

FEDERAL REGISTER

TUESDAY, JUNE 11, 1974

WASHINGTON, D.C.

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Pages 20465-20571



## PART I

## HIGHLIGHTS OF THIS ISSUE

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

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# reminders

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

## Rules Going Into Effect Today

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

page no.  
and date

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FDA—Color additives; use of D&C Violet No. 2 on certain surgical sutures.  
13266; 4-12-74

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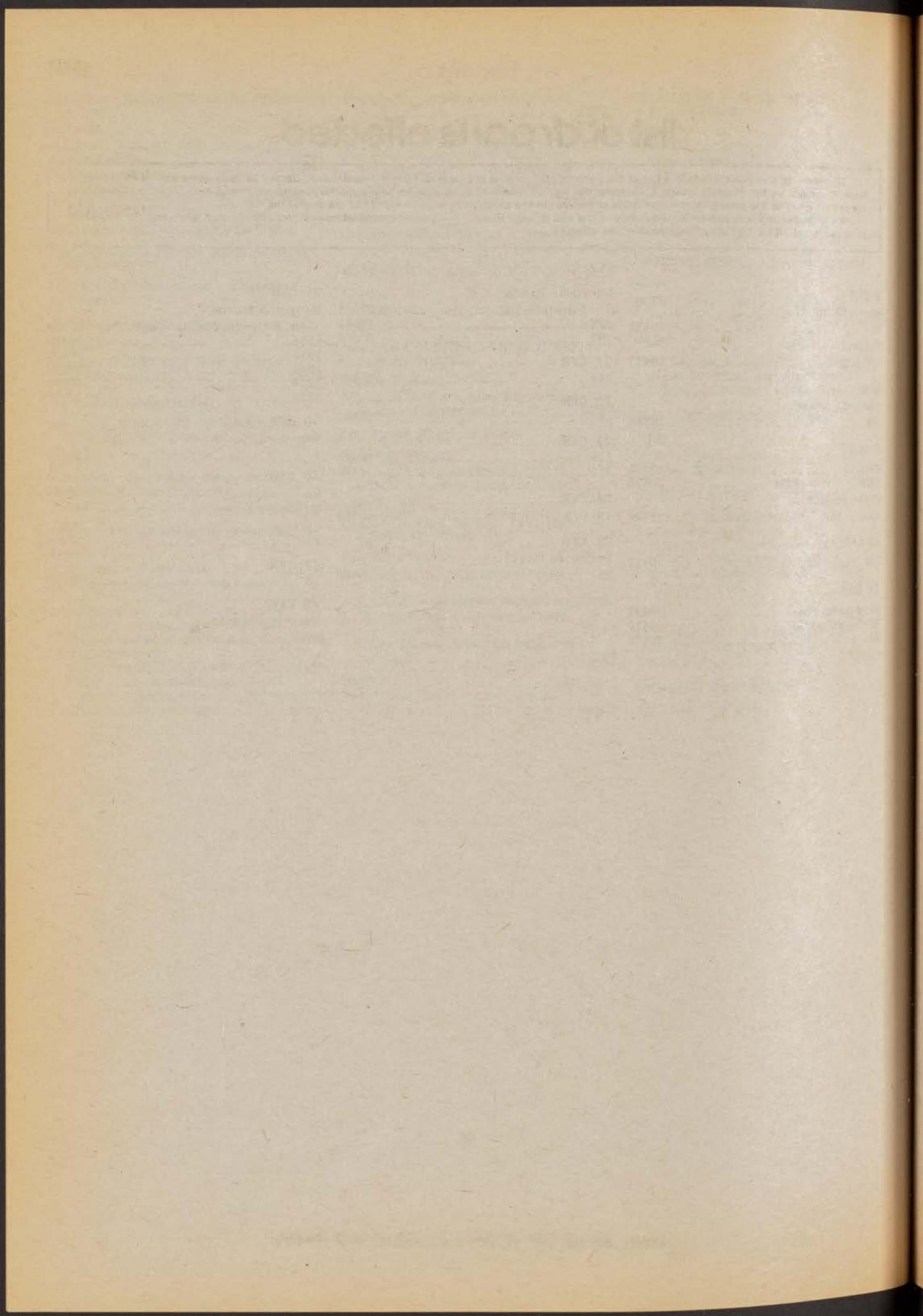
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# list of cfr parts affected

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

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

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# presidential documents

## Title 3—The President

PROCLAMATION 4297

### Father's Day, 1974

*By the President of the United States of America*

#### A Proclamation

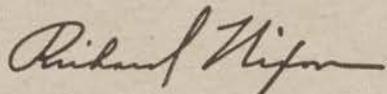
For many Americans, Father's Day is best celebrated by showering the male head of the household with carefully chosen gifts.

These gifts are symbolic, of course, of the year-round love and gratitude which children feel for both of their parents. From their fathers frequently come the strength and stability which children of all ages need in order to grow up to be constructive, confident men and women. Fathers offer guiding hands for children to pass successfully through the difficulties and awkwardness of youth. And fathers bring harmony and balance to life in the home.

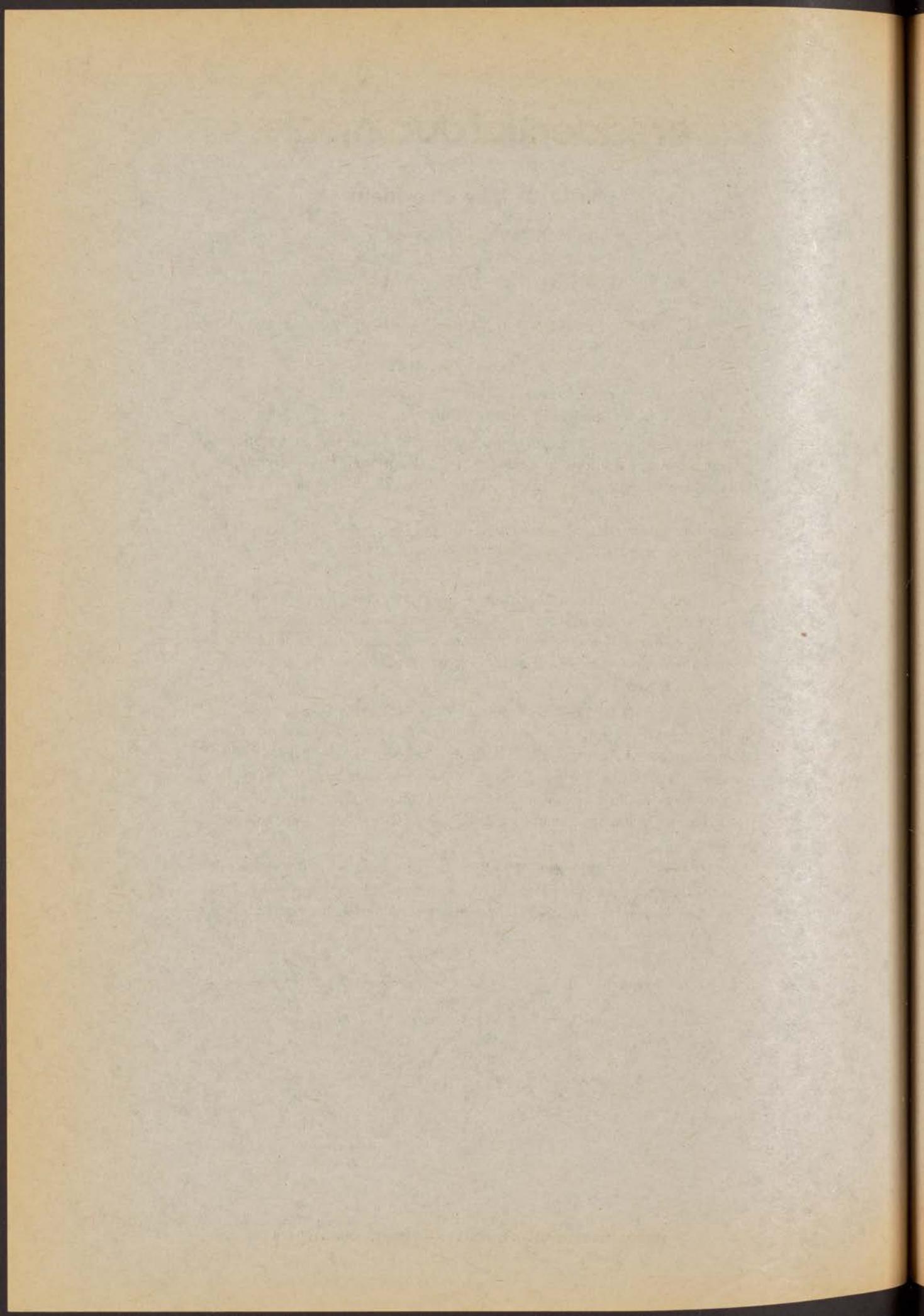
Nineteen seventy-four is an especially poignant time to celebrate Father's Day, since this year no young American soldiers are being sent to fight anywhere in the world. A nation at peace: this is the legacy that all fathers want to leave their children and is ultimately the greatest gift of all on Father's Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in accordance with a joint resolution of Congress approved April 24, 1972, do hereby request that June 16, 1974 be observed as Father's Day. I direct Government officials to display the flag of the United States on all Government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

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



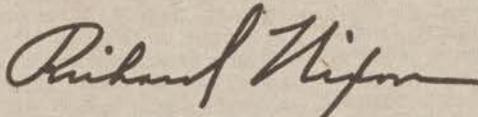
[FR Doc. 74-13520 Filed 6-7-74; 4:01 pm]



## EXECUTIVE ORDER 11786

## Inspection of Tax Returns by the Committee on the Judiciary, House of Representatives

By virtue of the authority vested in me by sections 6103(a) and 6106 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6103(a), 6106), it is hereby ordered that the Committee on the Judiciary, House of Representatives, or any duly authorized subcommittee thereof is authorized, in connection with House Resolution 803, authorizing and directing an investigation to determine whether grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America, to inspect all tax returns of President Nixon for the years 1969 through 1972, including other records, reports, information received orally or in writing, factual data, documents, papers, abstracts, memoranda, or evidence relating to such returns. Whenever a return is open to inspection by such Committee or subcommittee, a copy thereof shall, upon request, be furnished to such Committee or subcommittee. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decision 6132, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.



THE WHITE HOUSE,

June 7, 1974.

[FIR Doc.74-13519 Filed 6-7-74;4:01 pm]



# 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 VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

#### PART 631—GREAT PLAINS CONSERVATION PROGRAM

##### Correction

In FR Doc. 74-26655, appearing at page 34644, in the issue for Monday, December 17, 1973, the following changes should be made:

1. In § 631.11(a) (33), delete the 11th and 12th lines from the bottom of the paragraph.
2. In § 631.25(l), first line preceding "where" insert "case".

### CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 442.12]

#### PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

##### Grants for Facilitating Development of Private Business Enterprises and Community Water and Waste Disposal Facilities

Sections 1823.466 to 1823.469 of Subpart O of Part 1823 published at 39 FR 3814-3815; 39 FR 4870-4871, are deleted from Chapter XVIII of Title 7, Code of Federal Regulations. Water and waste disposal grants are contained in the new Subpart P of this Part 1823. Sections 1823.461 to 1823.470 are hereby reserved.

(Sec. 7 U.S.C. 1989; delegation of authority by the Sec. of Agric., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.)

*Effective date.* This deletion is effective on June 11, 1974.

Dated: June 7, 1974.

FRANK B. ELLIOTT,

Administrator,

Farmers Home Administration.

[FR Doc. 74-13430 Filed 6-7-74; 11:31 am]

[FmHA Instruction 442.13]

#### PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

##### Subpart P—Development Grants for Community Domestic Water and Waste Disposal Systems

An amendment to Subchapter B, "Loans and Grants Primarily for Real

Estate Purposes," adds a new Subpart P, "Development Grants for Community Domestic Water and Waste Disposal Systems," of Part 1823, Title 7, Code of Federal Regulations, which provides the policies and authorizations for making and processing grants to assist in the financing of domestic water and waste disposal facilities in rural areas.

The Farmers Home Administration (FmHA) has been making grants under the sections of Subpart O of this Part 1823, being deleted, and which are now being placed, in an expanded form, in this new Subpart P. Since it is necessary that the FmHA proceed with the making of needed grants and not deprive the public of immediate benefits, it is unnecessary and would be contrary to the public interest to delay the program by publishing notice of proposed rulemaking as provided by 5 U.S.C. 553 (b) and (c).

In accordance with the spirit of the public policies set forth in 5 U.S.C. 553, interested persons may submit, on or before Sept. 9, 1974, written comments, suggestions, data or arguments to the Office of the Deputy Administrator Comptroller, Farmers Home Administration, U. S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this amendment shall remain effective until it is amended in order to permit the public business to proceed expeditiously. This new Subpart P reads as follows:

##### Subpart P—Development Grants for Community Domestic Water and Waste Disposal Systems

###### Sec.

1823.471 General—water and waste disposal development.

1823.472 Application processing.

1823.473 Eligibility.

1823.474 Compliance with comprehensive water and waste disposal development plan and other regulatory requirements.

1823.475 Regional Commission grant funds.

1823.476 Management assistance.

1823.477 Redelegation of authority.

**AUTHORITY:** 7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.

##### Subpart P—Development Grants for Community Domestic Water and Waste Disposal Systems

§ 1823.471 General—water and waste disposal development.

This Subpart P sets forth Farmers Home Administration (FmHA) policies and requirements pertaining to grants

for the development of water and waste disposal facilities. FmHA shall cooperate fully with appropriate State agencies in the making of grants in a manner which will assure maximum support of the States' strategies for development of rural areas. State and substate A-95 Agencies may recommend priorities for applications. FmHA will give due consideration to all A-95 Agency review comments and priority recommendations in selecting applications for funding. Priority will be given to water facility projects.

##### § 1823.472 Application processing.

Applications will be processed in accordance with applicable portions of present Subpart A of this Part, and the following:

(a) Grants may not exceed fifty percent (50%) of eligible project development costs listed in paragraph (c) of this section.

(d) Determining the need for development grant: Grants will be used for projects serving the most financially needy communities, and to reduce family user costs to a reasonable level. Reasonable shall be defined as that which is not less than existing prevailing rates in communities being served by established systems constructed at similar per family user cost, having similar economic conditions, and with families having income levels comparable to those in the applicant community. User costs shall include charges, taxes, and assessments attributable to the project.

(1) Ordinarily a grant will be considered only when the debt service portion of the average family user cost for either water or sewer service exceeds one percent (1%) of the median family income (average income if median income is not available) as determined in accordance with paragraph (b) (3) of this section for those families in the applicant service area and will be limited to an amount necessary to reduce the debt service portion of family user cost to such one percent (1%) level. This procedure shall not be used to result in a rate below that deemed to be reasonable as defined in paragraph (b) of this section.

(2) If, after applying the formula described in paragraph (b) (1) of this section FmHA determines that a reasonable family user cost has not been achieved due to unusually high operation and maintenance costs, construction or water acquisition costs, or other factors, FmHA may proceed with a grant in an amount necessary to reduce family user costs to not below a reasonable level as defined in paragraph (b) of this section.

## RULES AND REGULATIONS

(3) The median family income in the applicant community or those reference communities used in comparing the proposed system with similar systems, will be determined by the FmHA State Director as follows:

(i) The median family income will be determined from the U.S. Department of Commerce, Bureau of the Census, Publication PC (1)—C series, which is available for each State.

(ii) For those projects where the FmHA State Director has reason to believe that the census data is not an accurate representation of the median family income within the area to be served, he may determine the median family income taking into consideration the following:

(A) Data from responsible public or private sources.

(B) His knowledge of the community based on available FmHA data gained through individual loans.

(C) The results of a survey conducted by the applicant.

(D) By using a combination of the above.

(4) Preliminary engineering reports and suggested operating budgets included therein will be prepared without taking into consideration a grant.

(c) Use of grant funds: Funds may be used only for the following purposes:

(1) *Domestic water and waste disposal facilities.* Install and improve central community domestic water and waste disposal facilities including:

(i) Facilities for the development, storage, treatment, purification, and distribution of water.

(ii) Sanitary sewer facilities including collector lines, treatment plants, outfall lines, disposal fields, and stabilization ponds.

(iii) Storm sewers for the collection and disposal of surface drainage.

(iv) Solid waste disposal projects including facilities for the collection, treatment, or disposal of human, animal, agricultural, and other wastes. Items such as garbage trucks and equipment, sanitary landfills, and incinerators are included.

(2) *Acquire land and rights.* Acquiring land, interest in land, and rights such as water rights, leases, permits, rights-of-way, and other evidence of land or water control which are necessary for development of the facility.

(3) *Buildings, fences, secondary facilities, and relocation.* (1) Construct buildings of modest design, size, and cost, and fences essential to the successful operation or protection of authorized facilities and to provide storage for tools and supplies needed to operate the facility, and secondary facilities such as gas or electric service lines to convey fuel or energy for, or utilities for, primary facilities.

(ii) Relocate roads, bridges, utilities, fences, and other public or private improvements.

(4) *Services and fees.* Pay costs incidental to establishment of such facilities or for services necessary in accomplish-

ing any of the above purposes, including, but not limited to:

(i) Paying fees or other legal expenses of establishing a water right through appropriation, agreement, permit, or court decree.

(ii) Paying for other services necessary in planning and completing the facilities to be financed.

(iii) Acquiring a water supply by the purchase of water stock or membership in a water users association.

(d) Grant limitations: (1) Grant funds may not be used to:

(i) Pay for the construction of any new combined storm and sanitary sewer facilities.

(ii) Pay any annually recurring costs that are generally considered to be operation and maintenance expenses.

(iii) Construct or repair electric generating plants, electric transmission lines, or gas distribution lines to provide services for commercial sale.

(iv) Purchase firetrucks, hoses, and other firefighting equipment or construct housing for such equipment.

(v) Pay rental for the use of equipment or machinery owned by the association.

(vi) Pay for sales rooms or other purposes not directly related to operation and maintenance of the facility being installed or improved.

(vii) Purchase existing systems.

(viii) Refinance existing indebtedness.

(ix) Pay any portion of the cost of a facility in cases where the annual reserve based on a typical year exceeds one-tenth of the average annual debt service requirement unless State regulatory agencies require a larger reserve, or where operation and maintenance costs are unrealistic.

(x) Pay interest.

(2) An FmHA development grant may not be made in excess of fifty percent (50%) of the eligible development cost.

(3) FmHA grants may be used on projects where other Federal financial assistance (such as Environmental Protection Agency (EPA), Economic Development Administration (EDA), shared revenue, Appalachia, or other Regional Development Commission grants) is available on all or part of the facility. FmHA grants may be used on collection systems where EPA grants are available only on waste treatment plants. If any Federal grants, other than FmHA are made in connection with the proposed project, the amount of any FmHA grant plus the amount of other Federal grants may not exceed fifty percent (50%), or the appropriate EPA percentage for sewage facilities, of the development costs of the project unless such other Federal grants are being made by the Department of Defense, EDA, or a Regional Economic Development Commission. In determining the Federal grant limitations, waste treatment and waste collection facilities will be recognized as separate projects.

(4) Facilities previously installed will not be considered in determining the development costs. The amount of any

FmHA advance for planning previously made may be included in the development cost.

(e) Grant closing and delivery of funds:

(1) Grants will be closed in accordance with instructions received from the Office of the General Counsel. The policy of FmHA is not to disburse grant funds from the Treasury until they are actually needed by the applicant. If grant funds are available from other agencies and they are transferred to the Finance Office for disbursement by FmHA, these grant funds should be used before FmHA grant funds.

(2) When FmHA is not making a loan and all or a portion of the grant is for construction, the grant will not be closed and funds will not be delivered before construction is completed.

(1) Grantees shall provide FmHA through the use of Forms AD-627, "Report of Federal Cash Transaction," and AD-629, "Outlay Report and Request for Reimbursement for Construction Programs," a complete factual report regarding financial transactions pertaining to the project to be financed with grant funds.

(ii) Final costs shall be determined and should there remain a cash balance after paying the allowable items as shown on Forms AD-627 and AD-629, the grantee shall immediately refund such balance to FmHA. In the event the required audit has not been performed prior to grant closing, FmHA retains the right to recover an appropriate amount after considering the recommendations on disallowed costs resulting from the audit. FmHA, of course, may also recover amounts which by subsequent investigation are found to have been improperly spent by Grantee.

(iii) Grant funds will be delivered by Treasury check.

(f) Obtaining development grant agreement: Form FmHA 442-31, "Association Water or Sewer System Grant Agreement," will be completed and executed in accordance with requirements of approval and closing instructions. Both County Supervisors and State Directors are authorized to sign the grant agreement on behalf of the FmHA. For grants that supplement FmHA loan funds, the grant should be closed simultaneously with the closing of the loan. The grant will be considered closed when Form FmHA 442-31 has been properly executed. Form FmHA 442-31 provides that the grantee will agree to the following:

(1) Cause said project to be constructed within the total sums available to it, including said grant, in accordance with the project plans and specifications and any necessary modifications thereof prepared by Grantee and approved by Grantor.

(2) Permit periodic inspection of the construction by a designated representative of Grantor during construction.

(3) Manage, operate and maintain the system, including this project if less than the whole of said system, con-

tinuously in an efficient and economical manner.

(4) Make the services of said system available within its capacity to all persons in Grantee's service area without discrimination as to race, color, religion, or national origin, at reasonable charges, including assessments, taxes, or fees in accordance with a schedule of such charges, whether for one or more classes of service, adopted by resolution dated \_\_\_\_\_, 19\_\_\_\_, as may be modified from time to time by Grantee. The initial rate schedule must be approved by Grantor. Thereafter Grantee may make such modifications to the rate schedule as Grantee deems necessary to efficiently and economically provide for the financial requirements of the system as long as the rate schedule remains reasonable and nondiscriminatory.

(5) Adjust its operating costs and service charges from time to time to provide for adequate operation and maintenance, emergency repair reserves, obsolescence reserves, debt service and debt service reserves.

(6) Expand its system from time to time to meet reasonably anticipated growth or service requirements in the area within its jurisdiction.

(7) Not transfer or dispose of the system, or any part thereof, being constructed or improved with such grant funds without the written consent of Grantor, and not encumber the project for a period of five years from the date hereof without the written consent of the Grantor.

(8) Provide Grantor with such periodic reports as it may require and permit periodic inspection of its operations by a designated representative of the Grantor.

(9) To execute Form FmHA 400-1, "Equal Opportunity Agreement," to which is annexed a Form FmHA 400-2, "Equal Opportunity Clause," and to incorporate in or attach as a rider to each construction contract for the project involving \$10,000 or more a Form FmHA 400-2; to execute Form FmHA 400-4, "Nondiscrimination Agreement," and to execute any other agreements required by Grantor which Grantee is legally authorized to execute. If any such Form has been executed by Grantee as a result of a loan being made to Grantee by Grantor contemporaneously with the making of this grant, another Form of the same type need not be executed in connection with this grant.

(10) Upon any default under its representations or agreements set forth in this instrument, Grantee, at the option and demand of Grantor, will, to the extent legally permissible, repay to Grantor forthwith the original principal amount of the grant stated hereinabove, with interest at the rate of 5 per centum per annum from the date of the default. The provisions of this Grant Agreement may be enforced by Grantor, at its option and without regard to prior waivers by it of previous defaults of Grantee, by judicial proceedings to require specific performance of the terms of this Grant Agreement or by such other proceedings

in law or equity, in either Federal or State courts, as may be deemed necessary by Grantor to assure compliance with the provisions of this Grant Agreement and the laws and regulations under which this grant is made.

#### § 1823.473 Eligibility.

To be eligible for water or waste disposal development grant assistance an applicant must meet the requirements of § 1823.2.

#### § 1823.474 Compliance with comprehensive water and waste disposal development plan and other regulatory requirements.

(a) Each grant shall meet the requirements of § 1823.10 and the following. No grant shall be made in connection with any project unless the project—

(1) Will serve a rural area which, if such project is carried out, is not likely to decline in population below that for which the project was designed.

(2) Is designed and constructed so that adequate capacity will or can be made available to serve the present population of the area to the extent feasible and to serve the reasonably foreseeable growth needs of the area, and

(3) Is necessary for an orderly community development consistent with a comprehensive community water, waste disposal, or other development plan of the rural area in which the project is located.

#### § 1823.475 Regional Commission grant funds.

When Regional Commission grant funds are administered by FmHA and an FmHA loan or grant is associated with the Regional Commission grant no administrative charges will be made. If no FmHA loan or grant is associated with the Regional Commission grant an administrative charge will be made pursuant to the Economy Act of 1932 (31 U.S.C. 686). A fee of five percent (5%) of the first \$50,000 of a Regional Commission grant and one percent (1%) of any amount over \$50,000 will be paid FmHA by the commission.

#### § 1823.476 Management assistance.

Grant recipients will be supervised to the extent necessary to assure that facilities are constructed in accordance with approved plans and specifications to assure that funds are expended for approved purposes.

#### § 1823.477 Redelegation of authority.

The State Director is responsible for implementing the authorities contained in this Subpart. He may redelegate such authority to appropriate FmHA employees.

Effective date: This amendment is effective on June 11, 1974.

Dated: June 7, 1974.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc. 74-13431 Filed 6-7-74; 11:30 am]

### Title 13—Business Credit and Assistance

#### CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 4, Amdt. 1]

#### PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

##### Section 501 Loans

On May 10, 1974, the Small Business Administration published in the *FEDERAL REGISTER* (39 FR 16907) a notice of proposed rule making which amends Revision 4, § 108.501-1(f).

It limits the interest rate to 8 percent taking into consideration the cost of money to the Treasury.

The public was invited to comment by May 20, 1974. No comments were received and the proposed amendment is adopted. This amendment is effective as of May 24, 1974.

#### § 108.501-1 Section 501 Loans.

(f) *Interest Rate.* The rate of interest on section 501 loans to state development corporations shall be at a rate (not to exceed 8 percent per annum) which shall be established annually at the beginning of each fiscal year by the Administrator, taking into consideration the average market yield on outstanding U.S. Treasury obligations of comparable maturity, plus such additional charge, if any, to cover other costs of the program as the Administrator may determine and as consistent with the section 501 program.

Dated: June 3, 1974.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc. 74-13304 Filed 6-10-74; 8:45 am]

### Title 14—Aeronautics and Space

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

[Docket No. 74-EA-32; Amdt. 39-1871]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### DeHavilland Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation regulations so as to amend AD 69-2-1 applicable to deHavilland DHC-6 type airplanes.

Since the publication of AD 69-2-1 experience has indicated the feasibility and need to inspect the total wing front spar fitting P/N C6WM1031-1 and -2. As this inspection further relates to air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended so as to amend AD 69-2-1 as follows:

- (1) Add the following subparagraph
- (3) to paragraph (a):

## RULES AND REGULATIONS

(3) At the next inspection required by paragraph (a)(1) above after the effective date of this amendment (amendment 39-1871), inspect the whole fitting in accordance with the procedure and repetitive inspection interval as specified in paragraph (a)(1) above.

This amendment is effective June 18, 1974.

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

Issued in Jamaica, N.Y., on June 4, 1974.

JAMES BISPO,

*Acting Director, Eastern Region.*

[FR Doc.74-13288 Filed 6-10-74;8:45 am]

[Docket No. 74-SO-59; Amdt. 39-1867]

## PART 39—AIRWORTHINESS DIRECTIVES

### Lockheed Model 382 Series

There have been cracks of the outer wing lower forward beam cap and web on Lockheed Model 382 series airplanes that could result in wing failures. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an inspection of the outer wing lower forward beam cap and web on Lockheed Model 382 series airplanes.

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.

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

**LOCKHEED.** Applies to all Model 382 Series Airplanes, Serial Numbers 3946 and 4101 Through 4541 Certificated in all Categories

Compliance as indicated

(a) For airplanes with 5000 or more hours total time in service on the effective date of this AD comply with paragraph (c) within the next 50 hours time in service, and thereafter at intervals not to exceed 1000 hours time in service from the last inspection.

(b) For airplanes with less than 5000 hours total time in service on the effective date of the AD comply with paragraph (c) before the accumulation of 5050 hours total time in service, and thereafter at intervals not to exceed 1000 hours time in service from the last inspection.

(c) Inspect outer wing lower forward beam cap, web, and skin for cracks in the area extending from outer wing stations 153 to 162 and 198 to 207, both left and right.

(1) Inspect outer wing lower forward beam cap at the fastener holes used to attach skin panel and beam web in the area extending from outer wing stations 153 to 162 and 198 to 207, both left and right inside the number 1 and number 4 dry bay areas. Inspection shall be by dye penetrant method in accordance with Lockheed Alert Service Bulletin A382-169 or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(2) Inspect outer wing lower forward beam web from top of cap flange upward 3 inches in the area extending from Outer Wing Stations 153 to 162 and 198 to 207, both left and right, inside the number 1 and number 4 dry bay areas. Inspection shall be visual in accordance with Lockheed Alert Service Bulletin A382-169 or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, using flashlight after cleaning area to be inspected.

(3) Inspect outer wing lower forward skin panel from aft side of beam cap aft to the first skin panel riser (approximately 2 inches) in the area extending from Outer Wing Stations 153 to 162 and 198 to 207, both left and right, externally. Inspection shall be visual in accordance with Lockheed Alert Service Bulletin A382-169 or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, using flashlight through lower nacelle access doors.

(4) Repair shall be in accordance with Lockheed Service Bulletin 382-169A or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(5) Preventive modification shall be in accordance with Lockheed Service Bulletin 382-169A or later FAA-approved revision, or Lockheed ECP 954, or Lockheed Drawing 3304406, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(d) The inspections required by this AD may be discontinued for those airplanes repaired or reinforced in accordance with paragraph (c) or in accordance with an equivalent repair or reinforcement approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(f) Aircraft may be flown to a base for performance of the inspections required per this AD in accordance with FARs 21.197 and 21.199.

(g) Report inspection findings to Chief, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320.

Lockheed-Georgia Alert Service Bulletin A382-169, dated May 30, 1974, covers this same subject.

This amendment becomes effective May 30, 1974.

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

Issued in East Point, Georgia, on May 30, 1974.

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

[FR Doc.74-13289 Filed 6-10-74;8:45 am]

[Docket No. 74-EA-31; Amdt. 39-1870]

## PART 39—AIRWORTHINESS DIRECTIVES

### Piper Aircraft

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

an airworthiness directive applicable to Piper PA-24, PA-30 and PA-39 type airplanes.

There have been reports of looseness of the high shear rivets attaching the stabilator torque tube bearing fittings. Since this deficiency can exist or develop in airplanes of similar type design, an airworthiness directive is being issued which will require an inspection and repair when necessary.

In view of the effect on air safety which results from the foregoing deficiency, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

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

**Piper.** Applies to Models PA-24, PA-24-250 and PA-24-260, Serial Nos. 24-1 Through 24-5047; PA-24-400, Serial Nos. 26-2 Through 26-148; PA-30, Serial Nos. 30-1 Through 30-2000; PA-39, Serial Numbers 39-1 Through 39-155, Certificated in all Categories

Compliance required as indicated.

To prevent possible hazards in flight associated with loose high shear rivets which attach the stabilator torque tube bearing support fittings P/Ns 20420-00, -01 and 20419-00, -01 to the aft fuselage, accomplish the following:

1. Within the next 25 hours in service from the effective date of this AD unless previously accomplished, inspect in accordance with paragraph 2.

2. Inspect the stabilator torque tube bearing support fittings for looseness as follows:

a. Remove the tail cone and right rear aft fuselage access door.

b. Grasp the stabilator tip and exert a fore-and-aft force and then an up-and-down force.

c. Simultaneously with 2b, have another person check by feel for any looseness of the stabilator torque tube bearing support fittings.

d. Repeat 2b and 2c at the opposite stabilator tip.

3. If looseness is detected, repair in accordance with Piper Kit No. 760835 Instructions; Hi-Shear Rivet Replacement dated 12/20/73 or equivalent, before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where repair can be made.

4. Equivalent repairs must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(Piper Service Bulletin No. 411, refers to this subject.)

This amendment is effective June 18, 1974.

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

Issued in Jamaica, N.Y., on June 4, 1974.

JAMES BISPO,

*Acting Director, Eastern Region.*

[FR Doc.74-13290 Filed 6-10-74;8:45 am]

[Docket No. 74-EA-28; Amdt. 39-1872]

**PART 39—AIRWORTHINESS DIRECTIVES**  
Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation regulations so as to issue an airworthiness directive applicable to Piper PA-23, PA-24 and PA-30 type airplanes.

There have been reports of findings of corrosion on stabilator attachment bolts. The corrosion can affect the structural integrity of the stabilator, which presents a hazard to air safety. Since this deficiency can occur or exist in airplanes of the same type design, an airworthiness directive is being issued which will require periodic inspections and replacement when necessary.

In view of the effects on air safety, notice and public procedure hereon are impractical and cause exists to make the amendment effective in less than 30 days.

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

**Piper** Applies to Models PA-23-235 and PA-23-250 aircraft Serial Nos. 27-1 through 27-4554, Models PA-24, PA-24-250 and PA-24-260 aircraft Serial Nos. 24-1 through 24-5047, Model PA-24-400 aircraft Serial Nos. 26-2 through 26-148, Model PA-30 aircraft Serial Nos. 30-1 through 30-2000 certificated in all categories

Compliance required as indicated unless previously accomplished. To prevent possible hazards in flight associated with the corrosion of the stabilator attachment bolts, accomplish the following:

1. Within the next 100 hours in service, unless previously accomplished, and at intervals not to exceed three years or five hundred hours in service from the last inspection, whichever occurs first, remove the four (4) stabilator attachment bolts and inspect for corrosion.

2. If corrosion is found, before further flight, replace the bolt, nut and washer with unused parts of the same part numbers or equivalent. The bolt can be replaced with an equivalent corrosion resistant AN bolt.

3. If a corrosion-resistant AN bolt or equivalent is used, compliance with the requirements of the AD may be discontinued.

4. Equivalent parts must be FAA approved.

5. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the repetitive inspection interval specified in this AD.

(Piper Service Letter No. 667A refers to this subject.)

This amendment is effective June 18, 1974.

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

Issued in Jamaica, N.Y., on June 4, 1974.

**JAMES BISPO,**  
Deputy Director, Eastern Region.  
[FR Doc. 74-13291 Filed 6-10-74; 8:45 am]

**RULES AND REGULATIONS**

[Airspace Docket No. 74-SO-39]

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

**Designation of Transition Area**

On April 16, 1974, a notice of proposed rule making was published in the **FEDERAL REGISTER** (39 FR 13668), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation regulations that would designate the Cartersville, Ga., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

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

**CARTERSVILLE, GA.**

That airspace extending upward from 700-feet above the surface within a 9-mile radius of Cartersville Airport (latitude 34°07'30" N., longitude 84°51'00" W.).

(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 30, 1974.

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

[FR Doc. 74-13292 Filed 6-10-74; 8:45 am]

[Airspace Docket No. 74-EA-13]

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

**Alteration of Transition Areas**

On page 11097 of the **FEDERAL REGISTER** for March 25, 1974, the Federal Aviation Administration published a proposed rule which would alter the Potsdam, N.Y. (39 FR 571) and Ogdensburg, N.Y. (39 FR 557) Transition Areas.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. August 15, 1974.

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

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

**JAMES BISPO,**  
Deputy Director, Eastern Region.

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by amending the description of the Potsdam, N.Y. 700-foot floor transition area by adding, "and within 3.5 miles each side of a 044° bearing from the Potsdam, N.Y. radio

beacon (lat. 44°43'24" N., long. 74°52'59" W.) extending from the 6.5 mile radius area to 11.5 miles northeast of the radio beacon," following, "long. 74°57'00" W.".

2. Amend § 71.181 of Part 71, Federal Aviation Regulations by amending the description of the Ogdensburg, N.Y. 1200-foot floor transition area by deleting, "to point of beginning," and by substituting "44°42'00" N., 74°54'00" W.; to 44°36'00" N., 75°00'00" W.; to point of beginning," therefor.

[FR Doc. 74-13293 Filed 6-10-74; 8:45 am]

[Docket No. 13823, Amdt. No. 920]

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

**Miscellaneous Amendments**

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

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

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

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

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

## RULES AND REGULATIONS

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

Augusta, Ga.—Bush Field, VOR/DME-A, Amdt. 16.

Austin, Minn.—Austin Municipal Arpt., VOR Rwy 17, Amdt. 9.

Austin, Minn.—Austin Municipal Arpt., VOR Rwy 35, Amdt. 9.

Nappanee, Ind.—Nappanee Municipal Arpt., VOR/DME-A, Amdt. 1.

Shelbyville, Tenn.—Bomar Field-Shelbyville Municipal Arpt., VOR Rwy 36, Amdt. 10.

\* \* \* *effective July 18, 1974:*

Rialto, Calif.—Rialto Municipal (Miro Field), VOR-A, Orig., canceled  
Wendover, Utah—Wendover AF AUX FLD, VOR/DME-A, Orig.

\* \* \* *effective June 27, 1974:*

Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt. VOR-A, Amdt. 5.  
Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt., VOR Rwy 10, Amdt. 1, canceled.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective June 27, 1974*.

Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt., LOC Rwy 10, Orig.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective June 27, 1974*.

Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt., NDB Rwy 10, Orig.

\* \* \* *effective May 30, 1974:*

Montgomery, Ala.—Dannelly Field, NDB Rwy 9, Amdt. 13.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective July 11, 1974*.

Los Angeles, Calif.—Los Angeles Int'l. Arpt., ILS Rwy 7L, Amdt. 9.

\* \* \* *effective June 4, 1974:*

Washington, D.C.—Washington National Arpt., ILS Rwy 36, Amdt. 27.

\* \* \* *effective May 30, 1974:*

Atlanta, Ga.—Fulton County Arpt. ILS Rwy 8R, Amdt. 5.

Montgomery, Ala.—Dannelly Field, ILS Rwy 9, Amdt. 18.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIPs, *effective July 25, 1974*.

Springfield, Ill.—Capital Arpt., RADAR-1, Amdt. 1.

#### Correction

In Docket No. 13757, Amendment 918, to Part 97 of the Federal Aviation Regulations published in the *FEDERAL REGISTER* dated May 31, 1974, on page 19205, under §§ 97.25, 97.27 and 97.29 effective July 11, 1974—Cleveland Hopkins Int'l. Arpt., Cleveland, Ohio, destroy LOC (BC) Rwy 5R, Orig.; NDB Rwy 5 R/L, Amdt. 8 and disregard cancellation of ILS Rwy 5R, Amdt. 12. NOTE: NDB Rwy 5 R/L, Amdt. 7, effective November 22, 1973 and ILS Rwy 5R, Amdt. 12, remains in effect.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1854, 1421, 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).)

Issued in Washington, D.C., on June 5, 1974.

JAMES M. VINES,  
Chief,  
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5670) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc. 74-13287 Filed 6-10-74; 8:45 am]

#### Title 17—Commodity and Securities Exchanges

#### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-10825]

#### PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

##### Audit Requirements of Annual Report of Members, Brokers and Dealers

The Securities and Exchange Commission today announced the adoption of amendments to Form X-17A-5 (17 CFR 249.617) and the Audit Requirements thereto which reflect the additional information necessary to monitor compliance with Rule 15c3-3 (17 CFR 240.15c3-3) as well as developments in the securities industry since 1967 which have affected the auditing and financial regulation of brokers and dealers.

##### SUMMARY OF THE AMENDMENTS

The principal amendments to the Form relate to the Commission's adoption of Rule 15c3-3 (17 CFR 240.15c3-3) under the Securities Exchange Act of 1934 and require the submission of a schedule in support of the computation of a broker-dealer's "Formula for Determination of Reserve Requirement" ("Reserve Requirement") under Rule 15c3-3 (17 CFR 240.15c3-3) as of the audit date, and the financial questionnaire requires reporting of the amount required to be deposited in the "Special Reserve Bank Account for the Exclusive Benefit of Customers" ("Reserve Bank Account") and any amount on deposit in such account in excess of the Reserve Requirement.

Question 4 of the financial questionnaire has been revised to classify open items with other brokers and dealers, clearing organizations or issuers in accordance with the amounts which are to be included in the calculation of a firm's Reserve Requirements, the amounts includable in aggregate indebtedness under the net capital rules and amounts which are not included in either computation. The revised disclosure is intended to simplify reporting and facilitate review of the questionnaire by self-regulators and the Commission.

In order to determine whether a broker-dealer has an undue concentration of a specific security long in a customer's margin account, the amended Form requires note disclosure of any security in such accounts exceeding 15

percent of the aggregate value of all securities which collateralize all secured margin accounts receivable so that proper determination of any Reserve Requirement adjustments pursuant to Note (B) of the Reserve Requirement computation may be determined. This requirement should not be construed as precluding the respondent from combining accounts as permitted by General Instruction 6 to Form X-17A-5 (17 CFR 249.617).

The Form has also been revised to test the broker-dealer's compliance with the requirements of Rule 15c3-3 (17 CFR 240.15c3-3) to reduce customers' fully paid for and excess margin securities to a broker-dealer's possession or control.

Question 6G.1 will disclose whether instructions to obtain physical possession or control which were properly issued by the margin department were, in fact, accomplished or acted upon by the cashing department or other persons responsible for accomplishing such instructions as required by Rule 15c3-3 (17 CFR 240.15c3-3).

Question 6G.2 will indicate whether or not the margin department or other personnel responsible for the margin function had issued appropriate instructions within the parameters required by Rule 15c3-3 (17 CFR 240.15c3-3).

##### OTHER AMENDMENTS TO FORM X-17A-5

Question 4 of the financial questionnaire has been amended to require reporting of open items with clearing organizations using a continuous net settlement system. In addition, the Form now requires separate disclosure of free shipments of securities to other broker-dealers as well as redemptions receivable from registered investment companies or other issuers redeeming their securities.

In addition, all cash accounts which are subject to Regulation T of the Board of Governors of the Federal Reserve System will now be reported in Question 6A rather than limiting reporting to those accounts which are considered bona fide cash accounts. As a result of this change, the Audit Requirements of Form X-17A-5 (17 CFR 249.617) have also been amended to require the independent public accountant to review and test respondent's procedures relating to the prompt payment for securities purchased in a Special Cash Account pursuant to Regulation T.

The Audit Requirements of Form X-17A-5 (17 CFR 249.617) have also been amended to require that the scope of the review and tests of the accounting system, internal accounting control and procedures for safeguarding securities shall be sufficient to provide reasonable assurance that any material inadequacies existing at the date of the examination would be disclosed.

Finally, review of the procedures for complying with Rule 15c3-3 (17 CFR 240.15c3-3) is also required by these amendments.

##### COMMISSION ACTION

These amendments are hereby adopted under the Securities Exchange Act of

1934, particularly sections 15(c)(3), 17(a), 10(b) and 23(a) thereof and shall be effective for all audits pursuant to Rule 17a-5 under the Securities Exchange Act of 1934 commencing on or after July 15, 1974.

The text of the amendments to § 249-617 is as follows:

(1) General Instruction B.2 is amended to read as follows:

2. The valuations of customers' fully paid securities and excess margin securities in respondent's possession or control need not be included in the answers. For the purpose of this questionnaire, the terms "fully paid securities," "excess margin securities" and "physical possession or control" shall have the meanings found in the applicable provisions of Rule 15c3-3.

The following questions in Part I of the Questionnaire are amended to read as follows:

Question 1—*Bank Balances and Other Deposits*. State separately total of each kind of deposit (cash and/or market value of securities) with adequate description. This shall include cash on hand; cash in banks representing funds subject to immediate withdrawal; "Special Reserve Bank Account for the Exclusive Benefit of Customers"; "Special Account for the Exclusive Benefit of Customers"; cash in banks subject to withdrawal restrictions; cash and securities segregated pursuant to regulations of any agency of the Federal Government, any state, any national securities exchange or national securities association; contributions to clearing organizations incident to membership; deposits with clearing organizations in connection with commitments; guaranty and margin deposits; good faith deposits (see Note 3 to Question 14); drafts with securities attached deposited for collection.

NOTES: 1. In support of the amount in the "Special Reserve Bank Account for the Exclusive Benefit of Customers" submit a schedule of the computation required under Rule 15c3-3(e) in the form prescribed in Exhibit A of Rule 15c3-3. The computation shall be as of the audit date and shall be accompanied by a reconciliation of the amounts set forth in the schedule with the amounts reported in this Questionnaire. A schedule shall be submitted even though no deposit was required to be maintained as a result of the computation unless the broker-dealer is exempt from Rule 15c3-3 by any provision of paragraph (k) of that rule. If the broker-dealer was not required to maintain a "Special Reserve Bank Account for the Exclusive Benefit of Customers" because he was exempt from Rule 15c3-3, a note shall so state.

2. The amount reported for "Special Reserve Bank Account for the Exclusive Benefit of Customers" shall indicate the required deposit and any amount in excess of requirements shall be classified as "Amount on Deposit in Special Reserve Bank Account for the Exclusive Benefit of Customers in Excess of Requirement and Subject to Immediate Withdrawal."

Question 2—*Money Borrowed and Accounts Carried by Respondent by Other Banking and Brokerage Houses, Secured by or Containing Customers' Collateral*. A new Note 3 is added:

NOTES: \*\*\*

3. State separately the market value of securities collateralizing a loan on behalf of the respondent which securities are reportable as customer securities as defined in Rule 15c3-3.

The caption to Question 4 is amended to read as follows:

Question 4—*Other Open Items With Brokers and Dealers, Clearing Organizations and Issuers*.

Items A, B and Note 1 are amended and Items E, F and Note 3 added as follows:

State separately totals of ledger debit balances; ledger credit balances; long security valuations; short security valuations, and classify as follows:

A. Securities borrowed (i.e., amount to be received from others upon return to them of securities borrowed by respondent):

1. Items includable in "Formula for Determination of Reserve Requirement."

2. Other.

B. Securities failed to deliver (i.e., amount to be received from brokers and dealers upon delivery of securities sold by respondent):

1. Items includable in "Formula for Determination of Reserve Requirement."

2. Other.

C. Securities loaned (i.e., amounts to be paid to others upon return of securities loaned by respondent):

1. Items excludable from aggregate indebtedness and "Formula for Determination of Reserve Requirement."

2. Items includable in aggregate indebtedness but excluded from "Formula for Determination of Reserve Requirement."

3. Items includable in both aggregate indebtedness and "Formula for Determination of Reserve Requirement."

4. Items includable only in "Formula for Determination of Reserve Requirement."

D. Securities failed to receive (i.e., amount to be paid to brokers and dealers upon receipt of securities purchased by respondent):

1. Items excludable from aggregate indebtedness and "Formula for Determination of Reserve Requirement."

2. Items includable in aggregate indebtedness but excluded from "Formula for Determination of Reserve Requirement."

3. Items includable in both aggregate indebtedness and "Formula for Determination of Reserve Requirement."

4. Items includable only in "Formula for Determination of Reserve Requirement."

E. Balances with clearing organizations utilizing a continuous net settlement system (representing securities borrowed or failed to deliver; and securities loaned or failed to receive):

1. Items excludable from aggregate indebtedness and "Formula for Determination of Reserve Requirement."

2. Items includable in aggregate indebtedness but excluded from "Formula for Determination of Reserve Requirement."

3. Items includable in both aggregate indebtedness and "Formula for Determination of Reserve Requirement."

4. Items includable only in "Formula for Determination of Reserve Requirement."

5. Other (See Note 3).

F. Free shipments (i.e., amount to be received from others for securities already delivered to them not accompanied by documents requiring payment upon delivery or for which payment was not received upon delivery).

