

V. *Recommendation G-18*. "Improve contracting agency debriefing procedures."

*Executive Branch Position*. This recommendation has been accepted: Implementation will be effected by appropriate regulatory issuances in the Federal Procurement Regulations (FPR) in conjunction with issuances in the Armed Services Procurement Regulation (ASPR). Executive branch coordination and private sector comments will be sought.

Dated at Washington, DC, on May 30, 1974.

R. E. ZECHMAN,  
Acting Associate Administrator  
for Federal Management Policy.

[FR Doc.74-12855 Filed 6-4-74;8:45 am]

[Federal Procurement Regs.; Temporary Reg. 27, Supplement 6]

## NEGOTIATED NONDEFENSE CONTRACTS Certain Accounting Provisions

Subject. Revision of regulations pursuant to Public Law 91-379, as implemented by the Cost Accounting Standards Board

1. *Purpose.* This regulation provides that the standards of the Cost Accounting Standards Board (CASB) on Accounting for Unallowable Costs and on the Cost Accounting Period are applicable to negotiated nondefense contracts under the provisions of FPR Temporary Regulation 27.

2. *Effective date.* This regulation is effective May 24, 1974, for CASB standard 405 and July 1, 1974, for CASB standard 406 for negotiated nondefense contracts. The standards are effective on April 1, and July 1, 1974, respectively, for negotiated defense contracts as provided in CASB regulations.

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

4. *Background.* (a) FPR Temporary Regulation 27, including Supplements 1, 2, 3, 4, and 5, implements the CASB standards and regulations with respect to negotiated defense contracts. The application of the Board's rules, subject to certain exemptions, has been extended to negotiated nondefense contracts in the interest of Governmentwide uniformity of procurement policies and procedures. FPR Temporary Regulation 27 provides that CASB standards are operative for defense contracts as the standards become effective. However, individual implementation of new standards is required with respect to nondefense contracts. The CASB now has promulgated standards on Accounting for Unallowable Costs (4 CFR 405, 38 FR 24195, September 6, 1973) and the Cost Accounting Period (4 CFR 406, 38 FR 30730, November 7, 1973).

(b) The effective date of Part 405, Accounting for Unallowable Costs, was April 1, 1974, as specified in 38 FR 31813, November 19, 1973. The effective date of Part 406, Cost Accounting Period, will be July 1, 1974, as specified in 39 FR 10115, March 18, 1974.

5. *Agency action.* Agencies entering into negotiated nondefense contracts which are subject to CASB standards and regulations, by reason of the requirements of FPR Temporary Regulation 27, shall require the contractors and subcontractors under such contracts to comply with the CASB standards on Accounting for Unallowable Costs and on the Cost Accounting Period which have been prescribed by the CASB in accordance with the terms of those standards. As indicated in paragraph 4 above, the referenced standards are also applicable to negotiated defense contracts.

ARTHUR F. SAMPSON,  
Administrator of General Services.

MAY 24, 1974.

[FR Doc.74-12853 Filed 6-4-74; 8:45 am]

## OFFICE OF THE FEDERAL REGISTER STANDARDIZATION OF INDEXING TERMS Extension of Time for Filing Comments

The purpose of this notice is to extend the time for filing comments in response to the Office of the Federal Register's notice published at 39 FR 14548, April 24, 1974 and republished at 39 FR 14773, April 26, 1974.

Interest in the development of a thesaurus of indexing terms for publications of the Office of the Federal Register has been so great that the Office of the Federal Register has determined that an extension of the comment period is warranted.

The original date of June 1, 1974 is therefore extended to June 28, 1974. Comments should be sent to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

Dated: June 4, 1974.

FRED J. EMERY,  
Director of the Federal Register.

[FR Doc.74-13055 Filed 6-4-74; 10:38 am]

## INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

### KENTLAND ELKHORN COAL CORP.

#### Opportunity for Public Hearing Regarding Applications for Renewal Permits Electric Face Equipment Standard

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

- (1) ICP DOCKET NO. 4255-000, Kentland Elkhorn Coal Corporation, Kentland No. 3 Mine, Mine ID No. 15 02104 0, Mouthcard, Kentucky, ICP Permit No. 4255-003 (Galis Roof Bolting Machine, Serial No. 32471081).
- (2) ICP DOCKET NO. 4257-000, Kentland Elkhorn Coal Corporation, Feds Creek No. 1, Mine, Mine ID No. 15 02097 0, Mouthcard, Kentucky, ICP Permit No. 4257-001 (Lee Norse 35 Y Continuous Serial No. 4075).
- (3) ICP DOCKET NO. 4389-000, Kentland Elkhorn Coal Corporation, Kentland No. 2 Mine, Mine ID No. 15 02106 0, Mouthcard, Kentucky, ICP Permit No. 4389-001 (Galis 320 Roof Bolting Machine, Serial No. 3296954), ICP Permit No. 4389-006 (Joy 18SC Shuttle Car, Serial No. 8376), ICP Permit No. 4389-008 (Joy 11RU Cutting Machine, Serial No. 17297), ICP Permit No. 4389-009 (Joy 14BU10 Loading Machine, Serial No. 8715), ICP Permit No. 4389-010 (Galis 320 Roof Bolting Machine, Serial No. 320381291), ICP Permit No. 4389-011 (Long Airdox TD-24 Coal Drill, Serial No. 9453104), ICP Permit No. 4389-012 (Lee Norse Continuous Miner, Serial No. 4302), ICP Permit No. 4389-013 (Joy 18SC Shuttle Car, Serial No. 8460).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before June 20, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

MAY 30, 1974.

[FR Doc.74-12785 Filed 6-4-74; 8:45 am]

### OMAR MINING CO. AND CONSOLIDATION COAL CO.

#### Opportunity for Public Hearing Regarding Applications for Renewal Permits Electric Face Equipment Standard

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

- (1) ICP DOCKET NO. 4100-000, Omar Mining Company, Chesterfield No. 3 Mine, Mine ID No. 46 01790 0, Madison, West Virginia.  
ICP Permit No. 4100-001 (Joy 14BU-10-11BE Loading Machine, Serial No. 9283),  
ICP Permit No. 4100-004 (Joy CD71A Coal Drill, Serial No. 3701),  
ICP Permit No. 4100-005 (Galis 320 Roof Drill, Serial No. 1081390),  
ICP Permit No. 4100-006 (Joy 9SC Shuttle Car, Serial No. 6534),  
ICP Permit No. 4100-007 (Joy 9SC Shuttle Car, Serial No. 6064).
- (2) DOCKET NO. 4352-000, Consolidation Coal Company, Franklin No. 25 Mine, Mine ID No. 33 00963 0, New Athens, Ohio.  
ICP Permit No. 4352-006 (Joy 10RU Cutting Machine, Serial No. 14838),  
ICP Permit No. 4352-008 (Joy 11RU Cutting Machine, Serial No. 17514),  
ICP Permit No. 4352-017 (Joy CD41 Coal Drill, Serial No. 3548),  
ICP Permit No. 4352-018 (Long Airdox TDE-24A Coal Drill, Serial No. 52-302),  
ICP Permit No. 4352-022 (National Mine Service 48-48 Shuttle Car, Serial No. 1389),  
ICP Permit No. 4352-025 (National Mine Service 48-45 Shuttle Car, Serial No. 1101),  
ICP Permit No. 4352-026 (National Mine Service 48-45 Shuttle Car, Serial No. 1100).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before June 20, 1974. Requests

for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

MAY 31, 1974.

[FR Doc. 74-12786 Filed 6-4-74; 8:45 am]

## NATIONAL ENDOWMENT FOR THE ARTS

### ARCHITECTURE AND ENVIRONMENTAL ARTS PROGRAM

#### Guidelines, Fiscal Year 1975; Correction

The application deadline for Professional Education and Development grants made under the Architecture and Environmental Arts Program of the National Endowment for the Arts was erroneously given in the May 13, 1974 issue of the FEDERAL REGISTER. The actual deadline is January 6, 1975. Interested persons should contact Bill N. Lacy, Director, Architecture and Environmental Arts Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 382-6657 for guidelines and application forms.

Signed at Washington, D.C. on 24 May 1974.

FANNIE TAYLOR,  
Director,  
Program Information.

[FR Doc. 74-12788 Filed 6-4-74; 8:45 am]

## MUSIC PROGRAM

### Guidelines for Grants to Symphony Orchestras, Fiscal Year 1976

The following are guidelines for grants made to Orchestras under the Music Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

Notice is hereby given that the deadline for this program is December 1, 1974. Interested persons should contact Walter Anderson, Director, Music Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 382-5755 for further information and application forms. Only the Music Program office may distribute application forms.

Signed at Washington, D.C., on May 24, 1974.

FANNIE TAYLOR,  
Director, Program Information.

#### GENERAL INFORMATION

The National Endowment for the Arts plans to continue its program of assistance to symphony orchestras in Fiscal Year 1976

(July 1, 1975-June 30, 1976). Although total resources available for this program may not be known before the fall of 1975, applications are being requested in time for the symphony orchestras to plan in advance.

#### DEADLINE

Applications must be postmarked no later than December 1, 1974.

The deadline will be adhered to strictly. Applications postmarked later than December 1, 1974 will not be considered under the Fiscal Year 1976 Orchestra Program.

Applications for orchestras meeting the eligibility criteria as set forth on page 2 may be obtained from the Music Program, National Endowment for the Arts, Washington, D.C. 20506. Project Grant Application Forms No. NEA-3/Rev. should be requested.

The completed application forms in triplicate, and all accompanying material, in duplicate, should be returned to the Grants Office, National Endowment for the Arts, Washington, D.C. 20506.

#### GENERAL PURPOSE

The purpose of this program in support of symphony orchestras is to:

- (1) Encourage and strengthen the performances of symphony orchestras in all sections of the country and to improve the level of artistic quality and management;
- (2) Broaden the repertory to include works of various historical periods, with particular emphasis on works by American composers;
- (3) Provide sustained professional opportunities for American artists;
- (4) Encourage more flexible service of symphony orchestras to the larger community through the use of smaller performing units.

#### BICENTENNIAL

The Endowment recognizes that the arts will play an important role in the next few years in the celebration of our country's bicentennial. The Endowment welcomes this involvement on the part of artists and cultural organizations. The Endowment has an active interest in participating in these efforts, within the funds available to it, and insofar as they are directed to professional creation and presentation of new works, improvement of artistic standards, preservation of our cultural heritage, and increasing the availability of the arts for all Americans. If funds under these guidelines are sought for the projects deemed by the applicant to be related to the bicentennial, a brief description of this relationship should be made in the application.

While most music projects in support of the nation's bicentennial will fall into one of the regular music categories, it is possible that projects may be developed which do not readily meet the regular program guidelines. If funding levels permit, an additional grant may be considered for support of a special bicentennial project. Such grants are not expected to be awarded to all organizations meeting eligibility criteria, but will be reserved for imaginative and significant activities. It is anticipated that these grants will be on a highly competitive basis to a limited number of organizations. Further information will be forwarded concerning applications if the program is initiated.

#### ELIGIBILITY

By statute the National Endowment for the Arts is limited to the support of organizations which meet the following criteria:

- (1) Only those organizations in which no part of net earnings inures to the benefit of a private stockholder or individual and to which donations are allowable as a charitable contribution under Section 170(c) of the Internal Revenue Code of 1954, as amended. Copy of Internal Revenue Service determina-

tion letter of tax-exempt status must be submitted with each application.

(2) Only those organizations which compensate at the equivalent of the prevailing minimum compensation level or on the basis of negotiated agreements which would satisfy the requirements of Parts 3, 5, and 505 of Title 29 of the Code of Federal Regulations for the duration of any project supported in whole or in part by the National Endowment for the Arts.

(3) Only those organizations which meet the requirements of Title VI of the Civil Rights Act of 1964 for the duration of any project supported in whole or in part by the National Endowment for the Arts.

Assistance, further, will be limited to professional orchestras which have maintained an annual operating budget in excess of \$100,000 for a minimum of three seasons and:

- (1) Which have national or regional impact while demonstrating high standards of performance and administration;

Or

- (2) Which serve unique needs due to geographical location or other special conditions and demonstrate high standards of performance and administration.

#### GRANT PERIOD

The proposed period of grant support should not begin prior to September 1, 1975. In some instances the Endowment will accept applications for projects taking place in the summer of 1975. Generally, the projected grant period may not extend beyond a one-year period.

#### NOTICE OF APPROVAL OR REJECTION

Notice of approval or rejection will be sent as the Chairman authorizes in the summer or early fall of 1975. Applicants are requested not to seek information on the status of their applications prior to notification. Funding levels will not be confirmed until Congressional appropriations are known.

#### GRANT AMOUNTS

Grants to symphony orchestras will be considered in amounts within the following budget ranges:

**Budgets in excess of \$1,000,000.** Orchestras with annual budgets in excess of \$1,000,000 during the 1973-1974 season may request assistance of up to \$150,000 in federal funds.

Applicants in this category should request assistance through a combination of Program Funds and Treasury Funds with no more than \$100,000 through the Program Fund. Please refer to: Methods of Funding, Option 3, page 6.

In many instances grants will be for lesser amounts; therefore, orchestras are urged to limit any requests for increased support above previous funding to moderate increments.

**Budgets of \$500,000 to \$1,000,000.** Orchestras with expenditures in the 1973-1974 season within this range will be considered for grants in varying amounts, up to a maximum of \$50,000 in federal funds.

In most instances grants will be for lesser amounts; therefore, orchestras are urged to limit any requests for increased support above previous funding to moderate increments.

**Budgets of \$100,000 to \$500,000.** Orchestras with expenditures in the 1973-1974 season within this range will be considered for grants in varying amounts up to \$35,000 in federal funds.

In most instances grants will be for lesser amounts; therefore, orchestras are urged to limit any requests for increased support above previous funding to moderate increments.

Orchestras not previously receiving assistance, and which are now eligible, are asked

to request only moderate amounts, that is, amounts within the scope of realistic fiscal planning.

*Note to All Applicants.* Grants in each category will not be considered in amounts:

(1) Exceeding the limits set forth under Grant Amounts.

(2) Exceeding 50% of the total cost of the project(s).

For clarification of assistance available through the Program Funds, the Treasury Fund and the Combined Program Funds and Treasury Fund Method, see "Methods of Funding," page 6.

## PROJECT EXAMPLES

Although the Endowment welcomes the vitality of new programs and, under all conditions, encourages applicants to develop new sources of funds, applications first and foremost should represent the genuine needs of the applicant organizations. Accordingly, orchestras may request assistance to strength existing programs. Also assistance may be requested to support the same project for more than one year. In no instance, however, should organizations attempt to extend their programs beyond their capacity to accommodate and sustain the level of proposed expansion into future seasons.

The following are examples of projects that are eligible for assistance. The National Council on the Arts has recommended that the Endowment extend first priority to applications which would provide assistance and recognition to American artists.

(1) Programs by full orchestra or smaller ensembles from the orchestras designed to present works by contemporary composers, especially living American composers.

(2) Programs designed to present gifted young American artists as soloists with the orchestra or smaller ensembles.

(3) Programs designed to reach larger and more diversified audiences than those usually served by the subscription series; e.g., improved services to local communities, such as schools, inner-city areas, parks, neighborhoods, churches, industries, et cetera.

(4) Collaboration with and/or sponsorship of programs with other established performing organizations, such as dance companies, opera companies, resident professional theatre companies and experimental groups through use of the orchestra or smaller ensembles.

(5) Projects to improve the quality of performance, including increased rehearsal time and improved artistic direction and management.

(6) Flexible use of orchestral personnel in smaller ensembles and solo performances.

(7) Experimental programming with commercial and educational public media through radio, television, film, and new technological developments. Project proposals in this area should include:

A full description of the proposed program(s).

Letters of interest from the stations involved. Resumes and a sample of previous work of key artistic personnel: director, producer, filmmaker, et cetera.

(8) Exploration of new ways to improve earned and contributed income, including development programs staffed by professional development personnel and new methods of promotion to increase audiences and improve ticket sales.

(9) Professional apprentice programs in performance and/or management.

(10) Regional touring programs, particularly to areas where instrumental performances of quality normally are not possible.

(11) Special series of concerts in cooperation with unions, schools, teacher organiza-

tions, college groups, etcetera. Project proposals in this area should include:

Full description of the proposed project to include the planning stage, program implementation and evaluation.

Letters of interest from the organizations involved.

(12) Extended seasons. Evidence that the extension, without continued Endowment support, would not jeopardize the orchestra's continued existence will be required.

(13) Cooperative planning among orchestras on a regional level to achieve greater efficiency in operations, improvement in quality of performance, enlarging touring opportunities (perhaps via an arrangement with regional blocs of state arts agencies).

## LIMITATIONS

(1) Although the Endowment seeks information regarding plans for recording, the present policy of the Endowment does not include support to orchestras for the purpose of recording.

(2) Applications will rarely be considered for non-specific support.

(3) The Endowment's assistance is never intended to discourage admission fees irrespective of how nominal the charge may be.

(4) The Endowment's assistance is never intended to substitute for previous local support but, instead, is designed to encourage continuing and increased local contributions.

(5) Applicants are required to limit their requests to a single application; however, requests for more than one project may be presented in the application if:

The total funds sought do not exceed the maximum levels outlined under grant amounts.

The overall project description does not attempt to encompass all or most aspects of the orchestra's total program.

(6) The Endowment's assistance under this program is not intended to provide support for youth orchestras and their activities or for the support of scholarships for young student musicians.

(7) The Endowment's assistance is not intended to provide support for the initial employment of a general manager.

## METHODS OF FUNDING

## OPTION 1, PROGRAM FUNDS METHOD

Applicants requesting assistance from Program Funds must present evidence in the proper space provided on the application that one-half the total cost of the project will be provided by the applicant. Sources of matching funds must be identified.

## Example

Grantee receives endowment award. \$20,000

Required matching by the grantee. 20,000

Minimum required budget. 40,000

## OPTION 2, TREASURY FUND METHOD

Applicants are encouraged to use the Treasury Fund Method.

## Example

Restricted gift(s)----- \$50,000

Endowment Treasury funds----- 50,000

Proposed award----- 100,000

Required matching by the grantee. 100,000

Minimum required budget. 200,000

## OPTION 3, COMBINED PROGRAM FUNDS AND TREASURY FUND METHOD

Applicants may request assistance through a combination of funds through the Treasury

Fund method and Program Funds method, but the combined amount of federal funds cannot exceed the program maximum.

## Example

Program funds----- \$100,000

Restricted gift(s)----- 35,000

Endowment Treasury funds----- 35,000

Combined restricted gift(s) and  
endowment Treasury funds----- 70,000

Proposed award----- 170,000

Required matching by the grantee. 170,000

Minimum required budget. 340,000

## GRANT APPLICATION

## THE APPLICATION FORM

Typewritten application forms must be submitted in triplicate. All essential elements of the proposal must be included in a concise project description in the space provided on the first page of the application. If additional space is needed, no more than two additional 8½" x 11" pages may be attached to each of the application forms.

If the applicant develops a multi-purpose application, please number each project separately with its own budget. For example: if the application contains three projects numbered 1, 2, 3—develop the budget numbered 1, 2, 3 to correspond with the appropriate project description. Budget detail for the individual projects should be in accordance with the categories on the application, such as: Personnel, Fringe Benefits, Supplies, et cetera. The budget figures appearing on the first page of the application must represent the sum of all expenses related to projects.

The Music Staff advises applicants to study carefully, point by point, the Eligibility Criteria, Maximum Grant Amounts and Program Limitations, as described earlier, before submitting an application. Applicants are urged to retain duplicates of any materials sent to the agency.

## ADDITIONAL REQUIRED MATERIALS

Please forward in duplicate the following.

(1) Copy of Internal Revenue Service determination letter for tax-exempt status. Although this letter may have been submitted previously, it must be submitted with each application.

(2) Audited financial statement for the most recent completed fiscal period. Un-audited financial statement is acceptable if audited statement is not available, but the audit should be forwarded when available.

(3) Total operating budget showing estimated income and expenses for the 1974-75 and the 1975-76 seasons.

(4) Complete representative reviews of regular performances from the past year with dates provided.

(5) Biographical sketches of Project Director, Manager, and Conductor.

(6) The supplementary information sheet completed in full.

## SUPPLEMENTARY INFORMATION

The following materials is required of all applicants which have not received assistance in Fiscal Year 1975 and applicants for which previously submitted information is not up-to-date. Please submit, in duplicate:

(1) A brief history of the organization.

(2) The number of members of the board and the executive committee.

(3) The number of times the board and the executive committee meet.

## SUPPORTING STATEMENTS

The following statements are required of applicants as indicated below, in duplicate. Statements to confirm the involvement of cooperating organizations and/or individuals



Health Resources Administration: Follow-up Health Surveys for Evaluating Selected Neighborhood Health Centers. Form HRABHSR 0424, Single time, HRD/Reese, Households in 5 selected NHC service areas.

Health Services Administration: Evaluation of Women's Health Care Specialists, Form HSABCHS 0517, Single time HRD/Reese, Women's health care specialist graduates.

## DEPARTMENT OF THE INTERIOR

## Geological Survey:

Preliminary Determination of Epicenter and PDE Monthly Listing, Form, Single time, Weiner, Seismologists earthquake data contributors.

Earthquake Data Report, Form, Single time, Weiner, Seismologists earthquake data contributors.

## DEPARTMENT OF LABOR

Employment Standards Administration: Application for Continuation of Death Benefit for Student, Form LS 266, Single time, Caywood, Parent or guardian of workmen's compensation survivors under 18.

## NATIONAL SCIENCE FOUNDATION

Report on Attitudes of the U.S. Public Toward Science and Technology, Form, Single time, Wefner/Wann/Planchon, Households in 360 communities.

## REVISIONS

## DEPARTMENT OF DEFENSE

Department of the Air Force: AFLCM 65-1, Chapter 5, "Material Requirements List," Form, Quarterly, Sheffel, Aerospace hardware repair contractors.

## EXTENSIONS

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service: Cotton Market Canvas, Form CN 73-1, Occasional, Evinger, Cotton merchants.

Animal and Plant Health Inspection Service: Regulations-Recognitions of Breeds and Books of Record of Purebred Animals, Form, Occasional, Evinger, Animal importers.

Statistical Reporting Service: Cleaners Report of Seed Cleaned, Form, Annual, Evinger, Seed buyers and cleaners.

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc. 74-12837 Filed 6-4-74; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[70-5503]

## APPALACHIAN POWER CO.

## Proposed Agreement for Construction of Pollution Control Equipment

MAY 30, 1974.

Notice is hereby given that Appalachian Power Company ("Appalachian"), 40 Franklin Road, Roanoke, Virginia 24009, an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed an application-declaration and an amendment thereto with this Commission designating sections 6(b), 9(a), 10, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act"), and Rules 44(b)(3) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the ap-

plication-declaration, which is summarized below, for a complete statement of the proposed transactions.

Appalachian states that in order to comply with prescribed air and water quality control standards of the State of Virginia it has been and will be necessary to construct certain high efficiency electrostatic precipitators ("Project") for particulate emission control and related facilities at its Glen Lyn and Clinch River Plants. By resolution of September 26, 1972, the Industrial Development Authority of Russell County, Virginia ("Authority"), authorized a proposal to Appalachian to construct the Project at the Glen Lyn and Clinch River Plants.

Appalachian proposes to enter into an agreement of sale ("Agreement") with the Authority whereby the Authority will construct and equip the Project. To finance construction, the Authority will issue, pursuant to an indenture ("Indenture") to be entered into between the Authority and an indenture trustee ("Trustee"), pollution control revenue bonds ("Revenue Bonds") in principal amount presently estimated not to exceed \$45,000,000. The proceeds from the sale of the Revenue Bonds will be deposited by the Authority with the Trustee and will be applied to the payment of the cost of construction (as defined in the Agreement) of the Project.

The Agreement also will provide for the sale of the Project to Appalachian at a price payable in semi-annual installments over a term of years sufficient to pay the principal of and interest on the Revenue Bonds as they become due and payable. The Agreement further provides that Appalachian may prepay the purchase price (a) at any time on or after 10 years from the date of issuance of the Revenue Bonds, in whole or in part at the option of Appalachian, such payments to be sufficient to redeem or purchase outstanding Revenue Bonds, including applicable premiums, and (b) in whole, without premium, at the option of Appalachian, in certain other specified conditions.

In order to obtain the benefit of a rating for the Revenue Bonds equivalent to a rating enjoyed by the first mortgage bonds outstanding under Appalachian's bond indenture ("Mortgage"), Appalachian proposes to issue a series of such first mortgage bonds ("Collateral Bonds") under the Mortgage, pursuant to a supplemental indenture ("Supplemental Indenture"). The Collateral Bonds, to be issued in a principal amount (not exceeding \$45,000,000) equal to the principal amount of the Revenue Bonds, will be deposited with the Trustee as security for Appalachian's obligations under the Agreement. The Collateral Bonds will have a stated interest rate equal to the interest rate per annum to be borne by the Revenue Bonds, will mature on the maturity date of such Revenue Bonds, will be non-transferable, and interest on the Collateral Bonds will accrue at the time and under conditions specified in the Supplemental Indenture.

The Indenture will provide that, upon deposit of funds with the Trustee or direction to the Trustee by Appalachian to apply available funds, or upon delivery of outstanding Revenue Bonds sufficient to pay or redeem all or any part of the Revenue Bonds, the Trustee will be obligated to deliver to Appalachian Collateral Bonds in an aggregate principal amount equal to that amount of Revenue Bonds for the payment or redemption of which such funds have been deposited or applied or which shall have been so delivered.

The terms of the Revenue Bonds contain sinking fund provisions, which, in the aggregate, will retire at least twenty-five percent of the original issue by its final maturity date.

In order to comply with the provisions of the Mortgage, it will be necessary for Appalachian to sell to the Authority such portions of the Project which have been constructed and now owned by Appalachian ("Existing Facilities"). The Agreement states that Appalachian will receive, out of the proceeds of the Revenue Bonds, an amount equal to Appalachian's original cost for the Existing Facilities. The Existing Facilities will become a part of the Project which Appalachian proposes to purchase as provided in the Agreement. The proceeds to be received by Appalachian for the Existing Facilities will be applied to obtain their release from the lien of the Mortgage and, after such release, Appalachian will convey said Existing Facilities to the Authority free and clear of the Mortgage Lien.

It is contemplated that the Revenue Bonds will be sold by the Authority pursuant to arrangements with a group of underwriters represented by Blyth Eastman Dillon & Co. Incorporated. In accordance with the laws of the State of Virginia, the interest rate to be borne by the Revenue Bonds will be fixed by the board of directors of the Authority. While Appalachian will not be a party to the underwriting arrangements for the Revenue Bonds, the Agreement will provide that the terms of the Revenue Bonds and their sale by the Authority shall be satisfactory to Appalachian.