G. Redemptions Receivable (i.e., amount to be received from issuers or their agents for securities submitted for redemption):

1. Includable in "Formula for Determination of Reserve Requirement."

2. Other.

NOTES: 1. Where it is impractical or unduly expensive to allocate all securities to each category in A, B, C, D, E, F and G proper allocation shall be made to the extent feasible and all other such ledger balances and security valuations shall be reported in the

case of receivables as "Other" and in the case of liabilities and related security valuations in C.3, D.3 and E.3.

2. State separately or in a footnote the totals of ledger debit balances; ledger credit balances; long security valuations; short security valuations, for transactions outstanding 30 calendar days or longer included in the answers to Question 4.B (Securities Failed to Deliver); and Question 4.D.3 (Securities Failed to Receive). The amounts reported for Question 4.B shall be classified in accordance with the period that the transactions have been outstanding: 30 to 39 calendar days; 40 to 49 calendar days; 50 to 59 calendar days; and 60 or more calendar days.

3. Where it is impractical or unduly expensive to allocate the ledger balance to each category in E, a net amount may be reported and the balance shall be so indicated. Security valuations shall be allocation to E.1, 2, 3 and 4 to the extent feasible and all other such security valuations shall be reported under E.3 (in the case of net short valuations) or E.5 (in the case of net long valuations).

The caption to Question 5 is amended to read as follows:

Question 5—*Valuation of Securities and Spot (Cash) Commodities in Box, Depositories, Transfer and Transit*.

The present note is redesignated Note 1 and the following Note 2 is added:

NOTES: 1. Question 5 requires entries in short valuation column only.

2. State separately or in a footnote the market value of securities which have been in transfer in excess of 40 calendar days and have not been confirmed to be in transfer by the transfer agent or the issuer during the 40 days immediately preceding the audit date. The market value of securities in transfer in excess of 40 days which have been confirmed only by the independent public accountant in connection with his audit shall be included in such footnote or classification.

Question 6—*Customers' Security Accounts*

Items A, G and Note 1 are amended and Items H, I and Notes 6 and 7 are added as follows:

State separately totals of ledger debit balances; ledger credit balances; long security valuations; short security valuations and classify as follows:

A. Cash accounts (i.e., accounts subject to Section 4(c) of Regulation T of the Board of Governors of the Federal Reserve System) which have both unsettled money balances and positions in securities.

1. Accounts with debit balances.

2. Accounts with credit balances.

B. Secured Accounts:

1. Accounts with debit balances.

2. Accounts with credit balances.

C. Partly secured accounts (accounts liquidating to a deficit):

1. Accounts with debit balances.

2. Accounts with credit balances.

D. Unsecured accounts.

E. Accounts with credit balances having open contractual commitments.

F. Accounts with free credit balances.

G. Securities for which instructions to reduce to possession or control had been issued and which were not in possession or control as of the examination date:

(a) Required by Rule 15c3-3 to be in possession or control but for which no action was required by the respondent as of the audit date or required action was taken by respondent within the time frames specified pursuant to Rule 15c3-3.

## RULES AND REGULATIONS

(b) Required to be in possession or control as of the audit date for which the required action was not taken by respondent within the time frames specified by Rules 15c3-3 (Note 7).

2. Market value of excess margin securities and fully paid securities in cash accounts having either credit or no money balance for which instructions to place in possession or control were not reflected on the books and records of the respondent as of the audit date.

(a) Arising from "temporary lags which result from normal business operations" permitted pursuant to Rule 15c3-3.

(b) Not arising from "temporary lags which result from normal business operations" permitted pursuant to Rule 15c3-3.

H. Fully paid securities borrowed from customers pursuant to specific agreement.

I. Allowance for customers' accounts doubtful of collection.

NOTES: 1. All unsecured cash accounts shall be reported under D and partly secured accounts deemed doubtful of collection shall be reported under C.

6. State separately or in a footnote, description, quantity, price and valuation of any specific security (other than an exempted security) which is collateral for margin accounts included in the long security valuations at B.1 and C.1 and which exceeds in aggregate value 15 percent of the aggregate value of all securities which collateralize all margin accounts receivable reported at these two questions. A specific security is deemed to be collateral for a margin account only to the extent it represents in value not more than 140% of the customer debit balance in a margin account.

7. State separately or in a footnote whether securities reported in 6G(1)(b) above were subsequently reduced to possession or control by the respondent. Also state the number of individual items which were reported in 6G(1)(b) above.

**Question 8—Accounts of Officers and Directors.**

The Note is redesignated Note 1 and Note 2 is added:

NOTES: 1. \* \* \*  
2. All "excess margin" and "fully paid securities" of officers and directors shall be reported together and Notes 6 and 7 to Question 6 shall not apply to this Question.

**Question 9—General Partners' Individual Accounts.**

A new Note 3 is added as follows:

NOTES: 1. \* \* \*  
3. All "excess margin" and "fully paid securities" shall be reported together and Notes 6 and 7 to Question 6 shall not apply to this Question.

**Question 10—Trading and Investment Accounts of Respondent.**

A new Note 4 is added as follows:

NOTES: \* \* \*  
4. State separately or in a footnote both long and short security valuations attributable to principal purchases or sales from or to customers which are included in the answer to Question 10.A.

**Question 13—Other Accounts, etc.**

This Question is amended to read as follows:

State details (ledger balances, valuations of securities and spot (cash) commodities; status of future commodity positions; and any other relevant information) of any accounts which have not been included in one of the answers to the above questions. These

shall include: accounts for exchange memberships; furniture, fixtures, and other fixed assets; valuation reserves; funds provided or deposited by the respondent as margin in joint accounts; revenue stamps; dividends receivable, payable and unclaimed; floor brokerage receivable and payable, commissions receivable and payable, advances to salesmen and other employees; commodity difference account; goodwill; organization expense, prepaid expenses and deferred charges; liability reserves; mortgages payable; other liabilities and deferred credits; market value of securities borrowed (other than for delivery against customers' sales) to the extent to which no equivalent value is paid or credited (other than securities borrowed from customers which are reported in Question 6.H); drafts payable (issued in settlement of customers' credit balances); long security count difference valuations; short security count difference valuations, and other accounts not specifically mentioned herein.

NOTES: \* \* \*

3. State in a footnote the number of securities in which there were long security count differences; the number in which there were short security count differences; and the total number of securities in which there were positions as of the date of the accountant's report.

4. State separately or in a footnote as of the audit date (a) the market value of stock dividends, stock splits and similar distributions receivable outstanding over 30 calendar days, (b) market value of short security count difference valuations over 30 calendar days old, and (c) ledger credit balances and short security valuations in all suspense accounts over 30 calendar days.

**AUDIT REQUIREMENTS**

The introductory paragraph and Items 2, 10 and 11 are amended as follows:

The audit shall be made in accordance with generally accepted auditing standards and shall include a review of the accounting system, the internal accounting control and procedures for safeguarding securities including appropriate tests thereof for the period since the prior examination date. The scope of such review and tests shall be sufficient to provide reasonable assurance that any material inadequacies existing at the date of the examination would be disclosed. The audit shall include all procedures necessary under the circumstances to substantiate the assets and liabilities and securities and commodities positions as of the date of the responses to the financial questionnaire and to permit the expression of an opinion by the independent public accountant as to the financial condition of the respondent at that date. Based upon such audit, the accountant shall concurrently comment upon any material inadequacies found to exist in: (a) The accounting system; (b) the internal accounting control; (c) procedures for safeguarding securities and (d) the practices and procedures whose review is specified in Items 8, 9, 10 and 11 below; and shall indicate any corrective action taken or proposed. If the audit did not disclose any material inadequacies, the accountant shall so report.

The independent public accountant may perform audit procedures at any time which he may deem appropriate; however, if the procedures prescribed in Items 2, 3, 4 and 6(c)-(g), excluding Item 6(e)(v), are performed at a date other than the audit date, then all such aforementioned procedures shall be performed as of the same date, which shall not be more than 190 days prior to the financial statement date.

The scope of the audit shall include the following procedures, but nothing herein shall be construed as limiting the audit or

permitting the omission of any additional audit procedures which an independent accountant would deem necessary under the circumstances. As part of his audit the independent public accountant shall:

(2) Account for by physical examination and comparison with the books and records: all securities, including customers' fully paid and excess margin securities; material amounts of currency and tax stamps; warehouse receipts; and other assets on hand, in vault, in box or other otherwise in physical possession. Control shall be maintained over such assets during the course of the physical examination and comparison.

(10) Review and test respondent's procedures relating to compliance with the requirement for the prompt payment for securities pursuant to section 4(c) of Regulation T of the Board of Governors of the Federal Reserve System; and,

(11) (a) Review the procedures followed in making the periodic computations and deposits required under the provisions of paragraph (e) and Exhibit A of Rule 15c3-3.

(b) Review the procedures followed in obtaining and maintaining physical possession or control of all fully paid and excess margin securities of customers as required under the provisions of Rule 15c3-3.

(c) If respondent is exempt from Rule 15c3-3, the independent public accountant shall ascertain that the conditions of the exemption were being complied with as of the examination date and that no facts came to his attention to indicate that the exemption had not been complied with during the period.

Section 249.617—No change in description in text.

By the Commission.

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

MAY 24, 1974.

[FR Doc.74-13319 Filed 6-10-74;8:45 am]

**Title 21—Food and Drugs**

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

**SUBCHAPTER D—DRUGS FOR HUMAN USE**

**PART 310—NEW DRUGS**

**PART 314—NEW DRUG APPLICATIONS**

**Special Packaging**

In a proposal published in the *FEDERAL REGISTER* of December 13, 1973 (38 FR 34329), the Commissioner of Food and Drugs set forth guidelines to define when premarket clearance is required for anticipated packaging changes for drugs as a result of "special packaging" standards promulgated by the Consumer Product Safety Commission pursuant to section 3 of the Poison Prevention Packaging Act of 1970.

Seven comments were received: five from pharmaceutical manufacturers, one from a pharmaceutical manufacturer's association, and one from a government agency. A summary of these comments and the Commissioner's responses are as follows:

1. The majority of the comments expressed concern over the requirement for advance approval of changes in the

closure system where the composition of the material in contact with the drug (e.g., cap liner, inside surface of the plastic laminate, etc.) remains unchanged and the only other change is in the outer shell of the closure. It was argued by some that in this instance there would be no adverse effect on water vapor and gas transmission and therefore immediate implementation should be permitted. Some felt that this type of change could be put into effect immediately if certain supporting data and necessary commitments for ongoing tests are submitted. These comments also stated that the requirement that the package be "at least comparable" to that provided for in the approved application is unduly rigid and fails to take into account difference in physical characteristics and capabilities of various types of closures and the virtual impossibility of proving "comparability" of some of these.

While the Commissioner recognizes that in some cases a liner or innerseal which is identical to that in the approved application may provide the necessary protection for the drug product, data are not available to substantiate a claim that an across-the-board exemption can be provided for all changes of this type. The Commissioner has accepted, and this was the intent of the proposal, that if the closure component in contact with the drug remains the same, the change to the composition and/or physical characteristics of the outer cap or lid may be placed into effect before approval of the supplements provided certain supporting data and necessary commitments are submitted. Further, the Commissioner recognizes the difficulties which may occur in requiring comparability of special packaging with that provided in an approved application which may actually be more than adequate to protect the integrity of the product. Therefore, 1314.8(d)(5) (21 CFR 314.8(d)(5)) has been modified to provide that changes in the composition and/or physical characteristics of the lid, or the cap liner when an innerseal is used, provided there is no change in the closure component in contact with the drug (cap liner or innerseal) and in the torque of the closure, may be made in advance of approval of the supplemental application. Such applications shall include, however, data showing that the package is satisfactory as a barrier to moisture and gas transmission or 3 months accelerated stability data which include assay data, as well as data on other significant properties of the product at room temperature and at exaggerated temperatures and conditions of high humidity. In the event that the change in the package is in the composition and/or configuration of the cap, but not in the cap liner, other data or information which demonstrate the adequacy of the liner will be accepted in lieu of moisture and gas transmission or the accelerated stability studies. The applicant must also agree to test the stability of initially marketed batches of the drug.

2. Several comments addressed the issue of application/removal torque or tightness of the closure and the protection it provides the product when applied consistently as specified in the approved new-drug application thus making it unnecessary to require time-consuming and expensive stability testing.

The Commissioner disagrees that tightness of the container/closure alone should be controlling in this regard. It is an important factor which must be considered in developing packaging standards along with the physical and chemical characteristics of the container/closure systems for drug products and in cognizance of this, as indicated above, the regulation has been modified to add tightness of the closure as an additional parameter for testing when compared with the currently approved packaging. Such data when submitted along with accelerated stability data or data showing that the package is satisfactory as a barrier to moisture and gas transmission may be used to justify changes put into effect in advance of approval of a supplemental application providing no change has been made in the composition of the container and the closure component in contact with the drug remains unchanged.

3. One comment stated that stability data other than that relating to vapor and gas transmission may be more appropriate for a particular drug product and that it should be permitted to demonstrate the suitability of a package.

The Commissioner agrees that appropriate stability studies may actually provide a more accurate assessment of the adequacy of a particular contained closure system for a drug product. Accordingly, the regulation has been amended to provide for the alternative submission of accelerated stability data.

4. Comments were submitted concerning the implication that all marketed batches produced must be tested for stability.

The Commissioner finds that this implication was unintentional, and the final order has been modified to state explicitly that only initially marketed batches of the drug are to be tested and that reports be submitted at specified intervals.

5. A comment questioned the requirement that the applicant withdraw from the market any batch found to fall outside the approved specifications for the drug, thus requiring a recall or market withdrawal of a product regardless of whether the deviation was minor and irrespective of any pertinent facts. The comment contended that recalls or withdrawals for minuscule violations tend to dilute the effectiveness of such removal actions and provide little or no additional protection to the public health. Several examples were presented.

The Commissioner advises that it is not the policy of the Food and Drug Administration to require recalls or withdrawals for minor deviations from acceptable specifications. In order to clarify this intent the final order has been

modified to indicate that if the applicant does not believe the deviation is significant and does not justify a withdrawal from the market, the deviation shall be discussed with the Food and Drug Administration.

6. A general comment was made that clarification is necessary to show that these regulations have been written to include all forms of packaging such as bottles, plastic blisters, strip packages, etc.

The Commissioner concludes that although it is not necessary for the regulation to be amended in this regard, such is the intent of the requirements of § 314.8. Supplements for changes in these types of packaging must have prior approval.

7. A single comment expressed concern that implementation of these requirements at this time might cause reversals in industry plans to implement "special packaging" and cause discontinued marketing of necessary life-saving drugs. Extension of the April 15, 1974 "special packaging" deadline for prescription drug packaging was requested.

The Commissioner concludes that he has no authority to extend the deadline for use of "special packaging" which currently lies with the Consumer Product Safety Commission. The Commission stated in comments submitted on the proposed regulations that it has no reason at the present time to believe that special packaging adequate to protect the purity and effectiveness of drugs is not available, thus enabling manufacturers to comply with requirements of both the Federal Food, Drug, and Cosmetic Act and the Poison Prevention Packaging Act. The Commission also stated that it believes that the time provided from the date on which a packaging standard is proposed until the effective date of the subsequent final order is adequate to allow the affected industry to comply with the requirements of such packaging standards as well as to obtain the necessary Food and Drug Administration approval of a supplemental new-drug application, and that the Commissioner of Food and Drugs, in promulgating packaging standards for drugs prior to the activation of the Consumer Product Safety Commission on May 14, 1973, made the finding that special packaging was available which would protect the integrity of drugs. As expressed in its comment, the Commission is, however, willing to consider those individual cases where unusual circumstances may result in a drug manufacturer who has acted in good faith being unable to comply with requirements imposed by the Food and Drug Administration to assure purity and effectiveness of the drug within the effective date specified in the packaging standards.

The Commissioner emphasizes that these regulations require that supplements submitted to provide for special packaging be plainly marked "Special Container Packaging Supplement." Such identification is to expedite the handling and review of such supplements.

## RULES AND REGULATIONS

On March 29, 1974, there was published in the *FEDERAL REGISTER* (39 FR 11680) a recodification of Part 130 of the Food and Drug Regulations. These amendments reflect the recodified section numbers rather than the section numbers used in the proposal.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 507, 701; 52 Stat. 1050-1053, as amended; 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948; 59 Stat. 463, as amended (21 U.S.C. 352, 255, 357, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 310 and 314 of Title 21 of the Code of Federal Regulations are amended as follows:

1. In § 310.3 by adding a new paragraph (1) as follows:

**§ 310.3 Definitions and interpretations.**

(1) "Special packaging" as defined in section 2(4) of the Poison Prevention Packaging Act of 1970 means packaging that is designed or constructed to be significantly difficult for children under 5 years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

2. In § 314.8, by adding a new paragraph (a) (4) (vi), by revising the last three sentences in (a) (4), by adding new paragraphs (a) (5) (xi) and (xii) and (d) (5) as follows:

**§ 314.8 Supplemental applications.**

(a) \* \* \*

(4) \* \* \*

(vi) A change in container to provide for "special packaging" as defined in § 310.3(1) of this chapter pursuant to the requirements of regulations under the Poison Prevention Packaging Act of 1970. The mailing cover and supplement shall be plainly marked "Special Container Packaging Supplement."

Any number of changes may be submitted at any one time; but if they fall into different categories as listed in paragraph (a) (4) (i) through (vi) of this section, the proposed changes should be covered by separate communications. Where, however, a change necessitates an "overlap" to the existing closure of a submitted in a single communication. For example, a change in tablet potency would require other changes such as in components, composition, and labeling and should be submitted in a single communication.

(5) \* \* \*

(xi) Changes which provide for "special packaging" as defined in § 310.3(1) of this chapter which are in the form of an "overlap" to the existing closure of a container without any other changes in the container/closure system. The report or written communication shall contain

information as to the manufacturer of the safety closure and any identification applied to such closure.

(xii) Addition to the labeling of such statements as required by the Poison Prevention Packaging Act of 1970 or regulations promulgated thereunder.

\* \* \*

(d) \* \* \*

(5) Changes which provide for "special packaging" as defined in § 310.3(1) of this chapter other than the use of an additional closure as provided for in paragraph (a) (5) (xi) of this section, where the composition of the container, the torque (tightness) of the container, and the composition of the closure component in contact with the drug (cap liner or innerseal) remain the same as provided in the approved new-drug application. Each such supplement shall include:

(i) A representative market package and any identification applied to such package and

(ii) Preliminary data showing that the package is satisfactory as a barrier to moisture and gas transmission or 3 months accelerated stability data which include assay data, as well as data on other significant properties of the product at room temperature and at exaggerated temperatures and conditions of high humidity. In the event that the sole change in package is in the composition or configuration of the cap (outer shell not in contact with the drug) other data or information which demonstrate the adequacy of the liner alone to serve as an effective barrier will be acceptable in lieu of moisture and gas transmission or accelerated stability data. For any changes instituted under the provisions of this paragraph, the applicant shall submit a written commitment that he will test the stability of initially marketed batches of the drug; submit the information at intervals of 3 months beginning with the date of initial packaging during the first year following such date, at intervals of 6 months during the second year following such date, and at yearly intervals thereafter for as long as necessary to support or establish an assigned expiration date, unless otherwise ordered in a written communication by the Food and Drug Administration; and withdraw from the market any batch found to fall outside the approved specifications for the drug or discuss the deviation with the Food and Drug Administration if the applicant believes the deviation is not significant.

\* \* \* \* \*

*Effective date.* This order shall be effective July 11, 1974.

(Secs. 502, 505, 507, 701; 52 Stat. 1050-1053, as amended; 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948; 59 Stat. 463, as amended (21 U.S.C. 352, 355, 357, 371))

Dated: June 4, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 74-13193 Filed 6-10-74; 8:45 am]

**Title 40—Protection of Environment**

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

**SUBCHAPTER C—AIR PROGRAMS**

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**Revisions to Utah Plan**

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, a plan for implementation of the national ambient air quality standards submitted by Utah. On July 27, 1972 (37 FR 15094), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the Utah plan. On March 23, 1973 (38 FR 7584), the Administrator set forth a regulation limiting sulfur dioxide emissions from the first operating unit of Utah Power and Light Company's Huntington Canyon power plant located in the Utah portion of the Four Corners Interstate Region. The basis for the regulation was the diffusion modeling performed by the National Oceanic and Atmospheric Administration (NOAA) for the Southwest Energy Study, which indicated that emissions from the first operating unit at Huntington Canyon would violate the primary and secondary short-term national ambient air quality standards for sulfur dioxide.

Subsequent to the promulgation of the sulfur dioxide regulation, the Administrator received the results of smoke and fluorescent particle tracer studies conducted at the Huntington Canyon site by Air Resources Laboratory, NOAA, and North American Weather Consultants, a firm retained by Utah Power and Light Company. These studies indicated that the dispersion rate of sulfur oxides under stable conditions was significantly greater than the rate used in the original NOAA model and that a correction factor was appropriate to compensate for the initial dilution of the plume before it reaches the effective stack height.

Based on projections developed from the results of these studies, the Administrator determined that emissions from the first operating unit of the Huntington Canyon power plant would not violate the short-term national standards for sulfur dioxide. On December 7, 1973, (38 FR 33777), the Administrator proposed to withdraw the sulfur dioxide regulation promulgated for the facility, revoke the extension provided for the attainment of the primary standards for sulfur dioxide, amend the Federal compliance schedule to exclude sulfur dioxide control for the first operating unit at Huntington Canyon, and indicate that ambient levels of sulfur dioxide in the Utah portion of the Four Corners Interstate Region are below the national standards. A public hearing on the proposed amendments was held in Salt Lake City on March 20, 1974. There was no challenge to the technical information supporting the proposals. Consequently, the Administrator is promulgating the amendments as proposed.

In order to insure that the national standards are not exceeded at Huntington Canyon, The Administrator intends to utilize his authority under Section 114 of the Act to require Utah Power and Light Company to perform ambient air quality monitoring. Should such monitoring indicate that some degree of control is necessary for the power plant to achieve the national standards, the Administrator will propose the required regulations.

Since these amendments remove, rather than enlarge or amplify, previously existing regulations, the Administrator has determined that good cause exists for not deferring the effective date of this promulgation. In addition, immediate effectiveness will allow Utah Power and Light to proceed with certainty in conducting its affairs and will afford other interested parties an opportunity to immediately seek judicial review.

(Sec. 110(c), 301(a), Clear Air Act (42 U.S.C. 1857 et seq.))

Dated: June 4, 1974.

JOHN QUARLES,  
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**Subpart TT—Utah**

**§ 52.2322 [Amended]**

1. In § 52.2322, paragraph (d) is revoked.

**§ 52.2325 [Amended]**

2. In § 52.2325, paragraph (c) is revoked.

3. In 52.2327, paragraph (b) is revised to read as follows:

**§ 52.2327 Compliance Schedules.**

(b) *Federal compliance schedule.* (1) Except as provided in paragraph (b)(2)

of this section, the owner or operator of any stationary source subject to § 52.2330 (c) shall comply with such regulation on or before January 31, 1974. The owner or operator of the source subject to § 52.2330 (b) shall comply with such regulation at initial startup of such source unless a compliance schedule has been submitted pursuant to paragraph (b)(2) of this section.

(i) Any owner or operator in compliance with § 52.2330(c) on the effective date of such section shall certify compliance to the Administrator no later than 120 days following the effective date of § 52.2330(c).

(ii) Any owner or operator who achieves compliance with § 52.2330 (b) or (c) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to paragraph (b)(1) of this section may, no later than 120 days following the effective date of § 52.2330 (b) or (c), submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.2330 (b) or (c) as expeditiously as practicable but no later than July 31, 1975.

(3) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process change or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of on-site construction or installation of emission control equipment or process modification; and final compliance.

(4) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

**§ 52.2331 [Amended]**

4. In § 52.2331, the attainment date table is amended by replacing the date "March 1976" for attainment of the primary and secondary standards for sulfur oxides in the Four Corners Interstate Region with the letter "c".

[FR Doc.74-13280 Filed 6-10-74;8:45 am]

**Title 47—Telecommunication**

**CHAPTER I—FEDERAL  
COMMUNICATIONS COMMISSION**

**PART 73—RADIO BROADCAST SERVICES**

**United States-Mexico FM Broadcasting  
Requirement; Correction**

In the matter of amendment of the Commission's rules and regulations to effectuate the United States-Mexico FM Broadcasting Agreement.

The Order, adopted March 28, 1974, promulgating amendments to various Rules and Regulations to further implement the United States-Mexico FM Broadcasting Agreement (FCC 74-309; 39 FR 12989; 46 F.C.C. 2d 153), is hereby corrected. In the Note to § 73.207(a), which was supplemented to set forth additional mileage separations to Mexican channel assignments and authorizations, for Class D to Class B, the 1st Adjacent Channel mileage should read "60" instead of "69".

Released: June 5, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.74-13326 Filed 6-10-74;8:45 am]

## RULES AND REGULATIONS

## Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 283]

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

## Status of Participating Communities

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

## § 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Mississippi	Osceola, city of	June 5, 1974. Emergency.	Dec. 17, 1973		
Delaware	Kent and Sussex Counties	Milford, city of	do	May 24, 1974		
New York	Ontario	Richmond, town of	do	May 17, 1974		
Oregon	Douglas	Canyonville, city of	do			
Do.	Jackson	Eagle Point, city of	do			
Texas	Jim Wells	Alce, city of	do	Dec. 28, 1973		
Washington	Walla Walla	Waitsburg, city of	do	Apr. 12, 1974		
West Virginia	Kanawha	South Charleston, city of	do			
Wisconsin	St. Croix	New Richmond, city of	do	Dec. 28, 1973		

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

Issued: May 29, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.74-13255 Filed 6-10-74; 8:45 am]

[Docket No FI 284]

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

## Status of Participating Communities

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

## § 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Illinois	Madison	Madison, city of	May 28, 1974. Emergency.	Nov. 23, 1973		
Do.	Randolph	Sparta, city of	do	Mar. 1, 1974		
Minnesota	Anoka	Columbia Heights, city of	do	May 10, 1974		
Do.	Nobles	Worthington, city of	do	May 3, 1974		
Nebraska	Hall	Grand Island, city of	do	Apr. 5, 1974		
New Hampshire	Hillsborough	Amherst, town of	do	Mar. 22, 1974		
New Jersey	Mercer	Washington, township of	do	May 17, 1974		
New York	Ontario	Naples, town of	do			
Oregon	Yamhill	Unincorporated areas	do			
South Dakota	Pennington	do	do			
Virginia	Brunswick	Lawrenceville, town of	do	May 24, 1974		
Wisconsin	Buffalo	Mondovi, city of	do	Jan. 9, 1974		
Do.	Dane	Oregon, village of	do	May 24, 1974		

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

Issued: May 29, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.74-13256 Filed 6-10-74; 8:45 am]

[Docket No. FI 285]

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

## Status of Participating Communities

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

## §1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Crittenden	West Memphis, city of	June 6, 1974, Emergency	do	Nov. 30, 1973	
Colorado	Jefferson	Edgewater, city of	do			
Idaho	Bonneville	Unincorporated areas	do			
Illinois	Alexander	do	do			
Do.	Du Page	Bloomingdale, village of	do	Mar. 1, 1974		
Kansas	Summer	Wellington, city of	do	Feb. 15, 1974		
Michigan	Genesee	Flushing, city of	do	May 17, 1974		
Do.	Oakland	Lathrup Village, city of	do			
Pennsylvania	Allegheny	Brentwood, borough of	do			
Do.	Columbia	Stillwater, borough of	do			
Do.	Luzerne	West Hazleton, borough of	do			
Do.	Northumberland	Northumberland, borough of	do			
Washington	Kirkland	Unincorporated areas	do			
Wisconsin	Bayfield	do	do			

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

Issued: May 31, 1974.

CHARLES W. WIECKING,  
Acting Federal Insurance Administrator.

[FR Doc.74-13287 Filed 6-10-74;8:45 am]

[Docket No. FI 286]

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

## Status of Participating Communities

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

## §1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Florida	Palm Beach	Palm Beach, town of	June 7, 1974, Emergency	do		
Illinois	Cook	South Holland, village of	do	Mar. 15, 1974		
Michigan	Sanilac	Worth, township of	do			
Minnesota	Aitkin	Aitkin, city of	do	Jan. 9, 1974		
New York	Genesee	Pavilion, town of	do	Mar. 20, 1974		
Oregon	Jackson	Medford, city of	do			
Pennsylvania	Lebanon	Mt. Gretna, borough of	do			
South Dakota	Pennington	Box Elder, city of	do			
Texas	Hardin	Silsbee, city of	do			
Vermont	Windsor	Norwich, town of	do			

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

Issued: May 31, 1974.

CHARLES W. WIECKING,  
Acting Federal Insurance Administrator.

[FR Doc.74-13288 Filed 6-10-74;8:45 am]

## RULES AND REGULATIONS

[Docket No. FI 287]

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

## Status of Participating Communities

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

## § 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Illinois	Cass	Unincorporated areas	June 10, 1976, Emergency.			
New Jersey	Bergen	Saddle Brook, Township of	do	Mar. 8, 1974		
Pennsylvania	Butler	Penn, township of	do			

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

Issued: June 3, 1974.

CHARLES W. WIECKING,  
Acting Federal Insurance Administrator.

[FR Doc. 74-13259 Filed 6-10-74; 8:45 am]

# proposed rules

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

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[ 25 CFR Part 35 ]

### STUDENT RIGHTS AND DUE PROCESS PROCEDURES

#### Notice of Proposed Rulemaking

JUNE 6, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938). Notice is hereby given that it is proposed to add a new Part 35 to Subchapter E, Chapter I, of Title 25 of the Code of Federal Regulations. This addition is proposed pursuant to the authority contained in 5 U.S.C. section 301.

The purpose of this addition is to establish rules and regulations regarding the rights and due process procedures pertaining to students in Bureau of Indian Affairs schools.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed addition to Field Administrator, Indian Education Resources Center, Bureau of Indian Affairs, P.O. Box 1788, Albuquerque, New Mexico 87103, on or before July 11, 1974.

It is proposed to add a new Part 35 to Subchapter E or Chapter I, Title 25 of the Code of Federal Regulations to read as follows:

Sec.  
§ 35.1 Purpose.  
§ 35.2 Application to Bureau schools.  
§ 35.3 Rights of the individual student.  
§ 35.4 Due process.  
§ 35.5 Application to schools under Bureau contract.

AUTHORITY: 5 U.S.C. sec. 301.

#### § 35.1 Purpose.

The regulations in this part govern establishing programs of student rights and due process procedures in Bureau of Indian Affairs schools and in schools that are operating under contract with the Bureau of Indian Affairs.

#### § 35.2 Application to Bureau schools.

All Bureau of Indian Affairs schools shall be governed by the regulations set forth in this part and said regulations shall be expressly included as a part of the local school regulations of each Bureau of Indian Affairs school. Upon admission, all students of Bureau of In-

dian Affairs schools shall be given a copy of the school regulations governing the conduct of students and shall be notified of any amendments thereto.

#### § 35.3 Rights of the individual student.

Individual students at Bureau of Indian Affairs schools have, and shall be accorded, the following rights:

(a) The right to an education.

(b) The right to be free from unreasonable search and seizure of their person and property, to a reasonable degree of privacy, and to a safe and secure environment.

(c) The right to make his or her own decisions where applicable.

(d) The right to freedom of religion and culture.

(e) The right to freedom of speech and expression, including symbolic expression, such as display of buttons, posters, choice of dress, and length of hair, so long as the symbolic expression does not unreasonably and in fact disrupt the educational process or endanger the health and safety of the student or others.

(f) The right to freedom of the press, except where material in student publications is libelous, slanderous, or obscene.

(g) The right to peaceably assembly and to petition the redress of grievances.

(h) The right to freedom from discrimination.

(i) The right to due process. Every student is entitled to due process in every instance of disciplinary action for alleged violation of school regulations for which the student may be subjected to penalties of suspension, expulsion, or transfer.

#### § 35.4 Due process.

Due process shall include:

(a) Written notice of charges within a reasonable time prior to a hearing. Notice of the charges shall include reference to the regulation allegedly violated, the facts alleged to constitute the violation, and notice of access to all statements of persons relating to the charge and to those parts of the student's school record which will be considered in rendering a disciplinary decision.

(b) A fair and impartial hearing prior to the imposition of disciplinary action absent the actual existence of an emergency situation seriously and immediately endangering the health or safety of the student or others. In an emergency situation the official may impose disciplinary action not to exceed a temporary suspension, but shall immediately thereafter report in writing the facts (not conclusions) giving rise to the emergency and shall afford the student a hearing

which fully comports with due process, as set forth herein, as soon as practicable thereafter.

(c) The right to have present at the hearing the student's parent(s) or guardian(s) (or their designee) and to be represented by lay or legal counsel of the student's choice. Private attorney's fees are to be borne by the student.

(d) The right to produce, and have produced, witnesses on the student's behalf and to confront and examine all witnesses.

(e) The right to a record of hearings of disciplinary actions, including written findings of fact and conclusions in all cases of disciplinary action.

(f) The right to administrative review and appeal.

(g) The student shall not be compelled to testify against himself.

(h) The right to have allegations of misconduct and information pertaining thereto expunged from the student's school record in the event the student is found not guilty of the charges.

#### § 35.5 Application to schools under Bureau contract.

Non-Bureau of Indian Affairs schools which are funded under contract with the Bureau of Indian Affairs must also recognize these student rights.

MORRIS THOMPSON,  
Commissioner of Indian Affairs.

[FR Doc. 74-13324 Filed 6-10-74; 8:45 am]

## National Park Service

[ 36 CFR Part 7 ]

### NATCHEZ TRACE PARKWAY, TENNESSEE-ALABAMA-MISSISSIPPI

#### Trucks, Trailers, Buses and Towed Vehicles; Possession of Beer and Alcoholic Beverages

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and the Act of May 18, 1938 (52 Stat. 407, as amended; 16 U.S.C. 460), 245 DM-1 (34 FR 13879), as amended, National Park Service Order No. 77 (38 FR 7478), as amended, Regional Director Southeast Regional Order No. 5 (37 FR 7721), it is proposed to revise § 7.43 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of the revision and additions is to clarify the use of the Natchez Trace Parkway motor road by trucks, trailers, buses and towed vehicles, and to establish restrictions on the posses-

## PROPOSED RULES

sion of beer and alcoholic beverages on the parkway.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed revision and additions to the Superintendent, Natchez Trace Parkway, Rural Route 1, NT-143, Tupelo, Mississippi 38801, on or before July 11, 1974.

Paragraph (c) (1) and (4) of § 7.43 is revised, and paragraphs (c) (5), (6), (7), and (d) are added, to read as follows:

**§ 7.43 Natchez Trace Parkway.**

(c) *Vehicles—(1) Trucks.* Trucks over one ton rated capacity are not permitted on the parkway. Trucks, not exceeding one ton rated capacity, are permitted to travel on the Natchez Trace Parkway when used solely for transportation of persons, their baggage, camping equipment and related articles for recreational purposes only. Trucks used for the purpose of hauling non-recreational materials are not permitted.

(c) *Vehicles—(4) Recreational vehicles.* Recreational vehicles, including but not limited to self-propelled mobile homes, campers, housetrailers, and vehicles up to 1½ ton rated capacity, when such recreational vehicles are used solely to carry persons for recreational purposes together with their baggage, camping equipment, and related articles for vacation or recreational purposes, are permitted on the parkway.

(5) *Trailers.* Trailers are permitted when used non-commercially to transport baggage, camping equipment, horses for recreational riding, small boats and other similar items used for vacation or recreational purposes, provided they meet the following criteria:

(i) Utility type trailers must be enclosed or covered and are not to exceed 5 feet by 8 feet.

(ii) Trailers must be equipped with red taillights, red stoplights and mechanical turn signals. Clearance lights are required on trailers over 6 feet high.

(iii) Trailers carrying over one ton must be properly equipped with brakes, adequate to control the movement thereof and to stop and to hold such vehicle, and designed so as to be applied by the driver of the towing motor vehicle from its cab; said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

(iv) All trailers shall be coupled to the towing vehicle by means of a safety chain or equivalent device in addition to the regular trailer hitch or coupling. No more slack shall be left in safety chains than shall be necessary to permit proper turning and the safety chains shall be so connected to the towed and towing vehicles and to the drawbar to prevent the drawbar from dropping to the ground

if the drawbar fails and shall be of sufficient strength to control the trailer in event of failure of the regular trailer hitch or coupling.

(v) Only one trailer of any type may be towed by any one vehicle along the parkway. The towing vehicle and trailer must not exceed 55 feet in length.

(6) *Buses.* Commercial passenger carrying buses, when used for touring purposes, may travel the Natchez Trace Parkway by obtaining special written permission in advance from the Superintendent or his representative. School buses may travel on the parkway without such written permission when transporting people for special recreational or educational purposes.

(7) *Towed vehicles other than trailers.* Such vehicles must be towed with a rigid tow bar which does not require a driver for the towed vehicle. Tow bar must be equipped with safety chains that are so connected to the towed and towing vehicles and to the tow bar that, if the tow bar fails, it will not drop to the ground and the chains shall be of sufficient strength to prevent breakaway of the towed vehicle in the event of such tow bar failure. The towed vehicle must be equipped with brakelights, tail lights, and signal lights in accordance with applicable State regulations. The towing vehicle and towed vehicle must not exceed 55 feet in length.

(d) *Beer and alcoholic beverages.* (1) The possession of beer or any alcoholic beverage in an open or unsealed container, is prohibited except in designated picnic, lodging, residence, and camping areas, in accordance with applicable State and local regulations.

(2) The possession of beer or any alcoholic beverage in an open or unsealed contained in any motor vehicle is prohibited in accordance with applicable State or local laws.

BRUCE W. BLACK,  
Acting Superintendent,  
Natchez Trace Parkway.

[FR Doc. 74-13301 Filed 6-10-74; 8:45 am]

**DEPARTMENT OF AGRICULTURE**  
Agricultural Stabilization and Conservation Service

[7 CFR Part 799]

**PREPARATION OF ENVIRONMENTAL STATEMENTS**

**Proposed Guidelines**

Pursuant to the guidelines of the Council on Environmental Quality (CEQ), as published in the FEDERAL REGISTER on August 1, 1973 (38 FR 20549), appearing as 40 CFR Part 1500, and the proposed USDA guidelines published in the FEDERAL REGISTER on November 19, 1973 (38 FR 31935), the Agricultural Stabilization and Conservation Service herewith publishes its proposed guidelines for the preparation of environmental statements required by section 102(2)(C) of the National Environmental Policy Act of 1969 dated January 1, 1970, Pub. L. 91-190. These proposed guidelines were developed in consultation with CEQ.

Before taking action to issue the pro-

posed guidelines in final form, ASCS will consider comments and suggestions received in writing by July 10, 1974. Comments should be sent to the Administrator, ASCS, Washington, D.C. 20250.

Issued in Washington, D.C., on May 31, 1974.

KENNETH E. FRICK,  
Administrator, Agricultural Stabilization and Conservation Service.

Sec.	
799.1	Purpose and authority.
799.2	Policy.
799.3	Implementing in ASCS.
799.4	Identifying major actions significantly affecting the environment.
799.5	Preparation of environmental statements.
799.6	Consultation, review and public involvement.
799.7	Lead agency.
799.8	Review of EIS prepared by another agency.
799.9	CEQ requests.
Appendix 1—Cover page format.	
Appendix 2—Summary sheet format.	
Appendix 3—Outline of environmental statement content.	
Appendix 4—Circulation of environmental statements.	

AUTHORITY: Pub. L. 91-190, 83 Stat. 652 (42 U.S.C. 4321); E.O. 11514, 35 FR 4247; 38 FR 20550.

**§ 799.1 Purpose and Authority.**

(a) Section 102(2)(C) of the National Environmental Policy Act (Pub. L. 91-190) requires the submission of an environmental statement with "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment". The act and Executive Order 11514 mandate that Federal agencies, to the fullest extent possible, direct their policies, plans and programs to protect and enhance environmental quality. Agencies are required to view their actions in a manner calculated to encourage productive and enjoyable harmony between man and his environment, to promote efforts preventing or eliminating damage to the environment and biosphere and stimulating the health and welfare of man, and to enrich the understanding of the ecological systems and natural resources important to the Nation.

(b) The Council on Environmental Quality (CEQ) issued Guidelines for Preparation of Environmental Impact Statements in the FEDERAL REGISTER on August 1, 1973. Proposed USDA guidelines for filing environmental statements (EIS) were published in the FEDERAL REGISTER on November 19, 1973 (38 FR 31935). These guidelines provide for the implementation of section 102(2)(C) of the National Environmental Policy Act (NEPA) in administering programs of the Agricultural Stabilization and Conservation Service.

**§ 799.2 Policy.**

(a) *ASCS mission.* The mission of the Agricultural Stabilization and Conservation Service is to provide services both to the farmers and consumers through the administration of domestic agricul-

tural programs as provided by law. These programs are designed to:

(1) Encourage a level of agricultural production which will assure ample supplies of food and fiber for American consumers and for an adequate response to improved export sales opportunities;

(2) Provide farmers with production freedom so that they may use their resources in the way they feel will earn them the most income from the marketplace;

(3) Protect farm income—through guaranteed prices with deficiency payments which would be triggered by depressed market prices, through commodity loans to producers to help assure orderly crop marketing, and through payments to eligible farmers compensating for crop production losses suffered due to natural disasters; and

(4) Assist farmers in their long-term role as conservationists in protecting basic natural resources and improving the quality of the environment.

In carrying out this mission under the authority of the Agriculture and Consumer Protection Act of 1973, which continues the market-oriented approach to farm programs established by the Agricultural Act of 1970, ASCS has the added responsibility of helping farmers gain a better understanding of modern marketing methods to enable them to utilize the marketplace as a source of income.

(b) *General.* ASCS administers various commodity and related land use programs through State, county, and community committees established in accordance with provisions of section 8(b) of the Soil Conservation and Domestic Allotment Act of 1935, as amended. The programs are based upon specific legislative authorities; provisions for national programs within these authorities are developed by the Washington staffs on specified program divisions under the supervision of the agency Administrator. A number of the programs administered by ASCS provide direct and/or indirect financial assistance to individual landowners and operators. In some instances, the assistance may be to a combination of such producers or an organization composed of landowners and operators. The environmental assessment and EIS process shall be carried out in harmony with the intent of the various programs and of those to whom assistance is to be provided to the extent feasible.

(c) *Assessing environmental quality and impacts of proposed actions.* (1) In accordance with national policy and directives, and as early as possible and in all cases prior to the agency decision concerning recommendations for or favorable reports on proposals for legislation and other major actions (administrative actions) significantly affecting the quality of the human environment, ASCS will in consultation with other appropriate Federal, State and local agencies and the public, assess in detail the potential environmental impact in order to avoid or minimize adverse effects wherever possible and to restore or enhance environ-

mental quality to the fullest extent practicable. Alternative actions that will avoid or minimize adverse impacts should be explored. The long- and short-range implications of the proposed actions to man, his physical and social surroundings and to nature should be evaluated.

(2) Assessments of the environmental impacts of the proposed action should be undertaken as early as possible and should be considered along with the economic, technical and other related studies of the proposed action or program provisions. A draft EIS should be prepared on administrative actions where provided for in these guidelines and accompany the proposal through the agency review process. The draft statement is to be submitted to CEQ and circulated for comments as outlined in § 799.5(e).

#### § 799.3 Implementing in ASCS.

(a) *Responsible official.* The administrator of ASCS, or his designee, is the responsible Federal official for carrying out the purpose of NEPA for all ASCS programs. County committees, State committees, and directors of Washington divisions, within their respective areas of responsibility, through the ASCS member of the USDA Environmental Quality Executive Committee (EQEC), shall assist the Administrator in assessing compliance with the policies and purposes of NEPA generally, and, in particular, in determining whether the quality of the human environment will be significantly affected in implementing agency programs and whether an environmental statement is or is not needed.

(b) *Offices responsible for preparing environmental statements.* (1) *Washington divisions.* Legislative proposals and favorable legislative reports, and multi State and national programs or major revisions of national programs.

(2) *State committees.* Major actions on a State or area basis within a State.

(3) *County committee.* Major actions within a county. The environmental statement will be forwarded through the appropriate agency channels to the ASCS member of EQEC for review and submission to the Administrator.

#### § 799.4 Identifying major actions significantly affecting the environment.

(a) (1) The identification of major actions significantly affecting the quality of the environment is to be carried out against the background of ASCS' own program responsibility.

(2) In considering what constitutes a major action significantly affecting the environment, the responsible official should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when ASCS, over a period of years, puts into a project or program individually minor but collectively major resources. In all such cases, an EIS should be prepared if it is reasonable to anticipate a cumulatively significant impact on the environment from such an ASCS project or program. In all

cases where the proposed environmental impact of which is likely to be highly controversial a statement shall be prepared. Broad public reaction will generally be necessary for deeming that a controversy exists.

(b) ASCS actions covered or excluded:

(1) *Actions which normally require an EIS.* Environmental statements will be prepared on all national commodity programs for which a set-aside or diverted acreage program is in effect and all conservation programs. The programs in this category include:

(i) Wheat, feed grains, cotton or any other commodity program for which a set-aside or diverted acreage program is in effect.

(ii) Rural Environmental Conservation Measures Program

(iii) Emergency Conservation Program

(iv) Water Bank Program

(v) Other conservation type programs

(2) *Actions normally excluded from the preparation of an EIS.* The following or similar types of actions will not generally be considered as major federal actions significantly affecting the human environment and are excluded from the EIS process and negative determination.

(i) Individual farm participation in ASCS programs.

(ii) Conservation land treatment projects.

(iii) Installation of water conservation measures.

(iv) Installation of erosion control and land stabilization measures.

(v) Rehabilitation of farmlands as a result of a natural disaster or other work of improvement which is covered by a program statement such as the Emergency Conservation Measures Program.

(3) *Other major ASCS actions which may require an EIS.* Major actions (programs or projects) which do not fall under the criteria established by paragraph (b) (1) or (2) of this section will require a decision by the responsible Federal official whether to prepare an EIS based on individual considerations. The decision made is to be based on an appropriate environmental assessment of environmental factors and significant effects, including beneficial and adverse effects. Significant adverse effects may be those which degrade the environment, curtail the use of the environment, or serve only short-term needs. Assessment is to cover secondary effects such as socioeconomic impacts as well as direct effects.

(i) Identifying major actions which may or may not significantly affect the environment. At least the following environmental factors are to be assessed by the committee as appropriate to determine whether an EIS is needed:

Upland wildlife habitat.

Bottom land wildlife habitat.

Wildlife migration routes.

Bottom land hardwoods.

Stream fisheries including potential not presently productive.

Wetlands.

Endangered animals and plants.

Natural streams.

Man-altered streams.

Archeological and historical resources.

## PROPOSED RULES

Water quantity.  
Air quality.  
Appearance of the landscape.

(ii) The degree of public interest, potential controversy, urban or rural setting, and economic and social impacts should also be assessed. Factors are to be quantified and qualified to the extent practicable as to the total amount in the area, the amount affected by the proposed actions, and the percent of the total resources in the area which will be affected. No single or multiple effect of factors can give the absolute answer. The data, once assembled will provide an indication of the probable impact and aid in making a judgment as to whether an EIS is needed.

(4) *Negative determination.* On major ASCS actions where an assessment indicates no significant impact on the environment and no major controversy, the decision office should document the basis for the negative determination. This may include the State or county committee minutes where that level is the decision office. Information assembled in assessing the environmental impacts should be retained in appropriate files. A list of actions on which EIS's will not be prepared will be maintained and available for public inspection.

(5) *Statement on continuing programs.* Where a final EIS has been issued on a program, a new EIS will not be required in the next program year unless significant changes are made in the operations of the program. If significant changes are made, a new draft statement shall be prepared and circulated as provided in § 799.5.

Significant changes in operations may include, but is not limited to, important changes in the conduct of the program, scope of the program is significantly expanded, the program may be changed as a result of controversial impacts on the environment, etc. The CEQ should be advised of the decision that a new EIS is not required.

#### § 799.5 Preparation of environmental statements.

(a) *Types of statements.* An EIS is prepared in two stages. A draft EIS is the first formal statement for filing with CEQ and for review and comment by Federal and State agencies and the public as outlined in Appendix 4. A final EIS reflects the results of the draft review process. It is also filed with CEQ and each Federal and State agency, organization, group or individual who furnished substantive comments on the draft EIS or who requests a copy.

(b) *EIS development.* (1) The draft EIS is to be prepared early in the decisionmaking process in conjunction with other technical and economic studies. It should be circulated for public review before the significant program or project provisions are announced. The draft EIS must fulfill and satisfy to the fullest extent possible, at the time the draft is prepared, the requirements established for the final EIS by Section 102(2)(C) of NEPA. Comments received during preliminary consultations on the draft EIS

and the final EIS will be carefully evaluated and considered in the decisionmaking process.

(2) Applicants or consultants on certain type projects may be requested to furnish analyses and information in connection with the project. This material may be used in the preparation of the EIS.

(3) A systematic, interdisciplinary approach integrating the natural, economic, social science, and environmental design arts should be used in the preparation of an EIS. Alternative actions that will reduce adverse impacts or enhance positive effects will be thoroughly explored. Long- and short-range implications to man, to his physical and social surroundings and to nature will be examined.

(4) The EIS's will be documents complete enough to stand on their own, yet they should be succinct and understandable as possible. Highly technical and specialized analyses and data should, if needed, be appended to the body of the statement. Attention should be given to the substance of the information conveyed rather than to the particular form, length or detail of the EIS.

(c) *Content of environmental statements.* The following points must be addressed in the EIS: (See Appendix 3 for outline.)

(1) *Description.* The proposed action or alternative should be clearly described by including enough information and technical data to give readers a clear understanding of the nature of the proposed action or program. Where relevant, maps, photographs, and other materials may be used. Give the relevant background information on the project or program including its purpose, the origin of the proposal, the social, economic or environmental objective. The description should include, as appropriate, population and growth assumption used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives. The sources of data used should be identified (i.e., OBERS projection). The relationship of the proposal to land use plans, policies and controls for the affected area must be described. Where conflicts exist, the proposed resolution of these conflicts or the reasons why they can't be resolved must be thoroughly addressed. If appropriate, describe the present environment, location, size, landownership, and status, physiography, ecosystems, climate, and other special features. The interrelationships of this proposed action with other projects and possible cumulative effects shall be presented.

(2) *Environmental impacts.* This requires an analysis of both the anticipated favorable and adverse impacts of the proposed action as it affects both the national and international environment. The environment in this case includes both the natural environment and the social and economic environment. Discuss both primary and secondary effects.

(1) Identify, analyze, and discuss the full range of social, physical, and bio-

logical factors which change as a result of direct or indirect effects of the proposed program or project. Examples of areas of environmental impact are: air quality, weather modification, water quality, fish and wildlife, noise, radiation, hazardous substances, energy supply, land use, soil, plants, outdoor recreation, historic, architectural and archeological preservation, impacts on low-income populations, and employment. Refer to CEQ Guidelines, Appendix II.

(ii) Both primary and secondary consequences should be considered in the analysis. The implications, if any, of the proposed program or project on population distribution or concentration should be objectively estimated and an assessment made of the probable effects of such changes in population patterns upon the resource bases, including land use and public services of the area in question as well as economic impacts on employment, unemployment, changes in local culture, social and other economic factors.

(iii) The distinction between primary and secondary impacts is important for insuring consideration of all alternatives. One way to describe the distinction is that project inputs generally cause primary impacts and project outputs generally cause secondary impacts. Primary impacts are generally easier to analyze and measure, while secondary impacts may require analyses by a number of agencies because they generally are not within any single agency area of responsibility or expertise. Secondary impact may, in fact, be more important or more damaging than primary impacts.

(iv) Summarize any environmental effects which are considered as favorable. This listing should contain only sufficient detail to identify the items.

(v) Discuss any planned measures to minimize and mitigate any probable adverse environmental impacts of the proposed action.

(3) *Summary of probable adverse environmental effects which cannot be avoided.* Identify and discuss the nature and extent of probable adverse effects and explain why they cannot be avoided. Such adverse effects may include water, air, sound, or visual pollution; undesirable land use patterns; damage to life systems; threats to health; or other urban congestion consequences adverse to the environmental goals set out in section 101(b) of NEPA.

(4) *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations. Discuss the extent of trade-offs between short- and long-term impacts.

(5) *Irreversible and irretrievable commitment of resources.* This requires the agency to identify the extent to which the action curtails the range of

potential beneficial uses of the environment.

(6) *Alternatives to the proposed action.* The intent of this section is to assure that the responsible officer has identified the objective(s) and formulated the alternatives to achieve the objectives based upon a rigorous exploration and objective evaluation. The range of alternative means to reach the objectives of the proposed action including alternatives as to location, design, scale, sequence, and timing. All reasonable alternatives and their environmental impacts should be discussed. The alternatives should be described, and the analysis presented, including costs and impacts on the environment. The viable alternatives should not be foreclosed prematurely in the agency review and decision process. Creativity is required in recognizing and developing alternatives. Examples of categories of alternatives that must be considered in connection with specific actions are as follows:

(i) The alternative of taking no action.

(ii) Alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts.

(iii) Alternatives related to different designs or details of the proposed program or project which would present different environmental impacts. In each case, the analysis of alternatives should be sufficiently detailed and rigorous and permit independent and comparative evaluation of the benefits, costs, and environmental risks of the proposed action and each alternative.

(7) *Other Federal policies and considerations.* There should be included an indication of what other interests and consideration of Federal policy are thought to offset the adverse environmental effects.

(8) *Consultation with appropriate Federal agencies and review by States and the public.* (i) In the draft environmental statement, list the agencies, groups, and individuals consulted in the preliminary consultation phases. Also, list the agencies and groups to whom the draft environmental statement will be sent.

(ii) In the final environmental statement, this section will include a discussion of comments on the draft environmental statement. Comments received from Federal, State and local agencies, leading national organizations and substantive comments received from individuals which influence decisionmaking are to be attached.

(d) *Cover page and summary sheet for environmental statements.* The EIS will include a cover page and a summary sheet constructed as shown in Appendix 1 and 2.

(e) *Distribution of environmental statements.* (1) The EIS is to be forwarded to the CEQ and then made available to other Federal agencies, State Clearinghouses, known interested organizations or groups, and the public.

Statements issued by this agency will be forwarded to CEQ by the Administrator or his designee, where required under the USDA Guidelines, through the USDA Coordinator of Environmental Quality Activities. Preparing offices will submit the prepared EIS to the ASCS member of EQEC for review, assigning report number, and preparation of transmittal memorandum before submission to the Administrator for approval.

(2) Five (5) copies of the draft EIS and five (5) copies of the final EIS will be supplied to CEQ. The EIS's will be circulated for review and comment as required by the CEQ Guidelines, as summarized in Appendix 4.

(3) EIS prepared on legislation is to accompany the legislative proposal or report. The proposal or report should make reference to the EIS. The Office of Budget and Finance will forward the copies to CEQ. Following clearance of the legislative proposal or report by OMB, the EIS will be made available to the Congress and the public.

#### § 799.6 Consultation, review and public involvement.

(a) *Consultation.* (1) Prior to the development of draft environmental statements, preparing office shall consult with interested parties, including appropriate Federal, State and local agencies. Comments and views of such interested parties may be considered in developing the draft environmental statement. Appendix II, CEQ Guidelines should be consulted for possible agencies which should be consulted.

(2) In addition, the NEPA process is to the extent possible, to meet the consulting and coordinating requirements of the Fish and Wildlife Coordination Act or the wildlife requirement of the Watershed Protection and Flood Prevention Act, National Historic Preservation Act, and section 4-f of the Department of Transportation Act, 49 U.S.C. 1653(f).

(b) *Circulation for review and comment, Federal, State and local agencies and time limit.* (1) The draft EIS shall be circulated for review and comment by Federal, State and local agencies having jurisdiction by law or special expertise with respect to environmental impacts and shall be made available for comment by the public.

(2) A time limit of not less than sixty (60) days from the date of transmittal to CEQ will be observed to receive comments by reviewers. To the maximum extent practicable no administrative action is to be taken for 30 days after the final statement has been furnished to CEQ and made available to all who commented on the draft statement or who requests a copy. The EIS's will be circulated for review and comment as outlined in Appendix 4.

(c) *Expedited procedures.* Where emergency circumstances make it necessary to take action with significant environmental impact without observing the provisions of paragraphs (a) and (b) of this section, the agency will work through the Office of the Coordinator

of Environmental Quality Activities in consulting with the CEQ about alternative arrangements.

(d) *Public Information and involvement.* (1) The agency will use appropriate procedures to insure the fullest practicable provision of timely public information, understanding and involvement in plans and programs with environmental impact in order to obtain views and information on alternative courses of action as required in Executive Order No. 11514 of March 5, 1970.

(2) It is an objective of the USDA to involve the public in developing its policies and in formulating and implementing its programs. To assist in accomplishing these objectives, the agency may utilize timely and effective procedures such as direct verbal contact, public meetings, printed materials, news media, public notices, and hearings, as appropriate.

(3) When hearings are held relating to environmental concerns, draft environmental statements should be available at least fifteen (15) days in advance of the meeting. In determining whether a recorded public hearing is needed the officials responsible for the program or activity should consider (i) the magnitude of the proposal in terms of potential environmental impact, (ii) the degree of controversy or opposing views, (iii) complexity of issues and (iv) the degree of public review of the proposal already achieved.

(e) *List of statements.* The ASCS member of EQEC will maintain a list of the environmental statements under preparation by this agency. The list will be furnished to CEQ on a quarterly basis as required in the CEQ Guidelines and will be available for public inspection. A listing of those major actions for which it has been decided an EIS is not required will be maintained.

(f) *Availability of EIS's.* Draft and final EIS's will be made available to the public as required in the CEQ guidelines as summarized in Appendix 4. A notice will be placed in the FEDERAL REGISTER to advise the public of the proposed program or activity, the availability of the draft or final EIS and where a copy may be obtained. This action will be coordinated by the ASCS member of EQEC.

#### § 799.7 Lead agency.

In certain instances, several USDA agencies may have program responsibilities relative to a major Federal action with significant environmental impact. If ASCS is designated as the lead agency, the ASCS Member of EQEC will coordinate the input of all concerned agencies in development of the EIS. In actions involving several departments the role of ASCS will be determined in consultation with the USDA Office of the Coordinator of Environmental Activities and the CEQ.

#### § 799.8 Review of EIS prepared by another agency.

ASCS will review and comment on EIS's initiated by other agencies as re-

## PROPOSED RULES

quested by the Office of the Coordinator. This review and development of comments will be coordinated by the ASCS Member of EQEC.

## § 799.9 CEQ requests.

In order to assist the CEQ in fulfilling its responsibilities under NEPA and

Executive Order 11514, ASCS will give careful consideration to requests by CEQ for reports, and other information and actions dealing with issues arising in connection with the implementation of NEPA. This involvement will be coordinated by the ASCS member of EQEC.

APPENDIX 1  
COVER PAGE FORMAT

The cover page should not include the description title shown on the left margin, but only that information within the box, which is given as an example:

Title<sup>1</sup> \_\_\_\_\_  
Report Number<sup>2</sup> \_\_\_\_\_  
Responsible Official<sup>3</sup> \_\_\_\_\_  
Performing Organization<sup>4</sup> \_\_\_\_\_  
Date Prepared \_\_\_\_\_  
Sponsoring Agency \_\_\_\_\_  
Name and Address<sup>5</sup> \_\_\_\_\_

DRAFT (or Final) Environmental Statement  
RURAL ENVIRONMENTAL CONSERVATION PROGRAM  
USDA-ASCS-ES (Adm.) 74-1-D  
Kenneth E. Frick, Administrator  
Agricultural Stabilization and Conservation Service  
Agricultural Stabilization and Conservation Service  
State and County Offices  
January 1974  
Prepared by  
U.S. Department of Agriculture  
Agricultural Stabilization and Conservation Service  
Washington, D.C. 20205

<sup>1</sup> Name of program or project on which EIS is prepared.

<sup>2</sup> Indicates the following: USDA-ASCS-Environmental Statement, Administrative type statement (Leg. for legislative statement), program year 1974, sequential number 1 within that year, draft or "F" for final statement. The sequential number will be assigned by the Washington office.

<sup>3</sup> Name and title of responsible official.

<sup>4</sup> For State or county statement show appropriate title.

<sup>5</sup> Address of responsible official.

APPENDIX 2  
FORMAT—SUMMARY SHEET  
USDA Environmental Statement  
(Statement Title)

Prepared in Accordance with Section 102(2)(C) of Public Law 91-190

## SUMMARY SHEET

I. ( ) Draft ( ) Final  
II. Agricultural Stabilization and Conservation Service (ASCS) (Name, address and telephone number of individual who can be contacted for additional information about the proposed action or the statement.)

III. ( ) Administrative ( ) Legislative  
IV. Brief description of action: (This should indicate what States (and counties) are particularly affected and other Federal actions in the area, if any, are discussed in the statement.)

V. Summary of Environmental Impacts:  
VI. Summary of Alternatives Considered:  
VII. Comments:  
For draft statements, list all Federal, State, and local agencies and other sources from which comments have been requested.

For final statements, list all Federal, State, and local agencies and other sources from which written comments have been received.

VIII. Date Statement Made Available to  
CEQ and the Public:  
Draft statement on \_\_\_\_\_<sup>1</sup>  
Final statement on \_\_\_\_\_<sup>1</sup>

<sup>1</sup> Leave date blank for completion when delivered to CEQ. Enter final statement only when appropriate.

APPENDIX 3  
OUTLINE OF ENVIRONMENTAL STATEMENT  
CONTENT  
USDA (ASCS) Environmental Statement  
(Statement Title)

Type of Statement:  
Draft ( )  
Final ( )  
Type of Action:  
Administrative ( )  
Legislative ( )  
I. Description:<sup>1</sup>  
II. Environmental Impacts:<sup>1</sup>  
III. Summary of Probable Adverse Environmental Effects Which Cannot be Avoided:<sup>1</sup>  
IV. Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity:<sup>1</sup>  
V. Any Irreversible and Irretrievable Commitments of Resources:<sup>1</sup>  
VI. Alternatives to the Proposed Action:<sup>1</sup>  
VII. Other Interests and Consideration of Federal Policy Thought to Offset the Adverse Environmental Effects of the Proposed Action:<sup>1</sup>  
VIII. Consultation with Appropriate Federal Agencies and Review by States and the Public:<sup>1</sup>

<sup>1</sup> See Section 799.5(c) for discussion of the content of each section of the statement.

## APPENDIX 4

## CIRCULATION OF ENVIRONMENTAL STATEMENTS

After sign-off by the responsible ASCS official, and where required, the USDA Coordinator of Environmental Quality Activities, the draft and final EIS's will be forwarded for review and comment as follows:

## Draft environmental statements

Federal and State agencies, interested organizations, public:  
Council on Environmental Quality, Environmental Protection Agency,<sup>1</sup> Department of the Interior, Department of Commerce, Department of Health, Education, and Welfare, Other Federal agencies having special expertise or jurisdiction by law on areas of environmental impact, State clearinghouses (OMB Circular A-85, attachment D) (for national programs having national scope circulate to all States, otherwise only to States where the program or project EIS is applicable), Organizations, groups, individuals with expertise or known special interest in the program or project and its environmental impacts, Public upon request, <sup>1</sup> each.

## Final environmental statement

To the Federal and State agencies, organizations and groups listed above for the draft statement and to any other public body, private organization or individual who made substantive comments on the draft statement.

## Statements on legislation

Following clearance by OMB of the related legislative proposal or report, the EIS will be circulated as provided above and made available to the Congress.

[FR Doc. 74-13139 Filed 6-10-74; 8:45 am]

## DEPARTMENT OF LABOR

## Occupational Safety and Health Administration

[29 CFR Part 1910]

## STANDARD FOR OCCUPATIONAL EXPOSURE TO INORGANIC ARSENIC

## Advance Notice of Proposed Rulemaking

The National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health, Education, and Welfare has submitted to the Secretary of Labor, pursuant to the Williams-Steiger Occupational Safety and Health Act of 1970, criteria for a recommended standard on the occupational exposure to inorganic arsenic. The Office of Standards Development, Occupational Safety and Health Administration, U.S. Department

<sup>1</sup> Draft environmental statements must be submitted to the Environmental Protection Agency (EPA) for review and comment in accordance with section 309 of the Clean Air Act, as amended. For regional, State and county actions, the EIS will be sent to the appropriate Regional Administrator.

ment of Labor is studying the criteria and would appreciate public participation on the issues of whether a new standard for inorganic arsenic should be issued on the basis of the criteria or any other information, and, if so, what should be the contents of a proposed standard for inorganic arsenic. The issues are set forth with greater particularity below.

Accordingly, interest persons are invited to submit written data, views, and arguments concerning a standard on occupational exposure to inorganic arsenic. Comments are specifically requested concerning:

- (1) Whether a new standard on occupational exposure to inorganic arsenic should be issued;
- (2) Each section of the standard recommended by NIOSH;
- (3) Suitable alternatives to the recommendations of NIOSH;
- (4) Work injury and illness experience with inorganic arsenic;
- (5) Supported cost data of the estimated costs of coming into compliance with the standard recommended by NIOSH;
- (6) Supported data on any possible environmental impact of the recommended standard, and specifically (a) any adverse environmental effects which cannot be avoided should the standard be adopted, (b) alternatives to such standard, (c) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and (d) any irreversible commitments of resources which would be involved if the standard should be implemented; and
- (7) Any other related issues.

Communications should be submitted to the Docket Officer, Occupational Safety and Health Administration, U.S. Department of Labor, Room 220, 1726 M Street, NW, Washington, D.C. 20210, before August 12, 1974. The communications will be available for public inspection and copying at the above location.

The NIOSH document containing the criteria and the recommended standard on occupational exposure to inorganic arsenic will be available for inspection and copying, upon request, at any of the following addresses:

#### NATIONAL OFFICE

U.S. Department of Labor  
Occupational Safety and Health Administration  
Technical Data Center  
Room 250  
1725 M Street, NW.  
Washington, D.C. 20210

#### REGIONAL OFFICES

U.S. Department of Labor  
Occupational Safety and Health Administration  
Fifth Floor  
18 Oliver Street  
Boston, Massachusetts 02110  
U.S. Department of Labor  
Occupational Safety and Health Administration  
1115 Broadway (1 Astor Plaza)  
New York, New York 10036

U.S. Department of Labor  
Occupational Safety and Health Administration  
15220 Gateway Center  
3535 Market Street  
Philadelphia, Pennsylvania 19104  
U.S. Department of Labor  
Occupational Safety and Health Administration  
1375 Peachtree Street, N.E.  
Suite 587  
Atlanta, Georgia 30309  
U.S. Department of Labor  
Occupational Safety and Health Administration  
300 South Wacker Drive—Room 1201  
Chicago, Illinois 60606  
U.S. Department of Labor  
Occupational Safety and Health Administration  
7th Floor—Texaco Building  
1512 Commerce Street  
Dallas, Texas 75201  
U.S. Department of Labor  
Occupational Safety and Health Administration  
823 Walnut Street  
Waltower Building—Room 300  
Kansas City, Missouri 64106  
U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Building—Room 15010  
1961 Stout Street  
Denver, Colorado 80202  
U.S. Department of Labor  
Occupational Safety and Health Administration  
9470 Federal Building  
450 Golden Gate Avenue  
P.O. Box 36017  
San Francisco, California 94102  
U.S. Department of Labor  
Occupational Safety and Health Administration  
506 Second Avenue  
1808 Smith Tower Building  
Seattle, Washington 98104

AREA OFFICES

U.S. Department of Labor  
Occupational Safety and Health Administration  
Custom House Building  
State Street  
Boston, Massachusetts 02109  
U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Building—Room 617  
450 Main Street  
Hartford, Connecticut 06103  
U.S. Department of Labor  
Occupational Safety and Health Administration  
90 Church Street—Room 1405  
New York, New York 10007  
U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 203—Midtown Plaza  
700 East Water Street  
Syracuse, New York 13210  
U.S. Department of Labor  
Occupational Safety and Health Administration  
370 Old Country Road  
Garden City, Long Island, New York 11530  
U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Building—Room 1110-A  
31 Hopkins Plaza—Charles Center  
Baltimore, Maryland 21201

U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 802, Jonnet Building  
4099 William Penn Highway  
Monroeville, Pennsylvania 15146  
U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Building—Room 425  
55 Pleasant Street  
Concord, New Hampshire 03301  
U.S. Department of Labor  
Occupational Safety and Health Administration  
U.S. Post Office and Courthouse Building  
436 Dwight Street  
Room 504  
Springfield, Massachusetts 01103  
U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Office Building  
970 Broad Street—Room 1435C  
Newark, New Jersey 07102  
U.S. Department of Labor  
Occupational Safety and Health Administration  
Condominium San Alberto Bldg.  
605 Condado Avenue—Room 328  
Santurce, Puerto Rico 00907  
U.S. Department of Labor  
Occupational Safety and Health Administration  
William J. Green, Jr. Federal Building  
600 Arch Street  
Philadelphia, Pennsylvania 19106  
U.S. Department of Labor  
Occupational Safety and Health Administration  
Charleston National Plaza—Suite 1726  
700 Virginia Street  
Charleston, West Virginia 25301  
U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Building, Room 8081  
400 N. 8th Street, P.O. Box 10186  
Richmond, Virginia 23240  
U.S. Department of Labor  
Occupational Safety and Health Administration  
1371 Peachtree Street, N.E., Room 723  
Atlanta, Georgia 30309  
U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 204—Bridge Building  
3200 E. Oakland Park Boulevard  
Fort Lauderdale, Florida 33308  
U.S. Department of Labor  
Occupational Safety and Health Administration  
2809 Art Museum Drive—Suite 4  
Art Museum Plaza  
Jacksonville, Florida 32207  
U.S. Department of Labor  
Occupational Safety and Health Administration  
Suite 554-E 600 Federal Place  
Louisville, Kentucky 40202  
U.S. Department of Labor  
Occupational Safety and Health Administration  
Commerce Building—Room 600  
118 North Royal Street  
Mobile, Alabama 36602  
U.S. Department of Labor  
Occupational Safety and Health Administration  
1710 Gervais Street—Room 205  
Columbia, South Carolina 29211

## PROPOSED RULES

U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Office Building—Room 613A  
310 New Bern Avenue  
Raleigh, North Carolina 27601

U.S. Department of Labor  
Occupational Safety and Health Administration  
1600 Hayes Street—Suite 302  
Nashville, Tennessee 37203

U.S. Department of Labor  
Occupational Safety and Health Administration  
Todd Mall, 2047 Canyon Road  
Birmingham, Alabama 35216

U.S. Department of Labor  
Occupational Safety and Health Administration  
Enterprise Building—Suite 201  
6605 Abercorn Street  
Savannah, Georgia 31405

U.S. Department of Labor  
Occupational Safety and Health Administration  
Riverside Plaza Shopping Center  
2720 Riverside Drive  
Macon, Georgia 31204

U.S. Department of Labor  
Occupational Safety and Health Administration  
5760 I—55 North Frontage Rd. East  
Jackson, Mississippi 39200

U.S. Department of Labor  
Occupational Safety and Health Administration  
300 South Wacker Drive  
Chicago, Illinois 60606

U.S. Department of Labor  
Occupational Safety and Health Administration  
360 S. Third Street—Room 109  
Columbus, Ohio 43215

U.S. Department of Labor  
Occupational Safety and Health Administration  
Clark Building—Room 400  
633 West Wisconsin Avenue  
Milwaukee, Wisconsin 53203

U.S. Department of Labor  
Occupational Safety and Health Administration  
U.S. Post Office and Courthouse  
Room 423  
46 East Ohio Street  
Indianapolis, Indiana 46204

U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 734 Federal Office Building  
234 N. Summit Street  
Toledo, Ohio 43604

U.S. Department of Labor  
Occupational Safety and Health Administration  
Adolphus Tower—Suite 1820  
1412 Main Street  
Dallas, Texas 75202

U.S. Department of Labor  
Occupational Safety and Health Administration  
547 Federal Office Building  
1240 East Ninth Street  
Cleveland, Ohio 44199

U.S. Department of Labor  
Occupational Safety and Health Administration  
Michigan Theatre Building—Room 626  
220 Bagley Avenue  
Detroit, Michigan 48226

U.S. Department of Labor  
Occupational Safety and Health Administration  
110 South Fourth Street—Room 437  
Minneapolis, Minnesota 55401

U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 5522—Federal Office Building  
550 Main Street  
Cincinnati, Ohio 45202

U.S. Department of Labor  
Occupational Safety and Health Administration  
307 Central National Bank Building  
2100 Travis Street  
Houston, Texas 77002

U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 421—Federal Building  
1205 Texas Avenue  
Lubbock, Texas 79401

U.S. Department of Labor  
Occupational Safety and Health Administration  
546 Carondelet Street—Room 202  
New Orleans, Louisiana 70130

U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 303—Donaghey Building  
103 East 7th Street  
Little Rock, Arkansas 72201

U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 108—Federal Building  
421 Gold Avenue, S.W.  
Albuquerque, New Mexico 87103

U.S. Department of Labor  
Occupational Safety and Health Administration  
City National Bank Building  
Room 803  
Omaha, Nebraska 68102

U.S. Department of Labor  
Occupational Safety and Health Administration  
Squire Plaza Building  
8527 W. Colfax Avenue  
Lakewood, Colorado 80215

U.S. Department of Labor  
Occupational Safety and Health Administration  
Suite 309  
Executive Building  
455 East 4th South  
Salt Lake City, Utah 84111

U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 512—Petroleum Building  
420 South Boulder  
Tulsa, Oklahoma 74103

U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 215  
1015 Jackson Keller Road  
San Antonio, Texas 78213

U.S. Department of Labor  
Occupational Safety and Health Administration  
1627 Main Street—Room 1100  
Kansas City, Missouri 64108

U.S. Department of Labor  
Occupational Safety and Health Administration  
210 North 12th Boulevard—Room 554  
Saint Louis, Missouri 63101

U.S. Department of Labor  
Occupational Safety and Health Administration  
Suite 525 Petroleum Building  
2812 1st Avenue—North  
Billings, Montana 59101

U.S. Department of Labor  
Occupational Safety and Health Administration  
100 McAllister Street—Room 1706  
San Francisco, California 94102

U.S. Department of Labor  
Occupational Safety and Health Administration  
Hartwell Building—Room 401  
19 Pine Avenue  
Long Beach, California 90802

U.S. Department of Labor  
Occupational Safety and Health Administration  
1203 South Carson Street  
Carson City, Nevada 89701

U.S. Department of Labor  
Occupational Safety and Health Administration  
121 107th Street, N.E.  
Bellevue, Washington 98004

U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Building—Room 227  
605 West 4th Avenue  
Anchorage, Alaska 99501

U.S. Department of Labor  
Occupational Safety and Health Administration  
Suite 318—Amerco Towers  
2721 North Central Avenue  
Phoenix, Arizona 85004

U.S. Department of Labor  
Occupational Safety and Health Administration  
333 Queen Street—Suite 505  
Honolulu, Hawaii 96813

U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 526 Pittock Block  
921 S.W. Washington Street  
Portland, Oregon 97205

U.S. Department of Labor  
Occupational Safety and Health Administration  
228 Idaho Building  
216 North 8th Street  
Boise, Idaho 83702

and they will be available for inspection at the national and regional offices of the U.S. Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health, at the following addresses:

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
Room 10-A-22  
5600 Fishers Lane  
Rockville, Maryland 20852

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
1100 Commerce Street, Room 8-C-53  
Dallas, Texas 75202

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
401 North Broad Street  
Philadelphia, Pennsylvania 19108

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
9017 Federal Building  
19th and Stout Streets  
Denver, Colorado 80202

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
50 Seventh Street, N.E.  
Atlanta, Georgia 30323

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
Arcade Building

## PROPOSED RULES

20497

1321 Second Street  
Seattle, Washington 98101  
U.S. Department of HEW  
National Institute for Occupational Safety and Health  
John F. Kennedy Federal Building  
Government Center  
Boston, Massachusetts 02203  
U.S. Department of HEW  
National Institute for Occupational Safety and Health  
26 Federal Plaza  
New York, New York 10007  
U.S. Department of HEW  
National Institute for Occupational Safety and Health  
801 East 12th Street  
Kansas City, Missouri 64106  
U.S. Department of HEW  
National Institute for Occupational Safety and Health  
254 Federal Office Building  
50 Foulton Street  
San Francisco, California 94102  
U.S. Department of HEW  
National Institute for Occupational Safety and Health  
300 South Wacker Drive  
Chicago, Illinois 60607

Finally, copies of the NIOSH document may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The stock number is GPO-1733-0029; the price per copy is \$1.50. Payment should be made by check or money order made payable to "Superintendent of Documents—GPO".

This advance notice of proposed rulemaking is issued under section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) and Secretary of Labor Order No. 12-71 (36 FR 8754).

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

JOHN STENDER,

Assistant Secretary of Labor.

[FR Doc. 74-13313 Filed 6-10-74; 8:45 am]

### [29 CFR Part 1910]

### STANDARD FOR OCCUPATIONAL EXPOSURE TO SULFUR DIOXIDE

#### Advance Notice of Proposed Rulemaking

The National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health, Education, and Welfare has submitted to the Secretary of Labor, pursuant to the Williams-Steiger Occupational Safety and Health Act of 1970, criteria for a recommended standard on the occupational exposure to sulfur dioxide. The Office of Standards Development, Occupational Safety and Health Administration, U.S. Department of Labor is studying the criteria and would appreciate public participation on the issues of whether a new standard for sulfur dioxide should be issued on the basis of the criteria or any other information, and, if so, what should be the contents of a proposed standard for sulfur dioxide. The issues are set forth with greater particularity below.

Accordingly, interested persons are invited to submit written data, views, and arguments concerning a standard on occupational exposure to sulfur dioxide.

Comments are specifically requested concerning:

(1) Whether a new standard on occupational exposure to sulfur dioxide should be issued;

(2) Each section of the standard recommended by NIOSH;

(3) Suitable alternatives to the recommendations of NIOSH;

(4) Work injury and illness experience with sulfur dioxide;

(5) Supported cost data of the estimated costs of coming into compliance with the standard recommended by NIOSH;

(6) Supported data on any possible environmental impact of the recommended standard, and specifically (a) any adverse environmental effects which cannot be avoided should the standard be adopted, (b) alternatives to such standard, (c) the relationship between local short-term uses of man's environmental and the maintenance and enhancement of long-term productivity, and (d) any irreversible commitments of resources which would be involved if the standard should be implemented; and

(7) Any other related issues.

Communications should be submitted to the Docket Officer, Occupational Safety and Health Administration, U.S. Department of Labor, Room 220, 1726 M Street, NW., Washington, D.C. 20210, before August 12, 1974. The communications will be available for public inspection and copying at the above location.

The NIOSH document containing the criteria and the recommended standard on occupational exposure to sulfur dioxide will be available for inspection and copying, upon request, at any of the following addresses:

#### NATIONAL OFFICE

U.S. Department of Labor  
Occupational Safety and Health Administration  
Technical Data Center  
Room 250  
1726 M Street, NW.  
Washington, D.C. 20210

#### REGIONAL OFFICES

U.S. Department of Labor  
Occupational Safety and Health Administration  
Fifth Floor  
18 Oliver Street  
Boston, Massachusetts 02110  
U.S. Department of Labor  
Occupational Safety and Health Administration  
1515 Broadway (1 Astor Plaza)  
New York, New York 10036  
U.S. Department of Labor  
Occupational Safety and Health Administration  
15220 Gateway Center  
3535 Market Street  
Philadelphia, Pennsylvania 19104  
U.S. Department of Labor  
Occupational Safety and Health Administration  
1375 Peachtree Street, N.E.  
Suite 587  
Atlanta, Georgia 30309  
U.S. Department of Labor  
Occupational Safety and Health Administration

300 South Wacker Drive—Room 1201  
Chicago, Illinois 60606

U.S. Department of Labor  
Occupational Safety and Health Administration  
7th Floor—Texaco Building  
1512 Commerce Street  
Dallas, Texas 75201

U.S. Department of Labor  
Occupational Safety and Health Administration  
823 Walnut Street  
Walton Building—Room 300  
Kansas City, Missouri 64106

U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Building—Room 15010  
1961 Stout Street  
Denver, Colorado 80202

U.S. Department of Labor  
Occupational Safety and Health Administration  
9470 Federal Building  
450 Golden Gate Avenue  
P.O. Box 36017  
San Francisco, California 94102

U.S. Department of Labor  
Occupational Safety and Health Administration  
506 Second Avenue  
1808 Smith Tower Building  
Seattle, Washington 98104

#### AREA OFFICES

U.S. Department of Labor  
Occupational Safety and Health Administration  
Custom House Building  
State Street  
Boston, Massachusetts 02109

U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Building—Room 425  
55 Pleasant Street  
Concord, New Hampshire 03301

U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Building—Room 617  
450 Main Street  
Hartford, Connecticut 06103

U.S. Department of Labor  
Occupational Safety and Health Administration  
90 Church Street—Room 1405  
New York, New York 10007

U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 203—Midtown Plaza  
700 East Water Street  
Syracuse, New York 13210

U.S. Department of Labor  
Occupational Safety and Health Administration  
370 Old Country Road  
Garden City, Long Island, New York 11530

U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Building—Room 1110-A  
31 Hopkins Plaza—Charles Center  
Baltimore, Maryland 21201

U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 802, Jonnet Building  
4099 William Penn Highway  
Monroeville, Pennsylvania 15146

U.S. Department of Labor  
Occupational Safety and Health Administration  
U.S. Post Office and Courthouse Building

## PROPOSED RULES

436 Dwight Street Room 504 Springfield, Massachusetts 01103	Enterprise Building—Suite 201 6605 Abercorn Street Savannah, Georgia 31405	U.S. Department of Labor Occupational Safety and Health Administration
U.S. Department of Labor Occupational Safety and Health Administration	U.S. Department of Labor Occupational Safety and Health Administration	546 Carondelet Street—Room 202 New Orleans, Louisiana 70130
Federal Office Building 970 Broad Street—Room 1435C Newark, New Jersey 07102	Riverside Plaza Shopping Center 2720 Riverside Drive Macon, Georgia 31204	U.S. Department of Labor Occupational Safety and Health Administration
U.S. Department of Labor Occupational Safety and Health Administration	U.S. Department of Labor Occupational Safety and Health Administration	Room 303—Donaghey Building 103 East 7th Street Little Rock, Arkansas 72201
Condominium San Alberto Bldg. 605 Condado Avenue—Room 328 Santurce, Puerto Rico 00907	5760 I—55 North Frontage Rd. East Jackson, Mississippi 39200	U.S. Department of Labor Occupational Safety and Health Administration
U.S. Department of Labor Occupational Safety and Health Administration	U.S. Department of Labor Occupational Safety and Health Administration	Room 108—Federal Building 421 Gold Avenue, S.W. Albuquerque, New Mexico 87103
William J. Green, Jr. Federal Building 600 Arch Street Philadelphia, Pennsylvania 19106	300 South Wacker Drive Chicago, Illinois 60606	U.S. Department of Labor Occupational Safety and Health Administration
U.S. Department of Labor Occupational Safety and Health Administration	U.S. Department of Labor Occupational Safety and Health Administration	City National Bank Building Room 803
Charleston National Plaza—Suite 1726 700 Virginia Street Charleston, West Virginia 25301	360 S. Third Street—Room 109 Columbus, Ohio 43215	U.S. Department of Labor Occupational Safety and Health Administration
U.S. Department of Labor Occupational Safety and Health Administration	U.S. Department of Labor Occupational Safety and Health Administration	Squire Plaza Building 8527 W. Colfax Avenue Lakewood, Colorado 80215
Federal Building, Room 8081 400 N. 8th Street, P.O. Box 10186 Richmond, Virginia 23240	Clark Building—Room 400 633 West Wisconsin Avenue Milwaukee, Wisconsin 53203	U.S. Department of Labor Occupational Safety and Health Administration
U.S. Department of Labor Occupational Safety and Health Administration	U.S. Department of Labor Occupational Safety and Health Administration	Suite 309
1371 Peachtree Street, N.E., Room 723 Atlanta, Georgia 30309	U.S. Post Office and Courthouse Room 423	Executive Building 455 East 4th South Salt Lake City, Utah 84111
U.S. Department of Labor Occupational Safety and Health Administration	46 East Ohio Street Indianapolis, Indiana 46204	U.S. Department of Labor Occupational Safety and Health Administration
Room 204—Bridge Building 3200 E. Oakland Park Boulevard Fort Lauderdale, Florida 33308	U.S. Department of Labor Occupational Safety and Health Administration	Room 512—Petroleum Building 420 South Boulder
U.S. Department of Labor Occupational Safety and Health Administration	Room 734 Federal Office Building 234 N. Summit Street Toledo, Ohio 43604	Tulsa, Oklahoma 74103
2809 Art Museum Drive—Suite 4 Art Museum Plaza Jacksonville, Florida 32207	U.S. Department of Labor Occupational Safety and Health Administration	U.S. Department of Labor Occupational Safety and Health Administration
U.S. Department of Labor Occupational Safety and Health Administration	Room 734 Federal Office Building 234 N. Summit Street Toledo, Ohio 43604	Room 215
Suite 554-E 600 Federal Place Louisville, Kentucky 40202	Adolphus Tower—Suite 1820 1412 Main Street Dallas, Texas 75202	1015 Jackson Keller Road San Antonio, Texas 78213
U.S. Department of Labor Occupational Safety and Health Administration	U.S. Department of Labor Occupational Safety and Health Administration	U.S. Department of Labor Occupational Safety and Health Administration
Commerce Building—Room 600 118 North Royal Street Mobile, Alabama 36602	847 Federal Office Building 1240 East Ninth Street Cleveland, Ohio 44199	1627 Main Street—Room 1100 Kansas City, Missouri 64108
U.S. Department of Labor Occupational Safety and Health Administration	U.S. Department of Labor Occupational Safety and Health Administration	U.S. Department of Labor Occupational Safety and Health Administration
1710 Gervais Street—Room 205 Columbia, South Carolina 29211	Michigan Theatre Building—Room 626 220 Bagley Avenue Detroit, Michigan 48226	Suite 525 Petroleum Building 2812 1st Avenue—North
U.S. Department of Labor Occupational Safety and Health Administration	U.S. Department of Labor Occupational Safety and Health Administration	Billings, Montana 59101
Federal Office Building—Room 613A 310 New Bern Avenue Raleigh, North Carolina 27601	110 South Fourth Street—Room 437 Minneapolis, Minnesota 55401	U.S. Department of Labor Occupational Safety and Health Administration
U.S. Department of Labor Occupational Safety and Health Administration	U.S. Department of Labor Occupational Safety and Health Administration	100 McAllister Street—Room 1708 San Francisco, California 94102
1600 Hayes Street—Suite 302 Nashville, Tennessee 37203	Room 5522—Federal Office Building 550 Main Street Cincinnati, Ohio 45202	U.S. Department of Labor Occupational Safety and Health Administration
U.S. Department of Labor Occupational Safety and Health Administration	U.S. Department of Labor Occupational Safety and Health Administration	Hartwell Building—Room 401
Todd Mall, 2047 Canyon Road Birmingham, Alabama 35216	307 Central National Bank Building 2100 Travis Street Houston, Texas 77002	19 Pine Avenue Long Beach, California 90802
U.S. Department of Labor Occupational Safety and Health Administration	U.S. Department of Labor Occupational Safety and Health Administration	U.S. Department of Labor Occupational Safety and Health Administration
121 107th Street, N.E. Bellevue, Washington 98004	Room 421—Federal Building 1205 Texas Avenue Lubbock, Texas 79401	1203 South Carson Street Carson City, Nevada 89701

U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Building—Room 227  
605 West 4th Avenue  
Anchorage, Alaska 99501  
U.S. Department of Labor  
Occupational Safety and Health Administration  
Suite 318—Amerco Towers  
2721 North Central Avenue  
Phoenix, Arizona 85004  
U.S. Department of Labor  
Occupational Safety and Health Administration  
333 Queen Street—Suite 505  
Honolulu, Hawaii 96813  
U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 526 Pittock Block  
921 S.W. Washington Street  
Portland, Oregon 97205  
U.S. Department of Labor  
Occupational Safety and Health Administration  
228 Idaho Building  
216 North 8th Street  
Boise, Idaho 83702

and they will be available for inspection at the national and regional offices of the U.S. Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health, at the following addresses:

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
Room 10-A-22  
6600 Fishers Lane  
Rockville, Maryland 20852  
U.S. Department of HEW  
National Institute for Occupational Safety and Health  
1100 Commerce Street, Room 8-C-53  
Dallas, Texas 75202  
U.S. Department of HEW  
National Institute for Occupational Safety and Health  
401 North Broad Street  
Philadelphia, Pennsylvania 19108  
U.S. Department of HEW  
National Institute for Occupational Safety and Health  
9017 Federal Building  
19th and Stout Streets  
Denver, Colorado 80202  
U.S. Department of HEW  
National Institute for Occupational Safety and Health  
50 Seventh Street, N.E.  
Atlanta, Georgia 30323  
U.S. Department of HEW  
National Institute for Occupational Safety and Health  
Arcade Building  
1221 Second Street  
Seattle, Washington 98101  
U.S. Department of HEW  
National Institute for Occupational Safety and Health  
John F. Kennedy Federal Building  
Government Center  
Boston, Massachusetts 02203  
U.S. Department of HEW  
National Institute for Occupational Safety and Health  
28 Federal Plaza  
New York, New York 10007  
U.S. Department of HEW  
National Institute for Occupational Safety and Health

601 East 12th Street  
Kansas City, Missouri 64106  
U.S. Department of HEW  
National Institute for Occupational Safety and Health  
254 Federal Office Building  
50 Foulton Street  
San Francisco, California 94102  
U.S. Department of HEW  
National Institute for Occupational Safety and Health  
300 South Wacker Drive  
Chicago, Illinois 60607

Finally, copies of the NIOSH document may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price per copy is \$1.55; the stock number is GPO-1733-00030. Payment for each copy should be sent by check or money order payable to "Superintendent of Documents—GPO".

This advance notice of proposed rulemaking is issued under section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) and Secretary of Labor's Order No. 12-71 (36 FR 8754).

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

JOHN STENDER,

Assistant Secretary of Labor.

[FR Doc. 74-13312 Filed 6-10-74; 8:45 am]

## [ 29 CFR Parts 1910, 1926, 1915, 1916, 1917, 1918 ]

### GROUND-FAULT CIRCUIT PROTECTION

#### Advance Notice of Proposed Rulemaking

In accordance with the Williams-Steiger Occupational Safety and Health Act of 1970, the 1971 edition of the National Electrical Code (ANSI C1-1971) has been adopted by reference in §§ 1910.309 and 1926.400. Section 210-7 of the NEC contains the following provision:

"All 15- and 20-ampere receptacle outlets on single-phase circuits for construction sites shall have approved ground-fault circuit protection for personnel. This requirement shall become effective on January 1, 1974."

On the basis of the recommendations of the Advisory Committee on Construction Safety and Health and the petition of the National Constructors Association, the January 1, 1974 effective date of the above provision was deferred (38 FR 33397). Also, comments by interested persons were solicited and a public hearing was scheduled (38 FR 33983), and the issues subject to comment were listed (38 FR 35235) as follows:

(1) Voltage level of "all 15- and 20-ampere receptacles."

(2) Clarification of "construction sites."

(3) Clarification of "ground-fault circuit protection for personnel."

(4) Trip level of approved ground-fault circuit protection for personnel.

In response to the Federal Register notices, 61 written comments were received and 36 exhibits were submitted. After careful technical evaluation of all comments received and all evidence sub-

mitted at the hearing, it appeared that there might be a need for ground-fault circuit protection for personnel whenever an employee uses electricity in a wet, damp, or conductive location.

The Office of Standards Development, Occupational Safety and Health Administration, U.S. Department of Labor is studying the general application of ground-fault circuit interrupters throughout all industries. A standard similar to the following is being considered:

§ 19—\* \* \* *Ground-fault circuit protection for personnel.* (1) All 120V, 15- and 20-ampere receptacles used by personnel at work sites which are in wet, damp or muddy locations, or are in conductive locations consisting of exposed structural steel or other large grounded metallic surfaces, such as metal floors, tanks, boilers, shall have approved ground fault circuit protection for personnel.

EXCEPTION No. 1: Receptacles used to power fixed lighting shall not have ground fault circuit protection for personnel, nor shall fixed lighting necessary for illumination of the work site be wired to ground fault circuit interrupters (GFCI's).

EXCEPTION No. 2: Receptacles on a portable generator, where the circuit conductors and the frame of the generator are insulated from earth and all grounded surfaces, need not be protected with GFCI's.

(2) The approved ground fault circuit protection for personnel shall be provided by a device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds a predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit. The ground fault current trip level for this device shall be 5 ma  $\pm 1$ . This device shall be used in addition to the equipment grounding conductor when this conductor is required by other provisions of this Part.

EXCEPTION: Ground fault circuit interrupters which have a trip level lower than 4 ma may continue to be used at the user's option.

(3) For the purpose of this paragraph, the following definitions and clarification shall apply:

(i) Damp location: Partially protected locations under canopies, roofed open shelters, and locations subject to a moderate degree of moisture such as basements, barns, etc.

(ii) Wet location: Installations underground or in concrete slabs or masonry in direct contact with the earth; locations of raw concrete, locations subject to saturation with water or other liquids, and locations exposed to weather and unprotected.

(iii) Following are examples of work sites which have environments as indicated in paragraph (—)(1) of this section and at which ground fault circuit protection for personnel is required:

- (A) Vehicle repair and service bays,
- (B) Wet scrubbing areas,
- (C) Vehicle washing areas,
- (D) Inside metal tanks or boilers,
- (E) Outdoors.

## PROPOSED RULES

Accordingly, interested persons are invited to submit by August 9, 1974, written data, views, and arguments concerning a standard on ground-fault circuit protection for personnel to Docket Officer, Room 220, 1726 M Street NW., Washington, D.C. 20210. Comments are specifically requested concerning:

- (1) The suggested standard;
- (2) Suitable alternatives to the suggested standard;
- (3) Supported work injury experience with respect to 120 volt A.C. circuits; and
- (4) Supported cost data of the estimated costs of coming into compliance with the suggested standard.

This advance notice of proposed rulemaking is issued under Section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) and Secretary of Labor's Order No. 12-71 (36 FR 8754).

Signed at Washington, D.C. this 3rd day of June 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc. 74-13811 Filed 6-10-74; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration [14 CFR Part 71]

[Airspace Docket No. 74-EA-37]

#### CONTROL ZONE

##### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation regulations so as to alter the Hot Springs, Va., Control Zone (39 FR 390).