Appalachian has been advised that the annual interest rates on obligations, interest on which is tax exempt, historically have been and can be expected at the time of issue of the Revenue Bonds to be 1½ to 2½ percent lower than the rates on obligations of like tenor and comparable quality, interest on which is fully subject to federal income tax.

The application-declaration states that the fees and expenses incident to the proposed disposition of the Existing Facilities and the acquisition of the Project (as distinguished from and excluding fees and expenses incident to the sale of the Revenue Bonds by the Authority payable out of the proceeds of such sale) will be supplied by amendment. It is stated that the issuance of the Collateral Bonds is subject to the jurisdiction of the State Corporation Commission of Virginia and the Public Service Commission of Tennessee, and that no other state commis-

sion and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Appalachian further requests exception from the competitive bidding requirements of Rule 50 under the Act in respect of the issuance of the Collateral Bonds, stating that such requirements are inappropriate under the circumstances described herein, inasmuch as the Collateral Bonds are to be issued and pledged solely to secure Appalachian's obligations to the Authority and no public offering of the Collateral Bonds is to be made.

Notice is further given that any interested person may, not later than June 27, 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 the filing 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-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued 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. 74-12896 Filed 6-4-74; 8:45 am]

[File No. 81-153]

**CAMPEAU CORP.**

**Notice of Application and Opportunity for Hearing**

MAY 29, 1974.

Notice is hereby given that Campeau Corporation ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the 1934 Act"), that Applicant be granted an exemption from the provisions of sections 12(g), 13, 14, 15(d), and 16 of the 1934 Act.

Section 12(g) of the 1934 Act requires the registration of the equity securities

of every issuer which is engaged in, or is in a business affecting, interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of its fiscal year has total assets exceeding \$1 million and a class of equity securities held of record by 500 or more persons.

Section 15(d) provides that each issuer who has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to section 13 of the 1934 Act in respect of a security registered pursuant to section 12 of the 1934 Act.

Section 13 of the 1934 Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission. Section 14 requires that issuers of securities registered pursuant to section 12 must comply with certain requirements with respect to proxy solicitation. Section 16 imposes certain ownership reporting requirements upon the beneficial owners of more than 10 percent of a class of equity security registered pursuant to section 12 and upon officers and directors of the issuer of such security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting or proxy solicitation provisions under sections 12, 13 and 14 and any officer, director or beneficial owner of more than 10 percent of the 12(g) registered equity securities of any issuer from the insider trading provisions of Section 16 of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The applicant states, in part:

1. Applicant is a Canadian corporation formed on October 1, 1973, upon consummation of an amalgamation of Campeau Corporation Limited ("Campeau Ltd.") with Canadian Interurban Properties Limited ("Interurban") and certain of its wholly-owned subsidiaries.

2. In connection with the amalgamation, Campeau Ltd. filed a registration statement on Form S-14 pursuant to the Commission's Rule 145 under the Securities Act of 1933, to register the shares of Applicant which were to be delivered to those shareholders of Campeau Ltd. or Interurban who were residents in the United States upon the consummation of the amalgamation. This registration statement became effective on August 23, 1973.

3. Prior to the amalgamation, Campeau Ltd. had two classes of shares outstanding; Campeau Ltd. Class A Common Shares were held by 15 persons resident in the United States and by 4,199 persons resident in countries other than the United States. Campeau Ltd. Class A Shares Par \$.20 were held by one person, a Canadian. Applicant's Class A Common Shares were issued for Campeau Ltd.'s Class A Common Shares. Applicant's Second Preference Shares were issued for the latter class of Campeau Ltd.'s shares.

4. Interurban Common Shares were 98.7 percent owned by Campeau Ltd.; 1,250 persons resident in the United States held approximately .53 percent of the outstanding common shares, and the remainder were held by 487 persons resident in countries other than the United States. Interurban's Series A Preference Shares Par \$10 were owned by 8 residents of the United States and by 705 residents of countries other than the United States. Pursuant to the plan of amalgamation, Applicants First Preference Shares were issued for Interurban's Third Preference Shares were issued for Interurban's Series A Preference Shares and Applicant's common shares. The Third Preference Shares were redeemed for cash on December 18, 1973.

5. The present stock ownership of Applicant is as follows:

Security	Number of shareholders	Number of shares
Class A common shares.	15 United States.... 4,199 Canadian and Foreign.	2,546 6,734,630
First preference shares.	8 United States.... 705 Canadian and Foreign.	3,750 757,105
Second preference shares.	1 Canadian.....	1,000,000

6. Applicant states that its contacts with the United States are limited in that Applicant had less than 1 percent of its gross assets of \$313,000,000 at December 31, 1972 located in the United States and derived less than 1 percent of its gross revenues of \$91,000,000 for the year then ended from the United States. In addition Applicant asserts that Campeau Ltd. has never made a public offering in the United States (other than the S-14 mentioned above) and that as the successor to Campeau Ltd., Applicant has no existing plans to engage in any public financing transactions in the United States, either by way of a public offering of its securities within the United States or otherwise and that a trading market in the United States for its securities does not exist at present and that development of such a market is unlikely.

7. Applicant asserts that it is subject to Canadian securities laws which require (a) distribution to shareholders of quarterly reports containing unaudited comparative financial information and an annual report containing certified comparative financial statements, and (b) submission of these reports to the Ontario Securities Commission.

8. Applicant further asserts that compliance with the reporting requirements of both the United States and Canada would require Applicant (at substantial expense) to prepare two sets of financial statements to reflect the accounting principles and practices of both countries.

In the absence of an exemption, Applicant would be required to register its shares pursuant to section 12(g) of the 1934 Act by reason of the facts that Applicant is engaged in interstate commerce and that Applicant has more than \$1,000,000 in assets and 500 shareholders. In the absence of an exemption, Applicant would be subject to the provisions of Section 15(d) relating to reports to be filed with the Commission by reason of the fact that its registration statement on Form S-14 was declared effective.

Applicant argues that the exemptive order requested by it is appropriate in view of the fact that a trading market in the United States for its securities does not exist at present and that development of such a market is unlikely; that the Applicant now has only 23 shareholders who are resident in the United States; that the 23 shareholders will be receiving reports distributed pursuant to the laws of the Province of Ontario; and that the requirement for reports filed pursuant to section 15(d) of the 1934 Act would subject Applicant to the not insubstantial burden of compliance.

Applicant states that it is willing to have the Commission issue a conditional order granting the application which conditional order would remain in effect only so long as:

a. Applicant has fewer than 300 shareholders resident in the United States.

b. Applicant files with the Commission all of the reports which it is required pursuant to the laws of the Province of Ontario to distribute to its shareholders or to submit to the Ontario Securities Commission.

For a more detailed statement of the information presented, all persons are referred to said application and amendments which are on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than June 24, 1974 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said

date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc.74-12897 Filed 6-4-74;8:45 am]

[File No. 500-1]

#### CANADIAN JAVELIN, LTD.

##### Suspension of Trading

MAY 24, 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 sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 28, 1974 through June 6, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc.74-12898 Filed 6-4-74;8:45 am]

[70-5509]

#### COLUMBIA GAS SYSTEM, INC.

##### Proposed Issue and Sale of Preferred Stock at Competitive Bidding

MAY 29, 1974.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding com-

[Dollars in thousands]

	Actual		Pro Forma	
	Amount	Percent	Amount	Percent
Long-term debt: <sup>1</sup>				
Debentures.....	\$1,108,621	51.6	\$1,108,621	50.6
Subordinated bank loans.....	60,000	2.8	60,000	2.7
Term bank loans.....	50,000	2.3	50,000	2.3
Other.....	8,621	0.4	8,621	0.4
Total long-term debt.....	1,227,242	57.1	1,227,242	56.0
Common Stock equity.....	920,485	42.9	915,860	41.7
Preferred Stock equity.....			50,000	2.3
Total.....	2,147,727	100.0	2,193,102	100.0

<sup>1</sup> Includes current maturities.

<sup>2</sup> After payment of preferred dividends at an assumed rate of 9 1/4%.

Columbia proposes to use the proceeds from the sale of the Stock together with: (1) proceeds from the sale of \$40 million principal amount of \_\_\_ percent Debentures, Series due June 1999 (File No. 70-5486); (2) an additional \$85 million

of long-term financing in late 1974 (in a form to be determined); and (3) internally generated funds, to finance the 1974 capital expenditure program of Columbia's subsidiaries (estimated at approximately \$340 million).

pany, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

All external financing for the Columbia System is done at the parent company level, i.e., through the issue and sale of securities of Columbia. In anticipation of the sale of an initial series of preferred stock Columbia, on April 18, 1974, amended its Certificate of Incorporation (see HCAR No. 18304, March 15, 1974) so as to restate its preferred stock protective provisions in substantial conformity with the Statement of Policy with respect to preferred stock promulgated by the Commission in 1956 and 1970 (HCAR Nos. 13106 and 16758). Columbia now proposes to issue and sell in July 1974, subject to the competitive bidding requirements of Rule 50 under the Act, 1,000,000 shares of \_\_\_ percent Cumulative Preferred Stock, Series A, par value \$50 per share ("Stock").

The dividend rate (which shall be a multiple of 0.08 percent) and the price (which shall be not less than \$50 nor more than \$51.375 per share) will be determined by the competitive bidding. The terms of the Stock will provide that Columbia shall have the option to redeem shares of the Stock, provided however, that no such optional redemption shall be made prior to July 1, 1979, directly or indirectly, with borrowed funds having a lower effective interest cost or from the issuance of another series of preferred stock having a lower effective dividend cost. A sinking fund will be provided to redeem 50,000 shares of Stock yearly beginning with the year 1980.

The following tabulation shows the consolidated capital structure of Columbia and its subsidiaries as to March 31, 1974, actual and pro forma, giving effect to the issuance of the Stock, at an assumed price to Columbia of \$50 per share.

The following tabulation shows the consolidated capital structure of Columbia and its subsidiaries as to March 31, 1974, actual and pro forma, giving effect to the issuance of the Stock, at an assumed price to Columbia of \$50 per share.

Columbia also expects, in 1974, to issue and sell (i) an additional \$60 million of subordinated notes to banks, pursuant to the authorization granted in File No. 70-5039 (HCAR No. 17213, August 2, 1971); and (ii) commercial paper and/or notes to banks ("short-term notes") in an aggregate face amount not exceeding \$220 million at any time outstanding, pursuant to the authorization sought in File No. 70-5481 (HCAR No. 18388, May 10, 1974). After applying part of the proceeds from the anticipated long-term financing later in 1974, to retirement of short-term notes, Columbia expects that the amount thereof outstanding at December 31, 1974 will consist of \$20 million commercial paper and \$115 million of gas inventory bank loans. Said inventory bank loans are expected to be repaid early in 1975 as gas is withdrawn from inventory and sold.

A statement of the fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the transaction proposed herein.

Notice is further given that any interested person may, not later than June 25, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued 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.74-12899 Filed 6-4-74;8:45 am]

[File No. 500-1]

### CONTINENTAL DYNAMICS LTD.

#### Suspension of Trading

MAY 22, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Dynamics Ltd. 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 p.m. (e.d.t.) on May 22, 1974 through May 31, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-12900 Filed 6-4-74;8:45 am]

[File No. 24SF-4052]

### DELTA STEEL CORP.

#### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 29, 1974.

I. Delta Steel Corporation ("Delta"), 1745 East Factory Street, Tucson, Arizona 85719, is an Arizona corporation located at 1745 East Factory Street, Tucson, Arizona 85719. It was organized on November 2, 1972. Its purpose is to manufacture steel.

On December 19, 1972, Delta filed a notification pursuant to Regulation A in connection with the proposed public offering of 500,000 shares of its 10¢ par value common stock at \$1.00 per share with the Fort Worth Regional Office, 24FW-1565. This filing was withdrawn by Delta on May 16, 1973. On December 4, 1973, Delta filed another notification for the same number of shares at the same price with the Fort Worth Regional Office, 24FW-1605. Since this filing was improperly filed in the Fort Worth Regional Office, it was effectively withdrawn on March 20, 1974, and on March 22, 1974, was transferred to the San Francisco Branch Office, which administers the area where Delta's principal place of business is located.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading in the following respects:

1. The failure to disclose James N. Concannon as the manager and controlling person of Delta;

2. The failure to state that certain designated directors and/or officers, including the president, the secretary, and the treasurer are not active in the management of Delta.

3. Falsely stating that certain persons were engaged in providing technical advice to Delta.

B. The terms and conditions of Regulation A have not been met in that the notification and offering circular fail to list James N. Concannon as an affiliate of Delta.

C. The offering would be made in violation of section 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of Delta Steel Corporation under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-12901 Filed 6-4-74;8:45 am]

[File No. 500-1]

### FRANKLIN NATIONAL BANK

#### Suspension of Trading

MAY 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the preferred stock of Franklin National Bank 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 25, 1974 through June 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-12902 Filed 6-4-74;8:45 am]

[File No. 500-1]

**FRANKLIN NEW YORK CORP.**  
**Suspension of Trading**

MAY 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock of Franklin New York 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 25, 1974 through June 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-12903 Filed 6-4-74;8:45 am]

[812-3416]

**NEW YORK HEDGE FUND, INC.**  
**Notice of Application**

Notice is hereby given that New York Hedge Fund, Inc. ("Applicant"), 116 John Street, New York, New York 10038, a nondiversified, open-end management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 22(e) (3) of the Act for an order of the Commission permitting, retroactively, postponement of full payment for shares tendered to the Applicant for redemption. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

On March 5, 1973, the Commission announced that it had ordered the temporary suspension of over-the-counter trading in the securities of Beneficial Laboratories, Inc. ("Beneficial") for a period of 10 days. This order was renewed for successive 10-day periods until October 30, 1973. Applicant states that, based on a valuation of its assets made shortly before said suspension, securities of Beneficial represented approximately 71 percent of its total net asset value. Applicant maintains that because of the suspension of trading in

the stock of Beneficial it could not, during the period of the trading suspension, ascribe a fair market value to the shares of Beneficial held by it and that it was, therefore, not reasonably practicable for it fairly to determine the value of all its net assets during that time.

Applicant, therefore, adopted a plan of a partial postponement of payment for shares tendered for redemption pursuant to which shareholders who requested redemption subsequent to March 5, 1973, and before trading in Beneficial was resumed, received the net asset value of their shares, exclusive of their interests in the assets of Applicant represented by its holdings of securities of Beneficial. These shareholders were also allocated a pro-rata interest in the shares of Beneficial held by Applicant. On March 8, 1973, Applicant filed an application for an order permitting its plan of partial postponement of payment. After the resumption of trading in Beneficial, Applicant sold its Beneficial holdings, and the proceeds of such sale allocable to shareholders who had redeemed their shares were distributed to them.

On January 16, 1973, the Commission suspended trading in the shares of Pelorex Corporation ("Pelorex"). Prior to such suspension, Applicant had sold 500 shares of Pelorex short and was entitled to receive \$46,475 upon delivery of 500 shares of Pelorex common stock to the selling broker-dealer. On June 22, 1973, Applicant's board of directors determined that it could no longer ascribe a good faith valuation to Hedge Fund's interest in Pelorex. Consequently, shareholders who submitted their shares for redemption after such determination received an amount based on their pro-rata share of the assets of Hedge Fund calculated without regard to the Pelorex interest. These shareholders were also allocated a pro-rata interest in any proceeds obtained from completion of the Pelorex short sale. On September 2, 1973, the Commission permitted the resumption of trading in shares of Pelorex, and Applicant proceeded to complete the short sale, realizing \$33,475. Subsequently, the pro-rata shares of the proceeds of the short sale allocable to shareholders who had redeemed their shares were distributed to them.

Section 22(e) (3) of the Act provides that the Commission may, by order, for the protection of the security holders of the company, permit a registered investment company to suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security.

Applicant maintains that its plan of partial postponement of payment was appropriate under the circumstances since the plan permitted immediate redemption by Applicant's shareholders of their pro-rata interests in their fund's portfolio other than in the fund's position in securities in which trading had been suspended, and enabled shareholders who had redeemed their shares to receive, after trading in such securities had resumed, amounts equal to their

pro-rata shares of the market value of Applicant's positions in such securities.

Notice is further given that any interested person may, not later than June 24, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following June 24, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-12904 Filed 6-4-74;8:45 am]

[812-3626]

**PIONEER ENTERPRISE FUND, INC. AND  
PIONEER II, INC.**  
**Filing of Application**

MAY 30, 1974.

Notice is hereby given that Pioneer Enterprise Fund, Inc. ("Enterprise") and Pioneer II, Inc. ("Pioneer") (collectively referred to as "Applicants"), 28 State Street, Boston, Massachusetts 02109, both registered under the Investment Company Act of 1940 ("Act") as diversified, open-end management investment companies, have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed sale by Enterprise of substantially all of its assets to Pioneer in exchange for shares of common stock of Pioneer. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Enterprise, a Delaware corporation, was organized in 1955 and, as of March 31, 1974, had net assets of \$4,590,000. Pioneer, a Massachusetts corporation, was organized in 1969 and, as of March 31, 1974, had net assets of \$8,746,000. The principal investment objective of Enterprise is to seek long-term capital growth

and that of Pioneer is to seek reasonable income and growth of capital. Each of the Applicants employ Pioneering Management Corporation (the "Adviser"), a wholly-owned subsidiary of Fund Research and Management, Inc. ("Fund Research"), as its investment adviser pursuant to identical investment advisory contracts. Fund Research acts as principal underwriter for both Applicants. The board of directors of each of the Applicants are identical and their officers are the same individuals with the exception of their vice presidents.

Enterprise and Pioneer have entered into an Agreement and Plan of Reorganization (the "Agreement") providing for the acquisition of substantially all of the assets of Enterprise by Pioneer and the liquidation and subsequent dissolution of Enterprise. The proposed transaction is contingent upon the receipt of an opinion of counsel to the effect that the proposed transaction will constitute a tax-free reorganization and that no gain or loss will be recognized by the Applicants or their shareholders as the result of the transaction. The Agreement is subject to approval by the affirmative vote of at least a majority of the outstanding voting securities of Enterprise. If the Agreement is approved by shareholders, it is anticipated that the transaction will take place on June 28, 1974.

Prior to the closing date of the proposed transaction, ("Closing Date"), Enterprise will declare and distribute to shareholders all of its net investment income. On the Closing Date, Enterprise will retain from cash an amount estimated to pay its expenses under the Agreement including the expenses of liquidation and dissolution. Pioneer will assume all other liabilities of Enterprise. The number of shares of Pioneer to be issued to shareholders of Enterprise will be determined on the basis of the relative net asset values per share of each of the Applicants computed as of the close of the New York Stock Exchange on the Closing Date. The net asset value per share of each of the Applicants will be determined by dividing the total value of the investments and other assets of each of the Applicants less any liabilities by the total number of shares outstanding. Upon consummation of the transaction as contemplated by the Agreement, each Enterprise shareholder will have an account established in his name on the books of Pioneer credited with the number of Pioneer shares (including fractional shares carried to four decimal places) due such shareholder.

As of March 31, 1974, Enterprise had a tax loss carry forward of \$119,910 and Pioneer had an undistributed net realized gain of \$1,060,052. In addition to these tax positions, Enterprise and Pioneer have net unrealized depreciation on the securities in their portfolios of \$1,590,436 and \$728,673, respectively. It is submitted that no adjustment on account of these differences in realized and unrealized gains and losses can be demonstrated to result in fairer treatment for the shareholders of the Applicants than not

making an adjustment since any such adjustment must relate to individual shareholders with different objectives, holding periods, tax bases and tax rates. Accordingly, the Agreement does not provide for any adjustment to be made in the bases of exchange between the Applicants. If the proposed transaction had been consummated on March 31, 1974, the shareholders of Enterprise would have received approximately 34.2% of the shares of Pioneer.

Applicants state that, since the boards of directors and most of the officers of the Applicants are identical, the Applicants might be deemed to be under "common control" and each of the Applicants might be deemed to be an "affiliated person" of the other under the definition of "affiliated person" set forth in section 2(a)(3) of the Act.

Section 17(a) of the Act, in pertinent part, provides that it is unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Pursuant to section 17(b) of the Act, the Commission, upon application, may grant an exemption from such prohibition after finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

Applicants represent that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned since shares of Pioneer will be issued to the shareholders of Enterprise on the basis of the respective net asset values of each of the Applicants determined at the same point in time and in the same manner. It is stated that Enterprise has experienced a declining trend in both assets and numbers of shareholders while per share expenses have increased. Applicants assert that the shareholders of both of the Applicants will benefit by the elimination of certain duplicated costs, principally costs relating to legal and accounting and printing services and mailings. It is stated that the Adviser and Fund Research will also benefit from the consummation of the proposed transaction. Applicants anticipate that annual cash benefits for the shareholders of the Applicants as the result of the proposed transaction will be about one-third of such benefits for the Adviser and Fund Research. The Adviser and Fund Research have agreed to bear three quarters of the expenses of the reorganization which are estimated at \$24,000. Of the remaining expenses, Enterprise will bear approximately \$4000, which amount includes its liquidation and dissolution costs, and Pioneer will bear approximately \$2000.

Applicants assert that the proposed transaction is consistent with the policies of both Enterprise and Pioneer and the

general purposes of the Act. Applicants state that the investment restrictions and policies of both of the Applicants are substantially the same. Pioneer has an investment restriction which limits borrowing from banks to 5 percent of the value of its total assets at the time of borrowing, Enterprise may borrow from banks up to 10% of the value of its net assets at the time of borrowing. It is stated that neither of the Applicants has ever borrowed any money. It is submitted that, in the opinion of management of the Applicants, the investment portfolio of Enterprise is, at present, generally comparable to that of Pioneer. It is represented that the investment manager and the Boards of Directors of Pioneer will determine what securities, if any, in the Enterprise portfolio are not compatible with the investment objective of Pioneer and those securities will be sold by Enterprise prior to the Closing Date.

Notice is further given that any interested person may, not later than June 21, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following June 21, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 74-12905 Filed 6-4-74; 8:45 am]

[812-3428]

#### VANGUARD FUND, INC.

##### Notice of Application

MAY 30, 1974.

Notice is hereby given that Vanguard Fund, Inc. ("Applicant"), 116 John Street, New York, New York 10038, a diversified, open-end management investment company registered under the

Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 22(e) (3) of the Act for an order of the Commission permitting, retroactively, postponement of full payment for shares that had been tendered for redemption. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

On March 5, 1973, the Commission announced that it had ordered the temporary suspension of over-the-counter trading in the securities of Beneficial Laboratories, Inc. ("Beneficial"), for a period of 10 days. This order was renewed for successive 10-day periods until October 30, 1973. Applicant states that, based on a valuation of its asset made shortly before said suspension, securities of Beneficial represented approximately 17.7 percent of its total net asset value. Applicant maintains that because of the suspension of trading in the stock of Beneficial it could not, during the period of the trading suspension, ascribe a fair market value to the shares of Beneficial held by it and that it was, therefore, not reasonably practicable for it fairly to determine the value of all its net assets during that time.

Applicant, therefore, adopted a plan of partial postponement of payment for shares tendered for redemption pursuant to which shareholders who requested redemption subsequent to March 5, 1973, and before trading in Beneficial was resumed, received the net asset value of their shares exclusive of their interests in the assets of Applicant represented by its holdings of securities of Beneficial, and all shareholders of record as of March 5, 1973, were also allocated pro-rata interests in the shares of Beneficial held by Applicant. On March 8, 1973, Applicant filed an application for an order permitting such partial postponement of payment. After the resumption of trading in Beneficial, Applicant's shares of Beneficial were sold, and the proceeds of such sale allocable to shareholders who had redeemed their shares were distributed to them.

Section 22(e) (3) of the Act provides that the Act provides that the Commission may, by order, for the protection of the security holders of the company, permit a registered investment company to suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security.

Applicant maintains that its plan of partial postponement of payment was appropriated in all the circumstances since the plan permitted immediate redemption by Applicant's shareholders of their pro-rata interests in their fund's portfolio other than in the fund's position in securities in which trading had been suspended, and enabled shareholders who had redeemed their shares to receive, after trading in such securities had resumed, amounts equal to their pro-rata shares of the market value of Applicant's position in such securities.

Notice is further given that any interested person may, not later than June

24, 1974, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following June 24, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-12906 Filed 6-4-74;8:45 am]

[File No. 500-1]

#### WESTGATE CALIFORNIA CORP.

##### Suspension of Trading

MAY 29, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 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 30, 1974 through June 8, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-12907 Filed 6-4-74;8:45 am]

[File No. 500-1]

#### WINNER INDUSTRIES, INC.

##### Suspension of Trading

MAY 24, 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 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 28, 1974 through June 6, 1974.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-12908 Filed 6-4-74;8:45 am]

#### SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0099]

#### NORTH STAR VENTURES, INC.

##### Notice of Issuance of Small Business Investment Company License

On April 17, 1974, a notice was published in the FEDERAL REGISTER (39 FR 13821) stating that an application had been filed by North Star Ventures, Inc., 2300 Northwestern Financial Center, 7900 Xerxes Avenue, S., Minneapolis, Minnesota 55431, with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102(1974)) for a license as a small business investment company.

Interested parties were given until close of business May 2, 1974, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0099 to North Star Ventures, Inc., to operate as a small business investment company.

Dated: May 23, 1974.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc.74-12789 Filed 6-4-74;8:45 am]

[Declaration of Disaster Loan Area 1066]

#### GEORGIA

##### Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May, because of the effects of a certain disaster, damage resulted to property located in the State of Georgia;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Bullock, Effingham, Liberty, Seminole and Tattall Counties, and adjacent affected areas, suffered damage or destruction resulting from tornadoes, high winds and flooding which occurred on or about May 11, 1974.

## OFFICE

Small Business Administration, Regional Office, 1401 Peachtree Street NE., Atlanta, Ga. 30309.

Applications for disaster loans under the authority of this declaration will not be accepted subsequent to July 26, 1974.

Dated: May 24, 1974.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.74-12791 Filed 6-4-74;8:45 am]

[Declaration of Disaster Loan Area 1065]

## MAINE

## Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May, because of the effects of a certain disaster, damage resulted to property located in the State of Maine;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Aroostook County, and adjacent affected areas, suffered damage or destruction resulting from flooding which occurred May 1, 1974:

## OFFICE

Small Business Administration, District Office, 40 Western Avenue, Augusta, Maine 04330.

Applications for disaster loans under the authority of this declaration will not be accepted subsequent to July 25, 1974.