The control zone is presently designated during the hours 0800 to 1800 local time daily. Weather observations to support the control zone designations are provided by Piedmont Airlines personnel. However, due to seasonal schedule changes, the control zone designation must be varied to coincide with weather reporting capability which is dependent on the air carrier. Therefore it is proposed to delete the specificity as to time in the designation, and permit changes by issuance of a NOTAM in the Airmen's Information Manual, which may vary from the present 10 hours up to 24 hours.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before July 11, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted

in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Hot Springs, Virginia, proposes the airspace action hereinafter set forth:

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

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

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

JAMES BISPO,  
Deputy Director, Eastern Region.

[FR Doc. 74-13294 Filed 6-10-74; 8:45 am]

#### [14 CFR Part 71]

[Airspace Docket No. 74-SW-27]

#### TRANSITION AREA

##### Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to designate a 700-foot transition area at Eagle, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before July 11, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation regulations as herein-after set forth.

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

EAGLE PASS, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Eagle Pass Municipal Airport (latitude 28°42'00" N., longitude 100°28'45" W.) and within 3 miles each side of the 089° bearing from the Eagle Pass RBN (latitude 28°42'20" N., longitude 100°29'10" W.) extending from the 5-mile radius area to 8 miles east of the Eagle Pass RBN excluding the portion outside the United States.

The proposed transition area will provide controlled airspace for aircraft executing the proposed NDB-A instrument approach procedure.

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

Issued in Fort Worth, Tex., on May 30, 1974.

ALBERT H. THURBURN,  
Acting Director, Southwest Region.

[FR Doc. 74-13295 Filed 6-10-74; 8:45 am]

#### [14 CFR Part 71]

[Airspace Docket No. 74-SW-30]

#### TRANSITION AREA

##### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to alter the 700-foot transition area at Intracoastal City, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before July 11, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

In § 71.181 (39 FR 440), the Intracoastal City, La., transition area is amended as follows:

**INTRACOASTAL CITY, LA.**

That airspace extending upward from 700 feet above the surface within 2 miles each side of the White Lake, La., VORTAC 062° radial extending from 9 miles NE of the VORTAC to 13 miles NE of the VORTAC and within 3.5 miles each side of the White Lake VORTAC 065° radial extending from 17 miles NE of the VORTAC to 23 miles NE of the VORTAC.

The proposed amendment to the transition area will provide controlled airspace for helicopters executing the proposed COPTER VORTAC 239° Special Instrument Approach Procedure.

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

Issued in Fort Worth, Tex., on May 30, 1974.

ALBERT H. THURBURN,  
Acting Director, Southwest Region.

[FR Doc.74-13296 Filed 6-10-74;8:45 am]

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 74-SW-29]

**TRANSITION AREA**

**Proposed Designation**

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to designate a 700-foot transition area at Morgan City, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before June 11, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

It is proposed to amend Part 71 of the Federal Aviation regulations as herein-after set forth.

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

**SABINE PASS, TEX.**

That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Sabine Pass, Tex., VORTAC 093° radial extending from the VORTAC to 17.5 miles east of the VORTAC.

The proposed transition area will provide controlled airspace for helicopters executing the proposed COPTER VORTAC 086° and COPTER VORTAC 266° Special Instrument Approach Procedures.

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

Issued in Fort Worth, Tex., on May 30, 1974.

ALBERT H. THURBURN,  
Acting Director, Southwest Region.

[FR Doc.74-13297 Filed 6-10-74;8:45 am]

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 74-SW-28]

**TRANSITION AREA**

**Proposed Designation**

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to designate a 700-foot transition area at Morgan City, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before July 11, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

It is proposed to amend Part 71 of the Federal Aviation regulations as herein-after set forth.

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

**MORGAN CITY, LA.**

That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Tibby, La., VORTAC 281° radial extending from 11.5 miles west of the VORTAC to 23 miles west of the VORTAC.

The proposed transition area will provide controlled airspace for helicopters executing the proposed COPTER VORTAC 096° and COPTER VORTAC 276° Special Instrument Approach Procedures.

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

Issued in Fort Worth, Tex., on May 30, 1974.

ALBERT H. THURBURN,  
Acting Director, Southwest Region.

[FR Doc.74-13298 Filed 6-10-74;8:45 am]

**National Highway Traffic Safety Administration**

**[ 49 CFR Part 590 ]**

[Docket No. 74-24; Notice 1]

**MOTOR VEHICLE EMISSION INSPECTIONS**

**Criteria and Procedures**

The purpose of this notice is to propose criteria and procedures for motor vehicle emission inspections to be conducted by, or under the supervision of, a State diagnostic inspection demonstration project.

Section 1962(b)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901) requires the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, to establish emission inspection criteria for motor vehicle diagnostic inspection demonstration projects. These projects are carried out with the help of grants and technical assistance of this Department.

The proposed criteria are minimum requirements for exhaust emissions of passenger cars powered by spark-ignition engines, and are based on the studies of the Environmental Protection Agency. Although it is the NHTSA's belief that the proposed criteria would also be appropriate for emissions inspection of light trucks and other light duty vehicles with spark-ignition engines, these vehicles would not be subject to the inspection projects. The proposal is not intended to restrict or replace emission inspection programs already adopted.

Since one of the major purposes of the diagnostic inspection demonstration projects is to determine whether such projects would be both feasible and cost beneficial, the proposed emission criteria are not the lowest motor vehicle emission levels attainable. The criteria are, however, reasonable limits for such inspection programs. Amendments to the criteria will be proposed when appropriate based on the evaluation of data provided

## PROPOSED RULES

by the projects and upon recommendations of the EPA.

The two emission pollutants for which criteria are proposed are carbon monoxide (CO) and hydrocarbons (HC). Instruments that can accurately measure these pollutants are readily available and can be utilized in a cost effective manner for the projects. Nitrogen oxides (NO<sub>x</sub>) are not included in the criteria due to the relative difficulty of their measurement.

Two alternative and mutually exclusive procedures for emission inspections are proposed: the loaded-mode, which requires testing on a chassis dynamometer, and the idle-mode, which does not include dynamometer testing. Either of these testing procedures may be chosen, although the loaded-mode inspection is preferred due to its greater diagnostic capability. For the idle-mode inspection, it is important to avoid the futile exercise of starting an emissions inspection, and then rejecting the vehicle because it has an improper idle speed adjustment. Accordingly, before a vehicle may be inspected for emissions, it must first be determined by the inspection personnel, whether the vehicle has an acceptable idle speed. If not, the vehicle must be rejected, and properly adjusted before being tested for emission concentrations.

In consideration of the foregoing, it is proposed that a new Part 590, Emission Inspections, be added to Chapter V, Title 49, Code of Federal Regulations, to read as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, 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 12, 1974.

Proposed effective date: 30 days after publication of final rule.

(Sec. 302(b)(1), Pub. L. 92-513, 86 Stat. 947, 15 U.S.C. 1901; delegation of authority at 49 CFR 1.51.)

Issued on June 1, 1974.

JAMES B. GREGORY,  
Administrator.

## PART 590—EMISSION INSPECTIONS

## Sec.

590.1 Scope.  
590.2 Purpose.  
590.3 Applicability.  
590.4 Definitions.  
590.5 Requirements.  
590.6 Idle-mode inspection.  
590.7 Loaded-mode inspection.  
590.8 Inspection conditions.

AUTHORITY: Sec. 302(b)(1), Pub. L. 92-513, 86 Stat. 947, 15 U.S.C. 1901; delegation of authority at 49 CFR 1.51.

## § 590.1 Scope.

This part specifies standards and procedures for motor vehicle emission inspections by State or State-supervised diagnostic inspection demonstration projects.

## § 590.2 Purpose.

The purpose of this part is to support the development of effective regulation of automobile exhaust emissions and thereby improve air quality, by establishing appropriate uniform procedures for diagnostic emission inspection demonstration projects.

## § 590.3 Applicability.

This part does not impose requirements on any person. It is intended to be implemented by State diagnostic inspection demonstration projects established under Title III of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1961) with respect to emission inspections of passenger cars in use that are powered by spark-ignition engines.

## § 590.4 Definitions.

All terms used in this part that are defined in Part 571 of this chapter, Motor Vehicle Safety Standards, are used as defined in that part.

## § 590.5 Requirements.

A diagnostic inspection demonstration project shall test vehicles in accordance

with either the idle-mode inspection of § 590.6, or the loaded-mode inspection of § 590.7.

## § 590.6 Idle-mode inspection.

(a) *Criteria.* The vehicle must meet the following criteria when tested by the idle-mode inspection method.

(1) The vehicle's idle speed, measured with the transmission in the position recommended by the manufacturer for adjusting the idle speed, shall not be more than 100 rpm higher than the idle speed recommended by the manufacturer.

(2) Concentrations of emission samples taken from each exhaust outlet shall not exceed the following levels:

(i) For model years 1967 and earlier: hydrocarbons (HC) 1200 ppm, and carbon monoxide (CO) 9.0 percent.

(ii) For model years 1968 and later: HC 600 ppm, and CO 7.0 percent.

(b) *Method.* Idle-mode inspection is conducted by measuring two emission samples from each exhaust outlet. The first emission sample is collected with the vehicle's transmission in neutral and the engine operating at 2250 rpm. The second sample is collected with the vehicle's transmission in the position recommended by the manufacturer for adjusting the idle speed, and the engine idling.

## § 590.7 Loaded-mode inspection.

(a) *Criteria.* When the loaded-mode inspection is conducted, concentrations of the emission samples taken from each exhaust outlet for each of the three phases of the driving cycle in Table I, conducted in the sequence indicated, shall not exceed the levels given in Table II. For the purpose of determining the weight classification of a motor vehicle for the loaded-mode inspection, 300 pounds are added to the vehicle's curb weight.

TABLE I

Curb weight plus 300 lb	Driving cycle (speed-load combination)		
	1st phase high cruise	2d phase low cruise	3d phase idle
3,801 lb and up.....	48 to 50 mi/h at 27 to 30 hp.....	32 to 35 mi/h at 10 to 12 hp.....	At idle.....
2,801 to 3,800 lb.....	44 to 46 mi/h at 21 to 24 hp.....	29 to 32 mi/h at 8 to 10 hp.....	Do.....
2,000 to 2,800 lb.....	36 to 38 mi/h at 13 to 15 hp.....	22 to 25 mi/h at 4 to 6 hp.....	Do.....

TABLE II

High cruise	Low cruise	Idle
1967 and earlier model years		
HC 900 p/m.....	HC 900 p/m.....	HC 1,200 p/m.....
CO 4.5 percent.....	CO 5.5 percent.....	CO 9.0 percent.....

1968 and later model years		
HC 450 p/m.....	HC 450 p/m.....	HC 600 p/m.....
CO 3.75 percent.....	CO 4.25 percent.....	CO 7.0 percent.....

(b) *Method.* Loaded-mode inspection for the first two phases of the driving cycle described in Table I is conducted by measuring the levels of emission con-

centrations from each exhaust outlet of a motor vehicle operated on a chassis dynamometer, with the vehicle's transmission in the setting recommended by the vehicle manufacturer for the speed-load combination being tested. For the idle phase, vehicles with automatic transmissions are tested in drive and vehicles with standard transmissions are tested in neutral.

## § 590.8 Inspection conditions.

(a) The vehicle engine is at its normal operating temperature, as specified by the vehicle manufacturer.

(b) An engine speed indicator with a graduated scale from zero to at least 2500 rpm is used for the idle-mode inspection procedure.

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(c) The equipment used for analyzing the emission concentration levels—

(1) Has a warm-up period not to exceed 30 minutes;

(2) Is able to withstand sustained periods of continuous use;

(3) Has a direct and continuous meter readout that allows readings for concentration levels of carbon monoxide (CO) from 0-10 percent, and of hydrocarbon (HC) from 0-2000 ppm hexane; and, if used for the loaded-mode inspection, has at least one additional expanded direct and continuous readout for concentration levels of carbon monoxide and of hydrocarbon, such as from 0-5 percent and from 0-1000 ppm hexane, respectively;

(4) Has an accuracy of better than  $\pm 5$  percent of the full scale reading for each concentration range;

(5) Permits a reading for each emission concentration level, within 10 seconds after the emission sample has been taken, that is not less than 90 percent of the final reading; and

(6) Has a calibration system using a standard gas, or an equivalent mechanical or electrical calibration system which itself is based on a standard gas.

[FR Doc. 74-13355 Filed 6-10-74; 8:45 am]

### CIVIL AERONAUTICS BOARD

[14 CFR Part 293]

[EDR-272; Docket No. 26769]

### AIR TAXIS IN ALASKAN BUSH ROUTES

#### Operations Pursuant to Subcontract Agreements With Certificated Air Carriers

JUNE 4, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to its Economic Regulations to be identified as Part 293 (14 CFR Part 293) which would (1) require prior Board approval for subcontract agreements involving Alaskan bush routes; and (2) specify guidelines to be followed by the Board in approving such agreements.

The principal features of the proposed amendments are described in the attached Explanatory Statement and the complete text of the proposed rule is attached thereto. The rule is proposed under the authority of Sections 204, 401, 407, 412, 416 and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended), 766, 770, 771 and 788; 49 U.S.C. 1324, 1371, 1377, 1382, 1386 and 1481.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before July 11, 1974, will be considered by the Board before taking final action upon the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut

Avenue, NW., Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

#### EXPLANATORY STATEMENT

Heretofore the operation of scheduled air service by air taxis over Alaska bush routes pursuant to subcontract agreements with Board certificated air carriers has been permitted under Part 302. Subpart L of the Board's Procedural Regulations, which does not require prior Board approval for implementation of such agreements. The proposed rule herein will require prior Board approval of such agreements in accordance with procedures specified in Part 302. Subpart P; and will establish guidelines which the Board will consider in reaching decisions on the agreements.

We believe that the need for guidelines was established in the "Alaska Service Investigation," as recommended by Judge Merritt Ruhlen in his initial Decision, March 26, 1971. Judge Ruhlen's recommendation was not adopted at that time, but rather those bush phase issues in the proceeding involving subcontracted service and related issues were remanded so that the Board could consider additional service alternatives prior to reaching a final decision (Order 72-9-91, 72-9-92, September 25, 1972). Principally, the remanded proceedings were ordered specifically to include among the possible service alternatives the issue of "subsidized services by air carriers, whether or not certificated, operating pursuant to a competitive bid contract." However, because of intervening developments, the promulgation of any proposed competitive bid contract system would not now appear to be viable and the issue must be considered moot.<sup>1</sup>

Thus, the range of alternatives available within the issues in the remanded bush phase of the "Alaska Service Investigation" concerning subcontracted bush service, has, as a practical matter, reverted to the limited alternatives that were available prior to the Board's order to remand and expand the scope of the proceeding.

Moreover, it is now evident, based on pleadings received to date in the remanded stage of the proceeding that the further development of the evidentiary record in terms of reliable historic data which the Board stated would be useful in resolving the complex issues in the case, cannot be accomplished in the detail contemplated.

In the light of these considerations, it is argued that issues involving subcon-

tract agreements can and should be resolved now on the basis of policy considerations and existing evidence of record, and that Judge Ruhlen's recommendations in this respect provide a reasonable foundation for such decision.

The Board agrees with this position. Within the relegated scope of real options now open to the Board, we believe that a sufficient basis exists for adopting defined procedures and economic guidelines for processing of subcontract agreements in Alaskan bush markets. Accordingly, we are of the tentative view that the attached proposed rule, patterned after the guidelines recommended by Judge Ruhlen in his initial decision, should be adopted.

The proposed rule contains the following major provisions: (1) It will require air taxi parties to subcontract agreements involving Alaskan bush routes to comply with Part 298, both as a Federal air taxi operator and as a scheduled route operator properly authorized by the State of Alaska. (2) It specifies that the agreements may not be implemented without prior Board approval. (3) It requires the filing of an application for prior Board approval of the agreement, demonstrating, with supporting economic data, that sufficient compensation will be provided to guarantee the sustained operation of a satisfactory level of service by the air taxi party to the agreement; that the agreement is of sufficient duration to justify the necessary investment in equipment and facilities by the air taxi; that the certificated air carrier will provide any necessary backup equipment and services that may be required in emergency situations; and that the public be adequately informed that the air taxi operator is operating as an agent of the certificated air carrier who is responsible for the services rendered. The rule also allows interested parties to file answers to the application for approval of the agreement.

The Board's primary concerns are that the agreements provide the basis for a sustained, satisfactory level of reliable bush service—including equitable provisions for whatever reasonable compensation may be required. The applicants will be expected to demonstrate that the provisions of the agreement will fulfill this objective.

We are of the tentative view that the subcontracting parties should propose the method of providing any necessary compensation for the air taxi in each individual agreement. Historically, the record in the Investigation indicates that in some cases the certificated air carrier pays its subcontractor a predetermined rate per round trip, per aircraft mile, or per other unit of operations. Other agreements provide for the certificated carrier to forward to the air taxi a rate for carrying mail that exceeds the actual rate paid by the Postal Service to the certificated air carrier. These types of support arrangements may be satisfactory in specific cases, but the application must contain detailed information, including the projected amounts of gross

<sup>1</sup> A proposed competitive bid contract system is not within the Board's existing statutory alternatives. A bill was introduced in the 92nd Congress to authorize an experimental contract program involving competitive bids for air routes, but it was not enacted into law, and it has not been reintroduced in the 93rd Congress. Accordingly, there would be no statutory basis for the Board to implement a competitive bid system in Alaska at this time.

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and net additional compensation that will flow to the air taxi party.

Reporting procedures, for the major purpose of monitoring the ongoing results of subcontracted operations, are also specified in the proposed rule.

**PART 293—OPERATIONS BY AIR TAXIS  
IN ALASKAN BUSH ROUTES PURSUANT  
TO SUBCONTRACT AGREEMENTS WITH  
CERTIFICATED AIR CARRIERS**

Sec.	
293.1	Applicability.
293.2	Procedural requirements.
293.3	Standards.
293.4	Reporting requirements.

**§ 293.1 Applicability.**

This subpart sets forth the rules applicable to the processing of and guidelines applicable to the approval of, section 412 subcontract agreements involving the operation of scheduled air services by an air taxi operator over Alaskan bush routes of a certificated air carrier.

**§ 293.2 Procedural requirements.**

An agreement submitted pursuant to this part shall be filed in accordance with the provisions of Subpart P of the Board's Rules of Practice in Economic Proceedings (14 CFR Part 302), and in accordance with the following additional provisions:

(a) A copy of every document subject to this part shall be filed with the Board's Alaska Regional Office.

(b) A copy of every document subject to this part shall be served upon the Alaska Transportation Commission.

(c) Contents of an application for prior Board approval of an agreement submitted pursuant to this part shall include economic and other factual data specifically bearing on each of the criteria for approval prescribed in section 293.4.

**§ 293.3 Standards.**

Subcontract agreements filed pursuant to this part shall comply with the following standards:<sup>1</sup>

(a) The air taxi party to the agreement must (1) be authorized by the State of Alaska to operate as a common carrier in scheduled services, and (2) be in compliance with all provisions of Part 298 as an air taxi operator within the definitions of that Part.

(b) The agreement shall be of sufficient duration to justify the necessary investment in equipment and facilities by the air taxi party. Sufficient duration shall be deemed to be at least one year but may be any period of greater duration as the Board may find the circumstances to indicate.

(c) The agreement shall provide that the air taxi party to the agreement be guaranteed sufficient compensation as may be necessary to support the sustained operation of a satisfactory level of service over the routes described in

the agreement. Such compensation shall be determined on the basis of best estimates of both parties to the agreement, as evaluated and modified by the Board, of the projected financial results of operations performed pursuant to the agreement during the fiscal year periods for which the agreement will be effective. A detailed description of the method and projected amount of compensation must be included in the application for Board approval of the agreement.

(d) The agreement shall provide that the certificated air carrier party will provide backup support, including extra equipment in emergency situations in which the air taxi party is unable to meet the demands of the subject routes.

(e) The traveling public affected by the agreement shall be informed by appropriate and conspicuous notice that the air taxi party is operating as an agent of the certificated air carrier party and that the certificated air carrier party is responsible for the services rendered.

**§ 293.4 Reporting requirements.**

An air taxi party to an agreement approved pursuant to this part shall file, in addition to any reports which may be required under Part 298, such other reports (including detailed data of operating income and expenses in subcontracted operations) as may be prescribed in the Board's order approving such agreement.

[FR Doc. 74-13332 Filed 6-10-74; 8:45 am]

**[ 14 CFR Part 298 ]**

[EDR-273; Docket No. 21761]

**AIR TAXI OPERATORS**

**Classification and Exemption**

JUNE 4, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 298 of its Economic Regulations (14 CFR Part 298) to make applicable to air taxi operators in the State of Alaska the aircraft size and weight limitations presently applicable to air taxi operators in the 48 contiguous States and the territories.

The principal features of the proposed rule are set forth in the attached Explanatory Statement and the proposed amendments are set forth in the Proposed Rule. The amendments are proposed under authority of sections 204(a) and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 771; 49 U.S.C. 1324 and 1386.

Interested persons may participate in the proposed rulemaking through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before July 11, 1974, will be considered by the Board before taking final action upon the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building,

1825 Connecticut Avenue, NW., Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

**EXPLANATORY STATEMENT**

Part 298 of the Board's Economic Regulations (14 CFR Part 298) provides for the classification and exemption of air taxi operators.

In the "Part 298 Weight Limitation Investigation," Orders 72-7-61 and 72-9-62, the Board replaced the preexisting 12,500 pound takeoff weight limitation on air taxi aircraft with a more liberal 30 seat/7500 pound payload restriction.<sup>1</sup> This change, however, was made applicable only to air taxi service in the continental United States. The Board decided not to relax the 12,500 pound rule for intra-Hawaii services and to defer any decision as to intra-Alaska operations until after the determination of the bush route issues in the "Alaska Service Investigation." When we remanded the bush routes phase of the "Alaska Investigation," we consolidated into that proceeding the question of whether the Part 298 aircraft weight restrictions should be relaxed in the case of intra-Alaska services.

For reasons detailed in Order 74-8-21, issued contemporaneously herewith, we have now decided to sever the Part 298 issue from the "Alaska Service Investigation." Similarly, we have also concluded that there is no need for further hearings on this question. The question of appropriate air taxi standards for Alaska was in issue in the Part 298 "Weight Limitation Investigation" and the record in that proceeding contains information concerning the nature of certificated services in Alaska and the views of the parties on whether the revised limitations governing air taxi operations should be made applicable to Alaska. No matters requiring resolution through evidentiary procedures have been presented in the materials which have been filed in the remanded Alaska proceeding, nor does it appear likely that any significant additional such matters would emerge if further evidentiary hearings were held. Rather, the changing conditions in Alaska and their significance to the question of appropriate weight limitations are matters susceptible of evaluation and consideration upon the basis of written comment. While the Board well might proceed to decision on the basis of the materials now before it and its informed judgment, we think it desirable to afford interested persons yet

<sup>1</sup> ER-748, July 18, 1972, 37 FR 14692, as revised by ER-759, September 15, 1972, 37 FR 19609. By ER-846, effective May 8, 1974, we further clarified and amended the 30 seat/7500 pound payload text by specifying certain aircraft that would not qualify under this standard and by adding an upper limit on air taxi aircraft of 35,000 pounds maximum zero fuel weight. Our present proposal to conform air taxi standards within Alaska to those applicable in the continental United States reflects this recent change.

<sup>1</sup> The standards listed are not intended to be all inclusive. The Board remains free to disapprove an agreement as contrary to the public interest even if the agreement complies with these standards.

another opportunity to comment on the proposed amendment, and hence will proceed by way of notice of proposed rulemaking to provide that opportunity.

Our tentative conclusion is that the air taxi weight limitations now applicable in the continental United States should be extended to intra-Alaska services. In the "Weight Limitation" case, Administrative Law Judge Merritt Ruhlen recommended against a relaxation of the 12,500 pound test, claiming it would cause serious harm to Alaska's unique pattern of certificated air routes, which consists largely of widely scattered, sparsely populated bush points served by heavily subsidized carriers who still operate a substantial number of small aircraft (with takeoff weights below 12,000 pounds). This conclusion was based on Judge Ruhlen's general evaluation of the nature of these markets rather than on specific evidence that a more liberal air taxi standard would result in substantial diversion from certificated airlines. While we agree with Judge Ruhlen's analysis of the special character of Alaskan air transportation, we disagree with his opinion that the State's network of certificated services requires protection against a liberalization of air taxi weight standards. In our judgment, the distinctive nature of Alaskan air transportation is clearly recognized and sufficiently safeguarded by two existing provisions of section 298.21 (c) which will continue in effect. First, under this section an exempted carrier may not operate scheduled services between points served by a certificated airline with at least two scheduled single-plane flights per week, including flag stops. This provision sharply limits any diversionary impact air taxis might otherwise have on scheduled certificated services. Second, the regulation requires Part 298 operators to obtain air taxi authority from the State of Alaska as well, thus assuring that any new services that may result from our proposed amendment will accord with local requirements and needs as determined by the State.<sup>1</sup> Accordingly, we tentatively conclude that our reasons for adopting the 30 seat/7,500 pound test for air taxi operations in the continental United States justify a similar relaxation of aircraft weight standards within Alaska.

#### PROPOSED RULE

It is proposed to amend Part 298 of the Board's Economic Regulations (14 CFR 298) as follows:

1. Amend § 298.2 by revising the definitions of "Large aircraft" and "Maximum passenger capacity," to read as follows:

#### § 298.2 Definitions.

As used in this part:

"Large aircraft" means an aircraft having a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds; except that in connection with operations conducted within the State of Hawaii, large aircraft shall mean an aircraft whose maximum certificated takeoff weight is more than 12,500 pounds: *Provided, however,* That, for the purposes of this part, large aircraft shall include all models of the Convair 240, 340 and 440; Martin 202 and 404; F-27 and FH-227; and Hawker Siddeley 748; and shall also include any other aircraft with a maximum zero fuel weight in excess of 35,000 pounds.

2. Amend § 298.21 by revising paragraphs (a) and (c), the section as amended to read in pertinent part as follows:

#### § 298.21 Scope of service authorized; geographical, equipment and mail service limitations, insurance and reporting requirements.

(a) *General scope.* Subject to the prohibitions of paragraphs (b), (c), (d), (f), and (g) of this section, the exemption authority provided to air taxi operators by this part shall extend to the direct air transportation of persons, property and mail (subject to the limitations imposed in section 298.3(a) and 298.13) in aircraft having a maximum passenger capacity of 30 seats or less and a maximum payload capacity of 7,500 pounds or less: *Provided, however,* That, with respect to operations conducted within Hawaii said exemption authority shall be limited to aircraft having a maximum takeoff weight of 12,500 pounds or less.

(c) *Air taxi service in Alaska.* No service in air transportation shall be offered or performed by an air taxi operator between points both of which are in the State of Alaska, or one of which is in Alaska and the other in Canada, unless the air taxi operator also holds authority from the State of Alaska to operate aircraft of a maximum passenger capacity of 30 seats or less and a maximum payload capacity of 7,500 pounds or less as a common carrier in intrastate commerce, or has applied to the Board for, and received, special exemption authority (see Subpart D of Part 302 of the Procedural Regulations): *Provided,* That the operator is prohibited from rendering the above authorized service in air transportation, or holding out to the public expressly or by course of conduct that it renders such service, regularly or with a reasonable degree of regularity between points where a certificated carrier sched-

ules two or more single-plane round trips per week, including flag stops.

[FR Doc. 74-13333 Filed 6-10-74; 8:45 am]

## COST ACCOUNTING STANDARDS BOARD

### [4 CFR Part 409]

#### DEPRECIATION OF TANGIBLE CAPITAL ASSETS

##### Proposed Cost Accounting Standard

Notice is hereby given of a proposed Cost Accounting Standard on the Depreciation of Tangible Capital Assets, being considered by the Cost Accounting Standards Board for promulgation to implement further the requirement of Section 719 of the Defense Production Act of 1950, as amended, Public Law 91-379, 50 U.S.C. App. 2168. When promulgated, the Standard will be used by all relevant Federal agencies and national defense contractors and subcontractors.

The proposed Standard, if adopted, would be one of a series of Cost Accounting Standards which the Board is promulgating "to achieve uniformity and consistency in the cost accounting principles followed by defense contractors and subcontractors under Federal contracts." (See section 719(g) of the Defense Production Act of 1950, as amended.) It is anticipated that any contractor receiving an award of a contract on or after the effective date of this Standard will be required to follow it in accordance with the provisions of § 409.80.

Income tax regulations have established bases for selection of depreciation lives and methods of depreciation for assigning depreciation cost to accounting periods. Our research has indicated that contractors often select depreciation lives and methods for contract costing purposes based on what is permitted by these regulations rather than on bases which are representative of the consumption of the service potential of the tangible capital asset. In these circumstances many choices have resulted in unduly accelerating allocation of depreciation cost to earlier cost accounting periods and to final cost objectives within those earlier cost accounting periods.

The proposed Standard would establish the principle that for contract costing purposes the service lives established for tangible capital assets be the expected actual service lives at the date of acquisition. Accordingly, the proposed Standard would require that the service lives used shall be the estimates used for financial accounting purposes unless financial accounting lives are unrealistic, in which case the proposed Standard would require that more realistic estimated service lives be used. The proposed Standard also would require that the method of depreciation used for contract costing purposes approximate the expected consumption of asset services in each cost accounting period. The method of depreciation used for financial ac-

<sup>1</sup> The carriers are cautioned that safety regulations of the FAA applicable to air taxi aircraft in excess of 12,500 pounds may be different from those applicable to aircraft weighing 12,500 pounds or less and that, as in the case of all operations conducted under this part, the operations with aircraft in excess of 12,500 pounds must be conducted pursuant to applicable safety regulations.

<sup>1</sup> The Alaska Transportation Commission supports the proposed relaxation of the weight restrictions on Alaskan air taxi aircraft.

## PROPOSED RULES

counting purposes is satisfactory if reasonable in the circumstances.

The Board calls attention to the treatment that would be prescribed in connection with changes in estimated service life, residual value, or method of depreciation. This proposed Standard would require that adjustments be applicable only to the remaining undepreciated cost of the assets, which remaining cost shall be amortized in the current and future periods in accordance with the new determinations. The treatment provided in this proposed Standard for changes in accounting estimates such as changes in expected life is the same as that which Opinion No. 20 of the Accounting Principles Board (July 1971) provides for financial reporting. APB Opinion No. 20, however, provides that changes in accounting principle may involve corrections for cumulative effects in prior periods; a change in depreciation method for existing assets is used (paragraph 22 of the Opinion) as an example of a change in accounting principle requiring changes related to prior periods. For contract costing purposes, the Board does not propose retroactive changes. Amounts once charged off as depreciation expense should not be reinstated and again be available for charge against future projects. Conversely, if assets have not yet been charged off, it would be equitable that the entire remaining depreciable cost of those assets be identified to cost objectives of future periods.

Included in the proposed Standard is an Appendix A, which was derived from the Internal Revenue Service's Revenue Procedure 71-25. The proposed Standard would use Revenue Procedure 71-25 "Asset Guideline Periods" to establish lower limits for estimated service lives that may be used for contract costing purposes where contractors' accounting records do not support shorter lives.

The proposed Standard is expected to be applied by contractors in situations where depreciation cost is a factor in determining equitable charging rates to be used as a basis for contract costing. For example, the development of rate schedules for construction plant and equipment and ownership costs for comparison to lease or rental costs would be accomplished in conformance with the requirements of the proposed Standard. The proposed Standard also would be used by educational institutions in determining amounts to be compensated for use of buildings, capital improvements and equipment.

The Cost Accounting Standards Board is particularly interested in comments on the above subjects. The Board also solicits comments on any other matter concerning the proposed Cost Accounting Standard which will assist the Board in its consideration of the proposal.

Interested persons should submit written data and views, concerning the proposed Cost Accounting Standard to the Cost Accounting Standards Board, 441 G Street, NW, Washington, D.C. 20548.

To be given consideration by the Board in its determination relative to

final promulgation of the Cost Accounting Standard covered by this notice, written submissions must be made to arrive no later than August 12, 1974.

**NOTE:** All written submissions made pursuant to this notice will be made available for public inspection at the Board's office during regular business hours.

Sec.

- 409.10 General applicability.
- 409.20 Purpose.
- 409.30 Definitions.
- 409.40 Fundamental requirement.
- 409.50 Techniques for application.
- 409.60 Illustrations.
- 409.70 Exemptions.
- 409.80 Effective date.

**AUTHORITY:** Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 U.S.C. App. 2168.

#### § 409.10 General applicability.

This Standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof and by all relevant Federal agencies in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of \$100,000, other than contracts or subcontracts where the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

#### § 409.20 Purpose.

(a) The purpose of this Standard is to provide criteria and guidance for assigning costs of tangible capital assets to cost accounting periods and for allocating such costs to cost objectives within such periods in an objective and consistent manner. The standard is based on the concept that depreciation costs identified with cost accounting periods and benefiting cost objectives within periods should be a reasonable measure of the expiration of service potential of the tangible assets subject to depreciation. Adherence to this Standard should provide a systematic and rational flow to benefiting cost objectives of the costs of tangible capital assets over their expected service lives.

(b) This Standard does not cover non-wasting assets or natural resources which are subject to depletion.

#### § 409.30 Definitions.

(a) *Residual value.* The proceeds (less removal and disposal costs, if any) realized upon disposition of a tangible capital asset. It usually is measured by the net proceeds from the sale or other disposition of the asset, or the fair value if the asset is traded in on another asset.

(b) *Service life.* The period of usefulness of a tangible capital asset (or group of assets) to its current owner. The period may be expressed in units of time or output. The estimated service life of a tangible capital asset (or group of assets) is a forecast of the period of use-

fulness of the asset(s) and is the period over which depreciation cost is to be assigned.

(c) *Tangible capital asset.* An asset that has physical substance, more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the services it yields.

#### § 409.40 Fundamental requirement.

(a) The depreciable cost of a tangible capital asset (or group of assets) shall be assigned to cost accounting periods in accordance with the following criteria:

(1) The depreciable cost of a tangible capital asset shall be its capitalized cost less its estimated residual value.

(2) The estimated service life of a tangible capital asset (or group of assets) shall be used to determine the cost accounting periods to which the depreciable cost will be assigned.

(3) The method of depreciation selected for assigning the depreciable cost of a tangible capital asset (or group of assets) to the cost accounting periods representing its estimated service life shall reflect the expected consumption of services in each cost accounting period.

(4) Gain or loss upon disposition of a tangible capital asset shall be assigned to the cost accounting period in which the disposition occurs.

(b) The annual depreciation cost of a tangible capital asset (or group of assets) shall be allocated to cost objectives for which it provides service in accordance with the following criteria:

(1) Depreciation cost may be directly charged to cost objectives only when such charges are made on the basis of usage and depreciation costs of all like assets used for similar purposes are charged in the same manner.

(2) Where tangible capital assets are part of, or function as, an organizational unit whose costs are charged to other cost objectives based on a measure of the services provided by the organizational unit, the depreciation cost of such assets shall be included as part of the cost of the organizational unit.

(3) All depreciation costs which are not allocated in accordance with paragraph (b)(1) or (2) of this section shall be included in appropriate indirect cost pools.

(4) Gains or losses from disposition of a tangible capital asset shall be allocated in the same manner as the depreciation cost of the asset had been or would have been allocated for the cost accounting period in which the disposition occurs.

#### § 409.50 Techniques for application.

(a) Depreciation of a tangible capital asset shall begin when the asset is ready for use in a normal or acceptable fashion. However, where partial utilization of a tangible capital asset is identified with a specific operation, depreciation shall commence on any portion of the asset which is substantially completed and used for that operation. Depreciation of capitalized spare parts which are normally required for the operation of a

tangible capital asset shall be accounted for over the service life of the asset.

(b) A consistent policy shall be followed in determining the depreciable cost to be assigned to the beginning and ending cost accounting periods of asset use. Although depreciation begins for accounting purposes as of the time an asset is ready for use, the policy may provide for any reasonable starting and ending dates in computing the first and last year depreciable cost.

(c) Tangible capital assets may be accounted for by treating each individual asset as an accounting unit, or by combining two or more assets as a single accounting unit provided such treatment is consistently applied over the service life of the assets or group of assets.

(d) (1) Estimated service lives initially established for tangible capital assets (or groups of assets) shall be their expected actual periods of usefulness. Where service lives used for financial accounting purposes reflect such periods of usefulness, those lives shall be used for contract costing. In no case, however, shall such lives be used if they are shorter than the asset guideline periods established for asset guideline classes under the rules in Appendix A, except as authorized by paragraph (e)(1) of this section. If the contractor's estimated service lives established for financial accounting purposes are unrealistic or shorter than the asset guideline periods under the rules in Appendix A, he shall establish and support, if requested, appropriate estimated service lives for contract costing.

(2) If a contractor accounts for tangible capital assets other than by asset guideline classes established by the rules in Appendix A, the contractor shall, if requested, be required to demonstrate that service lives used are the same as or longer than the asset guideline periods. This shall be accomplished by grouping all tangible capital assets in accordance with the groups required by the rules in Appendix A. If annual depreciation cost computed for any asset guideline class using the asset guideline periods is less than the depreciation cost which would have been computed for those assets using the contractor's established depreciation method, the contractor must make appropriate adjustment to the lives used or support those lives as provided in paragraph (e)(1) of this section.

(e) (1) Shorter estimated service lives than those required by paragraph (d)(1) of this section may be used if the shorter lives are supported by records of past retirement or replacement experience.

(2) The contracting parties may agree in advance on the estimated service life of an individual tangible capital asset where special circumstances warrant a different estimated service life than the life applied to the group in which that asset would be included in the absence of the agreement.

(f) (1) The method of depreciation used for financial accounting purposes shall be used for contract costing un-

less (i) such method does not reflect the expected consumption of services for the tangible capital asset (or group of assets) to which applied, or (ii) the method is unacceptable for Federal income tax purposes. If the contractor's method of depreciation used for financial accounting purposes does not approximate the expected consumption of services or is unacceptable for Federal income tax purposes, he shall establish and support, if requested, a method of depreciation for contract costing which meets these criteria.

(2) Consumption of asset services may be measured either by the expected activity or by the expected physical output of the assets, as for example: Hours of operation, number of operations performed, number of units produced, or number of miles traveled. An acceptable surrogate for expected activity or output might be a monetary measure of that activity or output such as estimated labor dollars, total cost incurred or total revenues generated by use of tangible capital assets to the extent that such monetary measures can reasonably be related to specific tangible capital assets (or group of assets). The appropriate method of depreciation should be selected as follows:

(i) An accelerated method of depreciation is appropriate where the consumption of asset services is significantly greater in early years of asset life.

(ii) The straight line method of depreciation is appropriate where the consumption of asset services is reasonably level over the service life of the asset (or group of assets).

(iii) A decelerated method of depreciation (e.g., sinking fund method) may be used by the owner of assets that are used by others under a financing lease.

(g) Each original complement of low-cost equipment shall be depreciated to half its depreciable cost over half of the average service life of the original group of items which comprise the original complement. The complement shall not be further depreciated until such time as it can be determined when the complement will be disposed of or when the operational unit for which the complement was acquired will cease operation. At that time the remaining depreciable cost shall be written off over the remaining service life of the complement.

(h) Estimated residual values shall be determined for all tangible capital assets (or groups of assets). Only estimated residual values which exceed 10% of the capitalized cost of the asset must be used in establishing depreciable costs. However, where the declining balance method of depreciation is used the residual value need not be deducted from capitalized cost to determine depreciable costs. No depreciation cost shall be charged which would reduce book value of the tangible capital asset below the residual value.

(i) Estimates of service life, consumption of services, and residual value shall be reexamined periodically for tangible capital assets (or groups of assets). Where changes are made to the estimated service life, residual value, or

method of depreciation during the life of a tangible capital asset, the remaining depreciable costs for cost accounting purposes shall be limited to the undepreciated cost of the assets and shall be assigned only to the cost accounting period in which the change is made and subsequent periods.

(j) (1) Gains and losses on disposition of tangible capital assets shall be considered as adjustments of the depreciation costs previously recognized and shall be assigned to the cost accounting period in which disposition occurs. The gain or loss for each asset disposed of is the difference between the amount realized and its undepreciated balance, adjusted for costs of disposal.

(2) Gains and losses on the disposition of tangible capital assets shall not be recognized where: (i) Such gains and losses are processed through the depreciation valuation account (e.g., reserve for depreciation, allowance for depreciation, contra asset valuation), (ii) the asset is given in exchange as part of the purchase price of a similar asset and the gain or loss is included in computing the depreciable cost of the new asset, or (iii) the disposition results from an involuntary conversion and the asset is replaced by a similar asset. In the last case the gain or loss shall be included in computing the depreciable cost of the new asset.

(3) The contracting parties may agree on a different treatment of gains and losses arising from mass or extraordinary dispositions.

(4) Gains and losses on disposition of tangible capital assets transferred in other than an arms-length transaction and disposed of within 12 months from the date of transfer shall be assigned to the transferor.

(k) Where, in accordance with Section 409.40(b)(1), the depreciation costs of like tangible capital assets used for similar purposes are directly charged to cost objectives on the basis of usage, average charging rates shall be established for such assets where the depreciation cost of one or more assets is charged on a usage basis. Any variances between total depreciation cost charged to cost objectives and total depreciation cost for the cost accounting period shall be accounted for in accordance with the contractor's practice for handling such variances.

(l) Depreciation methods, estimated service lives and estimated residual values need not be changed for assets acquired prior to compliance with this Standard if otherwise acceptable under applicable procurement regulations. However, any changes to depreciation methods, estimated service life or estimated residual value must conform to the criteria established in this Standard and may be effected on a prospective basis to cover the undepreciated balance of cost by agreement between the contracting parties pursuant to (a)(4)(B) of the Contract Clause set out at § 331.50 of this title (4 CFR 331.50).

#### § 409.60 Illustrations.

The following examples are illustrative of the provisions of this Standard.

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(a) A contractor purchases a milling machine for its machine shop to replace a milling machine which was fully depreciated and retired from service. Production records, maintained for a group of like milling machines in the machine shop by the contractor, indicate that the milling machines have a capability to produce more units of product in the earlier years of service life than in later years and the number of units produced decrease for each succeeding year of service life. Therefore, the contractor's records support depreciation charges on an accelerated basis for the replacement milling machine. Since the Standard requires that the contractor's method approximate the expected consumption of services, annual charges for depreciation should be higher in early years to reflect the decreasing usage of the asset over time.

(b) The contractor also purchases a lathe for its machine shop. The contractor, as a regular step in its fixed asset procurement process, prepares a summary of estimated revenues to be derived from the use of the lathe to support the company's decision to buy the asset. The summary shows estimated revenues by fiscal year and indicates that, because of inability to hold tolerances, revenues to be derived from use of the lathe will be lower in later years. Therefore, the summary of estimated revenues supports depreciation charges on an accelerated basis for the lathe. Since the Standard requires that the contractor's depreciation method approximate the expected consumption of services, and estimated revenues may be used as a surrogate for actual machine usage, annual charges for depreciation should be higher in early years of asset life.

(c) The contractor desires to charge depreciation of the milling machine described in paragraph (a) of this section directly to final cost objectives. Usage of the milling machine can be measured easily based on units produced. Contractor may charge depreciation cost directly on a unit of production basis provided he uses an average depreciation charge for all like milling machines in the machine shop and charges depreciation for all like milling machines directly to final cost objectives.

(d) The capitalized cost of the milling machine described in paragraph (a) of this section was \$50,000. It is estimated that the milling machine will have a residual value of \$4,500 upon disposition. Because \$4,500 is less than 10% of capitalized cost, annual depreciation charges may be based on capitalized cost of \$50,000. However, the asset must not be depreciated below the \$4,500 residual value.

(e) (1) A contractor outfitts a new office building with miscellaneous low cost furniture and fixtures total \$250,000 which he capitalizes as an original complement of low cost equipment. The service life of the new building is estimated at 40 years and it is expected that the building will be operated as an office building for its entire life. It is expected that the furniture and fixtures will have

an average life of 12 years and will have a minimal residual value upon disposition. Contractor should depreciate half of the capitalized cost of the original complement over six years. Replenishments to the original complement may be expensed as acquired.

(2) At the beginning of the 15th year of use of the complement, the contractor decides to replace the total complement in that cost accounting period. The net book value of the original complement should be adjusted to actual residual value in that cost accounting period.

(f) A contractor acquires a test facility with an estimated physical life of ten years, to be used on contracts for a new program. The test facility was acquired for \$5 million. It is expected that the program will be completed in six years and the test facility acquired will not be required for other products of the contractor. Although the facility will last ten years, the contractor may depreciate the equipment over six years. If the use of a six-year life for this asset would cause the average lives used for the asset guideline class to be shorter than the periods established under the rules in Appendix A, the contracting parties may agree that the asset is to be treated separately for the test of guideline lives.

(g) Contractor acquires a building by donation from its local Government. The building had been purchased new by another company and subsequently acquired by the local Government. Contractor capitalizes the building at its fair value. Under this Standard the depreciable cost of the asset based on that value, if otherwise allowable, may be ac-

counted for over its estimated service life and allocated to cost objectives in accordance with the contractor's cost allocation practices.

(h) A contractor accounts for two groups of assets subject to this Standard. This illustration describes the average estimated service life that shall be used to determine the cost accounting periods to which the depreciation cost will be assigned for contract costing purpose.

[In years]

	Average service lives	
	Group A	Group B
Estimated service life for financial accounting purposes	12	12
Estimated service life for income tax purposes using the lower limit of the asset depreciation range	8	12
Asset guideline periods under Appendix A	10	15
The life which must be used for contract costing in compliance with § 409.50(d)(1)	12	15

<sup>1</sup> Unless such life reflects an unrealistic expectation of actual service life.

<sup>2</sup> Unless contractor can support a shorter service life.

#### S 409.70 Exemptions.

None for this standard.

#### S 409.80 Effective date.

(a) The effective date of this Cost Accounting Standard is [Reserved].