Dated: May 23, 1974.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.74-12792 Filed 6-4-74;8:45 am]

[Notice of Disaster Loan 1058]

[Amdt. 4]

## MISSISSIPPI

## Notice of Disaster Relief Loan Availability

On May 14, 1974, President Nixon amended his declaration of the State of

Mississippi to include economic injuries and dislocations as a result of reduced salinity in the Mississippi Sound and the Gulf of Mexico caused by flooding and heavy rains during an indeterminate period commencing on or about May 1, 1973, for the following counties: Hancock, Harrison, and Jackson. (See 39 FR 15076, 16417, and 17900)

Applications may be filed at the:

Small Business Administration, District Office, Petroleum Building, 6th Floor, Pascagoula and Amite Streets, Jackson, Miss. 39205.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for economic injury disaster loans under this announcement must be filed not later than February 13, 1975.

Dated: May 16, 1974.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.74-12790 Filed 6-4-74;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 522]

## ASSIGNMENT OF HEARINGS

MAY 31, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-95540 (Sub-No. 886), Watkins Motor Lines, Inc., now assigned June 3, 1974, at Denver, Colo., is cancelled and the application is dismissed.

MC 134903 (Sub-No. 1), Kentucky Motor Freight, Inc., now assigned June 3, 1974, at Frankfort, Ky., is postponed indefinitely.

MC-97629 Sub 9, Hiller Truck Lines, Inc., is continued to July 9, 1974, at the Hyatt House, 921 North 21st Street, Birmingham, Ala.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-12921 Filed 6-4-74;8:45 am]

## IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

## Elimination of Gateway Letter Notices

MAY 31, 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 conserv-

ing fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 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 June 17, 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.

Successively 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-5470 (Sub-No. E1), filed May 10, 1974. Applicant: TAJON, INC., R.D. No. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys*, in bulk, in dump vehicles, (a) from Calvert City, Ky., to points in Connecticut, Delaware, New Jersey, and Maryland; (b) from River-view, Ohio, to points in Rhode Island, Massachusetts, New Hampshire, and Vermont; (c) from Calvert City, Ky., to points in the states of Massachusetts; Rhode Island, New Hampshire, and Vermont; (d) from East Liverpool, Ohio, to points in Indiana; (e) from Graham, W. Va., to points in Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, Missouri, Tennessee, and Wisconsin; (f) from Vancoram, Ohio, to points in North Carolina, South Carolina, and Vermont; (g) from Graham, W. Va., to points in North Carolina and South Carolina; (h) from a railhead at East Liverpool, Ohio, to points in Pennsylvania on and east of U.S. Highway 15; (2) *alloys*, in dump vehicles (a) from the plant sites of Ohio Ferro-Alloys Corporation located at or near Brilliant, Powhatan, and Philo, Ohio, to points in New York on and east of Highway 15; (b) from the plant site of Ohio Ferro-Alloys Corporation located at or near Powhatan (Monroe County) Ohio, to points in New York on and west of U.S. Highway 15. (c) from Ashtabula, Ohio, to Roanoke, Virginia; (d) from the plant sites of Ohio Ferro-Alloys Corporation located at or near Brilliant, Powhatan, and Philo, Ohio, to points in Connecticut, Delaware, Massachusetts, New Hampshire, and Vermont; (e) from the plant sites of Ohio Ferro-Alloys Corporation located at or near Brilliant, Powhatan, and Philo, Ohio, to New York, N.Y., and points in New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.); (3) *alloys and ores*, in dump vehicles, (a) from Charleston, S.C., to points in Massachusetts, New Hampshire, and Rhode Island; (b) from Alloy, Va., to points in Massachusetts, New Hampshire, Rhode Island, and Vermont; (4) *alloys, ores, dry fertilizer,*

clay, petroleum coke, coal tar pitch, pitch prell, pig iron, and scrap metal, in dump vehicles, between any railroad in Ashtabula County, Ohio, on the one hand, and, on the other, points in New York on and east of U.S. Highway 15, and points in Pennsylvania on and east of U.S. Highway 15; (5) alloys, in bulk, in dump vehicles, from the plant site of Ohio Ferro-Alloys Corporation located at or near Philo, Ohio, to points in New York, on and west of U.S. Highway 15.

(6) Alloys, pig iron, scrap metal, and silicon metals, in dump vehicles, from Baltimore, Md., to points in Wisconsin; (7) alloys, ores, silicon metals, scrap metals, and pig iron, in dump vehicles, between Charleston, S.C., on the one hand, and, on the other, points in Wisconsin; (8) such bulk commodities as are usually transported in dump trucks and can be unloaded by dumping, from a railhead at Brilliant, Ohio, to points in New York on and west of U.S. Highway 15; (9) ferro-alloys and silicon metal, in dump vehicles, from Ashtabula, Ohio, to Baltimore, Md.; (10) alloys, minerals, ores, and silicon metals, in dump vehicles, from a railhead at Brilliant, Ohio, to points in North Carolina and South Carolina; (11) aluminum dross and aluminum scrap, in dump vehicles, from Cressona, Pa., to Maple Heights, Ohio.

The purpose of this filing is to eliminate the gateways of (A) Marietta or Riverview, Ohio, for 1(a) above; (B) Erie, Pa., for 1 (b) and (c), 3(b), and 4 above; (C) Vancoram, Ohio, for 1 (d) and (h), and 9 above; (D) points in Ohio, for 1(e) and 7 above; (E) Monaca, Pa., for 1(f) and 10 above; (F) Marietta, Ohio, for 1(g) above; (G) Brilliant, Ohio, points in Mahoning County, Ohio, and Erie, Pa., for 2(a) above; (H) Brilliant, Ohio, and points in Mahoning County, Ohio, for 2(b) above; (I) Alloy, W. Va., for 2(c) above; (J) Brilliant, Ohio, and Monaca, Pa., for 2 (d) and (e) above; (K) Birdsboro, Pa., for 3(a) above; (L) Brilliant, Ohio, points in Mahoning County, Ohio, and points in that part of Ohio on and west of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 23 to Waldo, Ohio, thence along Ohio Highway 98 to Bucyrus, Ohio, thence along Ohio Highway 4 to Sandusky, Ohio, for 5 above; (M) points in Mahoning County, Ohio, for 8 above; and (N) Akron, Ohio, for 11 above.

No. MC-26001 (Sub-No. E1), filed May 9, 1974. Applicant: AMERICAN FREIGHTWAYS CO., INC., 518 Parter Avenue, Brooklyn, N.Y. 11222. Applicant's representative: Michael R. Werner (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, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Albany, Allegheny, Broome, Columbia, Cortland, Dela-

ware, Dutchess, Greene, Oneida, Onandaga, Orange, Putnam, Rensselaer, Rockland, Schenectady, Sullivan, Ulster, and Westchester Counties, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. The purpose of this filing is to eliminate the gateway of those points in Hudson and Bergen Counties, N.J., in the New York N.Y., commercial zone.

No. MC-104421 (Sub-No. E1), filed April 15, 1974. Applicant: FREEMAN TRANSFER, INC., P.O. Box 623 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Roger W. Norris (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Feed and grain (except in bulk), between Washington, Kans., and points within 15 miles of Washington, on the one hand, and, on the other, Sioux City, Iowa. (2) Emigrant movables (except those requiring special equipment), (a) between Axtell, Kans., and points within 12 miles of Axtell, on the one hand, and, on the other, Nickerson, Nebr., and points in Nebraska within 50 miles of Nickerson; and (b) between Axtell, Kans., and points within 12 miles of Axtell, on the one hand, and, on the other, Sioux City, Iowa; (3) Farm machinery and parts, and agricultural commodities (except commodities in bulk and those requiring special equipment), (a) between St. Joseph and Kansas City, Mo., and Kansas City, Kans., on the one hand, and, on the other, Sioux City, Iowa; (b) between Axtell, Kans., and points within 12 miles of Axtell, on the one hand, and, on the other, Nickerson, Nebr., and points in Nebraska within 50 miles of Nickerson; and (c) between Axtell, Kans., and points within 12 miles of Axtell, on the one hand, and, on the other, Sioux City, Iowa. (4) 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, trailers, mobile homes, and prefabricated buildings, and those injurious or contaminating to other lading), (a) between Axtell and Summit, Kans., on the one hand, and, on the other, Nickerson, Nebr., and points in Nebraska within 50 miles of Nickerson; (b) between Axtell and Summit, Kans., on the one hand, and, on the other, Sioux City, Iowa; (c) between Summerfield, Kans., on the one hand, and, on the other, Nickerson, Nebr., and points in Nebraska within 50 miles of Nickerson; (d) between Summerfield, Kans., on the one hand, and, on the other, Sioux City, Iowa. (5) Binder twine, feed, paint, building materials; petroleum products, in containers, and gasoline station supplies (except commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between St. Joseph and Kansas City, Mo., and Kansas City, Kans., on the one hand, and, on the other, Sioux City, Iowa. (6) Agricultural commodities, feed, petroleum products, in containers, empty petroleum product

containers, building materials, and agricultural implements and parts (except commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between St. Joseph, Kansas City and North Kansas City, Mo., and Kansas City, Kans., on the one hand, and, on the other, Sioux City, Iowa.

The purpose of this filing is to eliminate the gateways of Fairburg, Nebr., and points within 15 miles of Jackson, Nebr., and 50 miles of Nickerson, Nebr. in (1) above; points in Nebraska within 12 miles of Axtell, Kans., in (2a) above; points in Nebraska within 12 miles of Axtell, Kans., and points in Nebraska within 15 miles of Jackson, Nebr., and 50 miles of Nickerson, Nebr., in (2b) above; points in Nebraska within 10 miles of Beattie, Kans., and points in Nebraska within 15 miles of Jackson, Nebr., and 50 miles of Nickerson, Nebr. in (3a) above; points in Nebraska within 12 miles of Axtell, Kans., and points in Nebraska within 15 miles of Jackson, Nebr., and 50 miles of Nickerson, Nebr. in (3c) above; points in Nebraska within the Summerfield, Kans., commercial zone in (4a) above; points in Nebraska within the Summerfield, Kans., commercial zone and points in Nebraska within 15 miles of Jackson, Nebr., and 50 miles of Nickerson, Nebr., in (4b) above; Burchard, Nebr., in (4c) above; Burchard, Nebr., and points in Nebraska within 15 miles of Jackson, Nebr., and 50 miles of Nickerson, Nebr., in (4d) above; points in Nebraska within 10 miles of Beattie, Kans., and points in Nebraska within 15 miles of Jackson, Nebr., and 50 miles of Nickerson, Nebr., in (5) above; and Axtell, Kans., points in Nebraska within the Summerfield, Kans., commercial zone, and points in Nebraska within 15 miles of Jackson, Nebr., and 50 miles of Nickerson, Nebr., in (6) above.

No. MC-107295 (Sub-No. E9), filed May 5, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Ceiling tile, from Lodi, N.J., (1) to points in Arizona, Arkansas, California, Idaho, Montana, Nevada, New Mexico, North Dakota, Utah, Washington, and Wyoming, and (2) to points in Colorado and South Dakota. The purpose of this filing is to eliminate the respective gateways of (1) Kalamazoo, Mich., and (2) Fort Dodge, Iowa.

No. MC-110525 (Sub-No. E265), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Maryland to points

in California. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Mapleton, Ill.

No. MC-110525 (Sub-No. E266), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Maryland to points in Colorado. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E268), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in Maryland to points in Florida. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC-110525 (Sub-No. E322), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 211, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to points in Missouri. The purpose of this filing is to eliminate the gateways of Newark, N.J., and South Fayette Township, Allegheny County, Pa.

No. MC-110525 (Sub-No. E323), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to points in Montana. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E324), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to points in Nebraska. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E325), filed May 8, 1974. Applicant: CHEMICAL

LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to points in Nevada. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E326), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to points in New Mexico. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E327), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC-110525 (Sub-No. E328), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to points in North Carolina. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC-110525 (Sub-No. E329), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to points in North Dakota. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E330), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to points in Ohio. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC-110525 (Sub-No. E331), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 667, in bulk, in tank vehicles, from points in Massachusetts to points in Oklahoma. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC-110525 (Sub-No. E332), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to points in Oregon. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E333), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to points in that part of Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line, thence along Pennsylvania Highway 191 to Hometown, thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC-110525 (Sub-No. E334), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to points in South Carolina. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC-110525 (Sub-No. 335), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to

points in South Dakota. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E336), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to points in Tennessee. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC-110525 (Sub-No. E337), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to points in Texas. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC-110525 (Sub-No. E338), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to points in Utah. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E340), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts to points in Washington. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E342), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Massachusetts to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC-110525 (Sub-No. E343), filed May 8, 1974. Applicant: CHEMICAL

LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Massachusetts, to points in Wyoming. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E344), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from that part of Michigan on and east of a line beginning at Mackinaw City, thence along Interstate Highway 75 to Clare, thence along U.S. Highway 27 to Lansing, thence along Interstate Highway 96 to junction Michigan Highway 52, thence along Michigan Highway 52 to Adrian, to points in that part of Arizona on and east of U.S. Highway 89. The purpose of this filing is to eliminate the gateway of Houston, Texas.

No. MC-110525 (Sub-No. E345), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 the Lower Peninsula of Michigan to points in Connecticut. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Fort Lee, N.J.

No. MC-110525 (Sub-No. E346), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 the Lower Peninsula of Michigan to points in Delaware. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC-110525 (Sub-No. E347), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 the Lower Peninsula of Michigan to the District of Columbia. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC-110525 (Sub-No. E348), filed May 8, 1974. Applicant: CHEMICAL

LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in the *Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Michigan to points in Florida. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E350), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 the Lower Peninsula of Michigan to points in Maine. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa., and Syracuse, N.Y.

No. MC-110525 (Sub-No. E351), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 the Lower Peninsula of Michigan to points in Maryland. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC-110525 (Sub-No. E352), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 the Lower Peninsula of Michigan to points in Massachusetts. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Ft. Lee, N.J.

No. MC-110525 (Sub-No. E353), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 the Lower Peninsula of Michigan to points in New Hampshire. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Syracuse, N.Y.

No. MC-110525 (Sub-No. E391), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals

and derivations of coal tar), in bulk, in tank vehicles, from points in New Jersey to points in Kentucky. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Ironton, Ohio.

No. MC-110525 (Sub-No. E392), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivations of petroleum or bituminous materials), in bulk, in tank vehicles, from points in New Jersey to points in Louisiana. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC-110525 (Sub-No. E393), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in New Jersey to points in Michigan. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va.

No. MC-110525 (Sub-No. E394), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in New Jersey to points in Minnesota. The purpose of this filing is to eliminate the gateway of Bridgeville, Pa.

No. MC-110525 (Sub-No. E395), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivations of petroleum or bituminous materials), in bulk, in tank vehicles, from points in New Jersey to points in Mississippi. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC-110525 (Sub-No. E396), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 New Jersey to points

in Missouri. The purpose of this filing is to eliminate the gateway of South Fayette Township, Allegheny County, Pa.

No. MC-110525 (Sub-No. E397), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 New Jersey to points in Montana. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E398), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 New Jersey to points in Nebraska. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E399), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 New Jersey to points in Nevada. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E400), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 New Jersey to points in New Mexico. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E401), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 New Jersey to points in North Carolina. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC-110525 (Sub-No. E402), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 New Jersey to points in North Dakota. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E403), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 New Jersey to points in Ohio. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa.

No. MC-110525 (Sub-No. E404), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 New Jersey to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E405), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 New Jersey, to points in Oregon. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E406), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in New Jersey to points in South Carolina. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC-110525 (Sub-No. E407), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 New Jersey to points in South Dakota. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E408), filed May 8, 1974. Applicant: CHEMICAL

LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 New Jersey to points in Tennessee, restricted against the transportation of bituminous products and materials to points in that part of Tennessee on and east of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E409), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 New Jersey, to points in Utah. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E410), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), from points in New Jersey to points in Virginia. The purpose of this filing is to eliminate the gateways of Wilmington, Del., Baltimore, Md., and those points in Virginia within the District of Columbia commercial zone.

No. MC-110525 (Sub-No. E411), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 New Jersey to points in Washington. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E412), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in New Jersey to points in that part of West Virginia on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va.

No. MC-110525 (Sub-No. E413), filed May 8, 1974. Applicant: CHEMICAL

LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in New Jersey to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC-110525 (Sub-No. E414), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 New Jersey, to points in Wyoming. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC-110525 (Sub-No. E415), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in New York to points in Alabama. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Charleston, W. Va.

No. MC-113843 (Sub-No. E41), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Indiana to points in Cattaraugus, Chautauque, and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E42), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Indiana to Manchester, N.H., and Portland, Maine. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E43), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transport-

ing: *Frozen foods*, from points in Indiana, to Portland and Bangor, Maine, Rutland, Vt., and Manchester, N.H. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E44), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC 113843 (Sub-No. E45), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC-113843 (Sub-No. E47), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, 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 frozen foods and commodities in bulk, in tank vehicles), from Boston, Mass., to points in Illinois. The purpose of this filing is to eliminate the gateway of Hamlin, N.Y.

No. MC-113843 (Sub-No. E48), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, 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 and frozen foods), from Boston, Mass., to points in Indiana. The purpose of this filing is to eliminate the gateway of Hamlin, N.Y.

No. MC-113843 (Sub-No. E49), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, 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 and frozen foods), from Boston, Mass., to points in Michigan. The purpose of this filing is to eliminate the gateway of Hamlin, N.Y.

No. MC-113843 (Sub-No. E50), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, 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 frozen and in bulk, in tank vehicles) from Boston, Mass., to points in Illinois and Indiana. The purpose of this filing is to eliminate the gateway of Williamson, N.Y.

No. MC-113843 (Sub-No. E51), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC-114045 (Sub-No. E87), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats* (except hides and commodities in bulk), from points in Texas (except Palestine), to points in Ohio and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC-114045 (Sub-No. E110), filed May 10, 1974. Applicant: Trans-Cold Express, Inc., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies and frozen bakery products*, from Pittsburgh and Saltzburgh, Pa., to points in Colorado, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC-114045 (Sub-No. E111), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared unfrozen food products* (except in bulk, and except meats, meat products, meat by-products and dairy products), in vehicles equipped with mechanical refrigeration, from the

plant site and warehouse facilities utilized by the Pillsbury Company at Cincinnati, Ohio, to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

No. MC-114045 (Sub-No. E112), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, frozen fruit concentrates, frozen pies, and frozen potato products*, from Ontario, Oreg., to points in Kentucky, Tennessee (except Memphis), and Pittsburgh, Pa., and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-114045 (Sub-No. E113), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, 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 vehicles equipped with mechanical refrigeration, from Dayton, Ohio, to points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Evansville, Indiana.

No. MC-114045 (Sub-No. E114), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats* (except hides and commodities in bulk), from Cleveland, Ohio to points in Florida. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC-114045 (Sub-No. E115), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, (1) from Waverly, Fredonia, and Dundee, N.Y., to points in Oregon and Utah, and (2) from New York, N.Y., to points in Idaho, Oregon, Washington, and Utah. The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC-114045 (Sub-No. E116), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen dairy products* as described in Section B of Appendix

I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except commodities in bulk, in tank vehicles), from Vineland, N.J., to points in Idaho, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Hillsboro, Hutchinson, or Wichita, Kansas.

No. MC-114045 (Sub-No. E117), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies and frozen bakery products*, from Cleveland, Ohio to points in Arizona, California, Nevada, New Mexico, Oregon, and Utah. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC-114045 (Sub-No. E125), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Miami, Okla., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC-114045 (Sub-No. E126), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dessert and bakery topping*, from Chadds Ford, Pa., to New Orleans and Shreveport, La. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC-114045 (Sub-No. E127), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies and frozen bakery products*, from Buffalo, New York City, Waverly, Fredonia, Dundee, Brockport, and Rochester, N.Y., to points in Arizona, California, New Mexico, Nevada, Oregon, and Utah. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC-114045 (Sub-No. E128), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Miami,

Okl., to points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Dodge City, Kans.

No. MC-114045 (Sub-No. E129), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned meats*, from Lindale, Tex., to points in Colorado, Idaho, Oregon, North Dakota, South Dakota, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Dodge City, Kans.

No. MC-114045 (Sub-No. E130), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-frozen confectionery products* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Boston, Mass., to points in Texas, Oklahoma, and New Mexico. The purpose of this filing is to eliminate the gateway of points in Cook County, Ill.

No. MC-114045 (Sub-No. E131), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dessert and bakery goods toppings, frozen sauces, and frozen ingredients for sauces, salad dressings, soup mixes, and soft drinks*, from Goldsboro, Md., to New Orleans and Shreveport, La. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC-11405 (Sub-No. E132), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dessert and bakery goods toppings, frozen sauces, and frozen ingredients for sauces, salad dressings, soup mixes, and soft drinks*, from Goldsboro, Md., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC-114045 (Sub-No. E133), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dessert and bakery goods toppings*, from Goldsboro, Md., to points in Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC-114045 (Sub-No. E134), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Luling, Paris, Texarkana, and Mount Pleasant, Tex., to points in Ohio and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC-119388 (Sub-No. E1), filed May 10, 1974. Applicant: GLEN R. ELLIS, INC., 3911 Jerome Avenue, Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Memphis, Tenn., to those points in Georgia and Florida beginning at the Alabama-Georgia State line, thence north along U.S. Highway 29 to its junction with Georgia Highway 16, thence east along Georgia Highway 16 to its intersection with U.S. Highway 441, thence south along U.S. Highway 441 to its intersection with U.S. Highway 80, thence west along U.S. Highway 80 to the intersection with Georgia Highway 26, thence along Georgia Highway 26 to its intersection with Georgia Highway 257, thence south and west along Georgia Highway 257 to its intersection with U.S. Highway 19 to the Georgia-Florida State line thence along Florida Highway 361 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC-123048 (Sub-No. E39), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wisconsin 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except truck tractors and commodities requiring the use of special equipment or special handling), from Detroit, Mich., to points in Kansas. The purpose of this filing is to eliminate the gateway of Racine, Wisconsin.

No. MC-123048 (Sub-No. E42), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery* (except commodities the transportation of which because of size or weight require special equipment or special handling), from South Bend, Ind., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon,

Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC-124078 (Sub-No. E4), filed May 9, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th St., Milwaukee, Wisconsin 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, and in bags, from Buffington, Indiana, to points in Wisconsin. The purpose of the filing is to eliminate the gateway of Chicago, Ill.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-12923 Filed 6-4-74; 8:45 am]

[Notice 45]

MOTOR CARRIER APPLICATIONS AND  
CERTAIN OTHER PROCEEDINGS

MAY 31, 1974.

The following publications (except as otherwise specifically noted, each applicant on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application, are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

## MOTOR CARRIERS OF PROPERTY

No. MC 109533 (Sub-No. 54) (Republication), filed July 9, 1973, and published in the FEDERAL REGISTER issue of September 20, 1973, and republished in this issue. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. An Order of the Commission, Operating Rights Board, dated May 6, 1974, and served May 22, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over regular routes, of *general commodities* (except those of usual value, Classes A and B explosives, new furniture, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Bluefield, W. Va., and Huntington,

W. Va., from Bluefield over U.S. Highway 460 to junction West Virginia Turnpike (Interstate Highway 77), thence over West Virginia Turnpike (Interstate Highway 77) to Charleston, W. Va., thence over Interstate Highway 64 to Huntington, and return over the same route, serving no intermediate points, and serving the off-route point of Louisa, Ky., subject to the condition that the regular-route authority granted herein shall not be severable, by sale or otherwise, from the irregular-route authority contained in No. MC-109533 (Sub-Nos. 45 and 48); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purposes of this republication are (1) to delete uncrated new household, office, and store appliances and equipment, and (2) to delete Ashland and Catlettsburg, Ky., Chesapeake, Ohio, and Cerado and Kenova, W. Va., as off-route points as previously published. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC-113658 (Sub-No. 7) (Republication), filed January 30, 1973, and published in the FEDERAL REGISTER issue of March 8, 1973, as Scott Truck Line, Inc., now renamed Neylon Freight Lines, Inc., and republished this issue. Applicant: NEYLON FREIGHT LINES, INC., Lincoln, Nebr. Applicant's representative: Marlon F. Jones, Suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. An Order of the Commission, Review Board Number 1, dated May 15, 1974, and served May 23, 1974, finds that Neylon Freight Lines, Inc., has been substituted for Scott Truck Line, Inc., and finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of general commodities (except household goods as defined by the Commission, emigrant moveables, commodities of unusual value, classes A and B explosives, commodities requiring special equipment, and commodities in bulk) between points in Nebraska, on the one hand, and, on the other, points in that part of Colorado east and north of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 87 to Denver, Colo., thence along U.S. Highway 40 to Strasburg, Colo., and thence along U.S. Highway 36 to the Colorado-Kansas State line, including points on the indicated portions

of the highways specified; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to show that the authority granted is to be that of an irregular route as opposed to a regular route. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 59150 (Sub-No. 16) (Notice of filing of petition to eliminate a commodity restriction), filed May 13, 1974. Petitioner: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, P.O. Box 38047, Jacksonville, Fla. 32202. Petitioner's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Petitioner holds a motor common carrier certificate in No. MC 59150 (Sub-No. 16) issued September 22, 1966, authorizing transportation, over irregular routes, of tractors (except truck tractors) and parts, implements, attachments, accessories, and supplies therefor, when moving incidentally thereto as a part of the same shipment (except commodities which because of their size or weight require the use of special equipment or handling) between points in Arkansas, North Carolina, South Carolina, Florida, Georgia, Tennessee, Alabama, and Mississippi, restricted to traffic originating at and destined to points in the states described above. By the instant petition, petitioner seeks to eliminate the commodity restriction "except commodities which because of size or weight require the use of special equipment or handling." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 134531 (Sub-No. 1) (Notice of filing of petition to modify an origin point), filed May 17, 1974. Petitioner: AGGREGATE HAULERS, INC., P.O. Box 386, Cayce, S.C. 29033. Petitioner's representative: Edward J. Morrison, P.O. Box 67, Lexington, S.C. 29072. Petitioner holds a motor common carrier certificate in No. MC 134531 (Sub-No. 1) issued September 17, 1971, authorizing, as pertinent, transportation, over irregular routes, of cement and mortar mix, in bags, from points in Richland County, S.C., to points in Georgia and North Carolina. By the instant petition, petitioner seeks to modify its origin point to read as fol-

lows: "from points in Richland County, S.C., and that portion of the Columbia, S.C., Commercial Zone in Lexington County, S.C." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135867 (Sub-No. 1) (Notice of filing of petition to modify permit), filed May 13, 1974. Petitioner: H.T.L., INC., P.O. Box 122, Fairfield, Ala. 35064. Petitioner's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Petitioner holds a motor contract carrier permit in No. MC 135867 (Sub-No. 1) issued June 8, 1972, authorizing transportation, over irregular routes, of (1) steel and steel products, from the plant and warehouse site of Hanna Steel Corporation at Fairfield, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas; and (2) equipment materials and supplies used in the processing of steel and steel products (except commodities in bulk and except iron and steel articles from Nashville, Tenn.), from points in the destination states named in (1) above, to the plant and warehouse site of Hanna Steel Corporation, at Fairfield, Ala., under a continuing contract or contracts with Hanna Steel Corporation. By the instant petition, petitioner seeks to add the plant and warehouse site of Hanna Steel Corporation at Gadsden, Ala., as an additional point of origin in (1) above, and as a destination point in (2) above. Any interested person, or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

#### APPLICATIONS UNDER SECTIONS 5 AND 210(a)(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC-56640 (Sub-No. 33), filed May 1, 1974. Applicant: DELTA LINES, INC., 333 Hegenberger Road, Oakland, Calif. 94621. Applicant's representative: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: (A) Gen-

eral commodities (except those of unusual value, Classes A and B explosives other than small arms ammunition, household goods, as defined by the Commission, livestock, and commodities in bulk), (1) between San Bernardino, California, and Las Vegas, Nevada, serving all intermediate points; and off-route points in Nevada within 50 miles of Las Vegas: From San Bernardino over U.S. Highway 91 to Las Vegas, and return over the same route; (2) between Los Angeles, California, and San Bernardino, California, serving all intermediate points; and off-route points within 25 miles of Los Angeles: From Los Angeles over U.S. Highway 66 to San Bernardino and return over the same route; (3) between Las Vegas, Nevada, and Boulder City, Nevada, serving all intermediate points; and off-route points in Nevada within 50 miles of Las Vegas: From Las Vegas over U.S. Highway 93 to Boulder City and return over the same route; (4) between Las Vegas, Nevada, and Mercury, Nevada, serving all intermediate points; and off-route points in Nevada within 50 miles of Las Vegas: From Las Vegas over U.S. Highway 95 to junction unnumbered highway, thence over unnumbered highway to Mercury, and return over the same route.