(b) This Cost Accounting Standard shall be followed by each contractor for all assets acquired on or after the start of his next fiscal year beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

#### APPENDIX

##### Asset guideline classes and periods

Asset guideline class	Description of assets included	Asset guideline period (in years)
00. 0	Depreciable assets used in all business activities, except as noted:	
00. 1	Office furniture, fixtures, machines, and equipment: Includes furniture and fixtures which are not a structural component of the building, and machines and equipment used in the preparation of papers or data. Includes such assets as desks, files, safes, typewriters, accounting, calculating and data processing machines, communications, duplicating and copying equipment.	10
00. 2	Transportation equipment:	
00. 21	Aircraft (airframes and engines) except aircraft of air transport companies	6
00. 22	Automobiles, taxis	3
00. 23	Buses	9
00. 24	General purpose trucks, including concrete ready-mix trucks and ore trucks for use over-the-road:	
00. 241	Light (actual unloaded weight less than 13,000 lb)	4
00. 242	Heavy (actual unloaded weight 13,000 lb or more)	6
00. 25	Railroad cars and locomotives, except those owned by railroad transportation companies	15
00. 26	Tractor units used over-the-road	4
00. 27	Trailers and trailer-mounted containers	6
00. 28	Vessels, barges, tugs and similar water transportation equipment, except those used in marine contract construction	18
01. 0-79. 0	Depreciable assets used in the following activities:	
01. 0	Agriculture: Includes only such assets as are identified below and that are used in the production of crops or plants, vines and trees (including forestry); the keeping, grazing, or feeding of livestock for animal products (including serums), for animals increase, or value increase; the operation of dry lot or farm dairies, nurseries, greenhouses, sod farms, mushroom cellars, cranberry bogs, apiaries, and fur farms; the production of bulb, flower, and vegetable seed crops; and the performance of agricultural, animal husbandry and horticultural services.	
01. 1	Machinery and equipment, including grain bins and fences but no other land improvements.	10
01. 2	Animals:	
01. 21	Cattle, breeding or dairy	7
01. 22	Horses, breeding or work	10
01. 23	Hogs, breeding	3
01. 24	Sheep and goats, breeding	5
01. 3	Farm buildings	25
10. 0	Mining: Includes assets used in the mining and quarrying of metallic and nonmetallic minerals (including sand, gravel, stone, and clay) and the milling beneficiation and other primary preparation of such materials	10
13. 0	Petroleum and natural gas production and related activities	

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### *Asset guideline classes and periods—Continued*

Asset guideline class	Description of assets included	Asset guideline period (in years)
13. 1	Drilling of oil and gas wells: Includes assets used in the drilling of oil and gas wells on a contract, fee or other basis and the provision of geophysical and other exploration services; and the provision of such oil and gas field services as chemical treatment, plugging and abandoning of wells and cementing or perforating well casings; but not including assets used in the performance of any of these activities and services by integrated petroleum and natural gas producers for their own account.	6
13. 2	Exploration for petroleum and natural gas deposits: Includes assets used for drilling of wells and production of petroleum and natural gas, including gathering pipelines and related storage facilities, <sup>1</sup> when these are related activities undertaken by petroleum and natural gas producers.	14
13. 3	Petroleum refining: Includes assets used for the distillation, fractionation, and catalytic cracking of crude petroleum into gasoline and its other components.	16
13. 4	Marketing of petroleum and petroleum products: Includes assets used in marketing, such as related storage facilities and complete service stations, <sup>1</sup> but not including any of these facilities related to petroleum and natural gas trunk pipelines.	16
15. 0	Contract construction: Includes such assets used by general building, special trade, heavy construction and marine contractors; does not include assets used by companies in performing construction services on their own account.	
15. 1	Contract construction other than marine.	5
15. 2	Marine contract construction.	12
20. 0	Manufacture of foods and beverages for human consumption, and certain related products, such as manufactured ice, chewing gum, vegetable and animal fats and oils, and prepared feeds for animals and fowls:	
20. 1	Grain and grain mill products: Includes assets used in the production of flours, cereals, livestock feeds, and other grain and grain mill products.	17
20. 2	Sugar and sugar products: Includes assets used in the production of raw sugar, syrup or finished sugar from sugar cane or sugar beets.	18
20. 3	Vegetable oils and vegetable oil products: Includes assets used in the production of oil from vegetable materials and the manufacture of related vegetable oil products.	18
20. 4	All other food and kindred products: Includes assets used in the production of foods, beverages and related production not included in classes 20.1, 20.2, and 20.3.	12
21. 0	Manufacture of tobacco and tobacco products: Includes assets used in the production of cigarettes, cigars, smoking and chewing tobacco, snuff and other tobacco products.	15
22. 0	Manufacture of textile mill products:	
22. 1	Knitwear and knit products: Includes assets used in the production of knit apparel and other finished articles from yarn.	9
22. 2	Textile mill products, except knitwear: Includes assets used in the production of spun, woven or processed yarns and fabrics; of mattresses, carpets, rugs, pads, and sheets, and of other products of natural or synthetic fibers.	14
22. 3	Finishing and dyeing: Includes assets used in the finishing and dyeing of natural and synthetic fibers, yarns, and fabric and knit apparel.	12
23. 0	Manufacture of apparel and other finished products: Includes assets used in the production of clothing and fabricate textile products by the cutting and sewing of woven fabrics, other textile products and furs; but does not include assets used in the manufacture of apparel from rubber and leather.	
24. 0	Manufacture of lumber and wood products:	
24. 1	Cutting of timber: Includes logging machinery and equipment and road building equipment used by logging and sawmill operators and pulp manufacturers on their own account.	9
24. 2	Sawing of dimensional stock from logs: Includes machinery and equipment installed in permanent or well-established sawmills.	6
24. 3	Sawing of dimensional stock from logs: Includes machinery and equipment installed in sawmills characterized by temporary foundations and a lack, or minimum amount, of lumber-handling, drying, and residue-disposal equipment and facilities.	10
24. 4	Manufacture of lumber, wood products and furniture: Includes assets used in the production of plywood, hardboard, flooring, veneers, furniture and other wood products, including the treatment of poles and timber.	6
26. 0	Manufacture of paper and allied products:	
26. 1	Manufacture of pulps from wood and other cellulose fibers and rags: Includes assets used in the manufacture of paper and paperboard, but does not include the assets used in pulpwood logging nor the manufacture of hardboard.	16
26. 2	Manufacture of paper and paperboard: Includes assets used in the production of converted products such as paper coated off the paper machine, paper bags, paper boxes, and envelopes.	12
27. 0	Printing, publishing and allied industries: includes assets used in printing by one or more of the common processes, such as letterpress, lithography, gravure, or screen; the performance of services for the printing trade, such as bookbinding, typesetting, engraving, photoengraving, and electrotyping; and the publication of newspapers, books, and periodicals, whether or not carried out in conjunction with printing.	
28. 0	Manufacture of chemicals and allied products: Includes assets used in the manufacture of basic chemicals such as acids, alkalines, salts, and organic and inorganic chemicals; chemical products to be used in further manufacture, such as synthetic fibers and plastics materials, including petro-chemical processing beyond that which is ordinarily a part of petroleum refining; and finished chemical products, such as pharmaceuticals, cosmetics, soaps, fertilizers, paints and varnishes, explosives, and compressed and liquified gases. Does not include assets used in the manufacture of finished rubber and plastic products or in the production of natural gas products, butane, propane, and by-products of natural gas production plants.	11
30. 0	Manufacture of rubber and plastics products:	
30. 1	Manufacture of rubber products: Includes assets used for the production of products from natural, synthetic, or reclaimed rubber, gutta percha, balata, or gutta siak, such as tires, tubes, rubber footwear, mechanical rubber goods, heels and soles, flooring, and rubber sundries; and in the recapping, retreading, and rebuilding of tires.	11
30. 2	Manufacture of miscellaneous finished plastics products: Includes assets used in the manufacture of plastic products and the molding of primary plastics for the trade. Does not include assets used in the manufacture of basic plastics materials nor the manufacture of phonograph records.	14
31. 0	Manufacture of leather: Includes assets used in the tanning, currying, and finishing of hides and skins; the processing of fur pelts; and the manufacture of finished leather products, such as footwear, belting, apparel, luggage and similar leather goods.	11
32. 0	Manufacture of stone, clay, glass, and concrete products:	
32. 1	Manufacture of glass products: Includes assets used in the production of flat, blown, or pressed products of glass, such as plate safety and window glass, glass containers, glassware and fiberglass. Does not include assets used in the manufacture of lenses.	11
32. 2	Manufacture of cement: Includes assets used in the production of cement, but does not include any assets used in the manufacture of concrete and concrete products not in any mining or extraction process.	14
		20

## PROPOSED RULES

Asset guideline classes and periods—Continued

Asset guideline class	Description of assets included	Asset guideline period (in years)
82.8	Manufacture of other stone and clay products: Includes assets used in the manufacture of products from materials in the form of clay and stone, such as brick, tile and pipe; pottery and related products, such as vitreous-china, plumbing fixtures, earthenware and ceramic insulating materials; and also includes assets used in manufacture of concrete and concrete products. Does not include assets used in any mining or extraction processes.	15
33.0	Manufacture of primary metals: Includes assets used in the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap, the rolling, drawing, and alloying of ferrous and nonferrous metals; the manufacture of castings, forgings, and other basic products of ferrous and nonferrous metals; and the manufacture of nails, spikes, structural shapes, tubing, and wire and cable.	15
33.1	Ferrous metals.	18
33.2	Nonferrous metals.	14
34.0	Manufacture of fabricated metal products: Includes assets used in the production of metal cans, tinware, nonelectric heating apparatus, fabricated structural metal products, metal stampings and other ferrous and nonferrous metal and wire products not elsewhere classified.	12
35.0	Manufacture of machinery, except electrical and transportation equipment:	
35.1	Manufacture of metalworking machinery: Includes assets used in the production of metal cutting and forming machines, special dies, tools, jigs, and fixtures, and machine tool accessories.	12
35.2	Manufacture of other machines: Includes assets used in the production of such machinery as engines and turbines; farm machinery, construction, and mining machinery; general and special industrial machines including office machines and nonelectronic computing equipment; miscellaneous machines except electrical equipment and transportation equipment.	12
36.0	Manufacture of electrical machinery, equipment, and supplies: Includes assets used in the production of machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy.	18
36.1	Manufacture of electrical equipment: Includes assets used in the production of such machinery as electric test and distributing equipment, electrical industrial apparatus, household appliances, electric lighting and wiring equipment; electronic components and accessories, phonograph records, storage batteries and ignition systems.	
36.2	Manufacture of electronic products: Includes assets used in the production of electronic detection, guidance, control, radiation, computation, test and navigation equipment and the components thereof. Does not include the assets of manufacturers engaged only in the purchase and assembly of components.	12
37.0	Manufacture of transportation equipment: Includes assets used in the production of such machinery as vehicles and equipment for the transportation of passengers and cargo:	8
37.1	Manufacture of motor vehicles and parts: Includes assets used in the production of automobiles, trucks, trailers, buses and their component parts.	12
37.2	Manufacture of aerospace products: includes assets used in the production of aircraft, spacecraft, rockets, missiles and their component parts.	8
37.3	Ship and boat building: Includes assets used in the manufacture and repair of ships and boats, but excludes dry docks.	12
37.4	Manufacture of railroad transportation equipment: Includes assets used in the building and rebuilding of railroad locomotives, railroad cars, and street railway cars.	12
38.0	Manufacture of professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks: Includes assets used in the manufacture of mechanical measuring, engineering, laboratory and scientific research instruments; optical instruments and lenses; surgical, medical and dental instruments, equipment and supplies; ophthalmic goods, photographic equipment and supplies; and watches and clocks.	
39.0	Manufacture of products not elsewhere classified: Includes assets used in the production of jewelry; musical instruments; toys and sporting goods; pens, pencils, office and art supplies. Also includes assets used in production of motion picture and television films and tapes; as waste reduction plants; and in the ginning of cotton.	12
40.0	Railroad transportation: Includes the assets identified below and which are used in the commercial and contract carrying of passengers and freight by rail. Excludes any nondepreciable assets included in Interstate Commerce Commission accounts enumerated for this class:	
40.1	Railroad machinery and equipment: Includes assets classified in the following Interstate Commerce Commission accounts: <sup>1</sup>	14
	Road accounts:	
	(16) Station and office buildings (freight handling machinery and equipment only)	
	(26) Communication systems	
	(27) Signals and interlocks	
	(37) Roadway machines	
	(44) Shop machinery	
	Equipment accounts:	
	(52) Locomotives	
	(53) Freight train cars	
	(54) Passenger train cars	
	(55) Highway revenue equipment	
	(57) Highway equipment	
40.2	Railroad structures and similar improvements: Includes assets classified in the following Interstate Commerce Commission road accounts: <sup>1</sup>	30
	(6) Bridges, trestles, and culverts	
	(7) Elevated structure	
	(13) Fences, snowsheds, and signs	
	(16) Station and office buildings (stations and other operating structures only)	
	(17) Roadway buildings	
	(18) Water stations	
	(19) Fuel stations	
	(20) Shops and enginehouses	
	(31) Power transmission systems	
	(35) Miscellaneous structures	
	(39) Public improvements construction	
40.3	Railroad wharves and docks <sup>1</sup>	20
	(23) Wharves and docks	
	(24) Coal and ore wharves	
40.5	Railroad powerplant and equipment:	
	Electric generating equipment:	
40.51	Hydraulic	50
40.52	Nuclear	20

## Asset guideline classes and periods—Continued

Asset guideline class	Description of assets included	Asset guideline period (in years)
40.33	Steam.	28
40.34	Steam, compressed air, and other powerplant equipment.	28
41.0	Motor transport—passengers: Includes assets used in the urban and interurban commercial and contract carrying of passengers by road, except the transportation assets included in class 00.2 above.	28
42.0	Motor transport—freight: Includes assets used in the commercial and contract carrying of freight by road, except the transportation assets included in class 00.2 above.	8
44.0	Water transportation: Includes assets used in the commercial and contract carrying of freight and passengers by water except the transportation assets included in class 00.2 above.	8
45.0	Air transport: Includes assets used in the commercial and contract carrying of passengers and freight by air.	20
46.0	Pipeline transportation: Includes assets used in the private, commercial, and contract carrying of petroleum, gas, and other products by means of pipes and conveyors. The trunklines and related storage facilities of integrated petroleum and natural gas producers are included in this class.	6
48.0	Communication: Includes assets used in the furnishing of point-to-point communication services by wire or radio, whether intended to be received aurally or visually; and radio broadcasting and television:	22
48.1	Telephone: Includes the assets identified below and which are used in the provision of commercial and contract telephonic services:	8
48.11	Central office buildings: Special purpose structures intended to house central office equipment and which are classified in Federal Communications Commission Account No. 212 <sup>1</sup> .	20
48.12	Central office equipment: Includes central office switching and related equipment classified in Federal Communications Commission Account No. 221.	10
48.13	Station equipment: Includes such station apparatus and connections as typewriters, telephones, booths, and private exchanges as are classified in Federal Communications Commission Account Nos. 231, 232, and 234.	35
48.14	Distribution plant: Includes such assets as pole lines, cable, aerial wire and underground conduits as are classified in Federal Communications Commission Account Nos. 241, 242.1, 242.2, 242.3, 242.4, 243, and 244.	6
48.2	Radio and television broadcasting.	20
49.0	Electric, gas, and sanitary services:	10
49.1	Electric utilities: Includes assets used in the production, transmission and distribution of electricity for sale, including related land improvements, <sup>1</sup> and identified as:	28
49.11	Hydroelectric production plant: Includes dams, flumes, canals and waterways. Also includes jet engines and other internal combustion engines used to operate auxiliary facilities for load shaving purposes or in case of emergencies.	30
49.12	Nuclear production plant: Includes jet engines and other internal combustion engines used to operate auxiliary facilities for load shaving purposes or in case of emergencies.	14
49.13	Steam production plant: Includes jet engines and other internal combustion engines used to operate auxiliary facilities for load shaving purposes or in case of emergencies.	22
49.14	Transmission and distribution facilities.	50
49.2	Gas utilities: Includes assets used in the production, transmission, and distribution of natural and manufactured gas for sale, including related land improvements <sup>1</sup> and identified as:	28
49.21	Distribution facilities: Including gas water heaters and gas conversion equipment installed by utility on customers' premises on a rental basis.	30
49.22	Manufactured gas production plant.	10
49.23	Natural gas production plant.	28
49.24	Trunk pipelines and related storage facilities.	30
49.3	Water utilities: Includes assets used in the gathering, treatment, and commercial distribution of water.	14
49.4	Central steam production and distribution: Includes assets used in the production and distribution of steam for sale.	22
50.0	Wholesale and retail trade: Includes assets used in carrying out the activities of purchasing, assembling, storing, sorting, grading, and selling of goods at both the wholesale and retail level. Also includes assets used in such activities as the operation of restaurants, cafes, coin-operated dispensing machines, and in brokerage of scrap metal.	50
50.0	Services: Includes assets used in the provision of personal services such as those offered by hotels and motels, laundry and dry cleaning establishments, beauty and barber shops, photographic studios and mortuaries. Includes assets used in the provision of professional services such as those offered by doctors, dentists, lawyers, accountants, architects, engineers, and veterinarians. Includes assets used in the provision of repair and maintenance services. Includes equipment or facilities used by cemetery organizations, news agencies, teletype wire services, plumbing contractors, frozen food lockers, research laboratories, hotels, and motels (except office furniture and fixtures).	28
70.0	Recreation and amusement: Includes assets used in the provision of amusement or entertainment services on payment of a fee or admission charge, as in the operation of bowling alleys, billiard and pool establishments, theaters, concert halls, amusement parks, and miniature golf courses. Does not include such assets which consist primarily of specialized land improvements or structures, such as golf courses, sports stadia, racetracks, ski slopes, or buildings which house bowling alleys.	10

<sup>1</sup>Includes only property which is "eligible property" as defined in section 1.167(a)-11(b)(2) of the Income Tax Regulations, such as certain special-purpose structures and certain research and storage facilities (but not a building and its structural components).

## ENVIRONMENTAL PROTECTION AGENCY

## [40 CFR Part 52]

## WASHINGTON AIR IMPLEMENTATION PLAN

## Promulgation for Variances and Review of New Sources

On May 31, 1972, the Administrator of the Environmental Protection Agency approved, with certain exceptions, the Washington Air Implementation Plan. Soon thereafter the Natural Resources Defense Council, Inc. (NRDC) challenged the Administrator's approval of the State's variance and new source review procedures in the Ninth Circuit Court of Appeals (NRDC v. EPA, Docket No. 72-2147).

NRDC challenges that variance procedures, as developed and implemented by the Department of Ecology and the local air pollution control authorities pursuant to the Revised Code of Washington (RCW) 70.94.181, provide that sources may be granted variances without satisfying the postponement requirements of section 110(f) of the Clean Air Act. In companion cases brought by NRDC in the First, Second and Eighth Circuit Courts of Appeal the Courts determined that the Administrator should not have approved variance provisions in State implementation plans which defer compliance with applicable regulations past the statutory attainment dates for achieving the national ambient air quality standards. (A fourth case decided by the Fifth Circuit reached an even more restrictive result and would preclude EPA approval of variances during both the pre- and post-attainment date periods. The Agency has requested that this case be appealed.) On February 1, 1974, in an attempt to resolve this issue, EPA, under the authority of section 110(c) of the Clean Air Act, issued a 60-day notice to the Department of Ecology requesting that it revise the Washington implementation plan procedures for the granting of variances in a manner consistent with the results reached by the First, Second and Eighth Circuit Courts of Appeal.

NRDC's other contentions in this case relate to the State's new source review procedure. On brief, NRDC contends that the Department of Ecology's and the local agency new source review procedures contained in the State implementation plan are not in strict conformance with Section 110 of the Clean Air Act or the regulations contained in 40 CFR 51.18.

On September 10, 1973, the Department of Ecology submitted statutory changes and regulatory revisions to Sec-

[FR Doc. 74-13452 Filed 6-10-74; 8:45 am]

ARTHUR SCHOENHAUT,  
Executive Secretary.

## PROPOSED RULES

tions 18-04-100 and 18-04-110 of the Washington Administrative Code (WAC) which resolve most of the issues raised by NRDC. The revised Department of Ecology regulations specifically provide for review of sources to which new source performance standards apply and require the Department to consider the location of a new source and the source's effect on all ambient air quality standards prior to granting approval to construct or modify a source. In addition, the requirement for preconstruction review by the Department within 30 days of receipt on an application has been replaced with more viable procedures. These revisions substantially correct provisions in the implementation plan which EPA now acknowledges should not have been approved as originally submitted.

However, this action by the State does not meet all of NRDC's contentions. Nor, in the estimation of EPA does the September 10 submission cure all the defects inherent in the original plan submission. NRDC contends that State implementation plan regulations allow conditions under which a source can be granted automatic approval of a notice of construction without review and that, within local jurisdictions, new source review procedures do not explicitly require the regulatory agency to review new stationary sources with respect to ambient air quality standards and geographical location. The Agency agrees with these contentions, and advised the State on February 1, 1974, that the plan should be revised to add four categories of sources (Kraft pulp mills, sulfite pulp mills, primary aluminum plants and sawmills) which are not in the list of sources required to register for preconstruction review. In addition, EPA requested that all new source review regulations of local air pollution control agencies contained in the plan which did not satisfy the requirements of section 110(a)(2)(D) and section 110(a)(4) of the Clean Air Act and 40 CFR 51.18 be revised. Accordingly, the Agency finds it necessary to disapprove the implementation plan insofar as those regulations remain inadequate.

NRDC raises several other issues pertaining to the new source review procedures. NRDC argues that RCW 70.94.331(6) does not provide for the enforcement of new source review procedures by the Department of Ecology where a local agency regulation is less stringent. EPA believes the purpose and intent of the air pollution control regulations of the Department of Ecology are to lay the foundation for air pollution control regulations in the entire State and that RCW 70.94.331(6) provides the necessary legal authority to the Department to establish the basic new source review procedure, as well as any other regulations relating to air pollution control. Therefore, EPA is satisfied that RCW 70.94.331(6) provides the Department with the authority to enforce its new source review procedure within a local jurisdiction whose procedure is less

stringent than that of the Department of Ecology.

NRDC also contends that the use of the word "any" in the phrase "any ambient air quality standard" of WAC 18-04-110(6)(a) does not adequately refer to the national ambient air quality standards. EPA believes "any" refers to State air quality standards approved in the implementation plan which are at least as stringent as the national ambient air quality standards. Since EPA would not approve State revisions to air quality standards that are less stringent than the national standards, EPA believes NRDC's point is insubstantial.

Finally, NRDC believes that deferral of WAC 18-04 to RCW 80.58 for review of new thermal power plants constitutes a partial circumvention of the requirement to review new sources on the basis of the air pollution abatement considerations set forth in WAC 18-04. EPA concurs with NRDC on this issue.

In addition, EPA finds that all new source review procedures in the Washington implementation plan, as well as in the revised State regulations submitted on September 10, 1973, do not provide for a period of 30 days for public comment after receipt of a notice of construction of a new stationary source. EPA acknowledges that the anticipated adoption of an indirect source regulation by the Department of Ecology in the near future will remove this deficiency, at least in part.

EPA also finds that sawmills as a category of sources are omitted from the requirements to register in WAC 18-04-100 and thereby from new source review. It is conceivable that without prior review, emissions from new or modified sawmills could interfere with the attainment or maintenance of national ambient air quality standards in certain locations in the State of Washington.

Accordingly EPA herein proposes the following:

(1) Disapproval of the variance regulations in the Washington implementation plan.

(2) Disapproval of RCW 70.94.181, the State statute concerning variance.

(3) Disapproval of portions of new source review procedures in State and local agency regulations in the Washington implementation plan.

(4) Approval of portions and disapproval of other portions of the new source review provisions of WAC 18-04-100 and 110, as revised by the Department and submitted on September 10, 1973.

(5) Promulgation for those disapproved portions identified in items (1), (3), and (4), above.

The proposed disapproval and replacement of the variance procedures in the Washington Air Implementation Plan and the proposed disapproval and replacement of portions of the new source review procedures in the Plan, as well as approval of portions of WAC 18-04 submitted as revisions on September 10, 1973, should correct all deficiencies in the Plan cited by the Natural Resource De-

fense Council, Inc. in its case against the Environmental Protection Agency.

EPA encourages the adoption of consistent procedures for variances as well as new source review by both the State and local air pollution control agencies. EPA believes that the State regulations submitted on September 10, 1973, substantially cure deficiencies raised by NRDC and EPA and that local agency revisions should build upon the underlying foundation set forth by this State regulatory framework. In addition, since EPA's February 1 letter to the State mentioned neither thermal power plants, nor the Agency's 30-day comment period pursuant to 40 CFR 51.18(h), no final action will be taken with respect to these matters for 60-days, the notice period set forth in section 110(c)(3) of the Act. During this timeframe, it is hoped that the State will come forward with provisions curing the defects in these three areas.

Should the Department of Ecology, following publication of these regulations adopt identical or equivalent regulations, EPA will withdraw its proposed regulations. If the State submits acceptable amendments after EPA promulgation, these regulations will be rescinded.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101: Attention: J. Akins. Relevant comments received on or before July 11, 1974 will be considered, and will be available during normal hours at the Region X Office.

This notice of proposed rulemaking is issued under authority of section 110(a) of the Clean Air Act as amended (42 U.S.C. 1857c-5(a)).

Dated: June 5, 1974.

RUSSELL E. TRAIN,  
Administrator.

It is proposed to amend Part 52 of the Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart WW—Washington

1. Section 52.2475 is amended by adding paragraph (b) as follows:

§ 52.2475 Legal authority.

(b) Revised Code of Washington (RCW) 70.94.181 is disapproved to the extent that it permits granting of variances under the conditions cited in § 52.2480 of this chapter.

2. Subpart WW is amended by adding a new § 52.2480 as follows:

§ 52.2480 Variances.

(a) Washington Administrative Code (WAC) 18-04-150 of the Washington Department of Ecology Regulations and all portions of local agency regulations pertaining to the granting of variances are disapproved insofar as they permit the granting of variances beyond the dates required for attainment of the national standards, without the ap-

proval of the Administrator, and for reasons not permitted by the Clean Air Act.

(b) Regulation Limiting variances:

(1) No variance from any requirement of the Washington implementation plan shall be granted unless the variance requires compliance with the applicable plan within the time specified in § 52.2478 of this chapter.

(2) A variance may defer compliance with an applicable plan requirement beyond the times set forth in § 52.2478 if:

(i) pursuant to section 110(e) of the Act, the attainment date of national ambient air quality primary standards, which is implemented by the applicable plan requirement, has been extended beyond July 31, 1975, and the source seeking a variance is one of the sources for which the extension has been granted, or

(ii) the conditions and procedures set forth in Section 110(f) of the Act are met.

(3) a variance shall not be effective until it has been submitted to and approved by the Administrator in accordance with §§ 51.6, 51.8, 51.15(b) and (c), and, if applicable, § 51.32 (a)-(e) of this chapter.

3. Section 52.2495 is amended by adding paragraphs (c)-(j) as follows:

**§ 52.2495 Review of new sources and modifications.**

(c) Washington Administrative Code (WAC) 18-04-100 and 18-04-110, as submitted on September 10, 1973, with the exception of paragraphs (d) through (f) of this section are approved.

(d) Washington Administrative Code (WAC) 18-04-100 of the Department of Ecology Regulations and portions of local agency regulations in the approved implementation plan are disapproved insofar as they do not require sawmills as a category of sources to which registration is required.

(e) Washington Administrative Code (WAC) 18-04-110(4) of the Department of Ecology Regulations, as submitted to the Administrator on September 10, 1973, is disapproved insofar as the reference to RCW 80.58 constitutes a partial circumvention of the requirements of WAC 18-04 for new source review of thermal power plants.

(f) Washington Administrative Code (WAC) 18-04-110 of the Department of Ecology Regulations, as submitted to the Administrator on September 10, 1973, is disapproved insofar as it does not provide a 30-day period following receipt of a notice of construction prior to issuance of an approval/disapproval notice to allow for public comment as required by § 51.4 of this Chapter.

(g) Washington Administrative Code (WAC) 18-36-080 (Kraft pulp mills), 18-38-080 (sulfite pulp mills), 18-52-070(3) (primary aluminum plants), and 18-04-110 (Notice of Construction) of the Department of Ecology Regulations in the State implementation plan, and all portions of local agency regulations

in the State implementation plan pertaining to new source review, are disapproved insofar as they:

(1) Allow automatic approval of a notice of construction if an order to prevent the construction is not issued within 30 days.

(2) Do not require the reviewing agency to review new stationary sources to determine whether construction or modification will interfere with attainment or maintenance of the national ambient air quality standards.

(3) Do not provide a 30-day period between receipt of a notice of construction prior to issuance of an approval/disapproval notice to allow for public comment.

(h) All portions of local agency regulations in the applicable implementation plan pertaining to new source review are disapproved as they do not explicitly require the local agencies to review the location of new stationary sources.

(i) Regulation for the review of new and modified sources in selected source categories:

(1) This requirement is applicable to the construction or modification of stationary sources throughout the State in the following categories:

- (i) Sulfite pulp mills
- (ii) Kraft pulp mills
- (iii) Primary aluminum plants
- (iv) Sawmills
- (v) Thermal power plants

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to paragraph (1)(3) of this section.

(v) Any additional information, plans, specification, evidence or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act on an application within 60 days following completion of a 30-day public comment period and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not be-

gun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any person of the responsibility to comply with any local, State, or Federal regulation which is part of the applicable plan.

(j) Regulation providing for public comment:

(1) Prior to approval or disapproval of the construction or modification of a stationary source pursuant to WAC 18-04-110 of the Washington Department of Ecology Regulations or paragraph (i) of this section, the reviewing agency shall:

(i) Make preliminary determination whether the stationary source should be approved, approved with conditions, or disapproved.

(ii) Make available in at least one location in each region in which the proposed stationary source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the reviewing agency's preliminary determination, and a copy or summary of other materials, if any, considered by the agency in making its preliminary determination; and

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed stationary source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the reviewing agency's preliminary determination on the approvability of the source.

(2) A copy of the notice required pursuant to this paragraph shall be sent to the Administrator through the appropriate regional office (for sources subject to WAC 18-04-110 of the Washington Department of Ecology Regulations); to all other State and local air pollution control agencies having jurisdiction in the region where the stationary source will be located; and to any other agency in the region having responsibility for implementing the procedures required under WAC 18-04-110 of the Washington Department of Ecology Regulations.

(3) Public comments submitted in writing within 30 days of the date such information is made available shall be considered by the reviewing agency in making its final decision on the application.

[FR Doc. 74-13365 Filed 6-10-74; 8:45 am]

**[ 40 CFR Part 120 ]**

**NAVIGABLE WATERS OF TERRITORY OF GUAM**

**Proposed Water Quality Standards**

The purpose of this notice is to propose regulations setting forth standards of water quality to be applicable to the navigable waters of the Territory of Guam, pursuant to section 303(b) of the Federal Water Pollution Control Act as amended (33 U.S.C. 1313(b)) (the Act). A notice announcing the intention of the Environmental Protection Agency to review all navigable water quality standards pursuant to the Act was published

## PROPOSED RULES

in the *FEDERAL REGISTER* on December 29, 1972 (37 FR 28775-28780).

Under section 303(a) of the Act, the Administrator of the U.S. Environmental Protection Agency is required to review water quality standards for navigable waters adopted and submitted by the States (and Territories). When he determines that changes in such water quality standards are required to meet requirements of the Act as in effect prior to October 18, 1972 (the date of enactment of the 1972 Amendments of the Act, P.L. 92-500), he must notify the State. If the State does not adopt the required revisions or if the revisions submitted by the State do not meet the requirements of the Act, the Administrator may publish proposed revised water quality standards in accordance with such requirements.

The Territory of Guam prior to October 18, 1972 adopted water quality standards for both interstate waters and intrastate waters. After the enactment of the 1972 Amendments, EPA reviewed both the interstate and intrastate water quality standards pursuant to section 303(a) of the Act. On January 18, 1973 the Regional Administrator notified the Governor of Guam that certain revisions to the interstate water quality standards of Guam were necessary to make the standards consistent with the applicable requirements of the Act. On March 12, 1973 a similar notification was made for intrastate water quality standards.

Guam was required to classify all waters in compliance with the national policy that requires all waters to be protected for recreational uses and for the support and propagation of aquatic life. Several of their port and harbor areas are deficient in their use classification; therefore, it is proposed to extend protection of these beneficial uses throughout Guam's waters.

Numerical limitations on toxic substances were required. A general toxicity standard based on an acute bioassay test is proposed to fulfill this need.

In order to clarify the nomenclature in the Standards of Water Quality for Waters of the Territory of Guam, April 1968, terminology corrections are also proposed.

Guam has not adopted revised interstate and intrastate water quality standards in response to EPA's request as required by the Act. Accordingly, pursuant to section 303(b)(1), EPA is now proposing regulations setting forth standards required to comply with the Act as in effect prior to October 18, 1972.

Section 303(b)(2) of the Act requires the Administrator to promulgate water quality standards no later than 190 days after the date of publication of this no-

tice, unless by such time the State shall have adopted water quality standards which the Administrator determines to be in accordance with the requirements of section 303(a) of the Act. However, the Administrator is not required to await State action for the entire 190-day period prior to promulgation. Thus, the standards may be promulgated by the Administrator at any time following the expiration of time for public comment.

Except as provided in the attached proposed regulations, the interstate and intrastate standards previously adopted by the Territory of Guam are the effective water quality standards under Section 303 of the Act for interstate and intrastate waters within the Territory. Where the proposed regulations set forth below are inconsistent with the referenced standards, these regulations, if promulgated, will supersede such standards to the extent of the inconsistency.

The standards document is available for inspection and copying at the Guam Environmental Protection Agency, Public Health and Social Services Department, Mangilao, Guam 96910 and the EPA Regional Office, 100 California Street, San Francisco, California 94111. EPA's information regulations, 40 CFR Part 2, provide that a fee may be charged for making copies.

Interested persons may submit written data, views, or arguments, in triplicate in regard to the proposed regulations to the Regional Administrator, EPA, 100 California Street, San Francisco, California 94111. All relevant material received on or before September 9, 1974, will be considered.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 120 be amended as set forth below.

The proposed new part would be effective immediately upon republication.

(Sec. 303(b), Pub. L. 92-500, 86 Stat. 816 (33 U.S.C. 1313(b))

Dated: June 4, 1974.

JOHN QUARLES,  
Acting Administrator.

**§ 120.10 [Amended]**

1. In § 120.10 the paragraph entitled "Territory of Guam" is deleted.

2. A new § 120.19 is added as follows:

**§ 120.19 Guam water quality standards.**

Water quality standards included in the document entitled "Standards of Water Quality for Waters of the Territory of Guam, April 1968," are the approved water quality standards for the Territory of Guam, except as amended as follows:

(a) For clarification purposes, corrected terminology shall be read into the Standards as follows:

(1) References to "the Department of Interior" and "the Federal Water Pollution Control Administration" will be taken to mean "the Environmental Protection Agency."

(2) References to "the Secretary" or "the Secretary of Interior" will be taken to mean "the Administrator of the Environmental Protection Agency."

(3) References to the "Water Pollution Control Commission" or "the Commission" will be taken to mean, as appropriate, "the Guam Environmental Protection Agency" or "the Guam Environmental Protection Board."

(4) References to State and Federal laws will be replaced by references to current equivalent laws.

(b) The first two paragraphs of "WATER USES, Identification of waters and beneficial uses:"

(1) "Near-shore coastal waters." (pp. 9 and 10 of the Guam standards), shall be replaced with the following paragraph:

All near-shore coastal waters shall be protected for the present and future uses of industrial water supply, propagation of fish and other aquatic life and wildlife (including waters reserved for conservation of native marine biota, shellfish propagation, and commercial and sports fishing), esthetic enjoyment, and recreation. The following near-shore water will also be protected for uses of navigation in addition to uses listed above: Fago Bay, Talafofo Bay, Agfayan Bay, Manell and Mamaon Channels, Port Emnzo (Merizo), Umatac Bay, Outer Apra Harbor, Agana Small Craft Harbor, Inner Apra Harbor and the areas immediately adjacent to docks, piers, wharves, and loading facilities of the new Apra commercial docks, oil and ammunition docks, and Piti channel.

(c) The following provision shall be added to "STANDARDS FOR WATER QUALITY, Additional Requirements" (p. 9 of the Guam standards):

5. In all the waters of the territory at all times, toxic substances shall be kept below levels which are deleterious to human, animal, plant or aquatic life, or in amounts sufficient to interfere with the beneficial uses of the water. The presence of toxic substances in a water shall be evaluated by use of a 96-hour bioassay, guided by the document "Standard Methods for the Examination of Water and Wastewater", 13th edition. The survival of the test organisms shall not be less than that in controls which utilize appropriate experimental water. Experimental water shall be obtained from a nearby location having water quality representative of natural conditions at the test location, or other appropriate experimental water defined by the Territory and concurred in by EPA. Failure to determine presence of toxic substances by this method shall not preclude determination of excessive levels of toxic substances on the basis of other criteria or methods.

[FR Doc. 74-13281 Filed 6-10-74; 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

### Customs Service [T.D. 74-162]

### FOREIGN CURRENCIES

#### Certification of Rates

MAY 30, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-124 for the following countries. Therefore, as to entries covering merchandising exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Austria schilling:	
May 20, 1974	\$ 0.0565
May 21, 1974	.0562
May 22, 1974	.0563
May 23, 1974	.0565
May 24, 1974	.0564
Belgium franc:	
May 23, 1974	.026730
Switzerland franc:	
May 22, 1974	.3453
May 23, 1974	.3459

[SEAL]

R. N. MARRA,  
Director,

Duty Assessment Division.

[FR Doc. 74-13299 Filed 6-10-74; 8:45 am]

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### PROPOSED F-15 BEDDOWN AT LUKE AIR FORCE BASE, ARIZ.

#### Notice of Public Hearing

JUNE 7, 1974.

Notice is hereby given that in accordance with the National Environmental Policy Act (42 U.S.C. 4321), the United States Air Force will conduct an informal public hearing in Phoenix, Arizona on the F-15 Beddown at Luke Air Force Base, Arizona. The informal hearings are scheduled to begin at 9 a.m., June 17, 1974, in the Maricopa County Board of Supervisors' Auditorium, 205 West Jefferson, Phoenix, Arizona.

The draft environmental statement on the F-15 Beddown at Luke Air Force Base discusses the proposal to locate the first squadron of F-15 fighter aircraft at Luke Air Force Base. The purpose of this action is to provide combat crew training in the F-15 in terms of operation and weapon systems delivery. As the F-15

move in, F-4 and F-104 aircraft will be phased out of the base. The overall number of jet aircraft and personnel will remain essentially the same.

Copies of the draft environmental statement have been made available to libraries in Sun City, Avondale, Litchfield Park, Phoenix and Glendale for review. Also the Chamber of Commerce of Avondale, Goodyear, Litchfield Park, Phoenix and Glendale have copies for review. Copies may be obtained from Headquarters USAF, Directorate of Civil Engineering, Environmental Protection Group (PREV), Washington, D.C. 20330.

Since notice of availability was published in the **FEDERAL REGISTER** (39 FR 15904, May 6, 1974) and copies were made available in the locality affected, the notice of this hearing is considered reasonable under 44 U.S.C. 1508 and further delay in the date of the hearing would serve no useful purpose.

Persons desiring to participate in the hearings are asked to submit a request in writing to the Office of Information, Luke Air Force Base, Arizona 85308, or by calling 602-935-7411, extension 2011.

WALTER G. FENERTY,  
Acting Chief, Legislative Division,  
Office of The Judge Advocate General.

[FR Doc. 74-13454 Filed 6-10-74; 8:45 am]

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

### LEWIS K. AMBROSE

#### Statement of Financial Interest

OCTOBER 4, 1973.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the **FEDERAL REGISTER**:

#### NAME OF APPOINTEE

Lewis K. Ambrose.

#### NAME OF EMPLOYING AGENCY

Department of the Interior, Defense Electric Power Administration.

#### THE TITLE OF THE APPOINTEE'S POSITION

Deputy Director, Area 13.

#### THE NAME OF THE APPOINTEE'S PRIVATE EMPLOYER OR EMPLOYERS

City of Seattle, Dept. of Lighting.

The statement of "financial interests" for the above appointee is enclosed.

ROGERS C. B. MORTON,  
Secretary of the Interior.

#### APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the **FEDERAL REGISTER**:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on October 4, 1973, as Deputy Director, Area 13, Defense Electric Power Administration, an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Investor's Mutual Incorporated, 1,644,081 Shares.

Investor's Stock Fund Incorporated, 216,167 Shares.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

Rental property—Star Route No. 1, Belfair, Washington, Box 440 (Hood Canal-South Shore Road.)

L. K. AMBROSE.

OCTOBER 24, 1973.

[FR Doc. 74-13309 Filed 6-10-74; 8:45 am]

## LEWIS K. AMBROSE

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.

(2) No change.

(3) No change.

(4) No change.

This statement is made as of April 4, 1974.

Dated: April 4, 1974.

L. K. AMBROSE.

[FR Doc. 74-13308 Filed 6-10-74; 8:45 am]

## DEPARTMENT OF AGRICULTURE

### Forest Service

### SOUTH KAIBAB GRAZING ADVISORY BOARD

#### Notice of Meeting

The South Kaibab Grazing Advisory Board will meet at 1:00 p.m. July 12, 1974, in the Forest Supervisor's Office, 103 W. Bill Williams Avenue, Williams, Arizona.

## NOTICES

The following items will be discussed:

1. Results of 1974 Advisory Board Election.
2. Election of Advisory Board Chairman.
3. Designation of date for 1974 field day.
4. Review Sycamore Management Plan.
5. Discussion of Havasupai—Rain Tank Use.
6. Presentation of powerline proposals.
7. Review Williams Planning Unit Land Use Plan.
8. Presentation on provisions and management implications of the Endangered and Threatened Species Conservation Act of 1973.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Kaibab National Forest, P.O. Box 817, Williams, Arizona, telephone 635-4481. Written statements may be filed with the committee before or after the meeting.

Those attending may express their views when recognized by the Chairman.

Dated: June 3, 1974.

KEITH T. PFEFFERIE,  
Forest Supervisor.

[FR Doc.74-13307 Filed 6-10-74;8:45 am]

## DEPARTMENT OF COMMERCE

Domestic and International Business Administration

EASTERN VIRGINIA MEDICAL SCHOOL AND UNIVERSITY OF WISCONSIN

## Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00328-33-46500. Applicant: Eastern Virginia Medical School, Department of Pathology, 358 Mowbray Arch, Norfolk, Va. 23507. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for the examination of cells, tissues, and tissue cultures infected with viral agents; studies on the ultrastructural mechanisms of kidney disease, and a cytochemical determination of the mechanisms controlling amyloid deposition in duck tissues. The article will be used in an advanced course in electron microscopy which will enable medical students and medical personnel to become highly proficient in the techniques of ultramicrotomy. Application received by Commissioner of Customs: February 11, 1974. Advice submitted by the Department of Health, Education, and Welfare on: May 6, 1974.

Docket number 74-00313-33-46500. Applicant: University of Wisconsin, Department of Anatomy, 1255 Linden Drive, Bardeen Medical Laboratories, Madison, Wisconsin 53706. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for studies of biological materials, chiefly tissue from the central nervous system of normal and experimental animals. The ultrastructural morphology of nerve cells and their processes will be investigated. The experiments are concerned with the development of neuronal connections in the visual system. Application received by Commissioner of Customs: February 1, 1974. Advice submitted by the Department of Health, Education, and Welfare on: May 6, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeters/second (mm/sec) to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is . . . a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great vari-

ation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director,

Special Import Programs Division.

[FR Doc.74-13353 Filed 6-10-74;8:45 am]

## METHODIST HOSPITAL OF INDIANA INC.

## Consolidated Decision on Applications for Duty-Free Entry of EMI Scanner Systems

The following is a consolidated decision on applications for duty-free entry of EMI Scanner Systems pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00312-99-90000. Applicant: Methodist Hospital of Indiana, Inc., 1604 N. Capitol Avenue, Indianapolis, Indiana 46202. Article: EMI Scanner. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in a teaching program which will involve instruction in the use of the machine and the significance of the information generated. Research will be limited to nonformal clinical research, in particular, studies to determine whether or not and to what degree the article will render other studies redundant. Application received by Commissioner of Customs: January 28, 1974. Advice submitted by the Department of Health, Education, and Welfare on: May 6, 1974.

Docket number: 74-00315-33-90000. Applicant: Ralph K. Davies Medical Center, Castro & Duboce Streets, San Francisco, California 94114. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use

of article: The article is intended to be used to investigate and diagnose a large variety of neurologic disorders, the most common of which are cerebral vascular accident (stroke) and brain tumors. The article will also be used in the instruction of students and residents in the natural history of cerebral vascular accidents and brain tumors, particularly where radiation therapy and/or chemotherapy is involved. Application received by Commissioner of Customs: January 31, 1974. Advice submitted by the Department of Health, Education, and Welfare on: May 6, 1974.

Docket Number: 74-00319-33-90000. Applicant: University of California, San Francisco, 1438 South Tenth Street, Richmond, California 94804. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to obtain cross sectional pictures of the brain using noninvasive techniques. Patients with suspected brain abnormalities will be studied with the article and the findings will be correlated with those of the standard neuroradiologic and isotopic diagnostic techniques. This technique will be of educational value in teaching the anatomical details of the normal and abnormal brains in the transaxial tomographic mode. Application received by Commissioner of Customs: February 12, 1974. Advice submitted by the Department of Health, Education, and Welfare on: May 6, 1974.

Docket number: 74-00324-33-90000. Applicant: Broward General Medical Center, Neurological Sciences Building, Fort Lauderdale, Fla. 33316. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in a computerized axial tomography study of patients with varied neurological diseases involving brain tissue. Such diseases as tumors, strokes and atrophic disorders will be studied. The objectives of this research will be to identify and store pertinent disease data for comparison and use with other patients to preserve and save lives. The article will also be available for study under supervision by neurological residents at the University of Miami Medical School to familiarize the student with usefulness of the equipment in neurology. Application received by Commissioner of Customs: February 7, 1974. Advice submitted by the Department of Health, Education, and Welfare on: May 6, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial x-ray tomography. We find that the speed accuracy of each article is pertinent to the purposes for which each of the foreign articles cited above is intended to be used. The Department of Health, Education,

and Welfare advised in its respectively cited memoranda that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director,  
Special Import Programs Division.

[FR Doc.74-13348 Filed 6-10-74:8:45 am]

#### MIDLAND MACROMOLECULAR INSTITUTE

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 202230.

Docket number: 73-00253-01-56030. Applicant: Midland Macromolecular Institute, a Division of the Michigan Foundation for Advanced Research, 1910 West St. Andres, Drive, Midland, MI 48646. Article: Molecular weight apparatus, Model 117. Manufacturer: Nissei-Sangyo Co., Ltd., Japan. Intended use of article: The article is intended to be used to make measurements of solutions of various concentrations at various temperatures during studies to obtain a better understanding of properties of high molecular weight compounds and detergents. Specifically, in the high molecular weight compound study to investigate how the solution behavior influences film and fiber formation from solution and in the detergent study to investigate the solubilization of different compounds.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reason: The foreign article can measure molecular weights of at least  $10^6$ . The most closely comparable domestic instrument, the Model 300 series manufactured by Mechrolab, does not measure molecular weights above the order of  $2 \times 10^4$ . The National Bureau of Standards (NBS)

advised in its memorandum dated May 7, 1974 that the capability to measure molecular weights of at least  $10^6$  is pertinent to the applicant's intended research. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director,  
Special Import Programs Division.

[FR Doc.74-13352 Filed 6-10-74:8:45 am]

#### M.I.T. HAYSTACK OBSERVATORY

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00219-00-41200. Applicant: M.I.T. Haystack Observatory, E18-360, Cambridge, MA 02139. Article: Varian CW Klystron VRE-2102A49. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The article is intended to be used as a component part of a K-band maser microwave radiometric receiver used at a radio radar observatory engaged in radio spectral line studies.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is to be used as a compatible component to a microwave receiver. The article provides the capability of at least 500 milliwatts output at frequencies above 50 gigahertz. The National Bureau of Standards (NBS) advised in its memorandum dated May 6, 1974 that the capability described above is pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director,  
Special Import Programs Division.

[FR Doc.74-13347 Filed 6-10-74:8:45 am]

## NOTICES

## STANFORD UNIVERSITY

## Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00479-00-77040. Applicant: Stanford University, 330 Bonair Siding Road, Stanford, Calif. 94305. Article: Fast adiabatic passage RF transition unit. Manufacturer: Auckland Nuclear Accessory Co., Ltd., New Zealand. Intended use of article: The article is to be a component on the Stanford polarized ion source and will be used to study "spin-dependent" effects of nuclear forces and properties of nuclear states. The article will also be used for education of graduate students in physics.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director,  
Special Import Programs Division.

[FR Doc. 74-13350 Filed 6-10-74; 8:45 am]

## STATE UNIVERSITY OF NEW YORK AT BUFFALO

## Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00316-00-46070. Applicant: State University of New York at Buffalo, 3435 Main Street, Buffalo, New York 14214. Article: Accessories to JSM U3 Scanning Electron Microscope Anti-Contamination Device, Solid Pair Detector and Specimen Heating Device. Manufacturer: JEOL Ltd., Japan. Intended use of article: The articles are accessories to an existing scanning electron microscope being used for research and instructional functions on the campus in engineering and in biological sciences. Specific applications of these accessories are as follows:

Anti-contamination Device—Prevents contamination of the specimens during electron bombardment.