(B) *General commodities* (except livestock and household goods as defined by the Commission), between Battle Mountain, Nevada, and Tonopah, Nevada, serving no intermediate points, and serving the off-route points of Copper Canyon, Nevada, and points within 10 miles of Copper Canyon: From Battle Mountain over Nevada Highway 8A to junction U.S. Highway 6, and thence over U.S. Highway 6 to Tonopah, and return over the same route. **RESTRICTION:** The authority granted above, to the extent that it authorizes the transportation of Classes A and B explosives, shall expire in five years. (C) *General commodities* (except explosives, wool, and household goods as defined by the Commission), between Beatty, Nevada, and Mojave, California, serving no intermediate points: From Beatty over U.S. Highway 95 to junction Nevada Highway 29, thence over Nevada Highway 29 to Nevada-California State line, thence over California Highway 127 to Baker, California, and thence over U.S. Highway 466 to Mojave and return over the same route. (D) *General commodities* (except explosives and wool), between junction U.S. Highway 6 and Nevada Highway 47, and Silverpeak, Nevada, serving all intermediate points; and points within 80 miles of Silverpeak, Nevada: From junction U.S. Highway 6 and Nevada Highway 47 over Nevada Highway 47 to Silverpeak, Nevada, and return over the same route. (E) *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 of contaminating to other lading), between Tonopah, Nevada, and Las Vegas, Nevada, serving all intermediate points,

and the off-route point of the site of the United States Atomic Energy Project, near Indian Springs, Nevada: From Tonopah over U.S. Highway 95 to Las Vegas, and return over the same route.

(F) *General commodities*, except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Los Angeles, California, and Death Valley Junction, California, serving all intermediate points on California Highway 127, north of Baker, California, not including Baker, and the off-route point of Tecopa, California, service to be restricted to shipments originating at or destined to Death Valley Junction, Tonopah, and the described intermediate points on California Highway 127, north of Baker, California: From Los Angeles over U.S. Highway 66 via Victorville, California, to Barstow, California, thence over U.S. Highway 91 via Yermo and Harvard, California, to Baker, Calif., and thence over California Highway 127 via Shoshone, Calif., to Death Valley Junction, and return over the same route. (G) *General commodities* (except livestock and household movings, including office furniture, uncrated), between junction U.S. Highway 95 and Nevada Highway 29, and Death Valley Junction, Calif., serving all intermediate points: From junction U.S. Highway 95 and Nevada Highway 29 over Nevada Highway 29 to the Nevada-California State line, and thence over California Highway 127 to Death Valley Junction, and return over the same route. (H) *General commodities* (except livestock, commodities in bulk, and articles injurious or contaminating to other lading), between Death Valley Junction, Calif., and Beatty, Nev., serving all intermediate points: From Death Valley Junction over California Highway 190 to junction unnumbered highway thence over unnumbered highway via Hells Gate and Daylight Pass, California, to the California-Nevada State line, and thence over Nevada Highway 58 to Beatty, and return over the same route.

(I) *General commodities* (except livestock, commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Las Vegas, Nev., and Henderson, Nev., serving the intermediate point of Whitney, Nevada: From Las Vegas over U.S. Highway 95 to Henderson and return over the same route. **IRREGULAR ROUTES:** *General commodities*, from Tonopah, Nev., to Manhattan, Round Mountain, Gold Point, Cuprite, Lida, Goldfield, Klondyke, Silverpeak, Blair Junction, Gilbert, Millers, and Coaldale, Nev., and points within five miles of each and return to Tonopah, Nevada. **ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY:** *General commodities* (except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment,

and those injurious or contaminating to other lading), between junction U.S. Highway 95 and Nevada Highway 16, about 16 miles east of Lathrop Wells, Nevada, and Shoshone, Calif., connection with carrier's presently authorized regular-route operations, serving no intermediate points: From junction U.S. Highway 95 and Nevada Highway 16 over Nevada Highway 16 to Pahrump, Nevada, thence over Nevada Highway 52 to the Nevada-California State line, and thence over unnumbered highway to Shoshone and return over the same route. This is a matter directly related to the Section 2 proceeding in MC-F-12212 published in the FEDERAL REGISTER issue of May 15, 1974. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., or Las Vegas, Nev.

No. MC-111231 (Sub-No. 186), filed April 25, 1974. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Clarksdale, Miss., and Jackson, Miss.: From Clarksdale over U.S. Highway 49 to Tutwiler, Miss., thence over U.S. Highway 49E to Yazoo City, Miss. (also over U.S. Highway 49W), and thence over U.S. Highway 49 to Jackson, and return over the same routes, serving all intermediate points on and north of Mississippi Highway 8 and serving all other points in that part of Mississippi on and south of Mississippi Highway 4, on and west of Interstate Highway 55, and on and north of Mississippi Highway 8 (except points on U.S. Highway 51 and points in their commercial zones) as off-route points, restricted to the transportation of shipments moving from, to, or through Jackson, Miss., with service at Jackson and points in its commercial zone restricted against the transportation of shipments originating at, destined to, or interchanged with other carriers at Memphis, Tenn., and points in its commercial zone.

**NOTE.**—Common control may be involved. The authority sought herein is intended to convert to regular routes the irregular-routes certificate Jones Truck Lines seeks to acquire from Shippers Express in MC-68746. This is a matter directly related to the Section 5 proceeding in MC-F 12210 published in the FR issue of May 15, 1974. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Jackson, Miss.

No. MC 125433 (Sub-No. 50), filed April 11, 1974. Applicant: F-B TRUCK LINE COMPANY, a Corporation, 1891 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Earl H. Scudder, Jr., P.O. 82028, 605 South

14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which by reason of size, weight, or bulk require specified handling or the use of special equipment; (2) *self-propelled articles* transported on trailers; (3) *construction, mining and logging machinery, equipment, materials and supplies*; (4) *commodities* which do not require the use of special equipment or special handling, when moving in the same shipments on the same bill of lading as the commodities described in (1), (2), and (3) above, and *materials, parts or supplies* that are appurtenant to or necessary part of the commodities described in (1), (2), and (3) above; (5) *iron and steel articles* as described in Appendix V to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; and (6) pipe and fittings, between points in California.

NOTE.—Common control may be involved. Applicant seeks to purchase the operating rights held by Dalzell Corporation in Docket MC 121075. This is a matter directly related to the Section 5 purchase proceeding in MC-F-12194 published in the FEDERAL REGISTER issue of April 24, 1974. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC-F-12032. (Supplemental) (DORN'S TRANSPORTATION INC.—Purchase (Portion)—FINAN'S EXPRESS, INC.), published in the November 7, 1973, issue of the FEDERAL REGISTER on page 30804. The prior publication should be amended to show that if the application is approved Dorn's Transportation Inc., seeks authority to eliminate the gateway of Barre, Mass.

The following notice of proposal to eliminate gateway 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 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protest against the proposed elimination of the gateway herein described may be filed with the Interstate Commerce Commission.

No. MC-F-12089. (Supplemental) (BOND TRANSPORT, INC.—Purchase (Portion)—PARKHILL TRUCK COMPANY), published in the January 16, 1974, issue of the FEDERAL REGISTER on pages 2058 and 2059. By the subject application, Bond Transport, Inc., seeks to acquire authority to operate as a motor common carrier, over irregular routes, of various specified commodities, between points in Indiana, on the one hand, and, on the other, points in Ohio and a described area of Illinois. The prior publication should be amended to show that Bond Transport, Inc., proposes to eliminate gateway in Ohio for the performance of through service under the

combined rights. The application is now unopposed.

The following notice of proposal to eliminate gateway 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 1065), 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 the gateway herein described may be filed with the Interstate Commerce Commission.

No. MC-F-12223. Authority sought for purchase by NEWPORT TRUCKING CORP., c/o Franklin Swersky, Suite 1803, 744 Broad St., Newark, N.J. 07102, of the operating rights and property of RELAY TRANSPORT, INC., 300 Marcus Blvd., Lake Success, N.Y. 11040, and for acquisition by ARTHUR M. GOLDBERG, 1415 Coles Ave., Mountainside, N.J. 07092, of control of such rights and property through the purchase. Applicants' attorneys: A. David Millner, 744 Broad St., Newark, N.J. 07102, and Leonard A. Jaskiewicz, 1730 M St. NW., Washington, D.C. 20036. Operating rights sought to be transferred: *Flavoring syrup, liquid and invert sugar*, all commodities moving in bulk, in tank vehicles, as a *contract carrier* over irregular routes, from Long Island City, N.Y., to Alexandria, Va., traversing Delaware, Maryland, New Jersey, Pennsylvania, and the District of Columbia; *flavoring syrup*, in bulk, in tank vehicles, from Long Island City, N.Y., to Newark, New Brunswick, Teterboro, and Asbury Park, N.J., and Philadelphia, Pa.; *liquid sugar*, in bulk, in tank vehicles, from Long Island City, N.Y., to Newark, N.J.; *invert sugar*, in bulk, in tank vehicles, from Long Island City, N.Y., to Newburgh, N.Y., Hamden and Fairfield, Conn., and Elizabeth and Bridgeton, N.J.; *syrup*, in bulk, in tank vehicles, from Long Island City, N.Y., to points in Atlantic County, N.J., Fairfield and Hartford Counties, Conn., and Wilmington, Del.; *liquid sugar, invert sugar, corn syrup, and blends thereof*, in bulk, in tank vehicles, from Long Island City, N.Y., to points in Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Morris, Passaic, and Union Counties, N.J., Philadelphia, Pa., Wilmington, Del., and points in Fairfield, Hartford, New Haven, and New London Counties, Conn., and Springfield, Mass.; *flavoring syrup, liquid sugar, invert sugar, and blends thereof*, in bulk, in tank vehicles, from the plant sites of PepsiCo, Inc., and Pepsicola Metropolitan Bottling Co., Inc., at Long Island City, N.Y., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, and the

District of Columbia; *carbonated beverages*, in containers, from the plant site of PepsiCo, Inc., and Pepsi-Cola Metropolitan Bottling Co., Inc., at Long Island City, N.Y., to points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, and return with *empty containers*, with restrictions. Vendee holds no authority from this Commission. However it is affiliated with (1) FAIRLAWN TRUCKING CO., INC., 21-02 Morlot Ave., Fairlawn, N.J. 07410, and (2) GROSS & HECHT TRUCKING INC., P.O. Box 514, Newark, N.J. 09806, which are authorized to operate as *contract carriers* in (1) New York and New Jersey (2) New York and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12224. Authority sought for purchase by CENTRAL TRANSFER COMPANY, 10880 Springfield Rd., Union, N.J. 07083, of the operating rights of METROPOLITAN FREIGHT CARRIERS CORP., 57 Charles St., Newark, N.J. 07105, and for acquisition by P. A. ALBANESE, also of Union, N.J. 07083, of control of such rights through the purchase. Applicants' attorneys: A. David Millner, 744 Broad St., Newark, N.J. 07102 and George Olsen, 69 Tonnelle Ave., Jersey City, N.J. 07306. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between New York, N.Y., and points in Orange, Rockland, Westchester, and Nassau Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey north of a line beginning at Trenton, N.J., and extending in a southeasterly direction through Lakehurst and Toms River, N.J., to the Atlantic Ocean, including the points named. Vendee is authorized to operate as a *common carrier* in Maryland, New Jersey, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12225. Authority sought for control and merger by FAIRALL TRUCKING COMPANY, 18472 Allen Rd., Wyandotte, MI 48192, of the operating rights and property of GREAT LAKES TRUCKING COMPANY, 29 Washington St., Monroe, MI 48161, and for acquisition by MARY I. FAIRALL, 10167 Reeck Rd., Allen Park, MI 48101, THOMAS A. FAIRALL, 20655 Canal, Grosse Ile, MI 48138, and GEORGE M. FAIRALL, 2171 Edsel Dr., Trenton, MI 48183, of control of such rights and property through the transaction. Applicants' attorney: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Operating rights sought to be controlled and merged: *Wax paper, panel boards*, finished or unfinished, and *raw material* used in the manufacture thereof, as a *contract carrier* over regular routes, between Detroit, Mich., and Toledo, Ohio, serving various intermediate and off-route points; *paper and paper products*, over irregular routes, between Monroe,

Mich., on the one hand, and, on the other, points in Ohio, from Monroe, Mich., to Connersville, Ind., and points in that part of Indiana on and north of U.S. Highway 40, from Monroe, Mich., to points in Ohio, and those in that part of Pennsylvania on and west of U.S. Highway 19, between Donora, Pa., on the one hand, and, on the other, points in Michigan, Ohio, and Indiana, with restriction; *strawboard, fibreboard, corrugated board, and boxes* manufactured therefrom, from Monroe, Mich., to points in Illinois, and certain specified points in Missouri, Wisconsin, and West Virginia; *raw materials* used in the manufacture of the above-specified commodities, from the above-specified destination points to Monroe, Mich.; *raw materials* used in the manufacture of paper and paper products, from Connersville, Ind., and points in that part of Indiana on and north of U.S. Highway 40 to Monroe, Mich., with restriction, from points in Ohio, and those in that part of Pennsylvania on and west of U.S. Highway 19, to Monroe, Mich.; *scrap and waste paper* (except in bulk), from points in Pennsylvania, Wisconsin, Illinois, Indiana, West Virginia, Ohio, and Kentucky, to Constantine, Palmyra, and Adrian, Mich., with restriction. FAIRALL TRUCKING COMPANY, is authorized to operate as a *contract carrier* in Illinois, Indiana, Michigan and Ohio. Application has been filed for temporary authority under section 210a(b).

Notice is hereby given that on May 9, 1973, Caffall Bros. Forest Products, Inc. (Caffall Bros.) a non-carrier, filed with the Interstate Commerce Commission an application under Section 5(2) of the Interstate Commerce Act (Act) to acquire through the purchase of all of its outstanding stock of the Mirene Company, a water carrier subject to Part III of the Act; and that by the same application C. C. Caffall, R. H. Caffall, and Rex Caffall, Jr., who control Caffall Bros. through ownership of all of its outstanding capital stock, seek authority to acquire control of the operating rights and property through the transaction. The application has been assigned Finance Docket No. 27652.

C. C. Caffall, R. H. Caffall, and Rex Caffall, Jr., also, control Ramona Tow Boat, Inc., a water carrier subject to Part III of the Act, through ownership of 97.4% of its outstanding capital stock.

The Mirene Company operates as a common carrier by water on the Columbia and Willamette Rivers and tributaries and along the Pacific Coast from Grays Harbor, Washington, to Coos Bay, Oregon, serving various points in Oregon and Washington. Ramona Tow Boat Co., Inc., operates as a common carrier by water on the Columbia and Willamette Rivers and tributary waterways serving ports in Oregon and Washington.

In the opinion of the applicants, the requested Commission action involves no known effect on the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100-

250) in Ex Parte No. 55 (Sub-No. 4), Implementation — Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effects is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B) (1)-(5), 340 I.C.C. 431, 461.

An application for temporary authority pertaining to this proceeding has been filed under Section 311(b). The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

Caffall Bros. Forest Products, Inc.  
5405 N. Lagoon Avenue  
Portland, Oregon

C. C. Caffall  
5405 N. Lagoon Avenue  
Portland, Oregon

R. H. Caffall  
5405 N. Lagoon Avenue  
Portland, Oregon

Rex Caffall, Jr.  
5405 N. Lagoon Avenue  
Portland, Oregon

The Mirene Company  
2416 N. Marine Drive  
Portland, Oregon

White, Sutherland, Parks & Heath and  
Russell M. Allen  
Attorneys for Applicants  
1200 Jackson Tower  
Portland, Oregon 97205

#### NOTICE

Notice of filing of an Application By Thomas F. Patton and Ralph S. Tyler, Jr., Trustees of the property of Erie Lackawanna Railway Company, Debtor, under Section 5(2) of the Interstate Commerce Act, as amended, for an order or orders granting such approval and authorization as is requisite to the purchase and operation of a part of the Vallonia Branch and a portion of the Meadville Branch of Bessemer and Lake Erie Railroad Company. Finance Docket No. 27574.

Notice is hereby given that on February 1, 1974, the above Application was filed with the Interstate Commerce Commission.

With respect to this notice, the following information is supplied:

#### 1. Name and address of applicants:

Thomas F. Patton and Ralph S. Tyler, Jr., Trustees of the Property of Erie Lackawanna Railway Company, Debtor, Midland Building, 101 Prospect Avenue NW., Cleveland, Ohio 44115.

Name and address of counsel for applicants:

Richard Jackson, Vice President—Law, Erie Lackawanna Railway Company, Midland Building, 101 Prospect Avenue NW., Cleveland, Ohio 44115.

2. The proposed transaction covers the acquisition by purchase for cash of approximately 7370.4 linear feet of lines of railroad of the Bessemer and Lake Erie Railroad Company (B&LE) a carrier subject to Part I of the Interstate Commerce Act.

3. The property in question consists of a single track line of railroad located in Crawford County, Pennsylvania, and running easterly from State Route 85 in the City of Meadville to its terminus at the bridge crossing French Creek. The operation sought to be performed will be a substitution of branch line switching operations by Erie Lackawanna Railway Company in lieu of the operations presently performed in the same area and over the same trackage by B. & L.E.

4. In the opinion of the applicant, this application is not a major Federal action within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B) (1)-(5), 340 I.C.C. 431, 461.

5. The proceedings will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protest submitted shall be filed with the Interstate Commerce Commission no later than thirty (30) days of the date of filing in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-12918 Filed 6-4-74; 8:45 am]

[Notice 78]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 30, 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 29555 (Sub-No. 70 TA), filed May 21, 1974. Applicant: BRIGGS TRANSPORTATION CO., a Corporation, 2360 W. County Road C, St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, except those requiring temperature control, and those injurious or contaminating to other lading), serving the New Gentlemen Power Station located approximately 5 miles south of Sutherland, Nebr., as an off-route point in connection with applicant's authorized regular route operations, for 180 days. SUPPORTING SHIPPER: Stearns Roger Inc., P.O. Box 5888, Denver, Colo. 80217. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 414 Federal Building and U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

NOTE.—Applicant will interline with other carriers at all points in our system where interlining is possible.

No. MC 30844 (Sub-No. 508 TA), filed May 20, 1974. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50705. 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: *Air cleaner filter paper*, from West Groton, Mass., to Dixon, Ill.; Cresco, Iowa; Minneapolis, Minn.; and Kirksville, Mo., for 180 days. SUPPORTING SHIPPER: Donaldson Company, Inc., P.O. Box 1299, Minneapolis, Minn. 55440. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 36509 (Sub-No. 23 TA), filed May 15, 1974. Applicant: LOOMIS ARMORED CAR SERVICE, INC., 55 Battery Street, Seattle, Wash. 98121. Applicant's representative: George H. Hart,

1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Special nuclear material*, between Richland, Wash., and Hanford Works U.S. Atomic Energy Commission Reservation at or near Richland, Wash., on the one hand, and, on the other, points in the Seattle, Wash., Commercial Zone, on shipments having an immediate prior or subsequent out-of-state movement, for 180 days. SUPPORTING SHIPPER: Edlow International Company, 1100 17th St. NW., Washington, D.C. 20036. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 107002 (Sub-No. 451 TA), filed May 15, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid agricultural insecticides*, in bulk, in tank vehicles, from Millington, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Union Carbide Corporation, 270 Park Avenue, New York, N.Y. 10017. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107002 (Sub-No. 452 TA), filed May 15, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the facilities of Phillips Petroleum Company near Chatom, Ala., to Hattiesburg and Pascagoula, Miss., and Baton Rouge, Norco, and Lake Charles, La., for 180 days. SUPPORTING SHIPPER: Phillips Petroleum Company, Room 149 Phillips Building Annex, Bartlesville, Okla. 74004. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 112520 (Sub-No. 284 TA), filed May 21, 1974. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid*, in bulk, in tank vehicles, from Americus, Ga., to Albuquerque, N. Mex., for 180 days. SUPPORTING SHIPPER: Sobin Chemicals, Inc., Sobin Park, Boston, Mass. 02210. SEND PROTESTS TO: District

Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 112822 (Sub-No. 33 TA), filed May 21, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as 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, from Coffeyville, Kans., to Hudsonville, Mich., for 180 days. SUPPORTING SHIPPER: Coffeyville Packing Company, Inc., B. R. Brown, President, P.O. Box 334, Coffeyville, Kans. 67337. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 113410 (Sub-No. 89 TA), filed May 21, 1974. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eshcenbacher, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Pine Bend, Minn., to Brokaw, Rothschild, Appleton, Rhineland, and Green Bay, Wis., for 180 days. SUPPORTING SHIPPER: Koch Refining Company, Box 3596, St. Paul, Minn. 55165. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 118468 (Sub-No. 41 TA), filed May 21, 1974. Applicant: UMTHUN TRUCKING CO., a Corporation, 910 South Jackson, P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and cement pipe containing asbestos fiber*, from the plantsites and warehouse facilities of Johns-Manville Corporation, its divisions and subsidiaries at or near Waukegan and Joliet, Ill., to points in Iowa, Minnesota, Nebraska, and South Dakota, for 180 days. RESTRICTION: Restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment. Restricted to traffic originating at the named plantsites and destined to points in the named destination states and further restricted to a transportation service to be performed under a continuing contract with Johns-Manville Corporation, its divisions and

subsidiaries. SUPPORTING SHIPPER: Johns-Manville Products Corp., Greenwood Avenue, Waukegan, Ill. 60085. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 119399 (Sub-No. 42 TA), filed May 20, 1974. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and related advertising matter, and (2) *used empty containers*, (1) from Peoria, Ill., to Little Rock, Ark., and (2) from Little Rock, Ark., to Peoria, Ill., for 180 days. SUPPORTING SHIPPER: Calco Distributors, 418 East Markham Street, Little Rock, Ark. 72201. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128524 (Sub-No. 3 TA), filed May 21, 1974. Applicant: OLPAG, INC., 2364 Cleveland St., North Bellmore, N.Y. 11710. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or distributed by a manufacturer or distributor of toilet preparations and materials and supplies used in the manufacture or distribution thereof (except commodities in bulk)*, between Hauppauge, N.Y., on the one hand, and, on the other, points in that part of New Jersey north of a line beginning at the New Jersey-Pennsylvania state line and extending along New Jersey Highway 70 to junction New Jersey Highway 88 and thence along New Jersey Highway 88 to the Atlantic Ocean with authority to serve Melville, N.Y., as an intermediate point for purpose of completing loading or unloading of the carrier's vehicles under a contract with Estee Lauder, Inc., and its affiliates, including Len-Ron Manufacturing Co., Inc.; Clinique Laboratories, Inc.; and Armis, Inc., for 180 days. SUPPORTING SHIPPER: Estee Lauder, Inc., 350 So. Service Road, Melville, N.Y. 11746. SEND PROTESTS TO: Anthony D. Gialmo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 135713 (Sub-No. 3 TA), filed May 15, 1974. Applicant: AFRO-URBAN TRANSPORTATION, INC., 1167 Atlantic Avenue, Brooklyn, N.Y. 11216. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel*, for the account of Bethlehem Steel Corporation,

from the facilities of Bethlehem Steel Corporation at Newark, N.J., to the erection site of the Federal Office Building Annex, Foley Square (Broadway and Worth Street), New York, N.Y., for 180 days. SUPPORTING SHIPPER: Bethlehem Steel Corporation, Bethlehem, Pa. 18016. SEND PROTESTS TO: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 136228 (Sub-No. 10 TA), filed May 21, 1974. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, New Walla Walla Highway No. 11, Milton-Freewater, Ore. 97862. Applicant's representative: Eugene Luisi (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and malt beverages*, from points in Los Angeles, Orange, Riverside, Kern, Fresno, Madera, Merced, Stanislaus, San Joaquin, Santa Clara, San Benito, Sacramento, San Francisco, and Napa Counties, Calif., to points in Spokane County, Wash., for 180 days. SUPPORTING SHIPPER: General Distributing, Inc., N. 25 Fiske, Spokane, Wash. 99202. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 139463 (Sub-No. 2 TA), filed May 21, 1974. Applicant: TABB TRUCKING CO., INC., Route 4, Box 79, Colquitt, Ga. 31737. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Center pivot irrigation systems*, from Valley, Nebr., to points in Georgia on and south of U.S. Highway 280 and west of U.S. Highway 41, for 180 days. SUPPORTING SHIPPER: Valmont Industries, Inc., Valley, Nebr. 68064. SEND PROTESTS TO: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 139758 (Sub-No. 1 TA), filed May 15, 1974. Applicant: LIVINGSTON TRANSPORTATION LIMITED, 81 Gaylord Road, St. Thomas, Ontario, Canada N5P 3S3. Applicant's representative: Arthur P. Boynton, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Auto parts* for Livingston Industries, Limited, from the site of the Hare Cartage, Inc., terminal at 7400 East McNichols Road, Detroit, Mich., to ports of entry on the International Boundary between the United States and Canada at or near Detroit, Mich. (with London, Ontario, Canada, as the ultimate destination), for 180 days. SUPPORTING SHIPPER: Livingston Industries, Limited, 264 Tillson Avenue, Tillsonburg, Ontario, Canada N4G 3B6. SEND PROTESTS TO: Melvin F. Kirsch, District

Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

NOTE.—Applicant will connect its Canadian authority with this authority at the port of entry at or near Detroit, Mich.