Specimen heating device — Permits maintaining the temperature of the specimen under observation at elevated levels (up to 450° C) necessary to study many metallurgical phenomena that are thermally activated.

Solid Pair Detector—Separates the microscopic image into two images.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to compatible accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used, and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director,  
Special Import Programs Division.

[FR Doc. 74-13349 Filed 6-10-74; 8:45 am]

TRENTON STATE COLLEGE ET AL.  
Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent

scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 1, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the *FEDERAL REGISTER*, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00469-33-46040. Applicant: Trenton State College, Department of Biology, Trenton, New Jersey 08625. Article: Electron Microscope, Model HS-9. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used as a teaching and research tool. A wide variety of biological tissues will be examined from many organisms including bacteria, algae, invertebrates and vertebrates. In most instances, tissues will be examined following embedding in plastic and thin sectioning. Usually the goal will be to elucidate the ultrastructural components of this tissue in question. In some instances, tissues may have been previously treated either *in vivo* or *in vitro* with experimental drugs or antibiotics. Application received by Commissioner of Customs: May 13, 1974.

Docket number: 74-00470-33-46040. Applicant: State University of New York, Health Sciences Center, Stony Brook, New York 11790. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments N.V.D., The Netherlands. Intended use of article: The article is intended to be used for the following research projects:

(A) The physical structure of bacterial plasmids (such as the so-called sex factor F and the resistance factor R responsible for multiple resistance in *E. coli* K-12) will be derived from electron microscopic studies to determine the mapping of the functional sites and/or sequences involved in specialized recombination of such plasmids with bacterial chromosomes. These studies will lead to a basic understanding of the general mechanisms of gain and loss of genetic material.

(B) The extent to which structural elements may direct the biological function of ribonucleic acids of mammalian viruses and cells will be determined. This research involves the sequence determination or defined segments of polio virus RNA according to established procedures. The results obtained by these studies will help in the understanding of the structure and function of host cell nucleic acids.

(C) A study of the uptake of vaccinia virus in mammalian cells will be undertaken as part of a study of the synthesis and transport of messenger-RNA by vaccinia virus. This research will involve the use of electron microscopy to character-

ize the mechanisms of viral uptake. This investigation into the molecular biology of animal virus replication undertakes to determine how animal viruses conduct and control their replication cycle and possibly will aid in understanding how the more complicated eukaryotic cell performs similar functions.

(D) Investigation into aspects of ribosome function and structure, such as particle surface structure, is the objective of another line of research. Current work involves a study of the binding of the antibiotics tetracycline and streptomycin to the ribosome. Electron microscopy shall be performed on native and modified particles to determine the nature of the structural changes. Such information will be instrumental in understanding the mechanism and regulation of protein synthesis.

(E) The absorption process of the bacteriophage P22 will be investigated using a variety of mutants of this phage and the electron microscope. This investigation will determine the function of the genes defined by the mutations, using electron microscopic studies and classical phage techniques. This research will provide basic information on the structure and function of the regulatory genes of P22.

(F) Research involving the special structural properties of circular DNA, single-stranded breaks in the molecule, and detailed analyses of the tertiary structure of DNA superhelices. The article will also be used in the following courses to teach students the methodology and techniques of using an electron microscope for visualization of extremely small cellular components, and how to extend the results of these techniques to the possible solution of research problems:

Research project in Microbiology  
Experimental Microbiology  
Graduate Research  
Microbial structure and function  
Introduction to Electron Microscopy  
Advance Methodology in Electron Microscopy  
Introduction to Ultrastructure  
Problem Course in Electron Microscopy

Application received by Commissioner of Customs: May 13, 1974.

Docket Number: 74-00472-90-46040. Applicant: U.S. Environmental Protection Agency, National Water Quality Lab., 6201 Congdon Blvd., Duluth, Minnesota 55804. Article: Electron Microscope, Model JEM 100C with scanning attachment and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of cellular ultrastructure in a wide variety of applications which include the following:

1. Fine particle analysis of asbestos fibers in naturally occurring aquatic and biological systems.
2. Study of macromolecular structure of purified proteins.
3. Fine particle analysis of naturally occurring materials in Western Lake Superior with respect to on-going physical studies involving water transport, red clay turbidity, light scattering properties

of particles, and remote sensing studies.

4. Ultrastructure of naturally occurring indigenous aquatic species e.g., microbial populations, phytoplankton, zooplankton and benthic invertebrates.

5. Ultrastructure studies useful for classification and taxonomy of diatomaceous populations, phytoplankton groups and periphyton communities.

6. Studies on trace metal uptake from fine particles by indigenous biological species.

7. Studies of sedimentary pollen analysis with particular reference to extine substructure and diatom stratigraphy as a method of assay of eutrophication levels.

Application received by Commissioner of Customs: May 13, 1974.

Docket number: 74-00473-33-90000. Applicant: Delaware Valley Neurosurgical Association, C-111 Episcopal Hospital, Front Street and Lehigh Avenue, Philadelphia, Pa. 19125. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to non-invasively study the brain anatomy in cerebral neurological causes by computer assisted axial tomography. The article will also be used in training radiology, neurology, and neurosurgical residents.

Application received by Commissioner of Customs: May 13, 1974.

Docket number: 74-00474-33-46040. Applicant: Veterans Administration Hospital, 4500 South Lancaster Road, Dallas, Texas 75216. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for high resolution studies of membrane architecture to understand the molecular organization of biological membranes and related structures in terms that will explain their cellular functions. Another area of study will relate to the behavior of cancer cells. Conventional thin section and freeze etching electron microscopy will be utilized in the study of islet cells, their membranes and subcellular components. The morphology of the islet cell membranes of the diabetic versus the nondiabetic islets of Langerhans will be studied in the hope of identifying the underlying defect which may well be morphologic. Other studies of hepatic lysosomal responses to islet cell hormones in diabetes and other catabolic disorders, as well as continuation of studies of capillary basement membrane thickening in diabetes will also be carried out by electron microscopy. Application received by Commissioner of Customs: May 14, 1974.

Docket number: 74-00475-33-46040. Applicant: State University of New York, Health Sciences Center, Stony Brook, New York 11790. Article: Electron Microscope, Model EM 201C with side entry goniometer stage. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for research in the following projects: Electron microscopic studies to determine the mapping of the functional

sites and/or sequences involved in specialized recombination of bacterial plasmids (such as the so-called sex factor F and the resistance factor R responsible for multiple resistance in *E. coli* K-12) with bacterial chromosomes. The extent to which structural elements may direct the biological functions of ribonucleic acids of mammalian viruses and cells will be determined. This research involves the sequence determination of defined segments of polio virus RNA according to established procedures. The results obtained by these studies will help to understand the structure and function of host cell nucleic acids. A study of the uptake of vaccinia virus in mammalian cells will be undertaken as part of a study of the synthesis and transport of messenger-RNA by vaccinia virus. Investigation into aspects of ribosome function and structure, such as particle surface structure, is the objective of another line of research. Other research includes: (a) investigation of the absorption process of the bacteriophage P22 using a variety of mutants of this phage and the electron microscope and (b) an active line of research concerned with the structure and synthesis of the nucleic acids, especially the properties of the circular DNA's.

In addition the article will be used to teach the methodology and techniques of using an electron microscope for visualization of extremely small cellular components, and how to extend the results of these techniques to the possible solution of research problems. Application received by Commissioner of Customs: May 14, 1974.

Docket number: 74-00476-33-46500. Applicant: State University of New York, School of Basic Health Sciences, Health Sciences Center, Stony Brook, New York 11790. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to obtain thin sections for high resolution electron microscopy in a variety of studies in smooth and striated muscle of both vertebrate and invertebrate specimens, ultrastructure of membrane and central nervous system and other cells and tissues. Investigations will involve specifically ultrastructure of frog iris, structural changes in shortening of striated muscle from horseshoe crab and other marine specimens, fine structure of mammalian spinal cord, morphology of a maternally transmitted infectious sex ratio organism in *Drosophila*, and anatomical organization of avian brain. Information obtained through research is incorporated into teaching material for medical, dental, nursing and allied health students as well as graduate and undergraduate research course work, whenever it can provide clarification or contribution of new data. In addition, postdoctoral fellows, graduate and undergraduate students in elective research projects are trained in techniques and applications of the instruments. Application received by Commissioner of Customs: May 15, 1974.

## NOTICES

Docket Number: 74-00477-33-46500. Applicant: University of South Alabama, College of Medicine, Department of Anatomy, 307 Gaillard Drive, Mobile, Alabama 36688. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studies of biological materials with applications of specialized techniques to exhibit normal and pathological structures, e.g., histochemistries and immunological labeling, at a subcellular level. Specimens for these studies will be from both human biopsies and experimental animals. Application received by Commissioner of Customs: May 15, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director,  
Special Import Programs Division.

[FR Doc. 74-13346 Filed 6-10-74; 8:45 am]

## UNIVERSITY OF HAWAII

## Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00118-01-59400. Applicant: University of Hawaii, Chemistry Department, 2545 The Mall, Honolulu, Hawaii 96822. Article: Quantum Yield Photoreactor. Manufacturer: Applied Photophysics Ltd., United Kingdom. Intended use of article: The foreign article is intended to be used to study photochemistry of unsaturated organic hydrocarbons. Specifically, the efficiency of reaction at different temperatures (lower than room temperature) will be examined. It is intended to investigate usually thermally stable but photochemically labile materials. The major type of reaction to be examined is geometric isomerization and the primary objective is to determine the energy barrier in photochemical reactions or other photophysical processes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability of operation at liquid-nitrogen temperatures. The most closely comparable domestic instrument is manufactured by the Moses Company

(Moses). The Moses instrument does not provide a capability for operation at liquid-nitrogen temperatures. The National Bureau of Standards advised in its memorandum dated May 9, 1974 that the capability of operation at liquid-nitrogen temperatures is pertinent to the applicant's purposes. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director,  
Special Import Programs Division.

[FR Doc. 74-13351 Filed 6-10-74; 8:45 am]

## UNIVERSITY OF PENNSYLVANIA ET AL.

## Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 1, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the *FEDERAL REGISTER*, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00453-99-46040. Applicant: University of Pennsylvania, School of Veterinary Medicine, 3800 Spruce Street, Philadelphia, Pa. 19174. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for teaching veterinary pathology to second year students and graduate veterinarians pursuing both resident training programs in pathology and doctoral training programs. The courses include the following:

(1) 5001 Pathology—concerned with those basic principles of cell and tissue reaction to disease and those aspects of systemic pathology believed necessary for a student planning a career in practice, teaching or research.

(2) 5401 Small Animal Pathology—presentation of the fundamentals of systematic pathology relevant to small animal practice involving the dog and cat.

(3) 5999 Independent Study and Research—Pathology, Small Animal Pathology.

(4) 606 Veterinary Pathology—involving variable routine and investigative work in general and special veterinary pathology.

All the courses are related to the study of disease and concern themselves with such aspects relevant to the etiology—cause and pathogenesis—mechanism and effects—morphology or structural changes of disease. The article will also be used for conventional training enabling students to learn and understand the techniques, and value of electron microscopy. Application received by Commissioner of Customs: May 7, 1974.

Docket number: 74-00461-33-46040 Applicant: Florida State University, Department of Biological Sciences, Tallahassee, Florida 32306. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended for the following research projects:

(1) The study of synaptogenesis in the developing nervous system of cephalopods.

(2) High resolution autoradiography for the study of the neurogenetic patterns in the olfactory system of frog and rat.

(3) Ultrastructural studies on the degenerative-regenerative patterns in the olfactory system of frog and rat.

(4) The comparative ultrastructural make up of the vertebrate olfactory mucosa.

(5) Interceptor contacts in the olfactory mucosa of mammals.

(6) Study of sensory structures in Schistosome cicariae.

(7) Ultrastructural studies of degenerative patterns in the thalamic nuclei of cat.

(8) Morphology and ultrastructure of Bacillariophytes.

(9) Ultrastructural studies of axon membranes in different functional conditions.

(10) Chemical and electrical synaptic contacts in the taste buds of rat.

(11) Fine structure of the capillary filaments of the coenocytic green alga *Penicillium capitatum*; Fine structural aspects of the development of juvenile plants in *Penicillium capitatum*; and Fine structure of the fungus-alga association in *Cladophora fuliginosa*.

The article will also be used in the following teaching programs:

(1) Bio 339—Submicroscopic anatomy of vertebrates organs and tissues.

(2) Bio 406—Neurobiology.

(3) Bio 608—Advanced Neurology. Application received by Commissioner of Customs: May 9, 1974.

Docket number: 74-00467-33-46040. Applicant: Mayo Foundation, 200 First Street Southwest, Rochester, Minnesota 55901. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used for studies of bio-

logical materials consisting of human and experimental animal tissues, both normal and pathological; mammalian cells grown in tissue culture under a variety of experimental conditions; subcellular fractions; and virus preparation. Experiments to be conducted will include an examination of the normal behavior and structure cells in culture and tissues; the localization of specific subcellular sites of interaction of inducing or transforming chemicals utilizing electron microscope autoradiography; and an examination of induced acute and long-term functional and structural alterations. In addition the article will be used in the course "Introduction to Transmission Electron Microscopy," which is concerned with methodology and will include an introduction to preparation of tissue, cells, and subcellular fractions for thin sectioning; cytochemical techniques, electron microscope autoradiography; use of the electron microscope; and photographic procedures. Application received by Commissioner of Customs: May 1, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director,  
Special Import Programs Division.

[FR Doc.74-13354 Filed 6-10-74;8:45 am]

**DEPARTMENT OF  
TRANSPORTATION**  
Federal Highway Administration  
**STATE OF OREGON'S PROPOSED ACTION  
PLAN**

**Availability for Review**

The Oregon Department of Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Oregon State Highway Division, Public Affairs Office, 104 State Highway Building, Salem, Oregon 97310.
2. Oregon State Highway Division, Metro-

politan Office, 5821 N.E. Glisan Street, P.O. Box 13160, Portland, Oregon 97213.

3. Oregon State Highway Division, Region I Office, 9200 McLoughlin Blvd., P.O. Box 02157, Portland, Oregon 97202.

4. Oregon State Highway Division, Region II Office, 205 E. Salem Highway Building, P.O. Box 30, Salem, Oregon 97310.

5. Oregon State Highway Division, Region III Office, 1523 S.E. Cobb Street, P.O. Box 1128, Roseburg, Oregon 97470.

6. Oregon State Highway Division, Region IV Office, The Dalles-California Highway, P.O. Box 1249, Bend, Oregon 97701.

7. Oregon State Highway Division, Region V Office, 2111 Adams Avenue, P.O. Box 850, Salem, Oregon 97850.

8. Oregon Division Office—FHWA, Standard Insurance Building, 477 Cottage Street, N.E., Salem, Oregon 97308.

9. FHWA Regional Office—Region 10, Room 301 Mohawk Building, 222 S.W. Morrison Street, Portland, Oregon 97204.

10. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building—Room 3246, 400-7th Street, S.W., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before July 3, 1974.

Issued on June 5, 1974.

NORBERT T. TIEMANN,  
Federal Highway Administrator.

[FR Doc.74-13325 Filed 6-10-74;8:45 am]

**Hazardous Materials Regulations Board**  
**TRANSPORTATION OF HAZARDOUS MATERIALS**

**Special Permits Issued**

Pursuant to Docket No. HM-1, Rule-making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during May 1974:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6878	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., to ship nonflammable compressed gases in non-DOT Specification 110A600W tank car tanks.	Motor vehicle, rail freight.
6879	Parker Company, Detroit, Mich., to ship certain corrosive liquids in DOT Specification 5 drums, and in stainless steel drums erroneously marked.	Motor vehicle, rail freight.
6880	Amchem Products, Inc., Ambler, Pa., to ship certain corrosive liquids in DOT Specification 57 steel portable tanks constructed of materials that will not react dangerously with or be decomposed by the commodity.	Motor vehicle, rail freight.
6881	PPG Industries, Inc., Pittsburgh, Pa., to ship paints and certain flammable liquids in DOT Specification 52 magnesium portable tanks overdue for retest, and aluminum portable tanks having 575 gallon capacity.	Motor vehicle, rail freight.
6882	Allied Chemical Corporation, Morristown, N.J., to ship Monochlorodifluoromethane in a steel portable tank constructed in accordance with the ASME Code, Section VIII, Div. 1.	Motor vehicle.
6884	MSA Research Corporation, Evans City, Pa., to ship metallic potassium in solid form in 30-gallon DOT Specification 5C stainless steel (16 gauge) drums.	Motor vehicle.
6885	TRW Systems Group, Redondo Beach, Calif., to ship Helium—Radioactive devices in a non DOT Specification Inconel 718 nonrefillable pressure vessel.	Motor vehicle.

ALAN I. ROBERTS,  
Secretary.

[FR Doc.74-13322 Filed 6-10-74;8:45 am]

**WILLIAM M. BENKERT**  
**Designation as Board Member**

By Departmental Order 1100.11 dated July 27, 1967, and superseded by Order 1120.10A dated December 11, 1972, there was established within the Department of Transportation a Hazardous Materials Regulations Board. A notice appeared in the **FEDERAL REGISTER** (32 FR 14569), announcing the establishment of this Board and listing the names of the Departmental representatives serving on the Board. That notice stated that any changes and additions in the designations and authorities would be published as made. Such changes were published

in Docket No. HM-1; Amendment No. 170-1 (36 FR 16658) and in a Notice of Change of Members published August 13, 1971 (36 FR 15134). The purpose of this notice is to publish a change in the designation of the Coast Guard member which has taken place.

The Commandant, U.S. Coast Guard, on May 7, 1971, designated the Chief, Office of Merchant Marine Safety as his delegated representative for membership on the Board. Rear Admiral William F. Rea III was serving and has served since that time as Chief, Office of Merchant Marine Safety and consequently, as the Coast Guard member on the Hazardous Materials Regulations Board. On May 28, 1974, the Commandant of the Coast

Guard advised the Chairman of the Board that effective June 3, 1974, Rear Admiral William M. Benkert would relieve the incumbent and assume the post of Chief, Office of Merchant Marine Safety. Simultaneously, effective on the same date, the Commandant designated Rear Admiral William M. Benkert as the Coast Guard member of the Hazardous Materials Regulations Board.

Issued in Washington, D.C., on June 5, 1974.

ALAN I. ROBERTS,  
Secretary, Hazardous  
Materials Regulations Board.

[FR Doc. 74-13323 Filed 6-10-74; 8:45 am]

Office of the Secretary  
TRANSPORTATION OF HAZARDOUS  
MATERIALS IN AIR COMMERCE

Notice of Conference

Interested persons are invited to participate in a public conference to be held by the Department of Transportation on October 2nd to discuss what can be done to improve on the safe transportation of hazardous materials shipments via aircraft. The conference will begin 9 a.m. and will be held at the Shoreham Americana Hotel, Washington, D.C.

Our purpose in conducting the conference is to review the growing concern of the Congress and the Department of Transportation with respect to the carriage of hazardous materials and to explore with interested persons the need for more definitive action. Recent experience in the transportation of hazardous materials and evidence of non-compliance with applicable standards for packaging, labeling, documentation and handling of such materials, has given rise to varied recommendations for legislative and regulatory actions. Some recommended actions include proposed restrictions concerning the acceptability of such products for transportation by aircraft, particularly when the carriage of passengers is also involved.

We desire to consider the need for further refinement of Federal Regulations taking into account the feasibility of developing new mechanisms for industry surveillance and self-policing. Should the creation of industry screening and checking systems acceptable to the Department prove feasible, acceptance of hazardous materials may be conditioned upon evidence of conformance with such screening and checking procedures.

We would also like to consider means for increasing the effectiveness of Federal surveillance, including inspections at shippers' plants, freight forwarder facilities, the activities of brokers, and sample inspections of the contents of packages presented for shipment. In other words, what regulatory or other programs could we employ to be assured that all persons participating in the giving, handling, and moving of hazardous materials into air commerce are performing their func-

NOTICES

tions in a manner that will preclude unsafe conditions when such materials are carried aboard aircraft?

Prior documentation concerning the views of interested persons would be especially helpful for this conference. Accordingly, it is requested that the Department be furnished a statement of interested persons containing their views as to the dimensions of the problem of hazardous materials shipment particularly, and the most effective solutions of the problems which have been identified. Such statements should be transmitted to the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590, not later than August 1, 1974. Persons desiring to participate and to receive subsequent documentation which may be considered at the conference are requested to notify the Department at the above address not later than August 1, 1974. A detailed agenda of the conference will be distributed to persons intending to participate by August 22, 1974.

BENJAMIN O. DAVIS,  
Assistant Secretary for Environment,  
Safety and Consumer Affairs.

[FR Doc. 74-13535 Filed 6-7-74; 4:34 pm]

ATOMIC ENERGY COMMISSION

[Docket No. 50-289]

METROPOLITAN EDISON CO. ET AL.  
Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-50 issued to Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company, which revised Technical Specifications for operation of Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment permits plant warm-up and low power (<5%) testing with one emergency feedwater pump disabled. This amendment relates to radiological safety matters previously considered but does not involve a significant hazards consideration.

The application for the amendment 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 amendment.

For further details with respect to this action, see (1) the application for amendment dated May 6, 1974, (2) Amendment No. 1 to License No. DPR-50, with any attachments, (3) Amendment No. 2 to License No. DPR-50, with any attachments, and (4) the Commission's related Safety Evaluation, dated

May 10, 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 Government Publication Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

A copy of items (2), (3) and (4) 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 4th day of June 1974.

For the Atomic Energy Commission.

A. SCHWENCER,  
Chief, Light Water Reactors  
Branch 2-3, Directorate of  
Licensing.

[FR Doc. 74-13285 Filed 6-10-74; 8:45 am]

NUCLEAR PROPULSION SYSTEMS FOR  
MERCHANT SHIPS

Notice of Consideration

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has received a Preliminary Safety Evaluation Report (PSAR) for the Competitive Nuclear Merchant Ship Program from the United States Department of Commerce, Maritime Administration (MarAd), which is concerned with the possession, use and operation of pressurized water nuclear reactors (the facilities) in the propulsion system of merchant ships. Each unit would operate at steady-state power levels not to exceed 315 megawatts thermal. The Commission will consider whether there are any essential issues which would preclude the licensing of such facilities under existing Commission Regulations.

These ships are to be owned and operated by one or more major shipping firms which have not yet been identified. The nuclear powered ships will be operated from the United States of America to ports of call to be identified by the owner/operator.

The PSAR is concerned with a reference design of a very large crude carrier (VLCC). The first ship is expected to be delivered by mid-1980; the remaining ships are to follow at approximately one-year intervals. The initial MarAd proposal contemplates the construction of three such ships. The successful completion of this program may result in a fleet of 100 to 500 nuclear powered ships. The PSAR is available for review at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

All interested persons who desire to submit written comments or suggestions for consideration by the Commission should send them to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, ATTN: Public Proceedings Branch by July 15, 1974.

Dated at Bethesda, Maryland, this 5th day of June 1974.  
For the Atomic Energy Commission.

A. SCHWENCER,  
Chief, Light Water Reactors  
Branch 2-3, Directorate of  
Licensing.

[FR Doc. 74-13283 Filed 6-10-74; 8:45 am]

## REGULATORY GUIDES

### Issuance and Availability

The Atomic Energy Commission has issued three guides in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 4, "Environmental and Siting Guides."

Regulatory Guide 4.4, "Reporting Procedures for Mathematical Models Selected to Predict Heated Effluent Dispersion in Natural Water Bodies," provides a uniform reporting format for those license applicants who use mathematical models to predict thermal dispersion from heated discharges. Implementation of this guide in the Environmental Report will enable the Regulatory staff to assess proposed mathematical models in a thorough, yet timely, manner.

Regulatory Guide 4.5, "Measurements of Radionuclides in the Environment—Sampling and Analysis of Plutonium in Soil," describes soil sampling procedures that provide a uniform basis for quantifying and reporting plutonium in soil data. This guide also describes a radiochemical procedure which is acceptable to the Regulatory staff as a basis for performing plutonium in soil analysis.

Regulatory Guide 4.6, "Measurements of Radionuclides in the Environment—Strontium-89 and Strontium-90 Analyses," references sets of radiochemical procedures that are acceptable to the Regulatory staff as bases for analyzing strontium-89 and strontium-90 in environmental samples.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in any published guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of fu-

ture guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted, and Commission approval is not required to reproduce them.

Other Division 4 Regulatory Guides currently being developed include the following:

Cooling Water System—Protection of Aquatic Organisms (Entrapment).

Cooling Water System—Protection of Aquatic Organisms (Entrainment).

Cooling Water System—Protection of Aquatic Organisms (Cold Shock).

Nuclear Power Plants—General Environmental Siting Guides.

Dated at Rockville, Maryland, this 3d day of June 1974.

For the Atomic Energy Commission.

LESTER ROGERS,  
Director of  
Regulatory Standards.

[FR Doc. 74-13284 Filed 6-10-74; 8:45 am]

## RESEARCH AND DEVELOPMENT IN GEOTHERMAL ENERGY

### Invitation to Comment

**I. Introduction and objectives.** The Atomic Energy Commission (AEC) is interested in receiving comments, recommendations and suggestions concerning arrangements appropriate to conduct during FY 1975 and into the early 1980's of research and development work and pilot projects aimed at establishing the technical, economic and practical feasibility of electric and non-electric power production from geothermal resources, including possible cooperative programs between the AEC and other organizations. Responses received will be utilized in the further development of AEC's long-range geothermal program plan. The geothermal program objective is to stimulate and facilitate early and significant commercial utilization of these resources for power production. This program is a part of the national geothermal energy research and development effort and is designed to contribute toward meeting overall national energy needs.

**II. Federal Government Geothermal Program.** The Federal Government's participation in the national geothermal program is being conducted cooperatively by several Federal agencies, and is being coordinated by the National Science Foundation, and encompasses the following elements.

A. Increasing the present knowledge of the location, nature and extent of the nation's geothermal energy resources.

B. Identification and resolution of the environmental, legal and institutional barriers to geothermal resource utilization.

C. Advancement, thru technology development, of the operational efficacy and efficiency of relevant components,

devices and techniques as required to achieve practical geothermal resource utilization.

D. Acceleration of the commercial production of electricity and nonelectric power from geothermal resources.

**III. AEC Geothermal Program Plan.**<sup>1</sup> The AEC geothermal program plan covering the period FY 1975 thru the early 1980's focuses on elements II C and D above and includes:

**A. Advanced Research and Technology.** Involving, but not necessarily limited to, research and development related to drilling in hostile geothermal environments, methods of well completion, materials and equipment for extracting hot corrosive fluids, monitoring and controlling emissions and wastes and practical binary cycles that use low temperature working fluids.

**B. Resource Utilization Projects.** Involving research and development related to, and construction and operation of, approximately 10 MWe pilot plants representative of one or more different types of geothermal resources: high temperature ( $>180^{\circ}$  C) low salinity convective (HT/LS), high temperature ( $>180^{\circ}$  C) high salinity convective (HT/HS), geopressurized sedimentary (GP), low temperature ( $<180^{\circ}$  C) low salinity convective (LT/LS), and hot dry rock (HDR). Each facility would serve as a flexible test bed for research and engineering development as well as for demonstration of electrical generation and other uses of geothermal heat.

**IV. Tentative Program Implementation Plan.** As a basis for the comments, recommendations and suggestions hereby being requested, the AEC has developed for consideration a tentative plan, set forth in Attachment "A", for conduct of its geothermal research and development and demonstration program. This encompasses such matters as proposal submission, content, evaluation and selection, as well as cost sharing and disposition of any demonstration plants following project completion. The AEC's purpose is to seek comments on this tentative plan and not, at the present time, to invite the submission of proposals.

All interested persons who desire to submit written comments, recommendations and suggestions should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before July 11, 1974. Public comments received after the aforementioned thirty day period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

(Sec. 161, 68 Stat. 948 (42 U.S.C. 2201))

Dated at Germantown, Maryland, this 6th day of June 1974.

PAUL C. BENDER,  
Secretary of the Commission.

<sup>1</sup> In addition to the applied research and development activities described herein, the AEC also supports basic physical research in geothermal science.

## NOTICES

## ATTACHMENT "A"

TENTATIVE PLAN FOR IMPLEMENTATION OF THE  
AEC GEOTHERMAL RESEARCH AND DEVELOPMENT  
AND DEMONSTRATION PROGRAM

The following tentative plan has been developed as a basis for the comments, recommendations and suggestions being requested. The submission of proposals is not being sought at this time.

A. Proposals may be submitted by academic institutions and units of state and local governments, by non-academic, non-profit or profit organizations, by individuals, or by a combination of these.

B. Proposals may be submitted at any time, but R&D proposals on hand usually will be considered in groups beginning in July and January of each year.

C. Evaluation of proposals will be conducted by the AEC staff, which may be supplemented by representatives from the AEC national laboratories and other Federal agencies and by representatives from the academic and industrial communities. All proposers will be deemed to have consented to the review by such representatives of the AEC. Information and materials which the AEC and proposers mutually agree to be of a privileged nature will be held in confidence to the extent permitted by law. (Reference AECPR-9-3.150-3)

D. Preference will be given to proposals which offer cost sharing of the proposed work by the proposer or other interested private organizations. The proposing organizations' views as to the final disposition of pilot plants will be a factor in the consideration of proposals for pilot plants, recognizing that it would be AEC's desire to sell its interest in such plants following completion of the proposed work. Any proposals for these plants that are accepted by the AEC will have to be beneficial to the program and in the best interests of the Government. More formal solicitations may be issued for proposals on pilot plants.

E. The AEC will select for negotiation of contracts those research and development proposals which do not unnecessarily duplicate research work already underway or contemplated by AEC; are not already known by AEC or other Federal agencies; have previously unrecognized merit or value; and which offer the greatest total value. While the estimated cost to the government and an offering of cost sharing will be considered in determining which proposals offer the greatest value, the primary basis for selection will be the showing made in the proposal relative to such factors as:

1. How the proposed work is expected to contribute toward meeting energy needs.

2. Description of the theoretical and experimental methods to be employed and program plan through completion.

3. Qualifications of the proposing organization and participating personnel.

There is no commitment to the making of any particular number of awards. Where proposals submitted for research and development involve work previously known to or contemplated by AEC or other Federal agencies, it may be necessary to solicit additional proposals for such work and undertake competitive negotiations with all such proposers.

F. Preliminary to submitting a formal proposal, proposers may, if they wish, submit a preproposal letter setting forth the substance of the proposed work in order to establish whether the AEC has any interest in the research and development area involved.

[FR Doc. 74-13455 Filed 6-10-74; 8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket Nos. 20820, etc.; Order 74-6-21]

ALASKA SERVICE INVESTIGATION AND  
CERTAIN OTHER MATTERSOrder Severing Issues; Directing Applicants  
and Parties to Comment on Certain  
Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of June 1974.

In the matter of Alaska Service Investigation (Bush Routes Phase), Docket 20826, *et al.*; Kodiak-Western Alaska Renewal Proceeding, Dockets 23604, 23605, 23757, 24103, and 25502; Howard J. Mays Revocation/Munz Northern Certification Proceeding, Dockets 25655 and 25450; Part 298 Weight Limitation Investigation, Docket 21761.

The Bureau of Operating Rights, the Alaska Transportation Commission and certain applicants have filed various pleadings<sup>1</sup> which, collectively, seek major changes in the scope of the remanded proceeding for the purpose of expediting the resolution of the outstanding issues. In its motion the Bureau contends that there are basic deficiencies in the evidentiary materials thus far submitted which preclude a meaningful trial of important issues, and that the case should not go forward unless essential data and information begins to be supplied through reporting requirements.<sup>2</sup> In these circumstances the Bureau suggests that the Board sever and separately adjudicate those issues which can be processed without reference to the deficient evidentiary materials. The pleadings of all parties and applicants are addressed to the Bureau's motion, and for the most part are in accord that certain issues should be severed.

Upon consideration of the Bureau's motion, answers and other pleading re-

lated thereto, the Board has concluded that the matters delineated hereafter should be severed and separately processed. In reaching this decision, we are reversing our earlier determination that all issues related to bush operations should be adjudicated in a single proceeding.<sup>3</sup> Our feeling at that time was that a consolidated proceeding would best fill certain gaps in the preexisting evidentiary record and could provide a meaningful forum for considering service alternatives at Alaskan bush points. Our experience since then, however, indicates that the present scope of the case creates severe practical problems which could delay the entire proceeding for a very substantial period.

Thus, at the core of the remanded case are the issue of whether Alaska's and Wien's authority at certain Alaskan bush points should be deleted or suspended and the related question of whether the Board should approve service alternatives at these and other bush points. The alternatives now placed in issue—which the parties have addressed in shaping the present record—are (a) the certification of air taxis, (b) subcontract arrangements between certificated airlines and air taxis under standards to be established by the Board, and (c) subsidized services by airlines, whether or not certificated, operating pursuant to a competitive bid contract.

However, because of changed circumstances since the scope of issues was formulated, a meaningful evaluation of these service alternatives is not feasible at this time. First, the system of competitive bid contracts we intended to consider is no longer a practical option. Such a system would have required Congressional authorization; and while a bill with that purpose was introduced in the 92nd Congress, it was not enacted and has not been reintroduced. The elimination of the service option may well affect the position of some of the parties towards the other alternatives to existing bush service. This fact, alone, raises doubts about the continuing value of much of the record evidence.

Next, because many air taxis maintain only general records, they have not been able to provide the kind of detailed data on the operating costs and general profitability of subcontracted operations that we had hoped to receive. This evidentiary gap stands in the way of a serious consideration of Alaskan subcontracting arrangements at this time. Moreover, the fact that this service alternative cannot be meaningfully examined on the existing record also means that the Board cannot evaluate other possible courses of action (for example, the deletion or suspension of Alaska or Wien at certain bush points and the cer-

<sup>1</sup> See Orders 72-9-91, September 25, 1972; 73-4-29, April 5, 1973; and 73-6-22, June 7, 1973.

tification of air taxis in their stead) which must be weighed in conjunction with the option of subcontracted services. Our proposed Part 293, discussed below and in notice of proposed rule making EDR-272, would help cure the deficiency in available evidence by requiring air taxis to provide detailed reports of their operating results as subcontractors for certificated airlines.<sup>4</sup> However, even assuming the adoption of the proposed regulation, the fact remains that the necessary data will not be available for some time.

Proceeding to a hearing on the existing evidence would be counter-productive and could provide burdensome to Alaska communities and air taxis who might be required to squander their limited financial resources in a case marked from the start by an inadequate record. Under the circumstances, we are left with only two viable procedural options: (1) To delay the entire investigation until the defects in the record are cured, or (2) to sever for immediate adjudication those essentially side issues which can be separated from the core of the case (and to move forward also on certain non-controversial aspects of the mainline issues), while deferring the remaining central portion of the proceeding. In view of the rapidly changing conditions in Alaska and the time that has already elapsed since the "Bush Phase" was first remanded, we have decided to opt for the second approach because it will permit expeditious resolution of those issues as to which a satisfactory record has been compiled without undermining our ability to go forward with the rest of the case at such time as the necessary evidence becomes available.

Accordingly, we have determined to take the following actions in respect to the matters raised by the Bureau, other parties and the applicants.

1. *Application of Kodiak-Western Alaska Airlines, Inc.* We are in accord with the Bureau that the renewal of the Kodiak-Western Alaska certificate, Dockets 23604 and 23605, and the proposed King Salmon-Kodiak link between the two elements of the carrier's system, Docket 23757, should be severed and set for separate hearing as promptly as possible. Under "Ashbacker" principles the application of Wien for King Salmon-Kodiak authority in Docket 24103 will be consolidated for contemporaneous consideration. The application of Peninsula Airways, Inc., for the King Salmon-Kodiak authority and other points on the Kodiak-Western Alaska system in Docket 25502 will be similarly consolidated.

<sup>4</sup>The Board could, of course, impose such a reporting requirement independently of Part 293. However, a detailed reporting requirement for existing subcontract arrangements could well prove burdensome to many air taxis; on the other hand, such a requirement in the context of the new subcontracting standards we are proposing (which would guarantee air taxis sufficient compensation and other support to sustain their operations) would be appropriate.

We will not consolidate the balance of Peninsula's application, which involves some points now served by Reeve Aleutian Airways since this is not required by "Ashbacker" considerations. While our action herein has the effect of splitting Peninsula's application into two parts, we have decided not to expand the route issues beyond the minimum necessary to process those matters that can readily go forward independently of the main proceeding. To do otherwise would lead to the creation of two main proceedings dealing generally with the bush issues. Wien's objection that separate treatment for Kodiak-Western Alaska route issues constitutes a piecemeal approach is, of course, well taken. However, as set forth earlier, this drawback is outweighed by countervailing considerations.

2. *Howard J. Mays Revocation Proceeding.* The Bureau has proposed, without opposition from any party, that the Board sever and separately dispose of the related issues of the termination and revocation of the Mays' certificate and the transfer of that certificate to Munz Northern, Docket 25655. The Bureau also proposes that those portions of the Munz certificate application, Docket 25450, that parallel the points served by Mays should be consolidated. Munz Northern agrees with the Bureau but suggests that all of its certificate application should be heard in the severed proceeding.

The Board agrees with the Bureau that the related revocation, termination and transfer issues should be heard in a separate proceeding. However, because there is no "Ashbacker" consideration, as was the case in respect to the Kodiak-Western Alaska applications, there is no legal requirement for us to hear the Munz Northern certificate application. Based on the rationale for going forward with severable issues, set forth above, the Munz application should not be consolidated with the Mays issues since it covers bush points that are not distinguishable from those at issue in the main proceeding. On the other hand, we recognize that the posture of Munz in this case is unique in that it claims to be successor in interest to the Mays certificate. Accordingly, since Munz may not be able to establish a legal basis for the transfer, the Board has determined, in its discretion, to consolidate the Munz application insofar as it relates to authority similar to that held by Mays. If, however, Munz presses for consolidation of its application on the grounds that the whole application should be tried in one proceeding the Board is tentatively of the view that the application should be heard in the main case.

3. *298 Weight Limitations Rule.* Among the parties and applicants, only Wien objects to the Bureau's proposal that the Board sever the issue of whether the present limitation applicable to Alaska under Part 298 of the Board's Regulations should be modified to conform with the revised standard in the same rule applicable to the 48 contiguous states

(30 revenue seats, 7,500 pounds maximum payload weight).<sup>5</sup> Wien suggests that the Board adopt without further proceedings the conclusion of the Administrative Law Judge as set forth in the Initial Decision in the "Part 298 Limitation Investigation," Docket 21761, to the effect that the current limit should remain in force. We reject such an approach. The Board believes that all parties and applicants should have a full opportunity to express views on this question, particularly in light of rapidly changing conditions in Alaska since the Initial Decision was handed down on September 27, 1971.<sup>6</sup> No party has suggested that rulemaking procedures would be insufficient for this purpose in response to the Bureau's motion. Accordingly, there is issued herewith a notice of proposed rulemaking, EDR-273, to amend Part 298 in the manner described.

4. *Deletions of Alaska and Wien Authority Pursuant to section 401 (g) at Points No Longer Served by Means of Show Cause applications.* No party or applicant has objected in substance to the Bureau's proposal that the Board should act to delete from the certificate authority of both Wien and Alaska those points that no longer receive service for various reasons. Although Wien requests that the Board adopt the Administrative Law Judge's decision concerning the points to be deleted, we believe that, as in the case of the weight rule, the Board should be apprised of the latest available information. Accordingly, Wien and Alaska will be directed to file applications to the Board requesting that the Board issue an order to show cause why the points named in the applications should not be deleted. Show cause procedures will serve to establish whether there is any opposition to such deletions and, to the extent there is none, the deletions can be effected without reference to the main proceeding.

5. *Main Proceeding.* We now turn to various questions related to the issues that remain in the "Bush Phase" of the present proceeding.

The Alaska Transportation Commission has recommended that the Board adopt, on an interim basis, a rule designed to regularize and rationalize contracts under which Wien and Alaska provide air services through subcontracting carriers. The Commission suggests that for this purpose the Board adopt the findings and conclusions of the Administrative Law Judge which are set forth at pages 56-62 of the Initial Decision. No party has opposed this suggestion, and in our view it has considerable merit as an interim measure pending the final resolution of the various issues relating to subcontract operations, which have

<sup>5</sup>The Alaska Transportation Commission appears to favor the amendment.

<sup>6</sup>In addition, we tentatively disagree with Wien's view that the existing air taxi weight limits within Alaska should be retained, for reasons set out in Notice of Proposed Rulemaking EDR-273.

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been and remain a principal issue of the "Bush Phase."

In this connection, Wien suggests that the certificate applications of the subcontractors are defensive in character, having been filed only because the Board is considering changes in the present subcontract arrangements at bush points, including the certification of air taxis at Alaska or Wien points now served by subcontractors. In view of this allegation and the fact that we are now proposing standards embodying various guarantees that make subcontracting more stable and attractive, we are concerned that subcontractors may not pursue their certificate applications. Accordingly, the Board will direct all applicants to advise the Board whether they will prosecute their certificate applications if the proposed rule is adopted. These pleadings will be filed on the dates specified for responses to notice of proposed rulemaking EDR-272. If it appears that the applications will be withdrawn, there will be no need to pursue the reporting requirements suggested by the Bureau, and the remaining proceeding will be simplified. The Board will rule on this aspect of the Bureau's motion upon receipt of the comments. If, however, the main case does proceed to hear applications for route authority now conducted pursuant to subcontract, the issues will be limited to the certification of new carriers to operate in lieu of Wien or Alaska (which would be suspended or deleted), reliance on Part 298 carriers (which would also be licensed by the state), or the continuation of subcontract arrangements subject to guidelines mandated by rule.<sup>7</sup>

Accordingly, it is ordered, That:

1. The application of Kodiak-Western Alaska Airlines, Inc., for renewal of its certificate of public convenience and necessity, Dockets 23604 ad 23605, and the certificate amendment application for authority to link up the carrier's system over a route between Kodiak and King Salmon, Docket 23757, together with the application of Wien Air Alaska, Inc., for Kodiak-King Salmon authority, Docket 24103, and that portion of the application of Peninsula Airways, Inc., Docket 25502, wherein the carrier seeks certificate authority over portions of the Kodiak-Western Alaska combined system, be and they hereby are severed from the Bush Routes Phase of the "Alaska Service Investigation" and redesignated as "The Kodiak-Western Alaska Renewal Proceeding;" such proceeding to be set for hearing before an Administrative Law Judge at a time and place to be hereafter designated;

2. The issue of the termination pursuant to section 401(f) of the Act or the revocation pursuant to section 401(g) of the Act of the certificate of public convenience and necessity of Howard J. Mays, together with the application of Richard F. Galleher and Munz Northern

Airlines, Inc., for transfer of the Mays certificate, Docket 25655, and that portion of the application of Munz Northern Airlines, Inc., in Docket 25450 wherein the carrier seeks certificate authority paralleling the certificate of Howard J. Mays be and they hereby are severed from the Bush Routes Phase of the "Alaska Service Investigation" and redesignated as the "Howard J. Mays Revocation/Munz Northern Certification Proceeding"; such proceeding to be set for hearing before an Administrative Law Judge at a time and place to be hereafter designated;

3. The issues of (a) whether the public convenience and necessity require air service at Alaskan bush points by carriers operating pursuant to a competitive bid contract and (b) whether Part 298 of the Board's Economic Regulations should be amended to relax the existing 12,500 pound takeoff weight limitation applicable to air taxis operating within Alaska, shall be removed from consideration in the "Bush Routes Phase of the Alaska Service Investigation." By contemporaneous notices of proposed rulemaking, the Board is proposing (1) to establish standards for subcontracting arrangements between certificated airlines and Alaskan air taxis in EDR-272, and (2) to extend the 30 seat/7,500 pound payload standard already applicable to Part 298 operations in the continental United States to air taxi operations within Alaska in EDR-273.

4. On or before July 11, 1974,

(a) Each applicant seeking certificate authority over routes now served pursuant to subcontract agreements with Alaska Airlines, Inc., or Wien Air Alaska, Inc., is directed to advise the Board whether it will prosecute its certificate applications if the guidelines for Alaska subcontract operations proposed in EDR-272 are adopted.

(b) All parties are directed to advise the Board concerning additional steps believed necessary to expedite our adjudication of the remaining issues in the remanded proceeding:

5. Alaska Airlines, Inc., and Wien Air Alaska, Inc., be and they hereby are directed to file with the Board within 30 days of the date of this order motions for issuance of an order to show cause why the certificate authority of the respective carriers at points no longer receiving certificated services, either directly or through a subcontracting arrangement, should not be permanently deleted pursuant to section 401(g) of the Act;

6. Except to the extent granted herein the Motion of the Bureau of Operating Rights to sever and to establish alternate remanded procedures be and it hereby is deferred;

7. The motions of the Bureau of Operating Rights, the Alaska Transportation Commission, Polar Airways, Inc., Parkair, Inc., Tanana Air Taxi, Inc., and Yukon Air Service, Inc., for leave to file otherwise unauthorized documents be and they hereby are granted; and

8. This order shall be published in the *FEDERAL REGISTER*.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary  
[FIR Doc. 74-13331 Filed 6-10-74; 8:45 am]

[Docket No. 26776; Order 74-6-30]

**CHARTER AUTHORITY OF CANADIAN FOREIGN AIR CARRIERS**

**Statement of Tentative Findings and Conclusions and Order To Show Cause**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of June 1974.

On May 8, 1974, the Governments of United States and Canada executed the Nonscheduled Air Service Agreement (Agreement) governing nonscheduled air services between their respective countries. The Agreement establishes a new regulatory regime in which the operation of charter flights by all air carriers specifically designated by the governments of each country to provide charter service pursuant to the Agreement will henceforth be governed in accordance with principles and conditions mutually agreed upon by the governments, as set forth in the Agreement and the diplomatic notes attached thereto.

Fifty-seven Canadian carriers now hold sixty-five foreign air carrier permits issued by the Board pursuant to section 402 of the Act each authorizing, to varying degrees, charter foreign air transportation between Canada and the United States: eighteen of these permits authorize ordinary charter-only service; forty-one authorize charter flights with aircraft under 12,500 pounds; four authorize on- and off-route charter flights as an incidental authorization to scheduled services; two authorize only on-route charters as an incident to scheduled service authority.<sup>8</sup> All Canadian carriers presently holding foreign air carrier permits have been designated by the Government of Canada to provide charter service in accordance with the terms of the Agreement. Each permit contains a condition making it "subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation" \* \* \* that may become effective during the period this permit remains in effect to which the United States and Canada shall be parties."

Upon consideration of the Agreement, and in light of section 1102 of the Act which requires the Board to exercise its duties consistent with any obligation assumed by the United States in any agreement between the United States and a foreign country, the Board proposes to issue to all Canadian carriers designated by their government under the agreement and currently holding foreign air carrier permits, new foreign air carrier permits containing authority limited to

<sup>7</sup> The proceeding will not attempt to identify points for low-bid contract services since consideration of the necessary legislation is no longer active.

<sup>8</sup> See Appendix A.

that authorized by the charter bilateral, and subject to the conditions of that Agreement and the Exchanges of Notes attached thereto. In addition, three Canadian carriers holding foreign air carrier permits authorizing charter foreign air transportation have authority to perform Canadian-originating and terminating circle tour charters, authority which is not within the scope of the charter bilateral agreement. The Board will issue separate permits to these carriers maintaining this nonbilateral authority in effect subject, however, to a requirement for prior approval of each flight as discussed hereinafter.

The charter regime established by the Agreement differentiates only between charter operations conducted with "small aircraft" and operations conducted with "large aircraft."<sup>2</sup> Since, pursuant to the charter bilateral agreement, the terms and conditions applicable to the respective foreign air carriers will be standard for each class of operation, the new charter permits will follow a standard form, except that those Canadian carriers designated solely for small aircraft operations will be issued a permit restricting their operations accordingly.

The proposed issuance of the respective permits will facilitate the prompt implementation of the terms of the new charter bilateral agreement, while at the same time maintaining the outstanding authorizations of the various carriers which are not covered by the bilateral agreement. This will be in accordance with the spirit of the bilateral and collateral Exchange of Notes providing for prompt implementation of the Agreement.

Accordingly, the Board tentatively finds and concludes that it is in the public interest to (a) issue new and/or amended permits to all of the foreign air carriers already holding permits which have been designated by the Government of Canada to provide charter service pursuant to the terms of the Non-

<sup>1</sup>Large aircraft are defined as aircraft having both (a) a maximum passenger capacity of more than 30 seats or a maximum pay-load capacity of more than 7,500 pounds, and (b) a maximum authorized takeoff weight on wheels greater than 35,000 pounds. Small aircraft are defined as aircraft which are not large aircraft.

An Exchange of Notes on Transitional Arrangements, signed in conjunction with the bilateral, provides in part:

2. Any carrier designated by the Government of Canada shall, pending issuance of an amended foreign air carrier permit under the Agreement, be allowed to operate non-scheduled air services between the respective territories of the United States and Canada as provided for in the Agreement to the maximum extent the Civil Aeronautics Board is legally empowered to do so (e.g., by waiver of its regulations), provided such carrier holds a valid and outstanding foreign air carrier permit." By Order 74-5-37, May 8, 1974, the Board proposed to grant waivers of its charter regulations which, in effect, would permit such implementation pursuant to this provision.

scheduled Air Service Agreement between the United States and Canada, in the form and manner set forth in the specimen permits contained in Appendix B; (b) cancel the existing permits of all Canadian carriers authorizing charter foreign air transportation (except as an incident to scheduled service authority); and (c) issue an additional permit to Eastern Provincial Airways, Ltd. Nordair Ltée-Nordair Ltd., and Pacific Western Airlines, Ltd. in the form and manner set forth in Appendix C, setting forth only the authority contained in the subject carriers' existing permits which is not the subject of the Agreement and therefore not embraced by the permits issued pursuant to paragraph (a), above.<sup>5</sup>

The scheduled route permits of Air Canada, Atlantic Central Airlines Limited, Canadian Pacific Air Lines, Ltd., Nordair Ltee-Nordair Ltd., Pacific West-

\* We intend that finalization of the action proposed herein will dispose of the pending applications for renewal of outstanding permits for small aircraft operations by Aeroplane Rental Services Ltd. (Docket 25031), Air Ambulance Service (Docket 25070, application filed in the name of Province of Saskatchewan, Central Vehicle Agency), Air Niagara (Docket 25029), Air-West Airlines Ltd. (Docket 25013), Exeaire Aviation Ltd. (Docket 25032), Guelph Air Services '67 Ltd. (Docket 25068), Harrison Airways Ltd. (Docket 25030), Ignace Airways, Ltd. (Docket 25069), Kingston Flying Club (Docket 25143), Lac La Croix Quetico Air Services Ltd. (Docket 25061), Laurentian Air Services Ltd. (Docket 25014), Laurentide Aviation, Ltd. (Docket 25109), Metroair, Ltd. c.o.b. Metro Air Taxi (Docket 24990), Midwest Airlines, Ltd. (Docket 25015), Millardair, Ltd. (Docket 24898), Parsons Airways, Ltd. (Docket 25016), Peninsula Air Service, Ltd. (Docket 25006), Prince Edward Flying Club (Docket 25062), Seneca Air Services, Ltd. (Docket 25067), Skycharter Aircraft Sales, Ltd. (Docket 25038), St. Catharines Flying Club (Docket 25043), Survair Ltd. (Docket 24996), Toronto Airways Ltd. (Docket 25046), Waterloo-Wellington Flying Club (Docket 25044), West Coast Air Services Ltd. (Docket 24995), Wong Airways Ltd. (Docket 25045), Waterloo-Wellington Flying Club (Docket 25044), West Coast Air Services Ltd. (Docket 24995), Wong Airways Ltd. (Docket 25045).

ern Airlines, Ltd., and Trans-Provincial Airlines, Ltd., currently confer authority to operate charters as an incident to their route authority. To insure that the purely U.S.-Canada charter authority of the Canadian route carriers is confined to that authorized by the Agreement and their charter permits (with respect to charters covered by the Agreement) we will require that charters between the United States and Canada operated pursuant to the ancillary authority in the route permits of these carriers shall be subject to prior Board approval. We therefore tentatively find and conclude that it is in the public interest to implement Section 212.4(b) of the Board's Regulations so as to require prior approval of such on-route charter flights performed by these six carriers pursuant to their foreign air carrier permits authorizing scheduled foreign air transportation.<sup>6</sup> This action is consistent with the condition in the outstanding permits of these carriers which in effect makes them subject to the charter bilateral conditions. This action will take effect upon the issuance of the permits discussed in paragraph (a), above.

In addition, the Board tentatively finds and concludes that it is in the public interest to implement condition (4) of the foreign air carrier permits authorizing Eastern Provincial Airways (1963) Ltd., Nordair Ltee-Nordair Ltd., and Pacific Western Airlines, Ltd., to perform Canada-originating circle tour charters so as to require advance approval of such flights. Since these flights are not under the Agreement (yet involve, on at least one flight leg, a traffic movement which might otherwise be under the Agreement) we wish to determine on a case-by-case basis public interest in their operation, including reciprocity and the effects, if any, on traffic flow under the Agreement.

Finally, we tentatively find and conclude that, considering their successful operations under existing permits and our previous findings in this respect, the Canadian carriers listed in Appendix A remain fit, willing, and able properly to perform the services authorized in the permits proposed to be issued and to con-

<sup>8</sup> No such approval is required for charters operated pursuant to the new Part 214 charter permit. However, all such charters must comply with the conditions contained in that permit. In effect, the prior approval requirement will only apply to charter flights which originate in the United States and terminate in Canada or which originate in Canada and terminate in the United States. Flights which involve points outside of the United States or Canada will not be subject to prior approval. However, in the proceeding, "Charter Regulations Applicable to Foreign Route Air Carriers" (Docket 26509, Order 74-3-71), the Board has proposed to curtail such authority for all foreign route carriers in several respects. The six Canadian carriers are parties to the proceeding and their ultimate charter authority (including the right to operate fifth freedom charters and circle tour charters) will be governed by the Board's disposition of that case.

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form to the Act and the rules and regulations issued thereunder.

Accordingly, it is ordered, That:

1. All interested persons be and they hereby are directed to show cause why the Board should not (1) make final the tentative findings and conclusions herein; (2) subject to the approval of the President pursuant to section 301 of the Act (a) issue foreign air carrier permits to the carriers listed in Appendix A in accordance with the appropriate designation of each carrier in the form and manner set forth in Appendices B and C, and (b) cancel all now outstanding foreign air carrier permits held by Canadian air carriers which authorize charter foreign air transportation, except those authorizing such air transportation incidental to an authorization of scheduled foreign air transportation; (3) implement Part 212.4(b) of the Board's Regulations as proposed herein; (4) implement condition (4) of the foreign air carrier permits authorizing circle tour charters as proposed herein; and (5) except to the extent proposed to be granted herein, deny the pending applications for renewal of authority of Canadian air carriers authorized to conduct nonscheduled small aircraft operations, for amendment of authority held by Canadian Pacific Air Lines Ltd. and International Jet Air Limited to add ITC authority, and for amendment by Aeroplane Rental Services Ltd. for use of aircraft having a 30 passenger/7,500 pound maximum;

2. Any interested person having objections to the tentative findings and conclusions set forth herein or to the issuance of the proposed foreign air carrier permits or the proposed implementations of Part 212.4(b) and condition (4) shall file such objections within 21 days after the date of this order, and file with the Board and serve on the persons specified in paragraph 5, below, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to and stating the specific grounds of any such objections supported by statistical data and other materials and evidence relied upon to support the stated objections; reply comments, if any, may be filed seven days after the date for filing objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board: *Provided*, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed, all further procedural steps shall be deemed waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

<sup>1</sup> Since provision is made for the filing of objections to this order, petitions for reconsideration of this order will not be entertained.

5. This order shall be served upon all Canadian holders of, and Canadian applicants for, foreign air carrier permits; all holders of certificates of public convenience and necessity; the air taxi operators listed in Appendix B to Order 74-5-37; the Departments of State and Transportation; and the Ambassador of Canada.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

## APPENDIX A

CARRIERS WHICH WERE DESIGNATED BY THE GOVERNMENT MAY 9, 1974, FOR SMALL AIRCRAFT OPERATIONS ONLY AND ARE HOLDERS OF FOREIGN AIR CARRIER PERMITS

Adastral Aviation Limited.<sup>1</sup>  
Aeroplane Rental Services Limited.<sup>1</sup>  
Aero Trades (Western) Ltd.<sup>1</sup>  
Air Ambulance Service, Department of Public Health, Province of Saskatchewan, Canada (designated as Province of Saskatchewan, Central Vehicle Agency).<sup>1</sup>  
Aircadia Ltd.<sup>1</sup>  
Air Halifax Limited.<sup>1</sup>  
Air Niagara Limited.<sup>1</sup>  
AirWest Airlines Ltd.<sup>1</sup>  
Air Windsor Limited.<sup>1</sup>  
Atlantic Central Airlines Limited.<sup>1, 2</sup>  
Canadian Voyageur Airlines Limited.<sup>1</sup>  
Chinook Flying Service Ltd.<sup>1</sup>  
Collingwood Air Services Limited.<sup>1</sup>  
Commuter Air Services Ltd.<sup>1</sup>  
Execaire Aviation Limited.<sup>1, 2</sup>  
Flightexec Limited.<sup>1</sup>  
Gravenhurst Aviation Limited.<sup>1</sup>  
Guelph Air Services Limited.<sup>1</sup>  
Ignace Airways Limited.<sup>1</sup>  
J. V. Aviation Limited.<sup>1</sup>  
Kingston Flying Club.<sup>1</sup>  
Lac La Croix Quetico Air Services Limited.<sup>1</sup>  
Laurentian Air Services Limited.<sup>1</sup>  
Laurentide Aviation Limited.<sup>1</sup>  
Metroair Limited c.o.b. Metro Air Taxi.<sup>1</sup>  
Millardair Limited.<sup>1, 2</sup>  
Ontario Central Airlines Limited.<sup>1</sup>  
Parsons Airways Limited.<sup>1</sup>  
Peninsula Air Service Limited.<sup>1</sup>  
Prince Edward Flying Club.<sup>1</sup>  
St. Catharines Flying Club.<sup>1</sup>  
Seneca Air Services Limited.<sup>1</sup>  
Skycharter Aircraft Sales Limited.<sup>1</sup>  
Starline Aviation Limited.<sup>1</sup>  
Superior Airways Limited.<sup>1</sup>  
Survair Ltd.<sup>1</sup>  
Toronto Airways Limited.<sup>1</sup>  
Trans-Provincial Airlines Ltd.<sup>1</sup>  
Waterloo-Wellington Flying Club.<sup>1</sup>  
West Coast Air Services Ltd.<sup>1</sup>  
Won-Del Aviation Ltd.<sup>1</sup>  
Wong Aviation c.o.b. Central Airways.<sup>1</sup>

CARRIERS WHICH WERE DESIGNATED BY THE GOVERNMENT OF CANADA MAY 9, 1974, WITHOUT LIMITATIONS AND ARE HOLDERS OF FOREIGN AIR CARRIER PERMITS

<sup>1</sup> Permit grants authority to conduct casual, occasional or infrequent nonscheduled individually ticketed or individually waybilled air services with aircraft under 12,500 pounds.

<sup>2</sup> Permit grants scheduled route authority and charter authority pursuant to Part 212.

<sup>3</sup> Permit grants authority for charter flights only.

Air Canada.<sup>1</sup>

Canadian Pacific Air Lines, Limited.<sup>1</sup>

Eastern Provincial Airways (1963) Ltd.<sup>1</sup>

Gateway Aviation Limited.<sup>1, 2</sup>  
Great Lakes Airlines Limited.<sup>1</sup>  
Harrison Airways Limited.<sup>1, 2</sup>  
International Jet Air Ltd.<sup>1</sup>  
Mackenzie Air Ltd.<sup>1</sup>  
Midwest Airlines Ltd.<sup>1, 2</sup>  
Nordair Ltee—Nordair Ltd.<sup>1, 2</sup>  
North Canada Air Limited c.o.b. NORCAN AIR.<sup>1</sup>  
Pacific Western Airlines, Ltd.<sup>1, 2</sup>  
Quebecair.<sup>1</sup>  
TransAir Limited.<sup>1</sup>  
Wardair Canada Ltd.<sup>1</sup>

APPENDIX B  
SPECIMEN

## PERMIT TO FOREIGN AIR CARRIER

Name is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958 and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation as follows:

Charter flights with respect to persons and their accompanied baggage, and planeload charter flights with respect to property, between any points or points in Canada and any point or points in the United States.

The holder shall be authorized to perform those types of charters originating in Canada and in the United States, as are now, or may hereafter be, prescribed in Annex B of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including any amendments, supplements, reservations, or supersessions to that Agreement.<sup>1</sup>

This permit shall be subject to the following terms, conditions, and limitations:

(1) The authority of the holder to perform United States originating large aircraft charter flights shall be subject to the provisions of Part 214 of the Board's Economic Regulations and Part 378 of the Board's Special Regulations. The authority of the holder to perform United States originating small aircraft charter flights shall be limited to commercial air transportation of passengers and their accompanied baggage, and property, on a time, mileage or trip basis, where the entire planeload capacity of one or more aircraft has been engaged by a person for his own use or by a person for the transportation of a group of persons and/or their property, as agent or representative of such group. The authority of the holder to perform Canadian-originating charter flights shall be subject to the Air Carrier Regulations of the Canadian Transport Commission. The holder shall, nevertheless, not be authorized to provide charters of a type other than as authorized

<sup>1</sup> Permit grants scheduled route authority and on-route charter authority only, without specific reference to Part 212.

<sup>2</sup> Annex B(II)(B) and (III)(B) presently authorize the following types of large and small aircraft charters originating in Canada: Single Entity Passenger, Single Entity Property, Pro Rata Common Purpose, Advance Booking, and Inclusive Tour; and split passenger charters of the types set forth, subject to Canadian Transport Commission Regulations which presently do not permit Advance Booking Charters for small aircraft. Annex B(II)A presently authorizes the following types of large aircraft charters originating in the United States: Single Entity Passenger, Single Entity Property, Pro Rata Affinity, Mixed (Entity/Pro Rata), Inclusive Tour, Study Groups, Overseas Military Personnel, and Travel Group; and split passenger charters of the types set forth. United States originating small aircraft charters are governed by the definition set forth in condition (1). (Annex B, (III)(A), (I)(C).)

by Annex B of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including any amendments, supplements, reservations or supersession to that Agreement.

(2) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any property or persons whose journey includes a prior, subsequent, or intervening movement by air (except for the movement of passengers independently of any group) to or from a point not in the United States or Canada: *Provided*, That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved.

(3) The holder shall not perform United States-originating charter flights which at the end of any calendar quarter would result in the aggregate number of all United States-originating charter flights performed by the holder on or after May 8, 1974 exceeding by more than one-third the aggregate number of all Canadian-originating charter flights performed by the holder on or after May 8, 1974: *Provided*, That the Board may authorize the performance of charter flights not meeting the requirements set forth. For the purpose of making such computation the following shall apply:

(a) A charter shall be considered to originate in the United States (or Canada) if the passengers or property are first taken on board in that country, and shall be considered as one flight whether the charter be one-way, round-trip, circle tour, or open jaw, even if a separate contract is entered into for a return portion of the charter trip from Canada (or the United States).

(b) The computation shall be made separately for (i) "large aircraft" flights of persons; (ii) "large aircraft" flights of property; (iii) "small aircraft" flights of persons; and (iv) "small aircraft" flights of property.

(c) In the case of a lease of aircraft with crew for the performance of a charter flight on behalf and under the authority of another carrier, the flight shall be included in the computation if the holder is the lessee, and shall not be included if the holder is the lessor.

(d) There shall be excluded from the computation:

(i) Flights utilizing aircraft having a maximum authorized takeoff weight on wheels (as determined by Canadian Transport Commission Regulations) not greater than 18,000 pounds; and

(ii) Flights originating at a United States terminal point of a route authorized pursuant to the Air Transport Services Agreement between the United States and Canada, signed January 17, 1966, as amended, or any agreement which may supersede it, or any supplementary agreement thereto which establishes obligations or privileges thereunder (if, pursuant to any such agreement, the holder also holds a foreign air carrier permit authorizing individually ticketed or individually waybilled service over such

route, and provides some scheduled service on any route pursuant to any such agreement), when such flights serve either (a) a Canadian terminal point on such route, or (b) any Canadian intermediate point authorized for service on such route by such foreign air carrier permit.

(4) The holder may grant stopover privileges at any point or points in the United States only to passengers and their accompanied baggage moving (a) on a Canadian-originating large aircraft flight operating under a contract for charter transportation to be provided solely by the holder (even if a different aircraft is used), or (b) on a Canadian-originating small aircraft flight operating under a contract for round-trip charter transportation to be provided solely by the holder and as to which the same aircraft stays with the passengers throughout the journey: *Provided*, That the Board may authorize the performance of charters not meeting the requirements set forth.

(5) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(6) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(7) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(8) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(9) The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of \$1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(10) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations

required by the public interest as may from time to time be prescribed by the Board.

This permit shall become effective on \_\_\_\_\_ Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the charter foreign air transportation hereby authorized from the transportation which may be operated by carriers designated by the Government of Canada (or in the event of the elimination of part of the charter foreign air transportation hereby authorized, the authority granted herein shall terminate to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Canada in lieu of the holder hereof, or (3) upon the termination or expiration of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974: *Provided*, however, That clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Canada are or shall become parties.

IN WITNESS WHEREOF, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the \_\_\_\_\_

Secretary.

[SEAL]

Issuance of this permit to the holder approved by the President of the United States on \_\_\_\_\_ in Order \_\_\_\_\_

SPECIMEN

PERMIT TO FOREIGN AIR CARRIER FOR SMALL AIRCRAFT OPERATIONS

Name is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958 and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation as follows:

Charter flights with respect to persons and their accompanied baggage, and planeload charter flights with respect to property, between any point or points in Canada and any point or points in the United States. The holder shall be authorized to perform those types of charters originating in Canada as are now, or may hereafter be, prescribed for carriage by small aircraft in Annex B (III) (B) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including amendments, supplements, reservations, or supersessions to that Agreement: *Provided*, That any such charters may be performed only to the extent authorized by the Air Carrier Regulations of the Canadian Transport Commission applicable to operations by small aircraft, and the authority of the holder to perform such charters shall be subject to those regulations: *Provided*, That the authority of the

<sup>1</sup> Annex A(I) (A) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, defines a "large aircraft" as an aircraft having both: (1) A maximum passenger capacity (as determined by CAB Regulations) of more than 30 seats or a maximum payload capacity (as determined by CAB Regulations) of more than 7,500 pounds; and (2) a maximum authorized takeoff weight on wheels (as determined by Canadian Transport Commission Regulations) greater than 35,000 pounds. A "small aircraft" is defined as an aircraft which is not a "large aircraft."

<sup>1</sup> Annex B(III) (B) presently authorizes Canadian originating small aircraft charters of the types prescribed in section (II) (B); but only to the extent applicable to small aircraft pursuant to Canadian Transport Commission Regulations. The applicable types of charters presently authorized are: Single Entity Passenger, Single Entity Property, Pro Rata Common Purpose, and Inclusive Tour. (In some instances split passenger charters are authorized.)

## NOTICES

holder to perform United States originating charters shall, in accordance with Annex B (III) (A) of such nonscheduled Air Service Agreement, be limited to commercial air transportation of passengers and their accompanied baggage, and property, on a time, mileage or trip basis, where the entire plane-load capacity of one or more aircraft has been engaged by a person for his own use or by a person for the transportation of a group of persons and/or their property, as agent or representative of such group, or such small aircraft operations as may be authorized pursuant to any amendment, supplement, reservation or supersession to that Agreement.

This permit shall be subject to the following terms, conditions, and limitations:

(1) In the performance of the charter operations authorized by this permit, the holder shall not use "large aircraft" as defined in Annex A(I) (A) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including amendments, supplements, reservations, or supersessions to that Agreement.

(2) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any property or persons whose journey includes a prior, subsequent, or intervening movement by air (except for the movement of passengers independently of any group) to or from a point not in the United States or Canada: *Provided*, That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved.

(3) The holder shall not perform United States-originating charter flights which at the end of any calendar quarter would result in the aggregate number of all United States-originating charter flights performed by the holder on or after May 8, 1974 exceeding by more than one-third the aggregate number of all Canadian-originating charter flights performed by the holder on or after May 8, 1974: *Provided*, That the Board may authorize the performance of charters not meeting the requirements set forth. For the purpose of making such computation the following shall apply:

(a) A charter shall be considered to originate in the United States (or Canada) if the passengers or property are first taken on Board in that country, and shall be considered as one flight whether the charter be one-way, round-trip, circle tour, or open jaw, even if a separate contract is entered into for a return portion of the charter trip from Canada (or the United States).

(b) The computation shall be made separately for (i) "small aircraft" flights of persons; and (ii) "small aircraft" flights of property.

(c) In the case of a lease of aircraft with crew for the performance of a charter flight on behalf and under the authority of another carrier, the flight shall be included in the computation if the holder is the lessee, and shall not be included if the holder is the lessor.

(d) There shall be excluded from the computation:

(i) flights utilizing aircraft having a maximum authorized takeoff weight on wheels (as determined by Canadian Transport Commission Regulations) not greater than 18,000 pounds; and

(ii) flights originating at a United States terminal point of a route authorized pursuant to the Air Transport Services Agreement between the United States and Canada, signed January 17, 1966, as amended, or any

agreement which may supersede it, or any supplementary agreement thereto which establishes obligations or privileges thereunder (if, pursuant to any such agreement, the holder also holds a foreign air carrier permit authorizing individually ticketed or individually waybilled service over such route, and provides some scheduled service on any route pursuant to any such agreement), when such flights serve either (a) a Canadian terminal point on such route, or (b) any Canadian intermediate point authorized for service on such route by such foreign air carrier permit.

(4) The holder may grant stopover privileges at any point or points in the United States only to passengers and their accompanied baggage moving on a Canadian-originating flight operating under a contract for round-trip charter transportation to be provided solely by the holder and as to which the same aircraft stays with the passengers throughout the journey: *Provided*, That the Board may authorize the performance of charters not meeting the requirements set forth.

(5) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(6) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(7) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(8) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(9) The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of \$1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts of liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(10) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall become effective on \_\_\_\_\_. Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the charter foreign air transportation hereby authorized from the transportation which may be operated by carriers designated by the Government of Canada (or in the event of the elimination of part of the charter foreign air transportation hereby authorized, the authority granted herein shall be terminated to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Canada in lieu of the holder hereof, or (3) upon the termination or expiration of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974: *Provided*, however, That clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Canada are or shall become parties.

IN WITNESS WHEREOF, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the \_\_\_\_\_.

Secretary.

(SEAL)

Issuance of this permit to the holder approved by the President of the United States on \_\_\_\_\_ in Order \_\_\_\_\_.

APPENDIX C  
SPECIMEN

PERMIT TO FOREIGN AIR CARRIER

Eastern Provincial Airways (1963) Ltd. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation as follows:

Circle tour charter flights (including inclusive tour charters) with respect to persons and their accompanying baggage which originate and terminate at a point or points in Canada and serve a point or points in the United States and a point or points in any country other than Canada and the United States.

This permit shall be subject to the following terms, conditions, and limitations:

(1) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any person whose journey, by any means of transportation, includes a prior, subsequent, or intervening movement to or from a point not in the United States or Canada: *Provided*, That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved, and that this condition shall not prevent the holder, under the above authorization, from serving a point or points in any foreign country between the point of origin and the point of termination of the charter flight in Canada.

(2) The authority of the holder to perform inclusive tour charters originating in Canada

shall be subject to the terms, conditions, and limitations contained in licenses to be issued by the Air Transport Committee of the Canadian Transport Commission authorizing the performance of such charters.

(3) The exercise of the privileges granted by this permit, except with respect to the authorization to perform inclusive tour charters, shall be subject to the provisions of Part 214 of the Board's Economic Regulations, and all amendments and revisions thereof as the Board, by order or regulation and without hearing, may adopt.

(4) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(5) The holder shall conform to the airworthiness and airmen competency requirements prescribed by the Government of Canada for Canadian international air service.

(6) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(7) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(8) The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of \$1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(9) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on \_\_\_\_\_ and shall terminate on December 31, 1977: *Provided, however, That if in the aforesaid period during which this permit shall be effective, the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement*

agreement to which the United States and Canada are or shall become parties, then and in that event, this permit is continued in effect during the period provided in such treaty, convention, or agreement.

IN WITNESS WHEREOF, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the \_\_\_\_\_ day of \_\_\_\_\_.

*Secretary.*

(SEAL)

Issuance of this permit to the holder approved by the President of the United States on \_\_\_\_\_ in Order \_\_\_\_\_.

SPECIMEN

PERMIT TO FOREIGN AIR CARRIER

Nordair Ltée—Nordair Ltd. is hereby authorized, subject to the provisions herein-after set forth, the provisions of the Federal Aviation Act of 1958 and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation as follows:

Circle tour charter flights (including inclusive tour charters) with respect to persons and their accompanying baggage which originate and terminate at a point or points in Canada and serve a point or points in the United States and a point or points in any country other than Canada and the United States.

This permit shall be subject to the following terms, conditions, and limitations:

(1) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any person whose journey by any means of transportation includes a prior, subsequent, or intervening movement to or from a point not in the United States or Canada: *Provided, That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved, and that this condition shall not prevent the holder, under the above authorization from serving a point or points in any foreign country between the point of origin and the point of termination of the charter flight in Canada.*

(2) The authority of the holder to perform inclusive tour charters originating in Canada shall be subject to the terms, conditions, and limitations contained in licenses to be issued by the Air Transport Committee of the Canadian Transport Commission authorizing the performance of such charters.

(3) The exercise of the privileges granted by this permit, except with respect to the authorization to perform inclusive tour charters, shall be subject to the provisions of Part 214 of the Board's Economic Regulations, and all amendments and revisions thereof as the Board, by order or regulation and without hearing, may adopt.

(4) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit if it finds such action to be required in the public interest.

(5) The holder shall conform to the airworthiness and airmen competency requirements prescribed by the Government of Canada for Canadian international air service.

(6) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(7) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement re-

lating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(8) The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of \$1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(9) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on \_\_\_\_\_ and shall terminate on December 31, 1977: *Provided, however, That if in the aforesaid period during which this permit shall be effective, the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement, to which the United States and Canada are or shall become parties, then and in that event this permit is continued in effect during the period provided in such treaty, convention, or agreement.*

IN WITNESS WHEREOF, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed thereto, on the \_\_\_\_\_ day of \_\_\_\_\_.

*Secretary.*

Issuance of this permit to the holder approved by the President of the United States on \_\_\_\_\_ in Order \_\_\_\_\_.

SPECIMEN

PERMIT TO FOREIGN AIR CARRIER

Pacific Western Airlines, Ltd. is hereby authorized, subject to the provisions herein-after set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation as follows:

Circle tour charter flights (including inclusive tour charters) with respect to persons and their accompanying baggage which originate and terminate at a point or points in Canada and serve a point or points in the United States and a point or points in any country other than Canada and the United States.

This permit shall be subject to the following terms, conditions, and limitations:

## NOTICES

(1) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any person whose journey, by any means of transportation, includes a prior, subsequent, or intervening movement to or from a point not in the United States or Canada: *Provided*, That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved and that this condition shall not prevent the holder, under the above authorization from serving a point or points in any foreign country between the point of origin and the point of termination of the charter flight in Canada.

(2) The authority of the holder to perform inclusive tour charters originating in Canada shall be subject to the terms, conditions, and limitations contained in licenses to be issued by the Air Transport Committee of the Canadian Transport Commission authorizing the performance of such charters.

(3) The exercise of the privileges granted by this permit, except with respect to the authorization to perform inclusive tour charters, shall be subject to the provisions of Part 214 of the Board's Economic Regulations, and all amendments and revisions thereof as the Board, by order or regulation and without hearing, may adopt.

(4) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(5) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(6) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(7) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(8) The holder (a) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of \$1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (b) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(9) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against

the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on \_\_\_\_\_ and shall terminate on December 31, 1977: *Provided, however*, That if in the aforesaid period during which this permit shall be effective, the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Canada are or shall become parties, then and in that event, this permit is continued in effect during the period provided in such treaty, convention, or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the \_\_\_\_\_ day of \_\_\_\_\_.

[SEAL] *Secretary.*  
Issuance of this permit to the holder approved by the President of the United States on \_\_\_\_\_ in Order \_\_\_\_\_.

[FR Doc. 74-13334 Filed 6-10-74; 8:45 am]

## CIVIL SERVICE COMMISSION

## ACTION

## Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes ACTION to fill by noncareer executive assignment in the excepted service the position of Deputy Associate Director for Domestic and Anti-Poverty Operations, Office of the Associate Director for Domestic and Anti-Poverty Operations.

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

[FR Doc. 74-13335 Filed 6-10-74; 8:45 am]

## DEPARTMENT OF THE AIR FORCE

## Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Air Force to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary (Research and Development), Office, Assistant Secretary (Research and Development), Office, Secretary of the Air Force.

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

[FR Doc. 74-13337 Filed 6-10-74; 8:45 am]

## DEPARTMENT OF COMMERCE

## Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Serv-

ice Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Special Assistant for Regional Economic Coordination, Office of the Secretary.

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

[FR Doc. 74-13336 Filed 6-10-74; 8:45 am]

## DEPARTMENT OF DEFENSE

## Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (House Affairs), Office of the Assistant Secretary of Defense (Legislative Affairs), Office of the Secretary of Defense.

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

[FR Doc. 74-13338 Filed 6-10-74; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Associate Administrator for Policy Control and Coordination, Social and Rehabilitation Service.

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

[FR Doc. 74-13340 Filed 6-10-74; 8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.2201a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from Special Assistant for Labor Relations, Immediate Office of the Secretary to Assistant to the Secretary for

## NOTICES

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Labor Relations, Immediate Office of the Secretary.

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

[FR Doc. 74-13342 Filed 6-10-74; 8:45 am]

### DEPARTMENT OF THE INTERIOR

#### Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director of Indian Services, Bureau of Indian Affairs.

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

[FR Doc. 74-13341 Filed 6-10-74; 8:45 am]

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

#### Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Equal Employment Opportunity Commission to fill by noncareer executive assignment in the excepted service the position of Director, Office of Public Affairs, Office of the Chairman.

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

[FR Doc. 74-13339 Filed 6-10-74; 8:45 am]

### FEDERAL EMPLOYEES PAY COUNCIL

#### Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Monday, June 10, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent,

RICHARD H. HALL,  
Advisory Committee Management  
Officer for the President's Agent.  
[FR Doc. 74-13343 Filed 6-10-74; 8:45 am]

### OFFICE OF ECONOMIC OPPORTUNITY

#### Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the positions of: Associate Director for Health Affairs, Office of Health Affairs Associate Director for Public Affairs, Office of Public Affairs Chief, Evaluation Division, Office of Planning, Research, and Evaluation Associate Director for Congressional Relations Office of the Associate Director, Office of Congressional Relations, Office of Congressional and Public Affairs Associate Director for Program Review, Office of the Associate Director, Office of Program Review

Chief, Inspection Division, Office of General Counsel Deputy Assistant Director for Program Development, Office of Program Development Chief, Communications Development Division, Office of Program Development

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

[FR Doc. 74-13344 Filed 6-10-74; 8:45 am]

### ENVIRONMENTAL PROTECTION AGENCY

#### COMMENTS ON ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

##### Notice of Availability

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of May 1, 1974 and May 15, 1974.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between May 1, 1974 and May 15, 1974*

Identifying number	Title	General nature of comments	Source for copies of comments
Atomic Energy Commission: D-AEC-00106-00 D-AEC-06120-TX	Liquid metal fast breeder reactor program..... Comanche Peak steam electric station units 1 and 2, LO-2 Texas.	3 LO-2	A A
Department of Agriculture: D-DOA-24057-MD	Sewage wastewater treatment plants, Beltsville Agricultural Research Center, Md.	ER-2	D
D-AFS-60430-WA	Colville, Okanogan, Wenatchee National Forests, vegetation management, Washington.	LO-1	K
D-AFS-65081-MT	Big Tepes Creek timber sale, Montana.....	ER-2	I
D-AFS-65082-MT	South Fork of Swan Creek timber sale, Montana.....	LO-1	I
D-AFS-65087-MO	Cedar Creek purchase unit, Clark National Forest, Mo.	LO-1	H
D-AFS-65102-MT	Inch Mountain planning unit, Kootenai National Forest, Mont.	ER-2	I
Corps of engineers (Civil works): D-COE-32487-FL	Tampa Harbor project, maintenance, dredging, and spoil disposal, Florida.	ER-2	E

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: May 28, 1974.

SHELDON MEYERS,  
Director,  
Office of Federal Activities.

## NOTICES

Identifying number	Title	General nature of comments	Source for copies of comments
D-COE-32503-VA	Maintenance and dredge, Lynnhaven Inlet, bay and connecting waters, Virginia.	LO-2	D
D-COE-34112-ID	Lucky Peak Dam and Lake, Boise River, Idaho.	EU-2	K
D-COE-34119-KY	Laurel River Lake, Cumberland River Basin Dam construction, Kentucky.	ER-2	E
D-COE-35118-MN	Duluth-Superior Harbor, Minn.	LO-2	F
D-COE-35119-FL	Oyster shell dredging, Tampa and Hillsborough Bay, Fla.	ER-2	E
D-COE-35120-CA	Santa Cruz Harbor, maintenance and dredging, Santa Cruz County, Calif.	LO-1	J*
D-COE-36371-MA	Hayward Creek flood protection, Massachusetts	LO-2	B
D-COE-36373-VA	Clearing and snagging, Indian Creek, Va.	LO-2	D
D-COE-36374-CO	Flood control on Wolf Creek at Granada, Colo.	LO-1	I
D-COE-36376-IL	Blue Waters ditch improvement, East St. Louis, Ill.	ER-2	F
D-COE-36378-VA	Shoreline protection for Hampton Institute, Hampton, Va.	LO-1	D
Department of Commerce:			
D-DOC-69003-FL	Interamerican Trade and Cultural Center (Interama), Dade County, Fla.	LO-2	E
D-EDA-28004-NH	Proposed water filtration and treatment plant, Berlin, N.H.	ER-2	B
Department of Defense:			
D-USN-11040-NC	U.S. Navy Atlantic Fleet air combat range, Pamlico, N.C.	LO-2	E
D-USN-11050-TT	Farallon de Medinilla bombardment range, Mariana Islands, Trust Territories.	LO-1	J
Department of the Interior:			
D-BLM-65074-CA	Proposed Big Butte timber sale, Mendocino and Trinity Counties, Calif.	ER-2	J
D-NPS-61227-WA	Proposed development concept plan, Diablo Lake Resort, Ross Lake National Recreation Area, Wash.	LO-1	K
D-NPS-61238-SC	Ft. Sumter and Ft. Moultrie National Monument, and development, South Carolina.	LO-2	E
D-NPS-61249-NM	Carlsbad Caverns National Park, N. Mex.	ER-1	G
D-SFW-61242-FL	J.N. "Ding" Darling Wilderness Area, Lee County, Fla.	LO-2	E
D-SFW-64035-AZ	Proposed Kofa Wilderness Area, additions to Kofa National Wildlife Refuge, Ariz.	LO-1	J
Interstate Commerce Commission:			
D-ICC-53033-00	Ex parte 270, railroad freight rate—iron ore, scrap iron, and steel.	ER-2	A
National Capital Planning Commission:			
D-NCP-89135-DC	Downtown urban renewal area, residential section, Washington, D.C.	LO-2	D
D-NCP-89136-DC	H Street urban renewal area, Washington, D.C.	LO-2	D
D-NCP-89137-DC	Shaw School urban renewal area, Washington, D.C.	LO-2	D
Tennessee Valley Authority:			
D-TVA-85016-AL	Elkmont rural village, Lower Elk River area, Alabama.	LO-2	E
Department of Transportation:			
D-FAA-51846-MN	Runway construction and extension, Marshall, Minn.	LO-1	
D-FAA-51839-TX	William P. Hobby Airport, Houston, Tex.	ER-2	G
D-FAA-51840-TX	Houston Intercontinental Airport, Tex.	ER-1	G
D-FAA-51848-NC	Johnston County Airport, Smithfield, N.C.	LO-2	E
D-FAA-51850-MS	Brookhaven Municipal Airport, Brookhaven, Miss.	LO-2	E
D-FAA-51835-OR	Portland Hillsboro Airport, Hillsboro, Oreg.	LO-1	K
D-FAA-51852-TX	City-County Airport, Tula, Tex.	LO-2	G
D-FHW-42171-TX	US 75 from I-35 in Sherman, north to Texas-Oklahoma line, Texas.	LO-2	G
D-FHW-42172-NM	Gallup Bypass and U.S. 66 in Gallup and McKinley Counties, N. Mex.	ER-2	G
D-FHW-42184-CA	Interstate Route 15, Escondido, San Diego, Calif.	LO-1	J
D-FHW-42190-WA	Washington Forest Highway, Route 19, Tonasket-San Poli Highway, Wash.	LO-1	K
D-FHW-42199-WI	Monroe Bypass, State Highway 11, Green County, Wis.	LO-1	F
D-FHW-42200-KS	U.S. 69, Bourbon County, Kans.	LO-2	H
D-FHW-42213-CA	Route 99, Sacramento and Sutter Counties, (IR 5-SR 70), Calif.	LO-2	J
D-FHW-42216-MS	Lee and Itawamba Counties, U.S. 78, Mississippi.	LO-2	E
D-FHW-42217-SC	Beaufort County, U.S. 278, improvements, S.C.	LO-2	E
D-FHW-42220-WA	Washington Forest Highway, Route 7, Mountain Loop Highway, Wash.	LO-1	K
D-FHW-42226-SD	F020-6, Miner County, and F020-7, Lake County, S. Dak.	ER-2	I
D-FHW-42228-ND	Bottineau County Road, Metigoshe West, N. Dak.	LO-1	I
D-FHW-42165-TN	Widening of Chickamauga Dam Bridge, Hamilton County, Tenn.	LO-2	E
Department of Treasury:			
DS-TRE-81158-CO	Proposed new Denver Mint, Colorado.	LO-2	I

## APPENDIX II

## DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

## ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

## ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture: F-AFS-63043-CA--	Fox Unit Plan, Six Rivers National Forest, Del Norte County, Calif.	The final statement adequately assesses the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J
F-AFS-85077-O--	Cooperative Gypsy Moth Suppression and Regulatory Program, 1974.	EPA generally agreed with the proposed program but identified a proposed use of earthen for spraying recreational vehicles as an unnecessary use of chemical, however, the Department of Agriculture has stated they will request this registration.	A
Corps of Engineers (Civil Works): F-COE-32071-FL--	Jacksonville Harbor, Sections 1 and 2, Florida.	EPA generally agreed with the project as proposed.	E
F-COE-34070-GA--	Closure of Academy Creek, Brunswick Harbor, Ga.	EPA requested the COE to supplement the final statement to enable the Agency to complete a full environmental evaluation of the project.	E
F-COE-34081-TX--	Aubrey Lake Project, Elm Fork of the Trinity River, Tex.	EPA had no objections to the project as proposed.	G
F-COE-89003-NY--	U.S. Postal Service, Manhattan Vehicle Maintenance Facility, New York.	This project has been further studied and modified by the Corps of Engineers in response to EPA questions and recommendations on two draft environmental impact statements. Housing above the vehicle maintenance facility will be adequately protected from air contaminants. Additional emissions from the surrounding area will be minimal while existing ambient noise levels will remain high.	C
Department of the Interior: F-IBR-31088-CA--	San Luis Water District Distribution Works, California.	The final statement adequately assessed the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J
F-IBR-31042-AZ--	Gila Gravity Main Canal, Rehabilitation and Detention, Arizona.	The final statement adequately assessed the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J
Department of Transportation: F-FAA-51335-KY--	Wayne County Airport, Monticello, Ky.	EPA generally agreed with the project as proposed.	E
F-FHW-41404-TX--	Highway 190, west of Molenville to Dalton, Bell County, Tex.	EPA requested that the air quality analysis provide more information on background levels of hydrocarbons in the vicinity of the proposed project.	G
F-FHW-41866-TX--	State Highway 31 from 34th St. in Corsicana to the Hill Country Line, Navarro County, Tex.	EPA requested to improve air quality analysis the provision of total pollutant loads for CO and photochemical oxidants under existing conditions.	G
F-FHW-41881-AZ--	McComico-Kingman and Kingman Interstate Freeway, Mohave County, Ariz.	The final statement adequately assessed the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J
F-FHW-42208-OK--	U.S. 69, Muskogee and Wagoner Counties, Okla.	EPA requested that additional information be provided with respect to air quality analysis.	G
F-FHW-42524-OH--	State Route 76, near the village of Holmesville, Holmes County, Ohio.	EPA did not review the draft, however, EPA generally had no objections to the project as proposed.	F

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Commerce: R-BIA-01025-00--	Leasing, Osage Reservation Lands for Oil and Gas Mining.	15 CFR Part 922—Marine Sanctuaries, Guidelines.	A
Department of the Interior: R-BIA-01025-00--	25 CFR 183—Leasing, Osage Reservation Lands for Oil and Gas Mining.	EPA found the proposed guidelines to be generally adequate, however, it requested that some examples of limited use be stated in the guidelines, and that procedures for modifying or discontinuing a sanction also be detailed. In addition, EPA also suggested modification of several other sections of the guidelines, to aid in strengthening them from an environmental viewpoint.	A
F-CID-89078-00--	Transportation:	23 CFR Part 150—Marine Sanitation Devices, Proposed Certification Procedures and Design and Construction Requirements.	A
Department of Transportation: B-CID-89078-00--	33 CFR Part 150—Marine Sanitation Devices, Proposed Certification Procedures and Design and Construction Requirements.	The Environmental Protection Agency generally agrees with the regulation as written. Technical comments were offered and the terminology, "visible floating solids," was clarified as meaning EPA's standard is intended to be an aesthetic consideration. It was strongly recommended that a statement be included in the final regulation to the effect that Coast Guard certification of flow through devices applies only where devices are not prohibited from use in no-discharge zones by State or Federal Law (sec. 312(F)(3) and 312(F)(4) of Public Law 92-500).	A
APPENDIX V			
SOURCE FOR COPIES OF EPA COMMENTS			
A. Director, Office of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.			F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.
B. Director of Public Affairs, Region I, Room 2303, John F. Kennedy Federal Building, Boston, Massachusetts 02203.			G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.
C. Director of Public Affairs, Region II, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.			H. Director of Public Affairs, Region VII, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.
D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.			I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.
E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, Environmental Protection Agency, 100 Call-			J. Director of Public Affairs, Region IX, Environmental Protection Agency, Suite 300,

fornia Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 74-13028 Filed 6-10-74; 8:45 am]

[OPP-32000/65]

## NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

### Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the *FEDERAL REGISTER* (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the *Federal Register* a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before August 12, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the *Federal Register* of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 12, 1974.