No. MC 139803 (Sub-No. 1TA), filed May 17, 1974. Applicant: MARVIN E. VAN NOY, 2000 N. 14th Street, St. Louis, Mo. 63106. Applicant's representative: Richard D. Kinder, 2027 Broadway, Cape Girardeau, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *All products used in the operation and maintenance of a hospital*, from St. Louis, Mo., to points in McCracken County, Ky.; Randolph, Alexander, Williamson, Jefferson, and Saline Counties, Ill.; and Crawford County, Kans., together with return of shipments by consignees, for 180 days. SUPPORTING SHIPPER: Norman & Associates, 37 Doctors Park, Cape Girardeau, Mo. 63701. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, Mo. 63101.

No. MC 139810 TA, filed May 14, 1974. Applicant: TRI-STATE CONTRACT CARRIER CORPORATION, 240 Westwood Circle, Selmer, Tenn. 38375, and Mail: P.O. Box 153, Bethel Springs, Tenn. 38315. Applicant's representative: R. Connor Wiggins, Jr., 909 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinyl plastic* from Corinth, Miss., to points in the United States (except Alaska and Hawaii), and (2) *materials and supplies (except commodities in bulk)* used in the manufacture of vinyl plastic and returned shipments of vinyl plastic, from points in the United States (except Alaska and Hawaii), to Corinth, Miss., for 180 days. SUPPORTING SHIPPER: Southbridge Plastics Division, W. R. Grace Company, Golding Drive, Corinth, Miss. 38834. SEND PROTESTS TO: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 139811 TA, filed May 15, 1974. Applicant: SCARR MOVING & STORAGE, INC., 1359 Dayton Street, P.O. Box 8, Salinas, Calif. 93901. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Monterey, Santa Cruz, San Benito, San Luis Obispo, and Santa Clara Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the authorized, and further restricted to the performance of

pick-up and delivery service in connection with packing, crating, and containerization of such traffic or vice versa, for 90 days. **SUPPORTING SHIPPERS:** U.S. International Freight Forwarders, Inc., 5353 Leake Avenue, P.O. Box 15749, New Orleans, La. 70175, and Mitchell Overseas Movers, Inc. **SEND PROTESTS TO:** District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 139812 TA, filed May 16, 1974. Applicant: DALE CANNON, doing business as DALCO FREIGHT LINES, 5600 Bickett Street, P.O. Box 58753, Los Angeles, Calif. 90058. Applicant's representative: Dale Cannon (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Bicycles, bicycle parts and accessories, from Azusa and City of Industry, Calif., to Flagstaff, Glendale, Globe, Mesa, Phoenix, Prescott, Tucson, and Yuma, Ariz., and points within 10 miles thereof and (2) bicycles, bicycle parts and accessories, damaged or refused, from Flagstaff, Glendale, Globe, Mesa, Phoenix, Prescott, Tucson, and Yuma, Ariz., and points within 10 miles thereof, to Azusa and City of Industry, Calif., for 180 days. **SUPPORTING SHIPPER:** Huffman Manufacturing Co., 1120 W. Foot-hill, Azusa, Calif. **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 139813 TA, filed May 17, 1974. Applicant: JAMES GANN, doing business as JAMES GANN TRUCKING COMPANY, Route 2, Hamilton, Ala. 35570. Applicant's representative: John Self, P.O. Box 597, Hamilton, Ala. 35570. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Wood chips, from Ackerman and Fulton, Miss., and Hamilton and Haleyville, Ala., to Counce, Tenn., for 180 days. **SUPPORTING SHIPPER:** Tennessee River Pulp & Paper Company, P.O. Box 33, Counce, Tenn. 38326. **SEND PROTESTS TO:** Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-12919 Filed 6-4-74; 8:45 am]

[Notice 95]

#### 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 25, 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-75137. By order of May 30, 1974, the Motor Carrier Board approved the transfer to James W. Finfrock, doing business as La Cygne Truck Line, La Cygne, Kans., of Certificates Nos. MC-29611, MC-29611 (Sub-No. 2), and MC-29611 (Sub-No. 5), issued March 12, 1962, March 26, 1974, and October 4, 1967, respectively, to Raymond D. Good, doing business as La Cygne Truck Line, La Cygne, Kans., authorizing the transportation of general commodities, with exceptions, and specified commodities from, to, and between La Cygne, Kans., Kansas City, Mo., points in Bates and Cass Counties, Mo., Kansas City, Mo.-Kans., Commercial Zone, and Louisburg, Stilwell, and Stanley, Kans., Clyde N. Christy, Esq., attorney for Applicants, 64 Harrison Street, Topeka, Kans. 66603.

No. MC-FC-75167. By order entered May 28, 1974, the Motor Carrier Board approved the transfer to Earl Koch, Sabetha, Kans., of the operating rights set forth in Certificate No. MC-84574, issued November 12, 1969, to Paul W. Hill, doing business as Hill Truck Line, (Dan E. Turner, Trustee-in-Bankruptcy), Onaga, Kans., authorizing the transportation of general commodities, with the usual exceptions, livestock, feed, seed, farm implements and machinery and parts, oil, hardware, fencing materials, building material, agricultural commodities, and crated furniture, from, to, or between specified points in Kansas and Missouri. Erle W. Francis, Suite 719, 700 Kansas Ave., Topeka, Kans. 66603.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-12920 Filed 6-4-74; 8:45 am]

#### NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 31, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended Octo-

ber 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Alaska Docket No. 74-138-MF/O, filed May 14, 1974. Applicant: McGRATH & KUSKOKWIM FREIGHT SERVICE, INC., Box 546, Bethel, Alaska 99559. Applicant's representative: John M. Stern, Jr., Box 1672, Anchorage, Alaska 99510. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of General commodities, over irregular routes, between: (1) all points in Alaska north of 58 degrees latitude; south of 62 degrees latitude; and west of 160 degrees longitude; plus and (2) all points on and within 25 miles of the Kuskokwim River and the South Fork of the Kuskokwim River east of 160 degrees longitude and west Nicolai (including Nicolai). Both, interstate and intrastate authority sought.

**HEARING:** Date, time, and place not shown. Requests for procedural information should be addressed to the Alaska Transportation Commission, 1000 MacKay Building, 338 Denali Street, Anchorage, Alaska, 99501, and should not be directed to the Interstate Commerce Commission.

California Docket No. 53996 (Amendment), filed August 15, 1973. Applicant: WEBSTER DELIVERY SERVICE, INC., 886 South Mission, Los Angeles, Calif. 90033. Applicant's representative: Levin & Oberman, Incorporated, 3550 Wilshire Boulevard, Suite 1420, Los Angeles, Calif. 90010. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of General commodities: (1) Abrasives, as listed under that heading in Items Nos. 5 through 45 Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof; (2) Advertising matter, as listed under that heading in Items Nos. 225 through 330 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41 and 46 thereto; (3) Cloth, dry goods or fabrics, as listed under that heading in Items Nos. 12550 through 12885 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto; (4) Drugs, medicines or toilet preparations, viz.: Perfumery; (5) Electrical appliances or equipment, or parts named, as listed under that heading in Items Nos. 15605 through 16250 of Western Classification No. 75, Cal. P.U.C. No.

8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48, and 50 thereto: (6) Floor coverings, as listed under that heading in Items Nos. 17865 through 17965 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46, 48 and 50 thereto:

(7) Furniture, as listed under that heading in Items Nos. 19495 through 20494 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48, and 50 thereto; (8) Games or toys, as listed under that heading in Items Nos. 20670 through 20870 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto; (9) Glassware, as listed under that heading in Items Nos. 21265 through 21585 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto; (10) Hardware, as listed under that heading in Items Nos. 22455 through 23660 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto; (11) Machinery or machines, or parts named, as listed under that heading in Items Nos. 27145 through 31920 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto; (12) Pads or padding, as listed under that heading in Items Nos. 35125 through 35155 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46 and 48 thereto; (13) Sheet steel ware, as listed under that heading in Items Nos. 40245 through 40490 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48, and 50 thereto; (14) Stationery, as listed under that heading in Items Nos. 41203 through 41290 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46 and 50 thereto; (15) Trunks or traveling bags, as listed under that heading in Items Nos. 43240 through 43280 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41 and 46 thereto; and

(16) Miscellaneous commodities, viz.: Baskets, boots or shoes, buckles, clothing, clocks, hosiery, ladders, notions, pillows, rubber, foam, silver plated ware, not on silver, synthetic resin articles, towels, or toweling, paper, watches, in the area embraced by the following boundaries: Beginning at the intersection of Sunset Boulevard and U.S. Highway 101 Alternate; thence northeasterly along Sunset Boulevard to State Highway 7; northerly along State Highway 7 to State Highway

118; northeasterly along State Highway 118 through and including the City of San Fernando, continuing northeasterly and southeasterly along State Highway 118 to and including the City of Pasadena; southerly on Rosemead Boulevard to the Whittier Narrows Dam; easterly along the Whittier Narrows Dam to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Carson Street; easterly on Carson Street to the Los Angeles County-Orange County boundary line; southerly along said county line to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway 101 Alternate; thence northerly along an imaginary line to the point of beginning.

**HEARING:** Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 445 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Kansas Docket No. 88,929 M, Route No. 8432 (Extension), filed May 10, 1974. Applicant: DONALD L. KERBS AND NEAL J. LOVING, doing business as C & R TRUCK LINE, 1012 W. North Street, Salina, Kans. Applicant's representative: Rodney G. Nitz, 116 West Iron, Salina, Kans. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between points and places in Kansas as herein shown. I. Removal of restriction to provide no service on freight originating within the Commercial Zone of Kansas City, Kansas-Kansas City, Missouri; Topeka, Kansas and/or Manhattan, Kansas, destined to points and places within a 10-mile radius of Wakefield, Kansas (including but not limited to Upland and Industry, Kansas). Removal of restriction to provide no service on freight originating within a 10-mile radius of Wakefield, Kansas, and destined to the Commercial Zone of Kansas City, Kansas-Kansas City, Missouri; Topeka, Kansas, and/or Manhattan, Kansas. II. Between Salina, Kans., and Herington, Kans., as follows: From Salina, Kans., south over old U.S. Highway 81 to its junction with Kansas Highway 4 thence east on Kansas Highway 4 to Herington, Kans., serving the intermediate and off route points of Kipp, Gypsum, Carlton, Elmo, Dillon, Ramona, and Hope, Kans., and return over the same route. From Salina, Kans., east over unnumbered county road to its junction with Kansas Highway 15 thence south over Kansas Highway 15 approximately 3 miles to its junction with unnumbered county road thence east over said unnumbered county road to its junction with U.S. Highway 77 serving the intermediate points of Navarre and Woodbine, Kans., and return over the same route. From Elmo, Kans., north over Kansas Highway 15 to Abilene, Kans., and return over the

same route. From Hope, Kans., north over Kansas Highway 43 to Enterprise, Kans., and return over the same route. From Chapman, Kans., south over unnumbered county road to its junction with unnumbered county road between Navarre and Woodbine, Kans., and return over the same route.

From Chapman, Kans., north over Kansas Highway 206 to its junction with Interstate Highway 70 thence east over Interstate Highway 70 to its junction with U.S. Highway 77 serving the site of North Central Foundry and return over the same route. From Herington, Kans., east on U.S. Highway 77 to Develan, Kans., serving the off-route point of the former Herington Air Base now more commonly known as the Herington Industrial Park and return over the same route. III. Between Herington, Kans., and Waterville, Kans., as follows: From Herington, Kans., north over U.S. Highway 77 to Waterville, Kans., serving the intermediate and off-route points of Milford, Bala, Broughton, Riley, Leonardville, and Randolph, Kansas, and return over the same route. Also serving the Rock Springs 4-H Camp approximately 4 miles east of U.S. Highway 77 on Kansas Highway 157 as an off-route point. From Clay Center, Kansas, east on U.S. Highway 24 to Leonardville, Kansas, serving Green, Kans., as an off-route point and return over the same route. From Wakefield, Kans., east over Kansas Highway 82 to its junction with U.S. Highway 77 and return over the same route. IV. Between Salina, Kans., and Clifton, Kans., as follows: From Salina, Kans., north over U.S. Highway 81 to Concordia, Kans., thence east over Kansas Highway 9 to Clifton, Kans., serving the intermediate points of Concordia, Rice, Ames, Clyde, and Vining, Kans., and the off-route point of Wells, Kans., and return over the same route. From Clifton, Kans., south over unnumbered county road to its junction with U.S. Highway 24 and return over the same route. From Miltonvale, Kans., west over U.S. Highway 24 to its junction with U.S. Highway 81 and return over the same route. V. Also, service from and to Bremen and Herkimer, Kans., as off-route points on present route between Washington and Marysville, Kansas. All of the above authority to be tacked to the authority presently held by C & R Truck Line.

**NOTE.**—Five businessmen in Clyde, Kans., have made a specific request to the Interstate Commerce Commission for service to their town by this applicant. This applicant cannot economically serve the transportation needs of this town without the additional authority outlined in paragraph IV. The Wakefield area is currently without daily service which this applicant can provide. The proposed route between Salina and Herington, Kans., has been served by Graves Truck Line, Inc., through the lease of vehicles and drivers from the applicant to Graves Truck Line for approximately two years. The public convenience and necessity can best be served by this applicant holding its own authority to serve this area and thus eliminating the confusion of the public over the service to this area.

**HEARING:** July 10 and July 11, 1974, at the Probate Court, 300 West Ash, City County Building, Salina, Kans., at 10:00 A.M. Requests for procedural information should be addressed to the State Corporation Commission, Fourth Floor, State Office Bldg., Topeka, Kans. 66612, and should not be directed to the Interstate Commerce Commission.

Montana Docket No. 2224, filed May 10, 1974. Applicant: ROBERT J. POLISH, R.F.D. SE, Deer Lodge, Mont. Applicant's representative: William R. Taylor, Masonic Temple Bldg., Deer Lodge, Mont. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of Class "B" persons and baggage by charter, originating in the City of Deer Lodge to all points and places in the State of Montana and return over and all Montana Interstate and secondary

highways. Both, interstate and intrastate authority sought.

**HEARING:** Date, time, and place not shown. Requests for procedural information should be addressed to the Montana Public Service Commission, 1227 11th Avenue, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC-5204 (Sub-No. 2), filed May 6, 1974. Applicant: MILAN EXPRESS, INC., P.O. Box 439, Milan, Tenn. 38358. Applicant's representative: Mr. Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, commodities in bulk, and articles which because of size or weight require special equipment, between any and all points

within 35 miles of Jackson, Tenn., restricted against tacking and restricted against interchange of traffic with Lexington-Paris Motor Freight, Inc. Intrastate, interstate, and foreign commerce authority sought.

**HEARING:** June 26, 1974, at the Alexandria Room, Ramada Inn, Highway 45 By-Pass, Jackson, Tenn., at 9:30 a.m. Requests for procedural information should be addressed to the Tennessee Public Service Commission, C1-102 Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-12922 Filed 6-4-74;8:45 am]

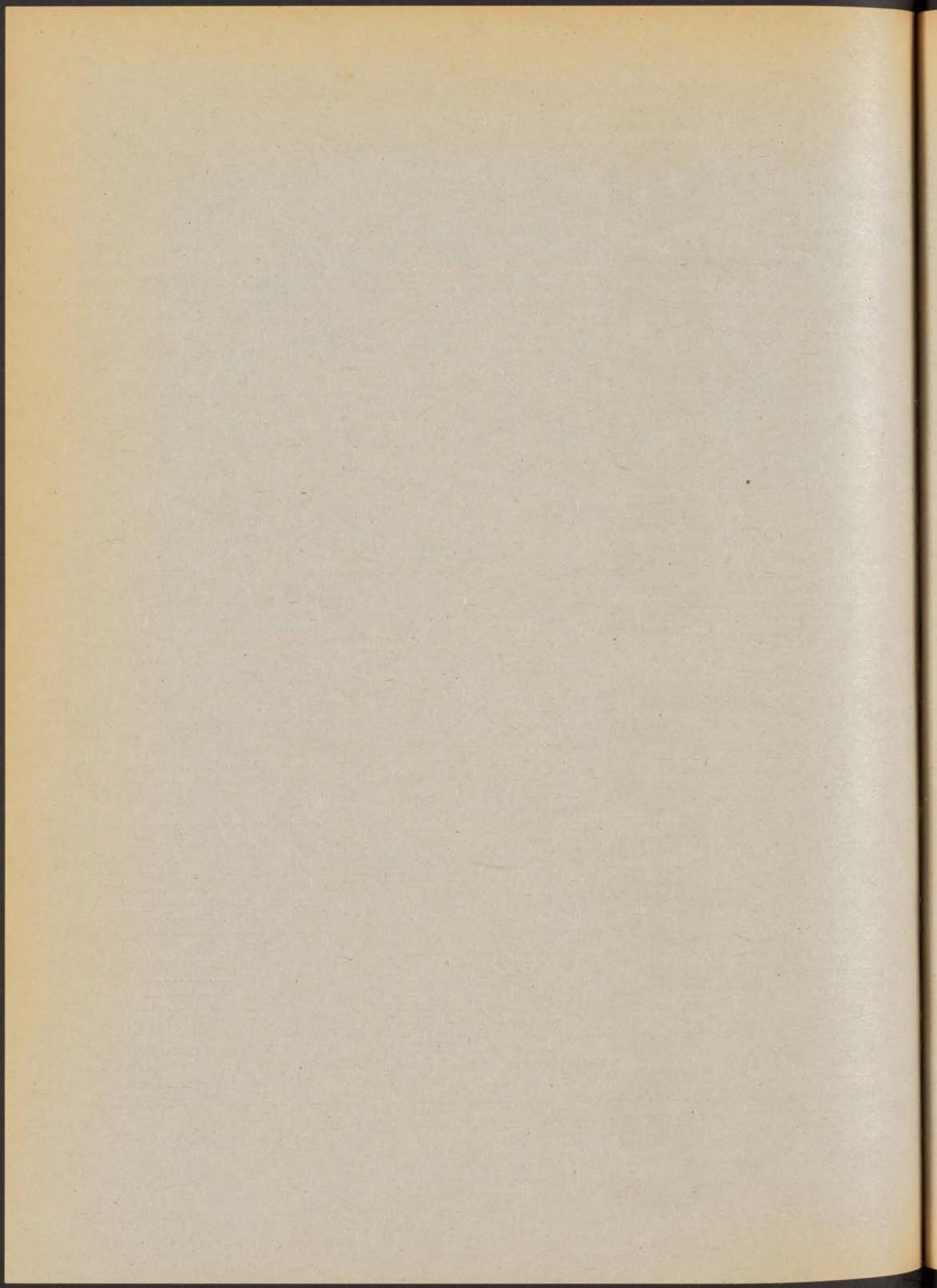
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PART II



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## DEPARTMENT OF JUSTICE

U.S. Board of Parole

■

PAROLE, RELEASE,  
SUPERVISION, AND  
RECOMMITMENT OF  
PRISONERS, YOUTH  
OFFENDERS, AND  
JUVENILE DELINQUENTS

Title 28—Judicial Administration  
CHAPTER 1—DEPARTMENT OF JUSTICE,  
U.S. BOARD OF PAROLE

PART 2—PAROLE, RELEASE, SUPERVISION  
AND RECOMMENDATION OF  
PRISONERS, YOUTH OFFENDERS, AND  
JUVENILE DELINQUENTS

The following rules reflect the revised organization, operation, procedures, and policies of the United States Board of Parole and are published under the authority of 28 CFR, Part O, Subpart V, and 18 U.S.C. 4201-4210, 5001-5037.

The Board of Parole expressly disclaims that its rules are subject to the rulemaking provisions of the Administrative Procedure Act, 5 U.S.C. 553(b).

With the exception of § 2.20, these rules will become effective in the Board's Northeast Region (Region I) on June 5, 1974, and will apply to all subsequent parole and parole revocation hearings conducted in that region. Region I is comprised of the following states: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Federal prisoners outside the Northeast Region will be considered for parole and parole revocation under the Board's present rules until such time as the revised procedures are made applicable to other regions as these regions become operational.

Section 2.20, the Board's paroling policy guidelines will become effective nationwide on June 5, 1974. This statement of policy is published in order to inform the public of the Board's customary paroling policy. The guidelines incorporated in the policy statement are merely indications of how the Board generally intends to exercise its discretion in making future parole release decisions.

Part 2 of 28 CFR is revised to read as follows:

- Sec.
- 2.1 Definitions.
- 2.2 Eligibility for parole, regular adult sentences.
- 2.3 Same; adult indeterminate sentences.
- 2.4 Same; juvenile delinquents.
- 2.5 Same; committed youth offenders.
- 2.6 Same; sentences under the Narcotic Addict Rehabilitation Act.
- 2.7 Same; sentences under the gun control statute.
- 2.8 Same; sentences of six months or less followed by probation.
- 2.9 Study prior to sentencing.
- 2.10 Date service of sentence commences.
- 2.11 Application for parole.
- 2.12 Hearing procedure.
- 2.13 Initial hearing.
- 2.14 Review hearings.
- 2.15 Petition for consideration of parole prior to date set at hearing.
- 2.16 Parole of prisoner in state or territorial institution.
- 2.17 Original jurisdiction cases.
- 2.18 Granting of parole.
- 2.19 Consideration by the Board.
- 2.20 Paroling policy guidelines; statement of general policy.
- 2.21 Reports considered.
- 2.22 Communication with the Board.

- Sec.
- 2.23 Delegation to hearing examiners.
- 2.24 Review of panel decision by the Regional Director and the National Appellate Board.
- 2.25 Appeal of hearing panel decision.
- 2.26 Appeal to National Appellate Board.
- 2.27 Appeal of original jurisdiction cases.
- 2.28 Reopening of cases.
- 2.29 Withheld and forfeited good time.
- 2.30 Release; modification of release date.
- 2.31 False or withheld information.
- 2.32 Committed fines.
- 2.33 Parole to detainers; statement of policy.
- 2.34 Parole to local or immigration detainers.
- 2.35 Mental competency proceedings.
- 2.36 Release plans.
- 2.37 Release on parole; statement of policy.
- 2.38 Sponsorship of parolees; statement of policy.
- 2.39 Mandatory release in the absence of parole.
- 2.40 Same; youth offenders.
- 2.41 Reports to police departments of names or parolees; statement of policy.
- 2.42 Community supervision by United States Probation Officers.
- 2.43 Duration of period of community supervision.
- 2.44 Conditions of release.
- 2.45 Travel by parolees and mandatory releasees.
- 2.46 Supervision reports, modification and discharge from supervision.
- 2.47 Modification and discharge from supervision; youth offenders.
- 2.48 Setting aside conviction.
- 2.49 Revocation of parole or mandatory release.
- 2.50 Same; youth offenders.
- 2.51 Unexpired term of imprisonment.
- 2.52 Execution of warrant; notice of alleged violations.
- 2.53 Warrant placed as a detainer and dispositional interview.
- 2.54 Revocation by the Board, preliminary interview.
- 2.55 Local revocation hearing.
- 2.56 Revocation hearing procedure.
- 2.57 Confidentiality of parole records.

AUTHORITY: 18 U.S.C. 42101-4210, 5001-5037; 28 CFR Part O, Subpart v.

§ 2.1 Definitions.

(a) For the purpose of this part, the term "Board" means the United States Board of Parole; and the terms "Youth Correction Division" and "Division" each mean the Youth Correction Division of the Board.

(b) As used in this part, the term "National Appellate Board" means the Chairman, Vice Chairman, and at least one member of the Board, all of whom also serve as National Appellate Board members in the headquarters office, i.e., Washington, D.C.

(c) All other terms used in this part shall be deemed to have the same meaning as identical or comparable terms have when those terms are used in Chapter 311 of Part IV of Title 18 of the United States Code or Chapter I, Part O, Subpart V of Title 28 of the Code of Federal Regulations.

§ 2.2 Eligibility for parole, regular adult sentences.

Except as set out in the following sections, a federal prisoner wherever confined and serving a definite term or terms of over one hundred and eighty

days may, in accordance with the regulations prescribed in this part, be released on parole after serving one-third of such term or terms or after fifteen years of a life sentence or a sentence of over forty-five years (18 U.S.C. 4202).

§ 2.3 Same; adult indeterminate sentences

A Federal prisoner, other than a juvenile delinquent or a committed youth offender, who has been sentenced to a maximum term of imprisonment in excess of one year may, if the court has designated a minimum term to be served, which term may be less than, but not more than, one-third of the maximum sentence imposed, be released on parole after serving the minimum term. In cases in which a court imposes a maximum sentence of imprisonment upon a prisoner and specifies that the prisoner may become eligible for parole at such times as the Board may determine, the prisoner may be released on parole at any time in the discretion of the Board (18 U.S.C. 4208(a)).

§ 2.4 Same; juvenile delinquents.

A juvenile delinquent who has been committed and who, by his conduct, has given satisfactory evidence that he has reformed, may be released on parole at any time under such terms and conditions as the Board deems proper if it shall appear to the satisfaction of the Board that there is a reasonable probability that the juvenile will remain at liberty without violating the law (18 U.S.C. 5037).

§ 2.5 Same; committed youth offenders.

The Youth Correction Division may at any time, after reasonable notice to the Director of the Bureau of Prisons, release conditionally under supervision a committed youth offender. A youth offender committed under section 5010(b) of title 18 of the United States Code to a maximum six year term shall be released conditionally under supervision on or before the expiration of four years from the date of his conviction. A youth offender committed under section 5010(c) of title 18 of the United States Code to a maximum term which is more than six years shall be released conditionally under supervision not later than two years before the expiration of the term imposed by the court (18 U.S.C. 5017).

§ 2.6 Same; sentences under the Narcotic Addict Rehabilitation Act.

The Narcotic Addict Rehabilitation Act provides for sentence to a maximum term for treatment as a narcotic addict. Parole may be ordered by the Board after at least six months in treatment, not including any period of time for "study" prior to final judgment of the Court. Before parole is ordered by the Board, the Surgeon General or his designated representative must certify that the prisoner has made sufficient progress to warrant his release and the Attorney General or his designated representative may also report to the Board whether the prisoner should be released. Recer-

tification by the Surgeon General prior to reparole consideration is not required (18 U.S.C. 4254).

**§ 2.7 Same; sentences under the gun control statute.**

A Federal prisoner sentenced under 18 U.S.C. 924 for violation of Federal gun control laws is considered eligible for parole at such time as the Board may determine. Prisoners sentenced under this provision are considered for parole in the same manner as if they had been sentenced under 18 U.S.C. 4208(a) (2).

**§ 2.8 Same; sentences of six months or less followed by probation.**

A Federal prisoner sentenced under 18 U.S.C. 3651 to serve a period of six months or less in a jail type or treatment institution, with a period of probation to follow, is not eligible for parole.

**§ 2.9 Study prior to sentencing.**

(a) When an adult Federal offender has been committed to an institution by the sentencing court for observation and study prior to sentencing under the provisions of 18 U.S.C. 4208(b), the report to the sentencing court is prepared and submitted directly by the United States Bureau of Prisons.

(b) The court may order a youth to be committed to the custody of the Attorney General for observation and study at an appropriate classification center or agency. Within sixty days from the date of the order, or such additional period as the court may grant, the Youth Correction Division shall report its findings to the court (18 U.S.C. 5010(e)).

**§ 2.10 Date service of sentence commences.**

(a) Service of a sentence of imprisonment commences to run on the date on which the person is received at the penitentiary, reformatory, or jail for service of the sentence: *Provided, however,* That any such person shall be allowed credit toward the service of his sentence for any days spent in custody in connection with the offense or acts for which sentence was imposed.

(b) Service of the sentence of any person who is committed to a jail or other place of detention to await transportation to the place at which his sentence is to be served shall commence to run from the date on which he is received at such jail or other place of detention.

(c) Service of the sentence of a committed youth offender or a person committed under the Narcotic Addict Rehabilitation Act commences to run and continues to run uninterrupted from the date of conviction, except when such offender is on bail pending appeal or is in escape status.

**§ 2.11 Application for parole.**

(a) A prisoner, other than a juvenile delinquent, a committed youth offender, or an offender committed under the Narcotic Addict Rehabilitation Act, desiring to apply for parole shall execute such

application forms as may be prescribed by the Board. Such forms shall be available at each Federal institution and shall be provided to prisoners eligible for parole. Such prisoners may waive parole consideration on a form provided for that purpose. If such a prisoner waives parole consideration, he may later apply for parole and may be heard during the next visit of the Board to the institution where he is confined, provided he has applied prior to 45 days from the first scheduled date of this visit. A prisoner who receives an initial hearing may not waive any subsequent review hearing scheduled by the Board except as provided in § 2.16 (c). New parole applications are not necessary for such review hearings.

(b) A prisoner who is required to apply before receiving a parole hearing but who fails to submit either an application or a waiver form shall be referred to the Board's representatives by the chief executive officer of the institution. The prisoner shall then receive an explanation of his right to apply for parole at a later date.

(c) Juvenile delinquents, youthful offenders, and those committed under the Narcotic Addict Rehabilitation Act shall not apply for parole. Instead, such prisoners shall be scheduled for initial hearings at the first visit to the institution by representatives of the Board after they have been classified by the institution. The Board may order parole as a result of any such hearing or may order review of such prisoner's case at a later date.

**§ 2.12 Hearing procedure.**

(a) Prisoners shall be given written notice of the time and place of the hearing described in §§ 2.13 and 2.14. Prisoners may be represented at hearings by a person of their choice. The function of the prisoner's representative shall be to offer a statement at the conclusion of the interview of the prisoner by the examiner panel, and to provide such additional information as the examiner panel shall request. Interested parties who oppose parole may select a representative to appear and offer a statement. The presiding hearing examiner shall limit or exclude any irrelevant or repetitious statement.

(b) No interviews with the Board, or any representative thereof, shall be granted to a prisoner unless his name is docketed for a hearing in accordance with Board procedures. Hearings shall not be open to the public, and the records of all such hearings shall be treated as confidential and shall not be open to inspection by the prisoner concerned, his representative or any other unauthorized person.

**§ 2.13 Initial hearing.**

(a) An initial hearing shall be conducted by a panel of two hearing examiners designated by the Board. The examiner panel shall inform the prisoner of the decision and, if parole is denied, of the reasons therefor. The decision of the examiner panel, subject to provisions of § 2.23 (b) and (c) shall be final unless

action is initiated by the Regional Director pursuant to § 2.24.

(b) In accordance with § 2.18 the reasons for parole denial may include, but are not limited to, the following reasons, with further specification where appropriate:

(1) Release at this time would depreciate the seriousness of the offense committed and would thus be incompatible with the welfare of society.

(2) There does not appear to be a reasonable probability at this time that the prisoner would live and remain at liberty without violating the law.

(3) The prisoner has (a serious) (repeated) disciplinary infraction(s) in the institution.

(4) Additional institutional treatment is required to enhance the prisoner's capacity to lead a law-abiding life.

(c) In lieu of or in combination with the reasons in paragraph (b) (1) and (2) of this section the prisoner after initial hearings shall be furnished a guideline evaluation statement which includes the prisoner's salient factor score and offense severity rating as described in § 2.20, as well as the reasons for a decision to continue the prisoner for a period outside the range indicated by the guidelines.

(d) Written notification of the decision or referral under § 2.17 or § 2.24 shall be mailed or transmitted to the prisoner within fifteen working days of the date of the hearing. If parole is denied, the prisoner shall also receive in writing as a part of the decision, the reasons therefor.

**§ 2.14 Review hearings.**

All hearings subsequent to the initial hearing shall be considered as review hearings. Review hearings by examiners designated by the Board shall be scheduled for each Federal institution, and prisoners shall appear for such hearings in person, except for the following cases:

(a) A case receiving a continuance of six months or less shall be considered by an examiner panel on the record (including a current institutional progress report).

(b) A prisoner with a sentence under 18 U.S.C. 4208(a) (2) or 924 who receives a continuance to a date past one-third of his maximum sentence at an initial hearing shall upon completion of one-third of his sentence receive a review by an examiner panel on the record (including a current institutional progress report).

(c) A prisoner sentenced under the Youth Corrections Act or Federal Juvenile Delinquency Act who receives a continuance of two years or more shall receive a review by an examiner panel on the record (including a current institutional progress report) upon completion of eighteen months of such continuance.

(d) Notification of review decisions shall be given as set forth in § 2.13(c). No prisoner shall be continued for more than three years from the time of the last hearing without further review.

**§ 2.15 Petition for consideration of parole prior to date set at hearing.**

When a prisoner has met the minimum time of imprisonment required by law,

the Bureau of Prisons may petition the responsible Regional Director for reopening the case under § 2.28 and consideration of parole prior to the date set by the Board at the initial or review hearing. The petition must show cause why it should be granted, i.e., an emergency, hardship, or the existence of other extraordinary circumstances that would warrant consideration of early parole.

#### § 2.16 Parole of prisoner in state or territorial institution.

(a) Any person who has been convicted of any offense against the United States which is punishable by imprisonment but who is confined therefor in a state reformatory or other state or territorial institution, shall be eligible for parole by the Board on the same terms and conditions by the same authority, and subject to recommitment for the violation of such parole, as though he were confined in a Federal penitentiary, reformatory, or other correctional institution.

(b) Federal prisoners serving concurrent state and Federal sentences in state, local, or territorial institutions shall be furnished upon request parole application forms. Upon receipt of the application and any supplementary classification material submitted by the institution, the parole decision shall be made by an examiner panel of the appropriate region on the record only.

(c) Prisoners who are serving Federal sentences exclusively but who are being boarded in state, local, or territorial institutions may be considered for parole on the record only, provided they sign a waiver of their right to a personal hearing. If such a prisoner does not waive a personal hearing, he shall be transferred by the Bureau of Prisons to a Federal institution where he will be considered for parole at the next visit by an examiner panel of the Board.

#### § 2.17 Original jurisdiction cases.

(a) A Regional Director may designate certain cases to be within the original jurisdiction of the Regional Directors. All original jurisdiction cases shall be heard by a panel of hearing examiners who shall follow the procedures provided in § 2.12. A summary of this hearing and any additional comments that the hearing examiners may deem germane shall be submitted to the five Regional Directors. The Regional Directors shall make the original decision by a majority vote.

(b) The following criteria will be used in designating cases for the original jurisdiction of the Regional Directors:

(1) *National security.* Prisoners who have committed serious crimes against the security of the nation, e.g., espionage or aggravated subversive activity.

(2) *Organized crime.* Persons who the Regional Director has reason to believe may have been professional criminals or

may have played a significant role in an organized criminal activity.

(3) *National or unusual interest.* Prisoners who have received national or unusual attention because of the nature of the crime, arrest, trial or prisoner status, or because of the community status of the offender or his victim.

(4) *Long-term sentences.* Prisoners sentenced to a maximum term of forty-five years (or more) or prisoners serving life sentences.

#### § 2.18 Granting of parole.

The granting of parole rests in the discretion of the Board of Parole. The Board may parole a prisoner who is otherwise eligible if (a) in the opinion of the Board such release is not incompatible with the welfare of society; (b) he has observed substantially the rules of the institution in which he is confined; and (c) there is a reasonable probability that he will live and remain at liberty without violating the laws (18 U.S.C. 4203(a)).

#### § 2.19 Consideration by the Board.

In the exercise of its discretion, the Board generally considers some or all of the following factors and such others as it may deem appropriate:

(a) Sentence data:  
 (1) Type of sentence;  
 (2) Length of sentence;  
 (3) Recommendations of judge, U.S. Attorney, and other responsible officials.

(b) Present offense:  
 (1) Facts and circumstances of the offense;

(2) Mitigating and aggravating factors;  
 (3) Activities following arrest and prior to confinement, including adjustment on bond or probation, if any.

(c) Prior criminal record:  
 (1) Nature and pattern of offenses;  
 (2) Adjustment to previous probation, parole, and confinement;  
 (3) Detainers.

(d) Changes in motivation and behavior:

(1) Changes in attitude toward self and others;

(2) Reasons underlying changes;

(3) Personal goals and description of personal strength or resources available to maintain motivation for law abiding behavior.

(e) Personal and social history:  
 (1) Family and marital history;

(2) Intelligence and education;

(3) Employment and military experience;

(4) Physical and emotional health.

(f) Institutional experience:  
 (1) Program goals and accomplishments;

(i) Academic;

(ii) Vocational education, training or work assignments;

(iii) Therapy.

(2) General adjustment:

(i) Inter-personal relationships with staff and inmates;

(ii) Behavior, including misconduct.

(g) Community resources, including release plans:

(1) Residence; live alone, with family or others;

(2) Employment, training, or academic education;

(3) Special needs and resources to meet them.

(h) Results of scientific data and tools:

(1) Psychological tests and evaluations;

(2) Statistical parole experience tables (salient factor score).

(i) Paroling policy guidelines as set forth in § 2.20;

(j) Comments by hearing examiners; evaluative comments supporting a decision, including impressions gained from the hearing.

#### § 2.20 Paroling policy guidelines; statement of general policy.

(a) To establish a national paroling policy, promote a more consistent exercise of discretion, and enable fairer and more equitable decision-making without removing individual case consideration, the United States Board of Parole has adopted guidelines for parole release consideration.

(b) These guidelines indicate the customary range of time to be served before release for various combinations of offense (severity) and offender (parole prognosis) characteristics. The time ranges specified by the guidelines are established specifically for the cases with good institutional adjustment and program progress.

(c) These time ranges are merely guidelines. Where the circumstances warrant, decisions outside of the guidelines (either above or below) may be rendered. For example, cases with exceptionally good institutional program achievement may be considered for earlier release.

(d) The guidelines contain examples of offense behaviors for each severity level. However, especially mitigating or aggravating circumstances in a particular case may justify a decision or a severity rating different from that listed.

(e) An evaluation sheet containing a "salient factor score" serves as an aid in determining the parole prognosis (potential risk of parole violation). However, where circumstances warrant, clinical evaluation of risk may override this predictive aid.

(f) These guidelines do not apply to parole revocation or reparole considerations. The Board shall review the guidelines periodically and may revise or modify them at any time as deemed appropriate.

RULES AND REGULATIONS

20031

Adult guidelines for decisionmaking, average total time (in months) served before release (including jail time)

(Revised April 1974)

Offense characteristics—Severity of offense behavior (examples)	Offender characteristics—Parole prognosis (salient factor score)			
	Very good (11-9)	Good (8-6)	Fair (5-4)	Poor (3-0)
<i>Low</i>				
Immigration law violations	6-10	8-12	10-14	12-16
Minor theft (includes larceny and simple possession of stolen property less than \$1,000)				
Walkaway				
<i>Low/moderate</i>				
Alcohol law violations	8-12	12-16	16-20	20-25
Counterfeit currency (passing/possession less than \$1,000)				
Drugs: Marijuana, possession (less than \$500)				
Firearms Act, possession/purchase/sale single weapon—not altered or machinegun				
Forgery/fraud (less than \$1,000)				
Income tax evasion (less than \$3,000)				
Selective Service Act violations				
Theft from mail (less than \$1,000)				
<i>Moderate</i>				
Bribery of public officials	12-16	16-20	20-24	24-30
Counterfeit currency (passing/possession \$1,000-\$19,999)				
Drugs:				
“Hard drugs,” possession by drug user (less than \$500)				
Marijuana, possession (\$500 or more)				
Marijuana, sale (less than \$5,000)				
“Soft drugs,” possession (less than \$5,000)				
“Soft drugs,” sale (less than \$500)				
Embezzlement (less than \$20,000)				
Explosives, possession/transportation				
Firearms Act, possession/purchase/sale altered weapon(s), machinegun(s), or multiple weapons				
Income tax evasion (\$3,000-\$50,000)				
Interstate transportation of stolen/forged securities (less than \$20,000)				
Mailing threatening communications				
Misprison of felony				
Receiving stolen property with intent to resell (less than \$20,000)				
Smuggler of aliens				
Theft, forgery/fraud (\$1,000-\$19,999)				
Theft of motor vehicle (not multiple theft or for resale)				
<i>High</i>				
Burglary or larceny (other than embezzlement) from bank or post office	16-20	20-26	26-32	32-38
Counterfeit currency (passing/possession \$20,000 or more)				
Counterfeiting (manufacturing)				
Drugs:				
“Hard drugs,” possession by drug-dependent user (\$500 or more)				
“Hard drugs,” sale to support own habit				
Marijuana, sale (\$5,000 or more)				
“Soft drugs,” possession (\$5,000 or more)				
“Soft drugs,” sale (\$500-\$5,000)				
Embezzlement (\$20,000-\$100,000)				
Interstate transportation of stolen/forged securities (\$20,000-\$100,000)				
Mann Act (no force—commercial purposes)				
Organized vehicle theft				
Receiving stolen property (\$20,000-\$100,000)				
Robbery (no weapon or injury)				
Theft, forgery/fraud (\$20,000-\$100,000)				
<i>Very high</i>				
Robbery (weapon)	26-36	36-45	45-55	55-65
Drugs:				
“Hard drugs,” possession by nondrug-dependent user (\$500 or more) or by nonuser (any quantity)				
“Hard drugs,” sale for profit [no prior conviction for sale of “hard drugs”]				
“Soft drugs,” sale (more than \$5,000)				
Extortion				
Mann Act (force)				
Sexual act (force)				
<i>Greatest</i>				
Aggravated felony (e.g. robbery, sexual act, assault)—weapon fired or serious injury				
Aircraft hijacking				
Drugs: “Hard drugs,” sale for profit [prior conviction(s) for sale of “hard drugs”]				
Espionage				
Explosives (detonation)				
Kidnapping				
Willful homicide				

(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)

NOTES

1. If an offense is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offenses listed.
2. If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
3. If an offense behavior involved multiple separate offenses, the severity level may be increased.
4. If a continuance is to be given, allow 30 days (1 month) for release program provision.
5. These guidelines are predicted upon good institutional conduct and program performance.
6. “Hard drugs” include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

## RULES AND REGULATIONS

Youth guidelines for decisionmaking, average total time (in months) served before release (including jail time)

(Revised April 1974)

Offense characteristics—Severity of offense behavior (examples)	Offender characteristics—Parole prognosis (salient factor score)			
	Very good (11-9)	Good (8-6)	Fair (5-4)	Poor (3-0)
<b>Low</b>	6-10	8-12	10-14	12-16
Immigration law violations				
Minor theft (includes larceny and simple possession of stolen property less than \$1,000)				
Walkaway				
<b>Low moderate</b>	8-12	12-16	16-20	20-25
Alcohol law violations				
Counterfeit currency (passing/possession less than \$1,000)				
Drugs: Marijuana, possession (less than \$500)				
Firearms Act, possession/purchase/sale single weapon—not altered or machinegun				
Forgery/fraud (less than \$1,000)				
Income tax evasion (less than \$3,000)				
Selective Service Act violations				
Theft from mail (less than \$1,000)				
<b>Moderate</b>	9-13	13-17	17-21	21-26
Bribery of public officials				
Counterfeit currency (passing/possession \$1,000-\$19,999)				
Drugs:				
"Hard drugs," possession by drug user (less than \$500)				
Marijuana, possession (\$500 or more)				
Marijuana, sale (less than \$5,000)				
"Soft drugs," possession (less than \$5,000)				
"Soft drugs," sale (less than \$500)				
Embezzlement (less than \$20,000)				
Explosives, possession/transportation				
Firearms act, possession/purchase/sale altered weapon(s), machinegun(s), or multiple weapons				
Income tax evasion (\$3,000-\$50,000)				
Interstate transportation of stolen/forged securities (less than \$20,000)				
Mailing threatening communications				
Misprision of felony				
Receiving stolen property with intent to resell (less than \$20,000)				
Smuggler of aliens				
Theft, forgery/fraud (\$1,000-\$19,999)				
Theft of motor vehicle (not multiple theft or for resale)				
<b>High</b>	12-16	16-20	20-24	24-28
Burglary or larceny (other than embezzlement) from bank or post office				
Counterfeit currency (passing/possession \$20,000 or more)				
Counterfeiting (manufacturing)				
Drugs:				
"Hard drugs," possession by drug dependent user (\$500 or more)				
"Hard drugs," sale to support own habit				
Marijuana, sale (\$5,000 or more)				
"Soft drugs," possession (\$5,000 or more)				
"Soft drugs," sale (\$500-\$5,000)				
Embezzlement (\$20,000-\$100,000)				
Interstate transportation of stolen/forged securities (\$20,000-\$100,000)				
Mann Act (no force—commercial purposes)				
Organized vehicle theft				
Receiving stolen property (\$20,000-\$100,000)				
Robbery (no weapon or injury)				
Theft, forgery/fraud (\$20,000-\$100,000)				
<b>Very high</b>	20-27	27-32	32-36	36-42
Robbery (weapon)				
Drugs:				
"Hard drugs," possession by non-drug-dependent user (\$500 or more) or by nonuser (any quantity)				
"Hard drugs," sale for profit [no prior conviction for sale of "hard drugs"]				
"Soft drugs," sale (more than \$5,000)				
Extortion				
Mann Act (force)				
Sexual act (force)				
<b>Greatest</b>				
Aggravated felony (e.g. robbery, sexual act, assault)—weapon fired or serious injury				
Aircraft hijacking				
Drugs: "Hard drugs," sale for profit [prior conviction(s) for sale of "hard drugs"]				
Espionage				
Explosives (detonation)				
Kidnapping				
Willful homicide				

(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)

## NOTES

1. If an offense is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offenses listed.
2. If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
3. If an offense behavior involved multiple separate offenses, the severity level may be increased.
4. If a continuance is to be given, allow 30 days (1 month) for release program provision.
5. These guidelines are predicated upon good institutional conduct and program performance.
6. "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

RULES AND REGULATIONS

20033

NARA guidelines for decisionmaking, average total time (in months) served before release (including jail time)

(Revised April 1974)

Offense characteristics—Severity offense behavior (examples)	Offender characteristics—Parole prognosis (salient factor score)			
	Very good (11-9)	Good (8-6)	Fair (5-4)	Poor (3-0)
<b>Low</b>	6-12	6-12	12-18	12-18
Immigration law violations				
Minor theft (includes larceny and simple possession of stolen property less than \$1,000)				
Walkaway				
<b>Low moderate</b>	6-12	6-12	12-18	12-18
Alcohol law violations				
Counterfeit currency (passing/possession less than \$1,000)				
Drugs: Marijuana, possession (less than \$500)				
Firearms Act, possession/purchase/sale single weapon—not altered or machinegun				
Forgery/fraud (less than \$1,000)				
Income tax evasion (less than \$3,000)				
Selective Service Act violations				
Theft from mail (less than \$1,000)				
<b>Moderate</b>	12-18	12-18	18-24	18-24
Bribery of public officials				
Counterfeit currency (passing/possession \$1,000-\$19,999)				
Drugs:				
“Hard drugs,” possession by drug user (less than \$500)				
Marijuana, possession (\$500 or more)				
Marijuana, sale (less than \$5,000)				
“Soft drugs,” possession (less than \$5,000)				
“Soft drugs,” sale (less than \$500)				
Embezzlement (less than \$20,000)				
Explosive, possession/transportation				
Firearms Act, possession/purchase/sale altered weapon(s), machine-gun(s), or multiple weapons				
Income tax evasion (\$3,000-\$50,000)				
Interstate transportation of stolen/forged securities (less than \$20,000)				
Mailing threatening communications				
Misprison of felony				
Receiving stolen property with intent to resell (less than \$20,000)				
Smuggler of aliens				
Theft, forgery/fraud (\$1,000-\$19,999)				
Theft of motor vehicle (not multiple theft or for resale)				
<b>High</b>	12-18	12-18	18-24	18-24
Burglary or larceny (other than embezzlement) from bank or post office				
Counterfeit currency (passing/possession \$20,000 or more)				
Counterfeiting (Manufacturing)				
Drugs:				
“Hard drugs,” possession by drug-dependent user (\$500 or more)				
“Hard drugs,” sale to support own habit				
Marijuana, sale (\$5,000 or more)				
“Soft drugs,” possession (\$5,000 or more)				
“Soft drugs,” sale (\$500-\$5,000)				
Embezzlement (\$20,000-\$100,000)				
Interstate transportation of stolen/forged securities (\$20,000-\$100,000)				
Mann Act (no force—commercial purposes)				
Organized vehicle theft				
Receiving stolen property (\$20,000-\$100,000)				
Robbery (no weapon or injury)				
Theft, forgery/fraud (\$20,000-\$100,000)				
<b>Very high</b>	20-26	20-26	26-32	26-32
Robbery (weapon)				
Drugs:				
“Hard drugs,” possession by non-drug-dependent user (\$500 or more) or by nonuser (any quantity)				
“Hard drugs,” sale for profit (no prior conviction for sale of “hard drugs”)				
“Soft drugs,” sale (more than \$5,000)				
Extortion				
Mann Act (force)				
Sexual act (force)				
<b>Greatest</b>				
Aggravated felony (e.g. robbery, sexual act, assault)—weapon fired or serious injury				
Aircraft hijacking				
Drugs: “Hard drugs,” sale for profit [prior conviction(s) for sale of “hard drugs”]				
Espionage				
Explosives (detonation)				
Kidnapping				
Willful homicide				

(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)

NOTES

1. If an offense is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offenses listed.
2. If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
3. If an offense behavior involved multiple separate offenses, the severity level may be increased.
4. If a continuance is to be given, allow 30 days (1 month) for release program provision.
5. These guidelines are predicated upon good institutional conduct and program performance.
6. “Hard drugs” include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

(Revised October 1973)

## GUIDELINE EVALUATION WORKSHEET

Case Name .....	Register Number .....
<b>SALIENT FACTORS</b>	
Item A .....	<input type="checkbox"/>
No prior convictions (adult or juvenile)=2 One or two prior convictions=1 Three or more prior convictions=0	
Item B .....	<input type="checkbox"/>
No prior incarcerations (adult or juvenile)=2 One or two prior incarcerations=1 Three or more prior incarcerations=0	
Item C .....	<input type="checkbox"/>
Age at first commitment (adult or juvenile) 18 years or older=1 Otherwise=0	
Item D .....	<input type="checkbox"/>
Commitment offense did not involve auto theft=1 Otherwise=0	
Item E .....	<input type="checkbox"/>
Never had parole revoked or been committed for a new offense while on parole=1 Otherwise=0	
Item F .....	<input type="checkbox"/>
No history of heroin, cocaine, or barbiturate dependence=1 Otherwise=0	
Item G .....	<input type="checkbox"/>
Has completed 12th grade or received GED=1 Otherwise=0	
Item H .....	<input type="checkbox"/>
Verified employment (or full-time school attendance) for a total of at least 6 months during last 2 years in the community=1 Otherwise=0	
Item I .....	<input type="checkbox"/>
Release plan to live with spouse and/or children=1 Otherwise=0	
Total Score .....	<input type="checkbox"/>
Offense Severity: Rate the severity of the present offense by placing a check in the appropriate category. If there is a disagreement, each examiner will initial the category he chooses.	
Low .....	High .....
Low Moderate .....	Very High .....
Moderate .....	Greatest .....
	(e.g. willful homicide, kidnapping)
Jail Time (Months)..... + Prison Time (Months)..... = Total Time Served To Date .....	Months.
Guidelines Used: .....	Youth .....
Tentative Decision .....	Adult .....
	NARA

**§ 2.21 Reports considered.**

Decisions as to whether a parole shall be granted or denied shall be determined on the basis of the application, if any, submitted by the prisoner, together with the classification study and all reports assembled by all the services which shall have been active in the development of the case. These reports may include the reports by the prosecution officers, reports by or for the sentencing court, records from the Federal Bureau of Investigation, reports from the officials in each institution in which the applicant shall have been confined, all records of social agency contacts, and all correspondence and such other records as are necessary or appropriate for complete presentation of the case. Before making a decision as to whether a parole should be granted or denied in any particular case, the Board will consider all available relevant and pertinent information concerning the case. The Board encourages the submission of such information by interested persons.

**§ 2.22 Communication with the Board.**

Attorneys, relatives, or interested parties wishing a personal interview to discuss a specific case with a representative of the Board of Parole must submit a written request to the appropriate regional office setting forth the nature of the information to be discussed. Such personal interview may be conducted by staff personnel in the regional offices. Personal interviews, however, shall not be held by an examiner or member of the Board, except under the Board's appeals procedures.

**§ 2.23 Delegation to hearing examiners.**

(a) There is hereby delegated to hearing examiners the authority to make decisions relative to the granting or denial of parole, or reparole and revocation or reinstatement of parole or mandatory release and to fix conditions of parole.

(b) Hearing examiners shall function as two-man panels and the concurrence of both examiners shall be required for their decision. In the event of a split decision by the panel, the appropriate regional Administrative Hearing Examiner shall cast the deciding vote.

(c) When a hearing examiner panel proposes to make a decision which falls outside of explicit guidelines for parole decision-making promulgated by the Board, the case shall be reviewed by the appropriate regional Administrative Hearing Examiner. When an Administrative Hearing Examiner does not concur in a decision of an examiner panel to set a parole effective date or continuance outside the Board's guidelines he may with the concurrence of the Regional Director modify the date to the nearest limit of the guidelines.

(d) In the event the Administrative Hearing Examiner is serving as a member of a hearing examiner panel or is otherwise unavailable, cases requiring his action under paragraphs (b) and (c) of this section will be referred to another hearing examiner.

**§ 2.24 Review of panel decision by the Regional Director and the National Appellate Board.**

A regional Director may review the decision of any examiner panel and refer

this decision, prior to written notification to the prisoner, with his recommendation and vote to the National Appellate Board for reconsideration and any action it may deem appropriate. Written notice of this reconsideration action shall be mailed or transmitted to the prisoner within fifteen working days of the date of the hearing. The Regional Director and each member of the National Appellate Board shall have one vote and decisions shall be based upon the concurrence of two out of three votes.

**§ 2.25 Appeal of hearing panel decision.**

(a) A prisoner may file with the responsible Regional Director a written appeal of a decision of a hearing examiner panel or a decision under § 2.24 to grant, deny or revoke parole or to revoke mandatory release. This appeal must be filed on a form provided for that purpose within thirty days from the date of entry of such decision. The appeal shall be considered by the Regional Director who may affirm the decision, order a new institutional hearing, order a regional appellate hearing, reverse the decision, or modify a continuance or the effective date of parole. Reversal of an examiner panel decision or the modification of such a decision by more than one hundred eighty days, whether based upon the record or following a regional appellate hearing, shall require the concurrence of two out of three Regional Directors. Appellate decisions requiring a second or additional vote shall be referred to other Regional Directors on a rotating basis as established by the Chairman.

(b) Regional appellate hearings shall be held at the regional office before the Regional Director. Attorneys, relatives and other interested parties who wish to appear must submit a written request to the Regional Director stating their relationship to the prisoner and the general nature of the information they wish to present. The Regional Director shall determine if the requested appearances will be permitted. The prisoner shall not appear personally.

(c) If no appeal is filed within thirty days of entry of the original decision, this decision shall stand as the final decision of the Board.

(d) Appeals under this section may be based only upon the following grounds:

(1) The reasons given for a denial or continuance do not support the decision; or

(2) There was significant information in existence but not known at the time of the hearing.

**§ 2.26 Appeal to National Appellate Board.**

(a) A prisoner may file a written appeal of the Regional Director's decision under § 2.25 to the National Appellate Board on a form provided for that purpose within thirty days after the entry of the Regional Director's written decision. The National Appellate Board may, upon the concurrence of two members, affirm, modify, or reverse the decision, or

order a rehearing at the institutional or regional level.

(b) The bases for such appeal shall be the same as for a regional appeal as set forth in § 2.25 (d). However, any matter not raised on a regional level appeal may not be raised on appeal to the National Appellate Board.

(c) Decisions of the National Appellate Board shall be final.

#### § 2.27 Appeal of original jurisdiction cases.

(a) Cases decided under the procedure specified in § 2.17 may be appealed within thirty days of the entry of the decision to the National Appellate Board. The National Appellate Board, upon the concurrence of two members, may affirm the decision or schedule the case for a review by the entire Board at its next quarterly meeting. A quorum of five members shall be required and all decisions shall be by a majority vote. The Chairman shall vote on the decision only in the absence of a member. This appellate decision shall be final.

(b) If an appellate hearing is scheduled, attorneys, relatives, or other interested parties who wish to speak for or against parole at such hearing must submit a written request to the Chairman of the Board stating their relationship to the prisoner and the general nature of the material they wish to present. The Chairman shall determine if the requested appearances will be permitted.

(c) If no appeal is filed within thirty days of the entry of the Regional Director's decision, this decision shall stand as the final decision of the Board.

(d) The bases for this appeal shall be the same as for a regional appeal as set forth in § 2.25 (d).

#### § 2.28 Reopening of cases.

Notwithstanding the appeal procedure of § 2.25 and § 2.26, the appropriate Regional Director may on his own motion reopen a case at any time upon the receipt of new information of substantial significance and may then schedule an institutional hearing or take any other action authorized under the provisions of § 2.25. Original jurisdiction cases may be reopened under the procedure of this section on the motion of two out of three Regional Directors and may be scheduled for an institutional hearing or for review by the Regional Directors on the record.

#### § 2.29 Withheld and forfeited good time.

(a) Section 4202 of title 18 of the United States Code permits Federal prisoners to be paroled if they have observed the rules of the institution in which they are confined and if they are otherwise eligible for parole. Any forfeiture of statutory good time shall be deemed to indicate that the prisoner has violated the rules of the institution to a serious degree, and a parole will not be granted in any such case in which such a forfeiture remains effective against the prisoner concerned. Any withholding of statutory good time shall be deemed to indicate that the prisoner has engaged in some

less serious breach of the rules of the institution. Nevertheless, parole will not usually be granted unless and until such good time has been restored.

(b) Neither a forfeiture of good time nor a withholding of good time shall bar a prisoner from applying for and receiving a parole hearing.

(c) The above restrictions shall not apply, however, to the forfeiture or withholding of *extra good time* which is granted because of meritorious behavior. Parole may be ordered without regard to a prisoner's status insofar as *extra good time* is concerned, although the reasons for any forfeiture or withholding will be included among the other factors used in making the parole decision.

#### § 2.30 Release; modification of release date.

(a) When an effective date has been set by the Board, release on that date shall be conditioned upon continued good conduct by the prisoner and the completion of a satisfactory plan for his supervision. The appropriate Regional Director may, on his own motion, reconsider any case prior to release and may reopen and advance or retard a parole date. If such previously granted parole date is retarded for more than sixty days because of institutional misconduct, the prisoner will be given a new hearing in accordance with § 2.12. The purpose of the hearing is to determine if the prisoner's parole grant should be rescinded or a new parole date established. Such hearings will be held on the next hearing docket at a Federal institution. If such a prisoner's misconduct occurred in a Federal Community Treatment Center or a state or local Halfway House, he shall be placed on the first hearing docket after return to a Federal institution.

(b) In any case of a prisoner who has been notified of parole and who has subsequently engaged in conduct in violation of the rules of his custody or confinement sufficient to become a matter of record, the Regional Director shall be advised promptly of such violation. The prisoner shall not be released until the institution has been advised that no change has been made in the Board's order to parole.

#### § 2.31 False or withheld information.

All paroles are ordered on the assumption that information from the prisoner has not been fraudulently given or withheld from the Board. If evidence comes to the attention of the Board that a prisoner willfully concealed or misrepresented information deemed significant, the Board, acting under the procedures of § 2.17 may act to rescind or revoke the parole.

#### § 2.32 Committed fines.

In any case in which a prisoner shall have had a fine imposed upon him by the committing court for which he is to stand committed until it is paid or until he is otherwise discharged according to law, such prisoner shall not be released on parole or mandatory release until

payment of the fine, or until the fine commitment order is discharged according to law as follows:

(a) An indigent prisoner may make application to a U.S. Magistrate in the District wherein he is incarcerated or to the chief executive officer of the institution setting forth, under institutional regulations, his inability to pay such fine; if the magistrate or chief executive officer shall find that the prisoner, having no assets exceeding \$20 in value except such as are by law exempt from being taken on execution for debt, is unable to pay the fine, and if the prisoner takes a prescribed oath of indigency, he shall be discharged from the commitment obligation of the committed fine sentence.

(b) If the prisoner is found to possess assets in excess of the exemption in paragraph (a) of this section nevertheless if the Board shall find that retention of all of such assets if reasonably necessary for his support or that of his family, upon taking of the prescribed oath concerning his assets the prisoner shall be discharged from the commitment obligation of the committed fine sentence. If the Board shall find that retention by the prisoner of any part of his assets is reasonably necessary for his support or that of his family, the prisoner upon taking of the prescribed oath concerning his assets, shall be discharged from the commitment obligation of the committed fine sentence upon payment on account on his fine of that portion of his assets in excess of the amount found to be reasonably necessary for his support or that of his family.

(c) Discharge from the commitment obligation of any committed fine sentence does not discharge the prisoner's obligation to pay the fine as a debt due the United States.

#### § 2.33 Parole to detainers; statement of policy.

The policy of the Board with regard to parole to detainers is in general accord with the principles recommended by the Association of Administrators of the Interstate Compact for the Supervision of Parolees and Probationers:

(a) The status of detainers held against prisoners in Federal institutions will be investigated, so far as is reasonably possible, prior to parole hearings.

(b) In appropriate cases summary information regarding such prisoner will be provided to state or local authorities. The Board urges institution officials to provide such information.

(c) Where the detainer is not lifted, the Board may grant parole to such detainer if a prisoner is considered in other respects to be a good parole risk. Ordinarily, however, the Board will grant parole to such detainer only if the status of that detainer has been investigated.

(d) The Board will cooperate in working out arrangements for concurrent supervision with other jurisdictions where it is feasible and where release on parole appears to be justified.

(e) The presence of a detainer is not of itself a valid reason for the denial

of parole. It is recognized that where the prisoner appears to be a good parole risk, there may be distinct advantage in granting parole despite a detainer.

#### § 2.34 Parole to local or immigration detainers.

(a) When a state or local detainer is outstanding against a prisoner whom the Board wishes to parole, the Board may order either of the following:

(1) "Parole to the actual physical custody of the detaining authorities only." In this event, release is not to be effected except to the detainer. When such a detainer is withdrawn, the prisoner is not to be released unless and until the Board makes a new order of parole.

(2) "Parole to the actual physical custody of the detaining authorities or an approved plan." In this event, release is to be effected even though the detainer might be withdrawn, providing there is an acceptable plan for community supervision.

(b) When the Board wishes to parole a prisoner subject to a detainer filed by Federal immigration officials, the Board may order one of the following:

(1) "Parole for deportation only." In this event, release is not to be effected unless immigration officials make full arrangements for deportation immediately upon release.

(2) "Parole to the actual physical custody of the immigration authorities only." In this event, release is not to be effected unless immigration officials take the prisoner into custody—regardless of whether or not deportation follows.

(3) "Parole to the actual physical custody of the immigration authorities or an approved plan." In this event, release is to be effected regardless of whether or not immigration officials take the prisoner into custody, providing there is an acceptable plan for community supervision.

(c) As used in this section "parole to a detainer" means release to the "physical custody" of the authorities who have lodged the detainer. Temporary detention in a jail in the county where the institution of confinement is located does not constitute release on parole. If the authorities who lodged the detainer do not take the prisoner into custody for any reason, he shall be returned to the institution to await further order from the Board.

#### § 2.35 Mental competency proceedings.

(a) Whenever a prisoner or parolee is scheduled for a hearing in accordance with the provisions of this part and reasonable doubt exists as to his mental competency, i.e., his ability to understand the nature of and participate in scheduled proceedings, a preliminary hearing to determine his mental competency shall be conducted by a panel of hearing examiners or other official(s) (including a U.S. Probation Officer) designated by the Board of Parole.

(b) At the competency hearing, the hearing examiners or designated of-

ficial(s) shall receive oral or written psychiatric testimony and other evidence that may be available. A preliminary determination of the prisoner's mental competency shall be made upon the testimony, evidence, and personal observations of the prisoner. If the examiner panel or designated official(s) determines that the prisoner is mentally competent, the previously scheduled hearing shall be held. If they determine that the prisoner is not mentally competent, the previously scheduled hearing shall be temporarily postponed.

(c) Whenever the hearing examiners or designated official(s) determine that a person is incompetent and postpone the previously scheduled hearing, they shall forward the record of the preliminary hearing with their findings to the Regional Director for review. If the Regional Director concurs with their findings, he shall order the temporarily postponed hearing to be postponed indefinitely until such time as it is determined that the prisoner or parolee has recovered sufficiently to understand the nature of and participate in the proceedings and, in the case of a parolee, may order such parolee committed to a Bureau of Prison's facility for further examination. In any such case, the Regional Director shall require a progress report at least every six months on the mental health of the prisoner. When the Regional Director determines that the prisoner has recovered sufficiently, he shall reschedule the hearing for the earliest possible date.

(d) If the Regional Director disagrees with the findings of the hearing examiners or designated official(s) as to the mental competency of the prisoner, he shall take such action as he deems appropriate.

#### § 2.36 Release plans.

(a) A grant of parole is conditioned upon the approval of release plans by the Regional Director. In general, the following factors should be present before a prisoner is released after parole has been granted:

(1) The probation officer to whom the releasee is assigned may, in his discretion, require that there be available to the releasee an adviser who is a responsible, reputable, and law-abiding citizen living in or near the community in which the releasee will reside. The adviser should act as a source of advice for the releasee relative to community adjustment. The adviser may provide special services such as vocational placement, personal counsel, or referral to community agencies. The adviser is expected to report to the probation officer any law violation or serious misconduct on the part of the releasee. The adviser may be required by the probation officer to countersign the parolee's monthly supervision report to indicate actual contact with the parolee.

(2) There should be satisfactory evidence that the prospective parolee will be legitimately employed following his release; and

(3) There should be satisfactory assurance that necessary aftercare will be available to a parolee who is ill or who has some other problem which requires special care.

(b) Generally, parolees will be released only to the place of their legal residence unless the Board is satisfied that another place of residence will serve the public interest more effectively or will improve the probabilities of the applicant's readjustment.

(c) Insofar as it is practicable, the details of each plan for release shall be verified by a field investigation by the United States Probation Officer of the District into which release will be made.

(d) Any of the requirements described in this section may be waived by the Regional Director whenever circumstances warrant.

#### § 2.37 Release on parole; statement of policy.

Parole release dates generally will not be set more than six months from the date of the parole hearing. Exceptions may be made in extraordinary situations or when necessary to permit an adequate period of residence in a Community Treatment Center. Such residence in a Community Treatment Center shall not generally exceed one hundred twenty days. An effective date of parole shall not be set for a Saturday, Sunday or a legal holiday. A parole grant may be retarded by the Regional Director for up to one hundred twenty days without a hearing for development and approval of release plans.

#### § 2.38 Sponsorship of parolees; statement of policy.

It is the policy of the Youth Corrections Division to cooperate with groups desiring to serve as sponsors of parolees. In all cases, sponsors shall serve under the direction of and in cooperation with the probation officers to whom the parolees are assigned.

#### § 2.39 Mandatory release in the absence of parole.

A prisoner shall be mandatorily released by operation of law at the end of the sentence imposed by the court less such good time deductions and extra good time deductions as he may have earned through his behavior and efforts at the institution of confinement. He shall be released as if on parole, under supervision until the expiration of the maximum term or terms for which he was sentenced less one hundred eighty days. Insofar as possible, release plans shall be completed before the release of any such prisoner.

#### § 2.40 Same; youth offenders.

A prisoner committed under the Youth Corrections Act must be initially released conditionally under supervision not later than two years before the expiration of the term imposed by the court.

**§ 2.41 Reports to police departments of names of parolees; statement of policy.**

Names of parolees under supervision will not routinely be furnished to a police department of a community, except as required by law. All such notifications are to be regarded as confidential.

**§ 2.42 Community supervision by United States Probation Officers.**

(a) Pursuant to section 3655 of title 18 of the United States Code, United States Probation Officers are required to provide such parole services as the Attorney General may request. The Attorney General has delegated his authority in this regard to the Board (28 CFR 0.126(b)). In conformity with the foregoing, probation officers function as parole officers and provide supervision to parolees and mandatory releasees under the Board's jurisdiction.

(b) A parolee or mandatory releasee may be transferred to a new district of supervision with the permission of the probation officers of both the transferring and receiving district, provided such transfer is not contrary to instructions from the Board.

**§ 2.43 Duration of period of community supervision.**

(a) Any prisoner, with the exception of those sentenced prior to June 29, 1932, who is released under the provisions of laws relating to parole, shall continue until the expiration of the maximum term or terms specified in his sentence without deductions of allowance for good time. Prisoners sentenced prior to June 29, 1932, shall receive reductions in their maximum term or terms of imprisonment for such good time allowances as may be authorized by law.

(b) The Regional Director may discharge from supervision prior to the normal expiration date as provided in § 2.46(b), but the sentence is not thus commuted and such a parolee may be reinstated to supervision or retaken on the basis of a violator warrant.

(c) For certain narcotic offenses a prisoner will have a "special parole term" imposed by the court at the time of sentencing. The period of supervision under the basic sentence is served separately and must be completed prior to the beginning of any "special parole term." The "special parole term" will not be aggregated with the basic sentence for any purpose, including computation of time to serve following parole revocation, if any.

**§ 2.44 Conditions of release.**

The conditions of release are printed on the release certificate and are binding regardless of whether the releasee signs the certificate. The Board, or a member thereof, may add special conditions or modify the conditions of release at any time.

**§ 2.45 Travel by parolees and mandatory releasees.**

(a) The probation officer may approve travel outside the district without ap-

proval of the Regional Director in the following situations:

(1) Vacation trips not to exceed thirty days.

(2) Trips, not to exceed thirty days, to investigate reasonably certain employment possibilities.

(3) Recurring travel across a district boundary, not to exceed fifty miles outside the district, for purposes of employment, shopping, or recreation.

(b) Specific advance approval by the Regional Director is required for other travel, including travel outside the continental limits of the United States, employment more than fifty miles outside the district, and vacations exceeding thirty days. A special condition imposed by the Regional Director prohibiting certain travel shall supersede any general rules relating to travel as set forth above.

**§ 2.46 Supervision reports, modification and discharge from supervision.**

(a) All parolees and mandatory releasees shall make such reports to the United States Probation Officers to whom they have been assigned as may be required by the Board or Probation Officers. Probation Officers shall submit summary reviews of the progress of parolees and mandatory releasees according to Board policy. On the basis of summary reviews of the progress of parolees, the Regional Director may modify the reporting requirement of parolees or releasees.

(b) After the parolee or mandatory releasee has been under supervision for at least one year, the Regional Director may, in his discretion, permit the parolee to submit a written report to his probation officer on a less frequent basis than once a month. After a period of such reduced reporting the Regional Director may further order that the parolee be discharged from all supervision by the Probation Officer. In the latter instances, a parolee may be reinstated to supervision or a warrant may be issued for him as a violator at any time prior to the expiration of the sentence or sentences imposed by the court. Other modification in the reporting requirements may be made by the Regional Director at any time during the parolee's term.

**§ 2.47 Modification and discharge from supervision; youth offenders.**

A committed youth offender may remain under supervision until the expiration of his sentence or he may be released from supervision or unconditionally discharged at any time after one year of continuous supervision on parole.

**§ 2.48 Setting aside conviction.**

When an unconditional discharge has been granted to a youth offender prior to the expiration of his maximum term of sentence, his conviction shall be automatically set aside and the Regional Director shall issue to the youth offender a certificate to that effect.

**§ 2.49 Revocation of parole or mandatory release.**

(a) If a parolee or mandatory releasee violates any of the conditions of his re-

lease, and satisfactory evidence thereof is presented to the Board, or a member thereof, a warrant may be issued and the offender returned to an institution. Warrants shall be issued or withdrawn only by the Board, or a member thereof.

(b) A warrant for the apprehension of any parolee shall be issued only within the maximum term or terms for which the prisoner was sentenced.

(c) A warrant for the apprehension of any mandatory releasee shall be issued only within the maximum term or terms for which the prisoner was sentenced, less one hundred eighty days.

**§ 2.50 Same, youth offenders.**

In addition to issuance of a warrant on the basis of violation of any of the conditions of release, the Youth Corrections Division may, when the Division is of the opinion that such youth offender would benefit by further treatment, direct his return to custody or issue a warrant for his apprehension and return to custody. Upon his return to custody, such youth offender shall be given a revocation hearing under the same provisions as adult offenders as specified in § 2.54-§ 2.56. Following the revocation hearing parole may be reinstated, revoked or the terms and conditions thereof may be modified.

**§ 2.51 Unexpired term of imprisonment.**

The time a prisoner was on parole or mandatory release is not credited to the service of his sentence if revocation occurs. When a warrant is issued the sentence ceases to run, but begins to run again when the releasee is taken into Federal custody by the execution of the Board's violation warrant. However, the sentences of prisoners committed under the Narcotic Addict Rehabilitation Act or the Youth Corrections Act run uninterruptedly from the date of conviction without regard to any revocation, except as provided in § 2.10(c). In no case may the commitment of a person under the Federal Juvenile Delinquency Act extend past his twenty-first birthday.

**§ 2.52 Execution of warrant; notice of alleged violations.**

(a) Any officer of any Federal correctional institution, or any Federal officer authorized to serve criminal process within the United States, to whom a warrant shall be delivered shall execute such warrant by taking such prisoner and returning him to the custody of the Attorney General. The warrant shall be considered delivered to a Federal officer when the warrant is signed and placed in the mail at the Board headquarters or regional office before the expiration of the maximum term of sentence.

(b) On arrest of the prisoner the officer executing the warrant shall deliver to him a copy of the Warrant Application listing the alleged violations of parole or mandatory release upon which the warrant was issued.

(c) If execution of the warrant is delayed pending disposition of local charges, for further investigation, or for some other purpose, the parolee or man-

datory releasee is to be continued under supervision by the probation officer until the normal expiration of the sentence, or until the warrant is executed, whichever comes first. Monthly supervision reports are to be submitted, and the releasee must continue to abide by all the conditions of release.

**§ 2.53 Warrant placed as a detainer and dispositional interview.**

(a) In those instances where the prisoner is serving a new sentence in an institution, the warrant may be placed there as a detainer. Such prisoner shall be advised that he may communicate with the Board relative to disposition of the warrant, and may request that it be withdrawn or executed so his violator term will run concurrently with the new sentence. Should further information be deemed necessary, the Regional Director may designate a hearing examiner panel to conduct a dispositional interview at the institution where the prisoner is confined. At such dispositional interview the prisoner may be represented by counsel of his own choice and may call witnesses in his own behalf, provided he bears their expenses. He shall be given timely notice of the dispositional interview and its procedure.

(b) Following the dispositional review the Regional Director may:

- (1) Let the detainer stand
- (2) Withdraw the detainer and close the case if the expiration date has passed;
- (3) Withdraw the detainer and reinstate to supervision; thus permitting the federal sentence time to run uninterrupted from the time of his original release on parole or mandatory release.
- (4) Execute warrant, thus permitting the sentence to run from that point in time. If the warrant is executed, a previously conducted dispositional interview may be construed as a revocation hearing.

(c) In all cases, including those where a dispositional interview is not conducted, the Board shall conduct annual reviews relative to the disposition of the warrant. These decisions will be made by the Regional Director. The Board shall request periodic reports from institution officials for its consideration.

**§ 2.54 Revocation by the Board, preliminary interview.**

(a) A prisoner who is retaken on a warrant issued by a Board Member shall be given a preliminary interview by an official designated by the Regional Director to determine if there is probable cause to hold the prisoner for a revocation hearing and, if so, whether such revocation hearing should be conducted in the locality of the charged violation(s) or in a Federal institution. The official designated to conduct the preliminary interview may be a United States Probation Officer in the district where the prisoner is confined, provided he is not the officer who recommended that the warrant be issued.

(b) At the beginning of the preliminary interview, the hearing officer shall explain the Board's revocation procedure to the prisoner and shall advise the prisoner that he may have the preliminary interview postponed so that he may obtain representation by an attorney or may arrange for the attendance of witnesses. The prisoner shall also be advised that if he cannot afford to retain an attorney he may apply to a United States District Court for appointment of counsel to represent him at the preliminary interview and the revocation hearing. The prisoner may also request the presence of persons who have given information upon which revocation may be based. Such adverse witnesses shall be requested to attend the preliminary interview unless the prisoner admits a violation or has been convicted of a new offense committed while on supervision or unless the hearing officer finds good cause for their non-attendance. At the preliminary interview the hearing officer shall review the violation charges with the prisoner, receive the statements of witnesses and documentary evidence on behalf of the prisoner, and allow cross-examination of those adverse witnesses in attendance.

(c) At the conclusion of the preliminary interview, the hearing officer shall prepare and submit to the Regional Director a summary of the interview, which shall include recommended findings of whether there is probable cause to hold the prisoner for a revocation hearing. Upon receipt of the summary of the preliminary interview, the Regional Director shall either order the prisoner reinstated to supervision, order that a revocation hearing be conducted in the locality of the charged violation(s), or direct that the prisoner be transferred to a Federal institution for a revocation hearing.

(d) The prisoner shall be retained in local custody pending completion of the preliminary interview, submission of the summary of the hearing officer, and notification by the Regional Director relative to further action.

(e) A postponed preliminary interview may be conducted as a local revocation hearing, by an examiner panel or other hearing officer designated by the Regional Director provided that the prisoner has been advised that the postponed preliminary interview will constitute his final revocation hearing.

**§ 2.55 Local revocation hearing.**

(a) If the prisoner requests a local revocation hearing prior to his return to a Federal institution, he shall be given a revocation hearing reasonably near the place of an alleged violation if the following conditions are met:

- (1) The local hearing would facilitate the production of witnesses or the retention of counsel;
- (2) The prisoner has not been convicted of a crime committed while under supervision; and
- (3) The prisoner denies that he has violated any condition of his release. Otherwise, he shall be given a revocation

hearing after he is returned to a Federal institution. However, the Regional Director may, on his own motion, designate a case for a local revocation hearing.

(b) If there are two or more alleged violations, the hearing shall be conducted near the place of the violation chiefly relied upon as a basis for the issuance of the warrant, as determined by the Regional Director.

(c) Following the hearing the prisoner shall be retained in custody until final action is taken relative to revocation or reinstatement, or until other instructions are issued by the Regional Director.

**§ 2.56 Revocation hearing procedure.**

(a) A revocation hearing shall be conducted by a hearing examiner panel or, in a local revocation hearing only, by another official designated by the Regional Director. In the latter case, the decision relative to revocation shall be made by an examiner panel on the basis of the hearing summary pursuant to the provisions of § 2.23. A revocation decision may be appealed under the provisions of § 2.25, § 2.26, or § 2.27 as applicable.

(b) The purpose of the revocation hearing shall be to determine whether the prisoner has violated the conditions of his release and, if so, whether his parole or mandatory release should be revoked or reinstated.

(c) The alleged violator may present voluntary witnesses and documentary evidence in his behalf. However, the presiding hearing officer or examiner panel may limit or exclude any irrelevant or repetitious statement or documentary evidence.

(d) If the alleged violator has not been convicted of a new criminal offense while under supervision and does not admit violation of any of the conditions of his release, the Board shall, on the request of the alleged violator or on its own motion, request the attendance of persons who have given statements upon which revocations may be based. Those adverse witnesses who are present shall be made available for questioning and cross-examination in the presence of the alleged violator unless the presiding hearing officer or examiner panel finds good cause for their non-attendance.

(e) All evidence upon which the finding of violation may be based shall be disclosed to the alleged violator at the revocation hearing. The hearing officer or examiner panel may disclose documentary evidence by reading or summarizing the appropriate document for the alleged violator.

**§ 2.57 Confidentiality of parole records.**

To the end that the objectives and procedures of professionalized parole may be advanced and, more specifically so that the channels of information vital to sound parole actions may be kept open and that offenders released on parole may be protected against publicity deleterious to their adjustment, the following principles relating to the confidential-

ity of parole records shall be followed by the Board:

(a) Dates of sentence and commitment, parole eligibility dates, mandatory release dates, dates of termination of sentence and whether an inmate is being considered for parole, has been granted or denied parole, and if granted parole, the effective date set by the Board will

be disclosed in individual cases upon proper inquiry by a party in interest.

(b) Who, if any one, has supported or opposed an application for parole may be revealed at the Board's discretion only in the most exceptional circumstances, with the express approval of such person(s) and after a decision relative to parole has been made.

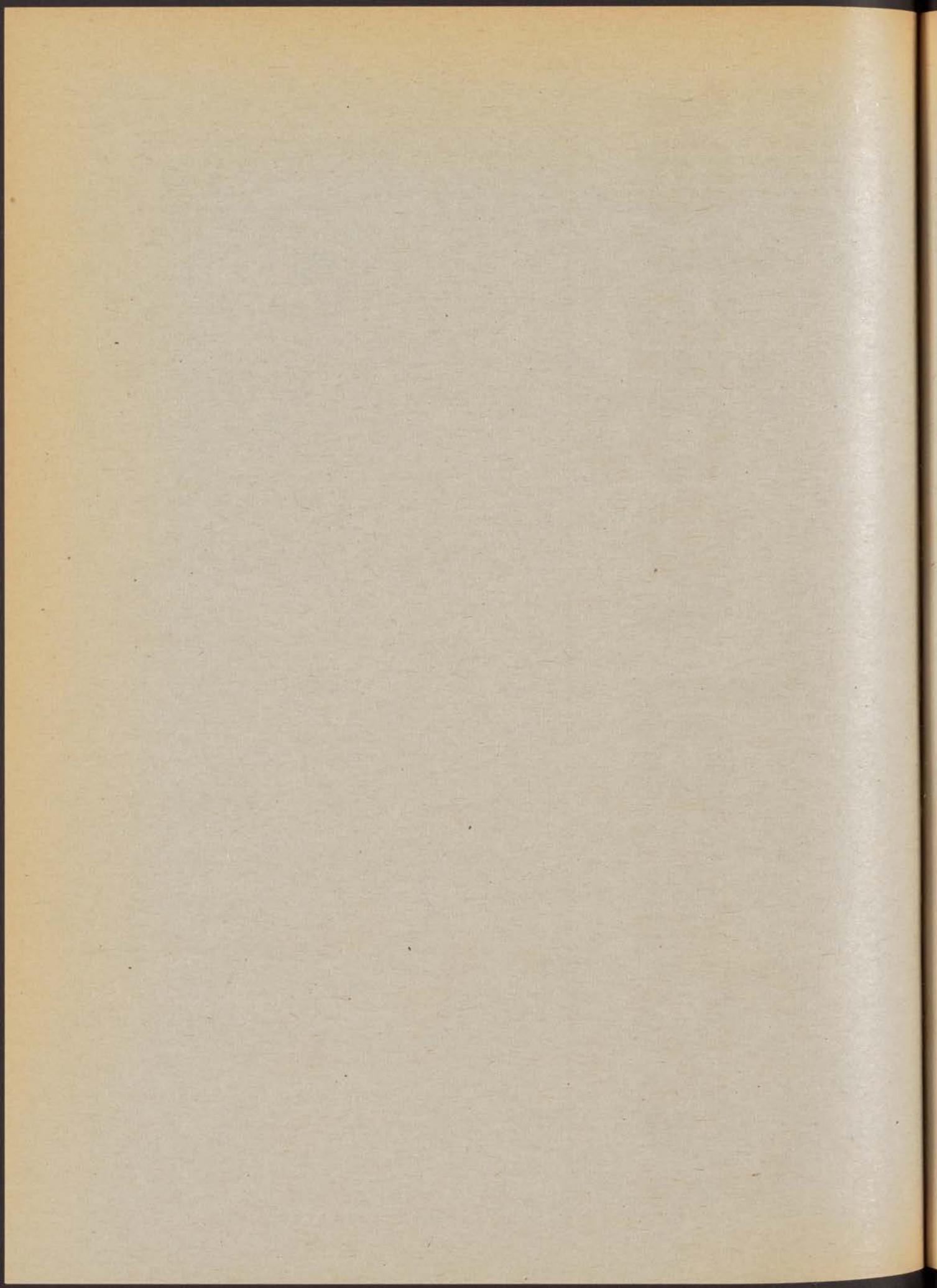
(c) Other matters contained in parole

records, including how a member votes relative to parole, will be held strictly confidential and will not be disclosed to unauthorized persons.

Dated: May 28, 1974.

MAURICE H. SIGLER,  
*Chairman,*  
*U.S. Board of Parole.*

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PART III



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## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation  
Service

■

### MEDICAL ASSISTANCE PROGRAM

Proposed Contracting Requirements

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

**Social and Rehabilitation Service**

[ 45 CFR Part 249 ]

**MEDICAL ASSISTANCE PROGRAM**

**Proposed Contracting Requirements**

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposal sets forth requirements for contracts between State agencies and prepaid health insuring organizations, health maintenance organizations, fiscal agents, private non-medical institutions, or health care project grant centers, for the provision of or payment for medical and remedial services authorized under title XIX of the Social Security Act.

Existing requirements in 45 CFR 249.82, relating to contracts with health insuring organizations, fiscal agents, and private nonmedical institutions, have been revised and updated to consolidate in § 249.82(c) (1) the requirements for all types of contracts and to set forth in succeeding paragraphs additional requirements for each specific type. General requirements now include provisions on evaluation of services, medical records of enrollees, and confidentiality. Health insuring organizations now must assume the underwriting risk and demonstrate the basis for premium computation; fiscal agents must include termination procedures in the contract.

A major expansion of the current regulations relates to requirements for contracts with health maintenance organizations (HMOs). There has been increasing use of HMOs under title XIX, and such increase may be accelerated with implementation of the Health Maintenance Organization Act of 1973 (P.L. 93-222, December 29, 1973). These proposed regulations are consistent with the overall provisions of that statute, while recognizing specific elements of the Medicaid program, such as extent of services provided under the title XIX State plan and upper limits on payments; however they do not require HMOs to meet the certification requirements of the Health Maintenance Organization Act.

Included for the first time in regulations on contracts are specific provisions for contracts with health care project grant centers, such as community health, family planning or maternity and infant care centers, which are supported by Federal project grant funds. The proposal applies to such contracts the general requirements for title XIX contracts, under which Federal financial participation is available in payments for services to Medicaid recipients. Such centers are also governed, of course, by the applicable regulations under their specific statutory authorities. State Medicaid agencies are encouraged to develop close relations with these programs in order to increase project center utilization by Medicaid recipients and to

enable centers to maximize all available third-party funding.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, on or before July 5, 1974. Such comments are available for review in room 5224 of the Department's offices at 301 C Street SW., Washington, D.C., Monday through Friday of each week, between 8:30 a.m. and 5 p.m. (202-245-0365).

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302)).

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

Dated: March 26, 1974.

JAMES S. DWIGHT, Jr.,  
Administrator, Social and  
Rehabilitation Service.

Approved: May 30, 1974.

FRANK CARLUCCI,  
Acting Secretary of Health,  
Education, and Welfare.

Section 249.82 of Part 249, Chapter II, Title 45 of the Code of Federal Regulations is revised to read as follows:

**§ 249.82 Contracts for provision of or payment for health service benefits.**

(a) *Purpose.* This section sets forth the requirements for certain State contracts for the provision of or payment for medical and remedial services under title XIX of the Social Security Act.

(b) *Definitions.* (1) "Contractor" means a prepaid health insuring organization, a health maintenance organization, a fiscal agent, a private nonmedical institution, or a health care project grant center which contracts with the single State agency, under the terms of this section, to pay for or provide medical services under a State medical assistance plan, in consideration of a payment.

(2) "Prepaid health insuring organization" means a contractor which provides payment for medical services for a premium.

(3) "Fiscal agent" means a contractor which processes and pays vendor claims on behalf of the single State agency.

(4) "Private nonmedical institution" means a facility such as a child-care institution or a maternity home, whose regular business is not that of a prepaid health insuring organization, or community health care center, but which provides medical care through contracts or other arrangements with medical providers, and which receives payments on a prepaid capitation basis through contract with the single State agency. No assumption of underwriting risk is borne by the institution.

(5) "Health care project grant center" means an organization supported in whole or in part by Federal project grant financial assistance which provides or arranges for medical services to

an enrolled population and receives payment for services to eligible recipients through contract with the single State agency.

(6) "Premium" means the amount paid by the single State agency to a contractor for each eligible recipient of the covered population for the payment for or provision of medical care and services under the State's medical assistance plan.

(7) "Eligible recipient" means a person entitled to receive benefits under the State's medical assistance plan.

(8) "Underwriting risk" means the risk of loss assumed by the contractor who receives the premium under an insuring arrangement with the single State agency for providing or paying for covered medical services to eligible recipients.

(9) "Health maintenance organization (HMO)" means a public or private organization which:

(i) Provides, either directly or through arrangements with others, health services to individuals enrolled with such organization on a prepayment basis;

(ii) Provides, either directly or through arrangements with others and through institutions, entities, and persons meeting the requirements established for providers under title XIX of the Social Security Act, those health services which a defined population might reasonably require in order to be maintained in good health, including, as a minimum, inpatient hospital services, outpatient hospital services, and physicians' services;

(iii) Provides physicians' services (A) directly through physicians who are either employees or partners of such organization, or (B) under arrangements with one or more groups of physicians (organized on a group practice or individual practice basis) under which each such group is reimbursed for its services primarily on the basis of an aggregate fixed sum or on a per capita basis, regardless of whether the individual physician members of any such group are paid on a fee-for-service or other basis;

(iv) Demonstrates, to the satisfaction of the single State agency, proof of financial responsibility and proof of capability to provide the services under the contract efficiently, effectively, and economically;

(v) Demonstrates to the satisfaction of the single State agency that adequate feasibility and planning studies have been made for the enrollment of a sufficient number of members to assure the economic viability of the organization;

(vi) Provides assurances, satisfactory to the single State agency, that the health services required by its members will be received promptly and appropriately and that the services which are received will meet quality standards;

(vii) Assures timely and appropriate entry into the health care system and a logical continuity of care among and between the HMO's health services;

(viii) Has an open enrollment period of at least thirty days at least every year

under which it accepts individuals in the order in which they apply for enrollment, up to the limits of its capacity and without restrictions, except as may be authorized by the Administrator; and

(ix) Serves a population broadly representative of the various age, social, and income groups within the area it serves, except that within two years after the effective date of the contract no more than 50% of the enrolled members may be individuals receiving benefits under Title XVIII and individuals receiving assistance under Title XIX of the Social Security Act. Any contractor under contract with the single State agency prior to the effective date of this regulation must conform to this requirement within two years after such effective date. The provisions of this subdivision may be waived by the Administrator for good cause shown.

(c) *State plan requirements*—(1) *All contractors.* A State plan under title XIX of the Social Security Act which provides part or all of its medical assistance through arrangements with contractors must provide that the contract will:

(i) Specify the contract period;

(ii) Specify the functions of the contractor;

(iii) Identify the covered population and specify any necessary procedures for their enrollment or reenrollment;

(iv) Specify the amount, duration and scope of medical assistance to be provided or paid for;

(v) Provide that the single State agency and the Department shall have the right to inspect or otherwise evaluate the quality, appropriateness, and timeliness of services performed under such contract, and to audit and inspect any books and records of such contractor which pertain to services performed and determination of amounts payable under such contract;

(vi) Establish provisions and criteria for extension and termination. Termination procedures must include provisions requiring the contractor to supply promptly all information necessary for the reimbursement of any outstanding claims of enrolled participants.

(vii) Provide that the contractor shall maintain an appropriate medical record system for its title XIX enrollees consistent with sound medical practice, and that these medical records shall be preserved for the period of time specified by State law; and

(viii) Provide that the contractor shall conform to the requirements of § 205.50 of this chapter regarding confidentiality of information about eligible recipients.

(2) *Prepaid health insuring organizations or health maintenance organizations.* In addition to the requirements specified in paragraph (c) (1) of this section, a State plan which provides for contracts with prepaid health insuring organizations or health maintenance organizations must also provide that the contract will:

(i) Provide that the premium, which must be reasonable, as set forth in § 250.30 of this chapter, shall constitute

full payment by the State to the contractor for the provision of or payment for covered medical care and services by the contractor to eligible recipients during the contract period;

(ii) Provide, in the case of a health insuring organization (other than a health maintenance organization), for the assumption by the contractor of the underwriting risk. The single State agency may allow the contractor to obtain reinsurance;

(iii) Specify, in the case of a health maintenance organization, whether the contract is on a risk basis or a cost basis. A risk contract must specify the apportionment of the underwriting risk, and of savings and losses, between the single State agency and the contractor, the single State agency may allow the contractor to obtain reinsurance or make other arrangements to cover part of the costs, or it may act as a self-insurer of some of the underwriting risks;

(iv) Provide that the contractor shall demonstrate the basis for computation of the premium rate specified in the contract.

(3) *Fiscal agents.* In addition to the requirements specified in paragraph (c) (1) of this section, a State plan which provides for contracts with fiscal agents must also provide that the contracts will:

(i) Include termination procedures requiring the contractor to supply promptly all material necessary for the continued operation of the payment and related systems including:

(A) All computer programs to which the State has ownership rights, or which have been designed, developed or installed with Federal matching funds. In the event that the fiscal agent has sole proprietary rights to programs, the contract must provide an option to the State to purchase such programs.

(B) All necessary data files;

(C) User and operation manuals, and other documentation;

(D) System and program documentation; and

(E) Training programs for State agency staff, their agents or designated representatives, in the operation and maintenance of the system;

(ii) Establish the amount to be paid the contractor for performing the required functions, the basis for the amount and when payment is to be made; and

(iii) Provide that payment to providers shall be made in accordance with § 250.30 of this chapter.

(4) *Private nonmedical institutions.* In addition to the requirements specified in paragraph (c) (1) of this section, a State plan which provides for contracts for prepayment of services from private nonmedical institutions must also provide that such contracts will:

(i) Specify the capitation amount which shall be based on the cost of services provided (in accordance with § 250.30 of this chapter);

(ii) Specify when the capitation amount shall be paid.

(5) *Health maintenance organizations.* In addition to the requirements

specified in paragraphs (c) (1) and (2) of this section, a State plan for medical assistance which provides for contracts with health maintenance organizations must also provide that such contracts will provide:

(i) That enrollment is voluntary;

(ii) That the period of enrollment, which shall be for a reasonable period of time, be specified, so as to assure continuity of care and avoid excessive costs due to rapid turnover of enrollment;

(iii) That enrollment may not be terminated by the contractor, except for good cause which shall be defined in the contract, and may not include an adverse change in health status. Each termination by the contractor shall have the concurrence of the director of the medical assistance unit of the single State agency;

(iv) That when a recipient is no longer eligible to have payments made on his behalf to the HMO by the State, enrollment may be continued for the balance of the month for which payments have already been made;

(v) That to the extent feasible each enrollee is afforded the choice of a physician providing services to the HMO who will supervise and coordinate his care;

(vi) That all medical services covered under the contract which are required on an emergency basis be available on a 24-hour, seven-day-a-week basis, either in the contractor's own facilities, or through arrangements, to be approved by the single State agency, with another provider;

(vii) For prompt payment of all in-area or out-of-area services which are required by the contract and rendered by providers with which the contractor does not have arrangements, and which are medically urgent, that is, (A) which are needed immediately to prevent impairment of health, to prolong life, or alleviate pain and discomfort and (B) for receipt of which transfer to facilities provided for by the contractor would risk the patient's health or would be unreasonable because of distance;

(viii) For an internal enrollee grievance procedure;

(ix) That, where the contract does not include all services available under the State plan, those services not included shall be accessible and available either by referral arrangements with the contractor or by some other effective means;

(x) For an internal quality assurance system consistent with requirements for Professional Standards Review Organizations promulgated by the Secretary pursuant to Section 249F of P.L. 92-603;

(xi) That the contractor shall submit to the single State agency for prior approval its marketing plans, procedures and materials.

(xii) That enrollees will be advised concerning the appropriate use of health care and the contributions they can make to the maintenance of their own health.

(6) *Additional State plan requirements relating to health maintenance organizations.* In addition to the requirements specified in paragraph (c) (1), (2), and (5) of this section, a State plan which provides for contracts with health

maintenance organizations must also provide:

(i) For the establishment and implementation of a system for approval of marketing plans, procedures and materials for enrolling eligible recipients in a health maintenance organization;

(ii) For dissemination to eligible recipients in the service area of the HMO of factually accurate information, supplied by the contractor and at his expense, presented in clear, readable and concise form, regarding coverage, locations and hours of service;

(iii) That during the enrollment period payment will not be made, except under the contract, on behalf of the enrolled participant by the single State agency to any provider for services provided under the contract; and

(iv) That upon termination of a contract with an HMO, arrangements will be made to enable recipients formerly enrolled in the HMO to obtain without

delay the services to which they are entitled.

(d) *Federal financial participation.*

(1) Federal financial participation shall be available for payments made to a contractor under this section only if a contract between the single State agency and the contractor, fulfilling all the requirements of this section, is in effect for all periods for which Federal financial participation is claimed. The Secretary may deem such a contract not to be in effect, for the purposes of this paragraph, for any period, if the Secretary, as a result of on-site visit, or survey, or examination of State or contractor records, or by such other means as he may prescribe, determines that for such period there was a substantial failure of either party to the contract to carry it out in accordance with its terms or the requirements of this section. States, upon request, will receive, in accordance with section 1116(d) of the Act, a reconsidera-

tion of the Secretary's determination under the provisions of this paragraph.

(2) For purposes of Federal financial participation,

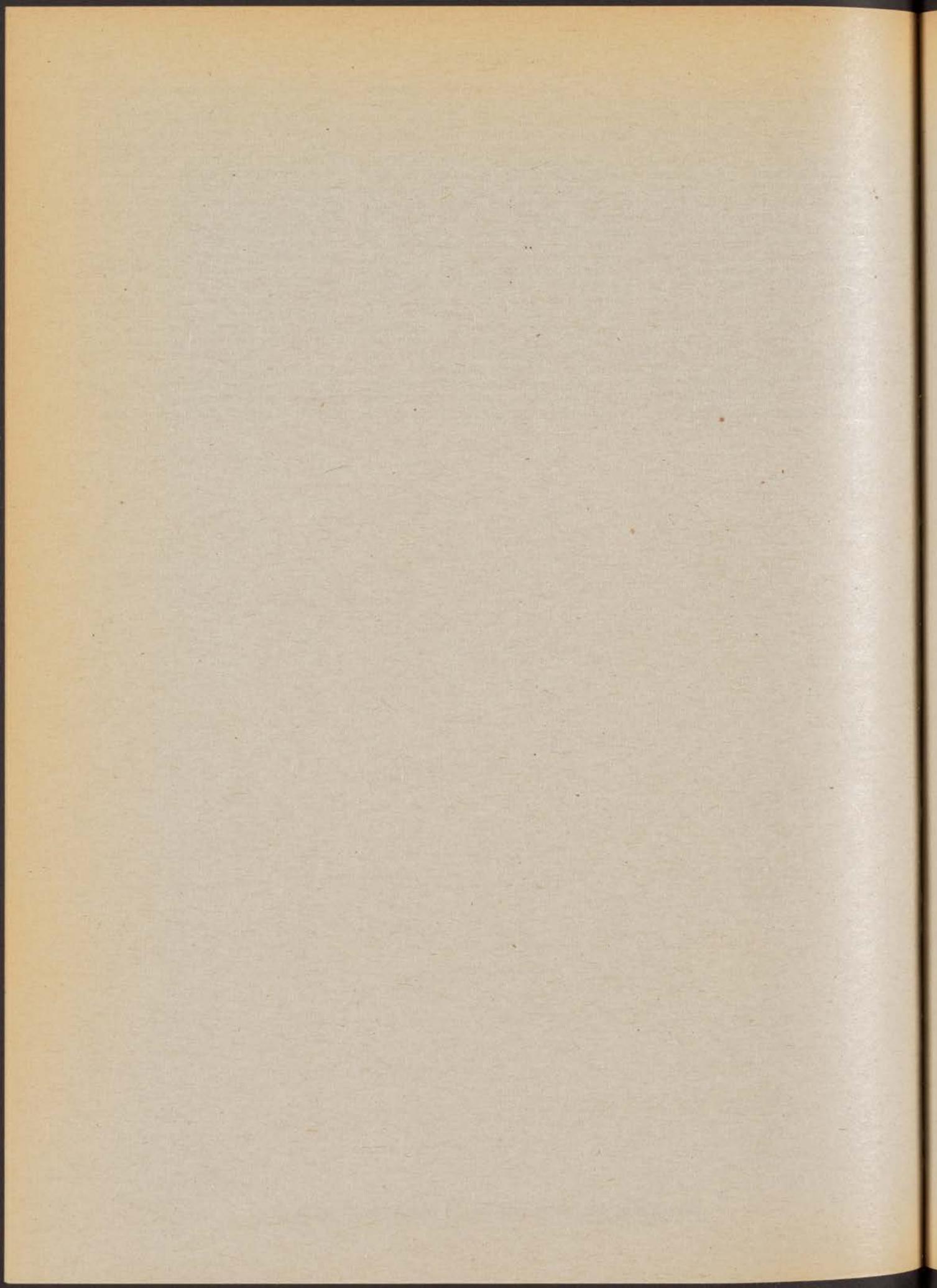
(i) Under contracts with prepaid health insuring organizations or health maintenance organizations, the total amount of capitation payment or premium will be regarded as a medical assistance cost;

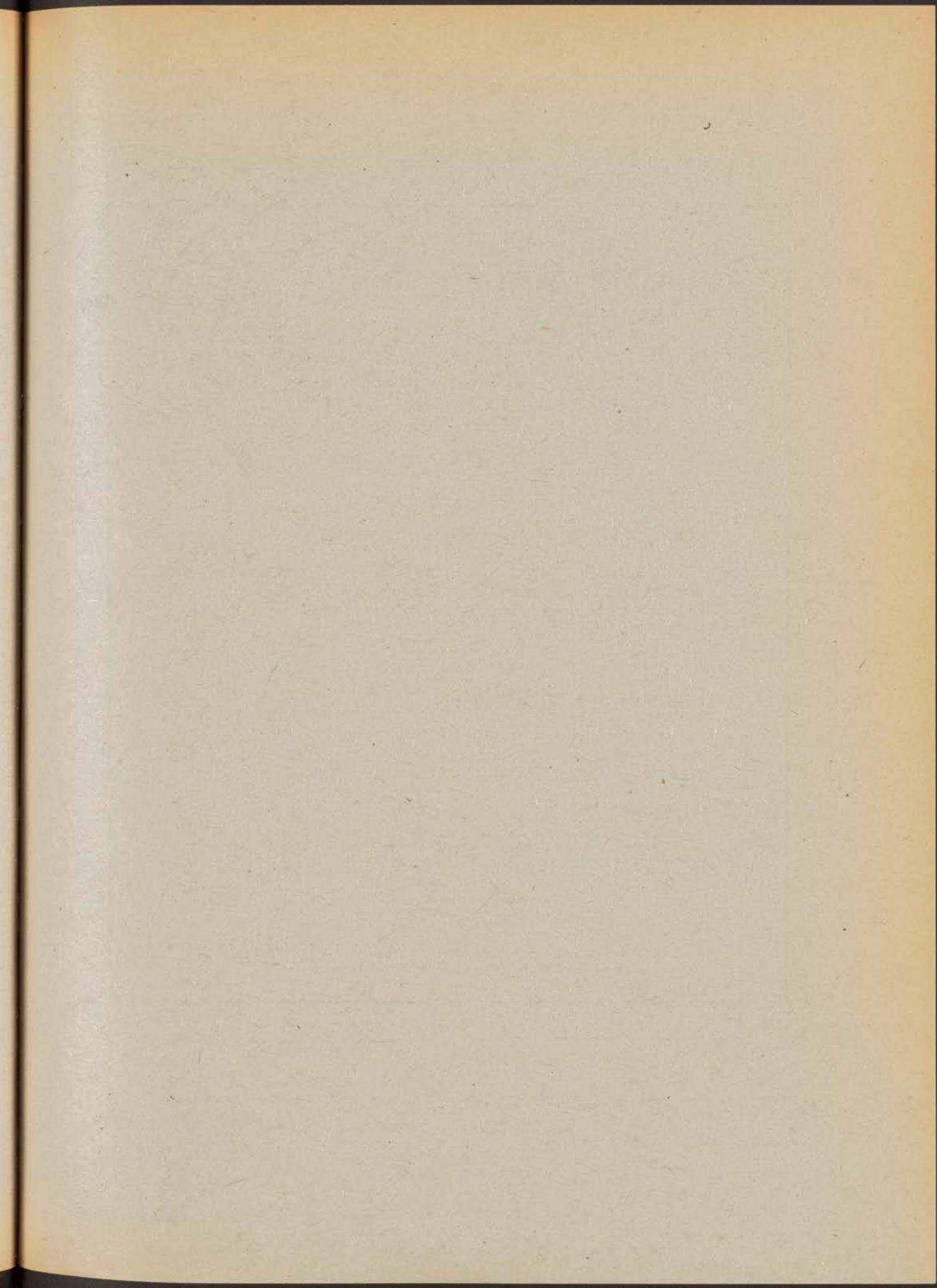
(ii) Under contracts with fiscal agents, the amount paid to the provider of medical services will be considered as a medical assistance cost, and the amount paid to the contractor for performing the agreed-upon functions will be regarded as an administrative cost; and

(iii) Under contracts with private nonmedical institutions, and health care project grant centers, the total amount paid for carrying out the provisions of the contract will be regarded as a medical assistance cost.

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