### APPLICATIONS RECEIVED

EPA File Symbol 1363-CO. Acme Chemical Company, 2506 North 32nd Street, Milwaukee, Wisconsin 53245. *Acco Algaicide 15-01*. Active Ingredients: Poly [oxyethylene (dimethylimino) ethylene (dimethylimino)-ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 32991-R. Ashland Chemical Co., Box 6066, Kansas City, Kansas 66106. *Glidco Pine Oil-150*. Active Ingredients:

## NOTICES

Pine Oil 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 6414-T. Bain Pest Control Service, 347 Central Street, Lowell, Massachusetts 01852. *Checker Brand 72% Chlordane Spray Kills Ants and Lawn Insects*. Active Ingredients: Technical Chlordane 72.0%; Petroleum Distillate 21.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 960-ROL. Balcom Chemicals, Inc., P.O. Box 667, 240 22nd Street, Greeley, Colorado 80631. *Clean Crop Methyl Parathion-Toxaphene 3-6 EC*. Active Ingredients: Methyl Parathion 25.8%; Toxaphene 51.5%; Xylene 8.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6125-RT. Bixon Chemical Company, 50-19 97th Place, Corona, New York 11368. *Food Plant Fogging Insecticide*. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 5.0%; Petroleum Distillate 94.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4-131. Bonide Chemical Co., 2 Wurz Avenue, Yorkville, New York 13495. *Captan-50% WP*. Active Ingredients: Captan N-(trichloromethyl) thio-4-cyclohexene-1,2-dicarboximide 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34132-R. Cealin Chemicals, 6141 Arlington Expressway, Jacksonville, Florida 32211. *Trichlorin*. Active Ingredients: Potassium Dichloroisocyanurate 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34132-E. Cealin Chemicals, 6141 Arlington Expressway, Jacksonville, Florida 32211. *Duochlorin*. Active Ingredients: Sodium isocyanurate 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 239-EUEL. Ortho Division, Chevron Chemical Company, 940 Hensley Street, Richmond, California 94804. *Ortho Weed-B-Gon Lawn Weed Killer*. Active Ingredients: Butoxy propyl esters of 2,4-dichlorophenoxyacetic acid 21.4%; Butoxy propyl esters of silvex [2-(2,4,5-trichlorophenoxy) propionic acid] 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8203-EG. Chipman Chemicals Limited, P.O. Box 3100, Station C, Hamilton, Ontario L8H7K5. *Chipman 2,4-D Amine 80 2,4-D Liquid Weedkiller*. Active Ingredients: 2,4-D Acid 43.06%; Dimethylamine 14.72%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 192-RRN. Dexol Industries, 1450 West 228th Street, Torrance, California 90501. *Dexol Fruit & Vegetable Spray*. Active Ingredients: Rotenone 1.1%; Other Cube Extractive 2.2%; Pyrethrins 0.8%; Petroleum Distillate 3.2%; Aromatic Petroleum Hydrocarbons 84.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 352-GAE. E. I. Du Pont De Nemours & Company (Inc.), 6054 DuPont Building, Wilmington, Delaware 19898. *DuPont Lannate WP Methylomyl Insecticide*. Active Ingredients: S-methyl-N-[(Methylcarbamoyl)oxy]thioacetimidate 25%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8764-ET. FMC Corporation, Citrus Machinery Division, P.O. Box 552, Riverside, California 92502. *Fungicide Conc. 2020*. Active Ingredients: Benomyl Methyl 1-(butylcarbamoyl)-2-benzimidazolescarbamate 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8764-EA. FMC Corporation, Citrus Machinery Division, P.O. Box 552, Riverside, California 92502. *Fungicide conc. 1015*. Active Ingredients: Benomyl Methyl 1-(butylcarbamoyl)-2-benzimidazolescarbamate 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 279-EOTA. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Pyrenone Multi-Purpose Insecticide code 250-15*. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 5.0%; Petroleum Distillate 4.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34139-R. G & G Chemical Co., Inc., 1550 Carroll Avenue, San Francisco, California 94124. *Formula 4026 Sanitizer-Cleaner*. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 1.28%; Sodium carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9998-G. Gardner Corporation, 311 Whelis Street, P.O. Box 35, West Monroe, Louisiana 71291. *Pine + Plus Pine Odor Disinfectant*. Active Ingredients: Pine Oil 9.00%; Soap 8.50%; Ortho-benzyl-pa-chlorophenol 5.00%; Isopropyl alcohol 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8544-RL. General Pool Supply, 8700 Bellanca Avenue, Los Angeles, California 90045. *Sani-Tab 300*. Active Ingredients: Trichloro-s-Triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4651-RE. Hunter Chemicals, Inc., P.O. Box 14532, Houston, Texas 77021. *Hunter's Disinfectant Concentrate 510*. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10.00%; Sodium Carbonate 1.00%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342-OGU. Kerr-McGee Chemical Corporation, Kerr-McGee Center, Oklahoma City, Oklahoma 73125. *KM Fasco Susperse Nu-Tri-Hi-Cop*. Active Ingredients: Copper as metallic 70.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342-OGN. Kerr-McGee Chemical Corporation, Kerr-McGee Center, Oklahoma City, Oklahoma 73125. *Fasco Toxaphene Bait-8*. Active Ingredients: Toxaphene (Technical Chlorinated Camphene containing 67% to 69% Chlorine) 8.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30943-RA. Lea Chemicals, P.O. Box 868, Marianna, Florida 32446. *Lea Bowl White Disinfectant*. Active Ingredients: Isopropanol 10.0%; Hydrogen Chloride 1.86%; n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0%; phosphoric acid 4.50%; nonyl phenoxy polyethoxy ethanol 3.0%; Bis (tri-n-butyltin) oxide 0.95%; Essential oils 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1021-RGRI. McLaughlin Gormley King Company, 8810 Tenth Avenue North, Minneapolis, Minnesota 55427. *MGR Pyreicide Fogging Formula 7221*. Active Ingredients: Pyrethrins 0.6%; Piperonyl Butoxide, technical 3.0%; Petroleum distillate 96.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11800-RE. Midwest Agricultural Warehouse Co., 200 South Main, Fremont, Nebraska 68025. *Clean Crop Captain—Heptachlor Seed Protectant*. Active Ingredients: N-[trichloromethyl]thio] - 4 - cyclohexene-1,2-dicarboximide 10.0%; Heptachlorotetrahydro-4,7-methanoidene (Heptachlor) 25.0%; Related Compounds 9.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-REI. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Moyer Dormant Emulsion*. Active Ingredients: Petroleum Oil 80.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-RET. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Moyer Dormant Soluble*. Active Ingredients: Petroleum Oil 99.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1258-OIR. Olin Corporation, P.O. Box 991, Little Rock, Arkansas 72203. *Olin Calcium Hypochlorite Sanitizer—40%*. Active Ingredients: Calcium Hypochlorite 40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3635-ROT. Oxford Chemicals, P.O. Box 80202, Atlanta, Georgia 30341. *Oxford 1922 Disinfectant-Detergent*. Active Ingredients: Isopropanol 11.12%; Tetrasodium ethylenediamine tetraacetate acid 4.00%; Sodium o-benzyl-p-chlorophenate 3.75%; Sodium para-tertiary butylphenol 3.28%; Sodium xylyle sulfonate 3.20%; Sodium lauryl sulfonate 3.00%; Sodium 4-chloro-2-cyclopentyl phenate 2.35%; Sodium 2,4,5-trichlorophenate 2.32%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3635-ROA. Oxford Chemicals, P.O. Box 80202, Atlanta, Georgia 30341. *Oxford BiopHect Disinfectant-Detergent*. Active Ingredients: Dodecylbenzene sulfonic acid 19.2%; Isopropanol 16.3%; Phosphoric acid 4.5%; P-tertiary-butyl phenol 4.1%; O-benzyl-p-chlorophenol 3.8%; 4-chloro-2-cyclopentyl phenol 1.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13680-RT. Ozark Chemical Company, 413 East 10th Street, No. Little Rock, Arkansas 72203. *Sanadine Liquid Iodine Bearing Detergent/Sanitizer*. Active Ingredients: Nonylphenoxypoly (ethoxy-ethoxy) ethanol Iodine Complex (providing 1.75% available iodine) 8.75%; Phosphoric Acid 8.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4389-TN. Pacific Chemical, Division Pace National Corporation, 500 7th Avenue South, Kirkland, Washington 98033. *Master Cox, A Heavy Duty Cleaner-Sanitizer-Deodorizer*. Active Ingredients: Sodium Hydroxide 30%; Sodium Carbonate 30%; Trisodium Phosphate 15%; Sodium Dichloro-s-triazinetrione 1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4389-AO. Pacific Chemical, Division Pace National Corporation, 500 7th Avenue South, Kirkland, Washington 98033. *Pole Top Fluid*. Active Ingredients: Pentachlorophenol 8.6%; Other chlorinated phenols and related compounds 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4389-AI. Pacific Chemical, Division Pace National Corporation, 500 7th Avenue South, Kirkland, Washington

98033. *Alldet-76 Detergent-Sanitizer for Food Processors*. Active Ingredients: Sodium metasilicate 16.0%; Sodium carbonate 15.0%; Sodium dichloro-s-triazinetrione 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655-87. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, New York 10001. *Prentex Pyronyl 75—an Insecticide for Formulating Use*. Active Ingredients: Piperonyl Butoxide, Technical 75.00%; Pyrethrins 7.50%; Deodorized Kerosene 17.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11963-R. Roman Chemical Corp., P.O. Box 1462, Rome, Georgia 30161. *Roman Mint 7 Disinfectant-Detergent Sanitizer-Deodorizer*. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11963-L. Roman Chemical Corp., *Roman Lemon 7 Disinfectant-Detergent Sanitizer-Deodorizer*. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 1.00%; Essential Oils 0.25%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11963-U. Roman Chemical Corp., *Roman Pine 13 Disinfectant-Detergent Sanitizer-Deodorizer*. Active Ingredients: Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11963-G. Roman Chemical Corp., *Roman Lemon 15 Disinfectant-Detergent Sanitizer-Deodorizer*. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential Oils 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11963-E. Roman Chemical Corp., *Roman Mint 15 Disinfectant-Detergent Sanitizer-Deodorizer*. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl Salicylate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11963-A. Roman Chemical Corp., *Roman Pine 6 Disinfectant-Detergent Sanitizer Deodorizer*. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 3682-UN. E. W. Smith Chemical Company, 15020 East Proctor Avenue, Industry, California 91746. *Quel-3*. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 3.00%; Related Compounds 0.409%; Aromatic petroleum hydrocarbons 91.471%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3682-UR. E. W. Smith Chemical Company, 15020 East Proctor Avenue, Industry, California 91746. *Quel-24*. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 24.30%; Related compounds 3.30%; Aromatic petroleum hydrocarbons 66.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11715-GR. Speer Products, Inc., P.O. Box 9383, Memphis, Tennessee 38109. *Speer Dairy Aerosol for Milk Houses*

and Animals. Active Ingredients: Pyrethrins 0.500%; Piperonyl Butoxide, Technical 4.000%; Petroleum Distillates 8.000%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4887-RTE. Stephenson Chemical Co., Inc., P.O. Box 87188, College Park, Georgia 30337. *Stephenson Chemicals Formula 382*. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 2.00%; Related Compounds 0.27%; Aromatic Petroleum Hydrocarbons 90.15%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 675-GA. National Laboratories, Lehn & Fink Industrial Products Division of Sterling Drug Inc., 225 Summit Avenue, Montvale, New Jersey 07645. *New Tergiquat Germicidal Cleaner*. Active Ingredients: Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 2.3%; Tetrasodium ethylenediamine tetraacetate 1.9%; Didecyl dimethyl ammonium chloride 0.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13153-R. The Vas-Ko Company, Inc., 900-02 Summit Street, Toledo, Ohio 43604. *Sanz-M*. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 10.00%; Ethanol 2.50%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11656-RU. Western Farm Service, Inc., 2401 Crow Canyon Road, San Ramon, California 94583. *Western Farm Service Parathion 8 Emulsifiable Liquid*. Active Ingredients: Parathion: O,O-diethyl O-p-nitrophenyl thiophosphate 78.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656-RA. Western Farm Service, Inc., *Western Farm Service Ethyl-Methyl 6-3*. Active Ingredients: Parathion: O,O-diethyl O-p-nitrophenyl phosphorothioate 54.0%; O,O-dimethyl O-p-nitrophenyl phosphorothioate 27.0%; Aromatic Petroleum Derivative Solvent 5.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656-RG. Western Farm Service, Inc., *Western Farm Service Methyl Parathion 5 Emulsive*. Active Ingredients: Methyl Parathion (O,O-dimethyl O-p-nitrophenyl phosphorothioate) 55.5%; Aromatic Petroleum Solvent 23.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656-RL. Western Farm Service, Inc., *Western Farm Service, Inc., Parathion 4*. Active Ingredients: Parathion (O,O-diethyl O-p-nitrophenyl phosphorothioate) 47.6%; Aromatic Petroleum Derivative Solvents 46.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 984-56. Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pennsylvania 17067. *Whitmoyer Tryad—A Multiple-Use Cleanser, Disinfectant and Deodorant*. Active Ingredients: n-alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.00%; Sodium hydroxide 3.00%; Tetrasodium Salt of EDTA 0.88%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 9639-RN. Willard Products, 70 Chemical Way, Redwood City, California 94063. *CL-90 Pool Chlorine Tablets*. Active Ingredients: Trichloro-s-triazinetrione 99.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9639-RG. Willard Products, 70 Chemical Way, Redwood City, California

## NOTICES

94063. *Willard Muriatic Acid*. Active Ingredients: Hydrogen Chloride 31.45%. Method of Support: Application proceeds under 2(c) of interim policy.

## REPUBLISHED ITEMS

The following items represent a correction and/or change in the list of Applications Received previously published in the *FEDERAL REGISTER* of May 20, 1974 (39 FR 17796).

EPA Reg. No. 655-70. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, New York 10001. *Prentox Rotenone 5% Oil Concentrate*. Active Ingredients: Rotenone 5.00%; . . . Methyl Naphthalenes 85.00%. Originally published as Methyl Naphthalenes 85.00%.

EPA File Symbol 5741-O. Spartan Chemical Company, Inc., 110 North Westwood Avenue, Toledo, Ohio 43607. *Spartan's Sparquat 256 Germicidal Cleaner*. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.75%; . . . Alkyl (C14 50%, C12 40%, C10 10%) Benzyl Dimethyl Ammonium Chloride 5.000%; . . . Originally published as Alkyl (C14 50%, C12 40%, C16 10%) Benzyl Dimethyl Ammonium Chloride 5.000%.

Dated: May 31, 1974.

JOHN B. RITCH, Jr.,  
Director, Registration Division.

[FR Doc. 74-13146 Filed 6-10-74; 8:45 am]

## AMERICAN CYANAMID CO.

## Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 4F1496) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, proposing establishment of tolerances (40 CFR Part 180) for combined negligible residues of the insecticide *Si (tert-butylthio) methyl 10, O,O-diethyl phosphorodithioate* and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities field corn grain, fodder, and forage at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a thermionic detector.

Dated: June 1, 1974.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc. 74-13370 Filed 6-10-74; 8:45 am]

[OPP-32008]

## ELI LILLY &amp; COMPANY

## Registration of a Pesticide Product Containing Chlorophenothane (DDT)

Pursuant to the provisions of the Federal Insecticide, Fungicide, and Roden-

ticide Act, as amended (86 Stat. 973), Eli Lilly & Company applied to the Environmental Protection Agency to register a pesticide product containing chlorophenothane (DDT). Notice of receipt of this application was published in the *FEDERAL REGISTER* (38 FR 22509).

On the basis of the information furnished by the applicant, this pesticide product was registered under the Act as amended on May 9, 1974, as follows:

EPA Reg. No. 1471-98. Eli Lilly & Co., Indianapolis, Indiana 46206. *Lilly Liquid No. 31, Topocide Benzyl Benzoate Compound, Topical*. Active Ingredients: Benzyl Benzoate 12%; Benzocaine 2%; Chlorophenothane (name used in medicine and pharmacy for DDT) 1%. Uses: For infestations with *Phthirus pubis* (crab louse), *Sarcopeltis scabiei* (scabies), and *Pediculus capititis* (head louse).

Registration of this product is consistent with the Order of the Administrator of June 14, 1972, which was published in the *FEDERAL REGISTER* of July 7, 1972 (37 FR 13399). This Order did not cancel those uses of DDT intended for public health disease control, health quarantine, and prescription drugs. Registration is in no way to be construed as an endorsement or approval of this product by the Environmental Protection Agency.

A copy of the registered label for this product is on view to the public at the Environmental Protection Agency, 401 M Street, SW, Room B31—East Tower, Washington, D.C. 20460, during normal working hours (8 a.m. to 4:30 p.m.), Monday through Friday.

Dated: June 5, 1974.

JAMES L. AGEE,  
Acting Assistant Administrator  
for Water and Hazardous Materials.

[FR Doc. 74-13366 Filed 6-10-74; 8:45 am]

## FMC CORP.

## Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 4F1482) has been filed by FMC Corp., 100 Niagara Street, Middleport, New York 14105, proposing establishment of a tolerance (40 CFR Part 180) for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-N-methylcarbamate); its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate; and its phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodity strawberries at 0.5 part per million, of which no more than 0.2 part per million is carbamates.

The analytical method proposed in the petition for determining residues of the insecticide and its metabolites is a gas chromatographic procedure using a ni-

rogen specific detector. The phenolic metabolites are first converted to their 2,4-dinitrophenyl ethers by reacting with 1-fluoro-2,4-dinitrobenzene.

Dated: June 1, 1974.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc. 74-13367 Filed 6-10-74; 8:45 am]

## INTERIOR DEPARTMENT

## Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 4F1494) has been filed by the United States Department of the Interior, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20250, proposing establishment of tolerances (40 CFR Part 180) for residues of phosphine from use of the rodenticide zinc phosphide in or on the raw agricultural commodities rangeland grasses, forbs (broadleaf herbs), and shrubs at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the rodenticide is one in which zinc phosphide is hydrolyzed to phosphine gas which is then measured by a gas chromatographic procedure using a flame photometric detector.

Dated: June 1, 1974.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc. 74-13368 Filed 6-10-74; 8:45 am]

## UPJOHN CO.

## Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 4F1500) has been filed by The Upjohn Co., Kalamazoo, MI 49001, proposing revision of the existing tolerance (40 CFR 180.200) for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity apricots at 20 parts per million to allow postharvest application.

The analytical method proposed in the petition for determining residues of the fungicide is a gas chromatographic procedure utilizing an electron capture detector.

Dated: June 1, 1974.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc. 74-13369 Filed 6-10-74; 8:45 am]

## NOTICES

20539

### FEDERAL COMMUNICATIONS COMMISSION CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE, PANEL 9

#### Notice of Public Meeting

JUNE 5, 1974.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the CTAC Panel 9 Committee on June 24, 1974, to be held at the RCA Laboratory, Main Entry, Princeton, New Jersey. The time of the meeting is 10 a.m.

The agenda is as follows:

- (1) Approval of Minutes.
- (2) Report on Steering Committee Activities.
- (3) Review of Panel 9 Final Report.
- (4) Final Report of Subcommittee Data System Survey.
- (5) Draft of Recommendations to FCC.
- (6) Establish Date, Time and Place for Next Meeting.

Any member of the public may attend or may file a written statement with the Committee either before or after the

meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. Cort Wilson, FCC, 1919 M Street NW, Washington, D.C. 20554—(202) 632-9797.

Dated: June 4, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.  
[FRC Doc. 74-13328 Filed 6-10-74; 8:45 am]

[Mexican List 272]

### MEXICAN STANDARD BROADCAST STATIONS

#### Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MAY 10, 1974.

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or com- mencement of operation
							Number radials	Length (feet)	
XEEL (PO 1000-D/150-N, ND, U)	Fresnillo, Zac., N. 23°10'35", W. 102°51' 35".	5000-D..... 1000-N..... 990 kHz	610 kHz	DA-2	U	III	—	—	1-1-75 (Probable).
XEOP (PO 250-D/200-N, ND)	Villa Frontera, Coah., N. 26°55'30", W. 101°26'50".	1000-D..... 250-N.....	990 kHz	ND-175	U	III	226	90	246 1-1-75 (Probable).
XEOL (PO 500-D/100-N, ND)	Teziutlan, Pue., N. 19°48'28", W. 97° 21'32".	1000-D..... 200-N.....	990 kHz	ND	U	II	—	—	7-1-74 (Probable).
XEUM (PO 250, ND, U)	Valladolid, Yuc.....	600-D..... 250-N.....	990 kHz	ND	U	II	—	—	4-1-74 (Probable).
XERED (PO 50,000-D/10,000 N, ND—change in call letters from XERCN).	Mexico, D.F.	50,000.....	1110 kHz	DA-N	U	II	—	—	1-1-74.
XERRF (in operation since 1-1-74)	Merida, Yuc., N. 21°00'00", W. 39°36'36.5".	1000-D..... 350-N.....	1150 kHz	ND-177	U	III	107	90	137 1-1-74.
XEZT (in operation since 1-2-74)	Puebla, Pue., N. 19°02'30", W. 98°11'52".	500-D..... 250-N.....	1250 kHz	ND	U	III	—	—	3-20-74.
XESC (under construction)	Sabinas, Coah.....	1000.....	1250 kHz	ND-175	D	III	177	90	177 10-1-74 (Probable).
XECH (under construction)	Cd. Camargo, Chih., N. 27°40'19", W. 105°10'40".	1000-D..... 150-N.....	1270 kHz	ND-175	U	III	151	120	161 8-1-74 (Probable).
XEXC (assignment deleted— see 1490 kHz)	Taxco, Gro.....	250-D..... 100-N.....	1270 kHz	ND	U	III	—	—	—
XERPL (in operation since 2-10-74)	Leon, Gto.....	1000-D..... 150-N.....	1270 kHz	DA-D	U	III	—	—	2-10-74.
XEUU (under construction)	Colima, Col., N. 19°18'08", W. 108°48' 65".	500-D..... 150-N.....	1280 kHz	ND-172	U	III	102	90	148 8-1-74 (Probable).
XEHFT (PO 250-D/100-N, ND)	Puebla, Pue.....	500-D..... 100-N.....	1310 kHz	ND	U	III	—	—	5-1-74 (Probable).
XEUAS (provisional operation with 5000W-D since 1-1-74)	Culiacan, Sin., N. 24°48'34", W. 107° 23'68".	5000-D..... 1000-N.....	1350 kHz	DA-N ND-190	U	III	185	120	185 1-1-74
XELS (under construction)	Armeria, Col., N. 18°55'00", W. 105° 57'56".	1000-D..... 100-N.....	1360 kHz	ND-175	U	III	163	90	163 8-1-74 (Probable).
XEWF (PO 250, ND, U)	Cuernavaca, Mor., N. 18°55'00", W. 94°14'00".	500-D..... 250-N.....	1420 kHz	ND	U	III	—	—	7-1-74
XETT (under construction)	Tlaxcala, Tlax., N. 19°17'59", W. 98° 14'22".	500.....	1450 kHz	ND-190	D	III	173	120	173 5-1-74 (Probable).
XEPY (PO 250, ND, U)	Merida, Yuc., N. 20°58'30", W. 89°37' 20".	1000-D..... 250-N.....	1450 kHz	ND-174	U	IV	151	90	151 9-1-74

## NOTICES

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system	Proposed date of change or commencement of operation	
							Number radials	Length (feet)	
XEACE (in operation since 12-1-73).	Mazatlan, Sin., N. 23°17'01", W. 106°25'09".	1000	1470 kHz	ND-906	U	III	246	120	246 12-1-73.
XECAV (correction of an error, notified in List No. 271 with 350W, ND, U).	Durango, Dgo., N. 24°02'52", W. 104°39'20".	1000-D	1470 kHz	ND-175	U	III	148	100	151
XEXC (in operation since 1-15-74).	Taxco, Gro., N. 18°33'17", W. 99°36'00".	1000-D	1480 kHz	ND-173	U	III	157	120	115 1-15-74.
XEPOP (under construction).	Puebla, Pue.	250	1490 kHz	ND	U	IV			1-1-75.
XEDV (in operation with 500W since 12-1-73).	El Oro, Mex., N. 19°40'33", W. 100°08'01".	500	1500 kHz	ND-181	D	II	148	90	150 12-1-74.
XEFP (New).	Jalpa, Zac.	250	1580 kHz	ND	D	II			3-1-75 (Probable).
XEACH (in operation provisionally with 500W, D only since 1-20-74).	Monterrey, N. L., N. 25°40'57.5", W. 100°12'8.96".	5000-D	1590 kHz	DA-N	U	III			10-1-74 (Probable for night operation).
				1000-N	ND				

FEDERAL COMMUNICATIONS COMMISSION,  
WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 74-13329 Filed 6-10-74; 8:45 am]

[Docket Nos. 20067, 20068]

**STEAMBOAT BROADCASTING CO. AND BIG COUNTRY RADIO, INC.**

**Order Designating Applications for Consolidated Hearing on Stated Issues**

In re applications of Mountain States Communications, Inc., d/b as Steamboat Broadcasting Co., Steamboat Springs, Colorado, Docket No. 20067, File No. BP-19394; Requests: 1230 kHz, 250 W, 1 kW-LS, U; Big Country Radio, Inc., Steamboat Springs, Colorado, Docket No. 20068, File No. BP-19443; Requests: 1230 kHz, 250 W, 1 kW-LS, U; for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The community survey portion of the application of Mountain States Communications, Inc., d/b as Steamboat Broadcasting Co., states that the main sources of income in the Steamboat Springs vicinity are tourism, recreation, agriculture (hay and cattle) and coal mining. While the survey included leaders from three of the four aforementioned groups, the applicant has apparently failed to interview any miners, mine labor leaders, or mine owners. In addition, the applicant's original survey stated that the community leader interviews and general public contacts were conducted by William R. Dunaway and two college students. The amendment to the survey section stated that all interviews were conducted by William R. Dunaway personally. The amendment then went on to state that the list of those interviewed was previously included in the original survey exhibit. As a result, it remains uncertain who, if anyone, was contacted by the two college students. Unless the college students fit the requirements of question and answer

11(a) and (b) of the Primer on the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), any interviews conducted by them must be disregarded. Accordingly, a Suburban<sup>1</sup> issue will be included.

3. Big Country Radio, Inc., has apparently failed to interview any religious or educational leaders, despite the fact that these groups are significant. Accordingly, an appropriate issue has been included as to this applicant as well.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by the applicants to ascertain the community problems of the area to be served and the means by which the applicants propose to meet those problems.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

6. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Adopted: June 3, 1974.

Released: June 4, 1974.

FEDERAL COMMUNICATIONS COMMISSION,  
[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 74-13327 Filed 6-10-74; 8:45 am]

**SECURITIES AND EXCHANGE COMMISSION**

**SOURCE CAPITAL, INC. AND COMPUTER EXCHANGE, INC.**

[812-3619]

**Filing of Application**

JUNE 3, 1974.

Notice is hereby given that Source Capital, Inc., 1888 Century Park East, Los Angeles, California 90067 ("Source Capital"), a closed-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), and The Computer Exchange, Inc., 11 Grace Avenue, Great Neck, New York 11021 ("Computer Exchange"), a Delaware corporation (collectively "Applicants"), have filed an application for an order of the Commission, pursuant to section 17(b) of the Act, exempting from section 17(a) of the Act the proposed repurchase by Computer Exchange from Source Capital of 175,000 shares of Computer Exchange Common Stock (the "Shares") and warrants to purchase an additional 75,000 shares of Computer Exchange Common

<sup>1</sup> Suburban Broadcasters, 20 RR 951 (1961).

Stock (the "Warrants") for an aggregate purchase price of \$100,000. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Pursuant to an agreement dated January 31, 1969 (the "Agreement") between Source Capital and Computer Exchange, a company primarily engaged in the purchase and sale of used computers and related equipment, Source Capital purchased the Shares and Warrants for an aggregate purchase price of \$1,500,000. The Agreement granted to Source Capital the right to require Computer Exchange to register under the Securities Act of 1933 ("Securities Act") the Shares, the Warrants, and shares issued upon exercise of the Warrants.

The Shares represent approximately 20 percent of the outstanding Computer Exchange Common Stock. By reason of such ownership, Computer Exchange and Source Capital are "affiliated persons" as that term is defined in section 2(a)(3) of the Act. Apart from Source Capital's ownership of the Shares and Warrants, Applicants represent that there is no relationship between Computer Exchange and Source Capital.

Source Capital's management states the repurchase is in the best interests of Source Capital in that the repurchase price is approximately equal to its estimate of the value of the Shares and Warrants and permits the liquidation of its investment without the attendant costs and market risks of alternative dispositions. Source Capital also states that it will not incur any underwriting or brokerage commissions or expenses. Source Capital and Computer Exchange will each pay one-half of the out-of-pocket expenses of the other party in connection with the transaction to a maximum of \$5,000. Source Capital represents that the proposed transaction is consistent with its investment policies.

Computer Exchange's management states that the repurchase of the Shares and Warrants is in its best interests and that of its shareholders because (1) Computer Exchange would thereby avoid the substantial expense of registration of the Shares and Warrants under the Securities Act as well as the substantial and continual expense and burden it would be contractually obligated to incur in keeping a registration statement current with respect to the Warrants and Shares issuable upon exercise hereof; (2) the proposed transaction would serve to avoid the disorderly impact in the over-the-counter market which might result from the offering of the Shares and Warrants; and (3) Computer Exchange is presently in a favorable position to pay the price for the Shares and Warrants, a price substantially less than originally received by Computer Exchange.

Computer Exchange Common Stock is traded in the over-the-counter market. The following table, as set forth in the application, shows the high and low bid prices and the high and low asked prices of Computer Exchange Stock as

reported by the National Quotation Bureau, Inc. for the periods indicated.

	High bid	Low bid	High asked	Low asked
1971:				
1st quarter	63 1/2	35 1/2	7	4 1/2
2d quarter	6	4 1/2	6 1/4	5 1/2
3d quarter	5 1/2	2 1/2	6	3 1/2
4th quarter	3 1/4	1 1/4	3 1/4	1 1/2
1972:				
1st quarter	29 1/2	1 1/4	27 1/2	1 1/2
2d quarter	27 1/2	1 1/4	31 1/2	2 1/4
3d quarter	1 1/4	1 1/4	2 1/4	1 1/4
4th quarter	1 1/4	1 1/4	1	1
1973:				
1st quarter	3 1/2	1 1/4	1 1/4	1 1/2
2d quarter	2 1/2	1 1/4	1 1/4	1 1/2
3d quarter	1 1/2	1 1/4	1	1 1/2
4th quarter	1 1/2	1 1/4	1 1/2	1 1/2
1974: January	2 1/2	1 1/4	1 1/2	1 1/2

On February 20, 1974, the bid and asked quotations for Computer Exchange Stock were reported to be 1/4 and 3/4 respectively. There is no public market for the Warrants.

Applicants also represent that the terms of the proposed repurchase of the Shares and Warrants by Computer Exchange is the result of arms-length negotiation and is preferable to the alternative dispositions which may otherwise be undertaken. Applicants further represent that the proposed repurchase is reasonable and fair and does not involve overreaching on the part of any person concerned and that the transaction is consistent with the general purposes of the Act.

Section 17(a) of the Act, as here pertinent, makes it unlawful for an affiliated person of a registered investment company, acting as principal, to sell to or purchase from such registered investment company any securities or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if the evidence established that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and the general purposes of the Act.

Notice is further given, That any interested person may, not later than June 26, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses 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, on order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-13272 Filed 6-10-74;8:45 am]

## FEDERAL HOME LOAN BANK BOARD

[H. C. 175]

### BEL-FRAN INVESTMENTS LTD., ET AL.

Notice of Receipt of Application for Permission to Acquire Control of State Mutual Savings and Loan Association

JUNE 6, 1974.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from First City Financial Corporation Ltd., Vancouver, British Columbia, Canada, for approval of acquisition of control of the State Mutual Savings and Loan Association, Los Angeles, California, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 534.4 of the regulations for Savings and Loan Holding Companies. First City Financial is controlled by Bel-Fran Investments Ltd., Bel-Cal Holdings Ltd., and Bel-Alta Holdings Ltd., Edmonton, Alberta, Canada. State Mutual Savings and Loan Association is currently controlled by Far West Financial Corporation. First City Financial intends to effect its acquisition of State Mutual Savings and Loan Association by purchasing for cash shares of Far West Financial Corporation. 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 11, 1974.

[SEAL] EUGENE M. HERRIN,  
Secretary,  
Federal Home Loan Bank Board.

[FR Doc.74-13345 Filed 6-10-74;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 6, 1974 (44 USC

## NOTICES

3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503 (202-395-4529).

## NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control: Occupational Safety Priorities Survey, Form CDC 2.4, Single time, Ellett, Safety professionals.

Health Resources Administration:

A Prototype Course in Rural Prepaid Health Care for Advanced Medical and Dental Students and its Effects on Student Attitudes, Form HRABHRD 0531, Occasional HRD/Planchon, Advanced medical or dental students.

Intern and Resident Task Inventory Forms, Form HRABHRD 0521, Single time, Reese, Interns and resident physicians, Survey of Quality Assurance and Utilization Review Mechanisms, Form HSABCHS, 0404, Single time, HRD/Lowry, 37 HMO-like organizations.

National Institutes of Health:

Birth Defects and Contraceptive Study, Form NIH CH 18, Single time, Reese, Women who recently delivered.

Congenital Heart Disease Study, Form \_\_\_\_\_, Single time, Reese, Women who recently delivered.

Architectural/Engineering Firm Supplement, Form NIH OD-5, Annual, Sheftel, Architectural/engineering firms.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research: Fuel Energy Usage in the Residential Construction Industry, Form \_\_\_\_\_, Single time, Weiner, 48 selected home builders in 16 housing markets.

## REVISONS

DEPARTMENT OF LABOR

Manpower Administration: Employment Security Automated Reporting (ESARS), Form MA 5-44 etc., Monthly, Collins, State employment service offices.

SMITHSONIAN INSTITUTION

Application for Project Support, Form SI 2965, Single time, Caywood, Museums and educational organizations.

DEPARTMENT OF TRANSPORTATION

Departmental: DOT Retail Shipper Questionnaire, Form \_\_\_\_\_, Single time, Weiner, Retail shippers, wholesalers, distributors, and manufacturers.

EXTENSIONS  
DEPARTMENT OF HEALTH, EDUCATION,  
AND WELFARE

Social Security Administration:

Request for Withdrawal of Application, Form SSA 521, Evinger (x), Occasional Statement Regarding Wage by Person Having Knowledge Thereof, Form OAR 7013, Occasional, Evinger (x).

Group Practice-Prepayment Plan Statement of Reimbursement Cost, Form SSA 2017, Quarterly, Evinger (x).

PHILLIP D. LARSEN,  
Budget and Management.

[FR Doc. 74-13486 Filed 6-10-74; 8:45 am]

## SMALL BUSINESS ADMINISTRATION

[License No. 08/08-0034]

## FIRST DAKOTA CAPITAL CORP.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that First Dakota Capital Corporation (First Dakota), Suite 110 Professional Building, 100 South 4th, Fargo, North Dakota 58102, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1974), for an exemption from the provisions of the conflict of interest regulation.

The exemption, if granted, will permit First Dakota to provide a \$60,000 financing to Speedo Electronics and Automation, Inc. (Speedo), and receive warrants to purchase 40 percent of the outstanding shares of Speedo. The warrants obtained will have a purchase price per share ranging from \$4.00 per share during the first year of the warrant to \$5.86 per share during the fifth year.

A portion of the proposed financing, an amount of \$25,000, will be used to repay an obligation in full of Speedo's to Mr. John C. Schultz and Mr. John H. Lindsay. The warrants to purchase 40 percent of Speedo's outstanding stock, issued to Messrs. Schultz and Lindsay, in connection with this obligation will be cancelled. Messrs. Schultz and Lindsay are both officers, directors and 10 percent or more shareholders of First Dakota.

Information provided by the Applicant in connection with this application and information contained in the files of the Small Business Administration (SBA) indicate that:

1. The financing provided by Messrs. Schultz and Lindsay to Speedo was initiated in September 1973, at a time when Speedo urgently needed financing to begin its operations.

2. At the time the financing was provided by Messrs. Schultz and Lindsay, it was contemplated that the obligation would be offered to be assigned to First Dakota when it received its small business investment company (SBIC) license.

3. On September 7, 1973, preliminary steps were taken towards meeting the

SBA requirements for an SBIC license for First Dakota which culminated in the licensing of First Dakota by SBA on November 9, 1973.

4. First Dakota's proposed long-term financing is needed by Speedo for working capital to meet the expanding needs of its business in designing, manufacturing and installing and selling electrical and electronic controlled systems.

5. Subsequent to the proposed financing, Messrs. Schultz and Lindsay will not individually be connected in any manner with Speedo.

6. On April 12, 1974, First Dakota's board of directors, with Messrs. Schultz and Lindsay abstaining from voting, adopted by unanimous vote a resolution providing for the proposed financing of Speedo. All shareholders of First Dakota are also members of the board of directors.

Pursuant to the provisions of § 107.3 (a) and (b) of the regulations, Messrs. Schultz and Lindsay are considered to be associates of First Dakota. As such, the transaction will require an exemption pursuant to § 107.1004(b) (4) of the regulations.

Notice is hereby given that any interested person may, on or before June 26, 1974 submit to the Small Business Administration (SBA), in writing, relevant comments on the proposed transaction. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Fargo, North Dakota.

Dated: June 3, 1974.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc. 74-13305 Filed 6-10-74; 8:45 am]

## DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-73-12]

BETHLEHEM STEEL CORP.

## Grant of Variance

I. *Background.* Bethlehem Steel Corporation, Sparrows Point Plant, Sparrows Point, Maryland 21219 made application pursuant to section 6(b) (6) (A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655) and 29 CFR 1905.10 for a temporary variance and for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1910.23(a) (8) (i) and (ii). The standard requires that every floor hole into which a person can accidentally walk shall be guarded by either a standard railing with toeboard or a floor hole cover hinged in place. Notice of the application for var-

ance was published in the FEDERAL REGISTER on March 16, 1973 (38 FR 7155). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were permitted to request a hearing on the application for a variance. No written comments and no request for a hearing have been received.

**II. Facts.** The applicant manufactures steel rods at its #3 Rod Mill by a compress and tie mandrel in-line method. This process necessitates a floor opening approximately 2½' by 6'. Standard guardrails have not been installed at the floor opening because the coiled rods could become entangled in them. Spring-loaded floor covers have been discussed, but due to the likelihood of coil tangles, broken straps, etc., their use would not be practical.

The following precautions are taken to protect employees. Chain guardrails, a pipe rail and toeboards are used, unauthorized personnel are not permitted in the area, and extensive safety programs and inspections are in effect.

The applicant originally expected to be in compliance with the standard by the third quarter of 1973 by changing to an off-line compress and tie operation, and completely covering the floor opening. However, on November 16, 1973 the applicant amended its application to state that the expected delivery of necessary parts had not been made. The applicant now expects to have the new system operational and to be in compliance with the standard by June 30, 1974.

**III. Decision.** 29 CFR 1910.23(a)(8)(i) and (ii) requires that every floor hole into which a person can accidentally walk shall be guarded by either a standard railing with toeboard or a floor hole cover hinged in place.

The applicant has shown that a time extension is needed to come into compliance with the standard. It has also shown that it is taking steps to protect its employees by using chain guardrails, pipe rails and toeboards, restricting entry, and utilizing extensive safety programs and inspections.

In the situation described in the application, it is evident that the use of a standard railing or floor hole cover would interfere with necessary work. It is also evident that the employer is making every effort to maintain a workplace free from hazard while making the modifications necessary to come into compliance with the standard.

**IV. Order.** Pursuant to authority in section (6)(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970, 29 CFR Part 1905, and in Secretary of Labor's Order No. 12-71 (36 FR 8754), it is ordered that Bethlehem Steel Corporation, No. sign 3 Rod Mill, Sparrows Point Plant be, and it is hereby, authorized to use its present method of safeguarding its floor opening, which utilizes chain guardrails, pipe rail and toeboard, restricting entry to authorized employees, and safety pro-

grams and inspections, in lieu of complying with § 1910.23(a)(8)(i) and (ii).

As soon as possible, Bethlehem Steel Corporation, No. sign 3 Rod Mill, Sparrows Point Plant shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

**Effective date.** This order shall be effective as of June 10, 1974, and shall remain in effect until June 30, 1974, in accordance with section (6)(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 4th day of June, 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FIR Doc.74-13306 Filed 6-10-74;8:45 am]

#### Office of the Secretary

##### OREGON

#### Availability of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708, establishes a program of extended unemployment compensation which provides for payment of extended unemployment compensation to unemployed workers who have received all of the regular unemployment compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to Section 203(b)(2) of the Act, notice is hereby given that Ross Morgan, Administrator of the Oregon Employment Division, has determined that there was a State "on" indicator in Oregon for the week ending May 18, 1974, and that an extended benefit period will commence with the week beginning June 2, 1974.

Signed at Washington, D.C., June 5, 1974.

W. H. KOLBERG,  
Assistant Secretary  
for Manpower.

[FIR Doc.74-13371 Filed 6-10-74;8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[Notice 527]

#### ASSIGNMENT OF HEARINGS

JUNE 6, 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 hear-

ings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35967, Household Goods, Increased Rates Nationwide, now assigned June 10, 1974, at Washington, D.C., is cancelled and re-assigned for hearing on July 15, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Investigation and Suspension Docket No. M-27742, Household Goods, Increased Rates Nationwide, now being assigned July 15, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-134958 Sub-6, Hams Express, Inc., now assigned July 8, 1974; MC 111662 Sub-1, Space World U.S.A. Tours, Inc., now assigned July 10, 1974; and MC 134612 Sub-1, Fast Motor Service, Inc., now assigned July 15, 1974, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Chicago, Ill.

MC-95084 Sub 97, Hove Truck Line, now assigned July 22, 1974, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC-114273 (Sub 155), Cedar Rapids Steel Transportation, Inc., now assigned July 24, 1974, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC-F-12115, Illinois-California Express, Inc.—Purchase (Portion)—Rogers Cartage Co., now assigned July 29, 1974, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC-128383 Sub 40, Pinto Trucking Service, Inc., now assigned August 1, 1974, will be held in Room 1086A Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC-F-12114, Preston Trucking Company, Inc.—Purchase (Portion)—Express/S.D.Z. (Irvin Klein, Trustee) now being assigned hearing July 10, 1974 (3 days) at New York, N.Y., in a hearing room to be later designated.

MC-134323 (Sub-No. 61), Jay Lines, Inc., now being assigned hearing July 8, 1974 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC-F-12128, Gateway Transportation Co., Inc.—Purchase (Portion)—Pic-Walsh Freight Co., Inc., and Carrier Service, Inc., and FD 27601, Gateway Transportation Co., Inc., Notes, now assigned July 10, 1974, at St. Louis, Mo., will be held in Room 1612, 1520 Market Street.

MC 124511 Sub 17, John F. Oliver, now assigned July 15, 1974, at St. Louis, Mo., will be held in Room 1612, 1520 Market Street.

MC-C-7901, North American Van Lines, Inc.—Investigation and Revocation of Certificates—now being assigned pre-hearing conference, July 23, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119777 Sub 277, Ligon Specialized Hauler, Inc., now assigned June 11, 1974, at Columbus, Ohio, is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FIR Doc.74-13357 Filed 6-10-74;8:45 am]

#### FOURTH SECTION APPLICATION FOR RELIEF

JUNE 6, 1974.

An application, as summarized below, has been filed requesting relief from the

requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before July 1, 1974.

FSA No. 42839—*Nursery Stock Between Points in Western Trunk Line Territory*. Filed by Western Trunk Line Committee, Agent (No. A-2705), for interested rail carriers. Rates on nursery stock, in carloads, as described in the application, between points in western trunk-line territory.

Grounds for relief—Rate relationship, short-line distance formula and grouping.

Tariff—Supplement 221 to Western Trunk Line Committee, Agent, tariff W-2000-J, I.C.C. No. A-4669. Rates are published to become effective on July 10, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FIR Doc.74-13358 Filed 6-10-74; 8:45 am]

#### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

##### Elimination of Gateway Letter Notices

JUNE 6, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 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 within 10 days from the date of this publication. 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-2452 (Sub-No. E5), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (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,

the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in that part of Ohio on and south of U.S. Highway 36 from the Indiana-Ohio State to Piqua, and on and west of U.S. Highway 25 from Piqua to Cincinnati, on the one hand, and, on the other, points in Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Kane, De Kalb, Ogle, Carroll, Whiteside, Lee Du Page, Will, Kankakee, Kendall, Grundy, LaSalle, Putnam, Bureau, Henry, and Rock Island Counties, Illinois. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC-2452 (Sub-No. E6), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (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 Three Rivers, Mich., on the one hand, and, on the other, Alton, Beardstown, Bloomington, Cairo, Centralia, Champaign, Chester, Danville, Decatur, Effingham, Galesburg, Jacksonville, Kankakee, Marion, Mt. Vernon, Pekin, Peoria, Quincy, and Springfield, Ill. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC-2452 (Sub-No. E15), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (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 St. Louis, Mo., on the one hand, and, on the other, points in Cook County, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission in 1 M.C.C. 673. The purpose of this filing is to eliminate the gateway of San Pierre, Ind.

No. MC-2452 (Sub-No. E16), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (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, liquid commodities in bulk, and commodities requiring special equipment), between the plantsite of Ford Motor Co., located at the junction of Westport Road and Murphy Lane, Jefferson County, Ky., on the one hand, and, on the other, Burlington and Davenport, Iowa. The purpose of this filing is to eliminate the gateway of points in Jasper County, Ind.

between St. Joseph and Shoreham, Mich., on the one hand, and, on the other, Alton, Beardstown, Bloomington, Cairo, Centralia, Champaign, Chester, Decatur, Effingham, Galesburg, Jacksonville, Marion, Mt. Vernon, Pekin, Peoria, Quincy, and Springfield, Ill. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC-2452 (Sub-No. E17), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (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 St. Joseph and Shoreham, Mich., on the one hand, and, on the other, Alton, Beardstown, Bloomington, Cairo, Centralia, Champaign, Chester, Decatur, Effingham, Galesburg, Jacksonville, Marion, Mt. Vernon, Pekin, Peoria, Quincy, and Springfield, Ill. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC-2452 (Sub-No. E18), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (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, liquid commodities in bulk, and commodities requiring special equipment), between the plantsite of Ford Motor Co., located at the junction of Westport Road and Murphy Lane, Jefferson County, Ky., on the one hand, and, on the other, Burlington and Davenport, Iowa. The purpose of this filing is to eliminate the gateway of points in Jasper County, Ind.

No. MC-2452 (Sub-No. E19), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Illinois 60502. Applicant's representative: Steve Zwarycz (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, liquid commodities in bulk, and commodities requiring special equipment), between the plant site of Ford Motor Co., located at the junction of Westport Road and Murphy Lane, Jefferson County, Ky., on the one hand, and, on the other, Aurora, Bloomington, Champaign, Dekalb, Dixon, Elgin, Freeport, Galesburg, Glen Ellyn, Joliet, Kankakee, La Salle, Pekin, Peoria, Quincy, Rockford, Savanna, Waukegan, Rock Island, and Moline, Ill. The purpose of this

filling is to eliminate the gateway of points in Jasper County, Ind.

No. MC-2452 (Sub-No. E22), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Illinois 60502. Applicant's representative: Steve Zvarycz (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, liquid commodities in bulk, and commodities requiring special equipment), between the plant site of Ford Motor Co., located at the junction of Westport Road and Murphy Lane, Jefferson County, Ky., on the one hand, and, on the other, Grand Rapids, Kalamazoo, St. Joseph, Shoreham, Lansing, and Three Rivers, Mich. The purpose of this filing is to eliminate the gateway of points in Fulton County, Ind.

No. MC-2452 (Sub-No. E23), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Illinois 60502. Applicant's representative: Steve Zvarycz (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 Louisville, Ky., and Davenport, Iowa. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC-2452 (Sub-No. E24), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Illinois 60502. Applicant's representative: Steve Zvarycz (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 Grand Rapids, St. Joseph, and Shoreham, Mich., on the one hand, and, on the other, Louisville, Ky. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC-2452 (Sub-No. E25), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zvarycz (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 the plant site of Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind., and Louisville, Ky. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-2452 (Sub-No. E26), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zvarycz (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, liquid commodities in bulk, and commodities requiring special equipment), between points in Cook County, Ill., and the Chicago, Ill., commercial zone, on the one hand, and, on the other, Alton, Beardstown, Cairo, Centralia, Champaign, Chester, Danville, Decatur, East St. Louis, Effingham, Jacksonville, Marion, Mt. Vernon, Pekin, Peoria, Quincy, and Springfield, Ill. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

other lading), between points in Cook County, Ill., and the Chicago, Ill., commercial zone, on the one hand, and, on the other, Paducah, Ky. The purpose of this filing is to eliminate the gateway of San Pierre, Ind.

No. MC-2452 (Sub-No. E27), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Illinois 60502. Applicant's representative: Steve Zvarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those requiring special equipment, 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 the plant site of Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, Burlington, Iowa, Paducah, Ky., and St. Louis, Mo. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and San Pierre, Ind.

No. MC-2452 (Sub-No. E28), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steven Zvarycz (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, and those requiring special equipment), between the plant site of Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in that part of Illinois on and south of U.S. Highway 136. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC-2452 (Sub-No. E29), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steven Zvarycz (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 the plant site of Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind., and Louisville, Ky. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

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 their lading), between the plantsite of Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, Grand Rapids, Kalamazoo, St. Joseph, Shoreham, and Three Rivers, Mich. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-2452 Sub-No. E30), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zvarycz (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 the plantsite of Bethlehem Steel Corporation, located Burns Harbor, Porter County, Ind., on the one hand, and, on the other, Burlington, Iowa, Paducah, Ky., and St. Louis, Mo. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and San Pierre, Ind.

No. MC-2452 (Sub-No. E31), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zvarycz (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, and those requiring special equipment), between the plant site of Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in that part of Ohio on, south, and west of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 36 to Piqua, thence along U.S. Highway 25 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-2452 (Sub-No. E32), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zvarycz (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 the plant site of Bethlehem Steel Corporation, located at Burns Har-

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bor, Porter County, Ill., on the one hand, and, on the other, Davenport, Iowa, and Rock Island and Moline, Ill. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and Chicago, Ill.

No. MC-2452 (Sub-No. E33), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zvarycz (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 the plant site of Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in that part of Illinois on and south of U.S. Highway 136. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and Chicago, Ill.

No. MC-2452 (Sub-No. E34), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zvarycz (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 the plant site of Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ill., on the one hand, and, on the other, Alton, Beardstown, Cairo, Centralia, Champaign, Chester, Danville, Decatur, East St. Louis, Effingham, Jacksonville, Marion, Mt. Vernon, Pekin, Peoria, Quincy, and Springfield, Ill. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and San Pierre, Ind.

No. MC-2452 (Sub-No. E35), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zvarycz (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 Cook County, Ill., and the Chicago, Ill., commercial zone, on the one hand, and, on the other, points in that part of Michigan on and north of Interstate Highway 94, on and east of U.S. Highway 131, on and south of Interstate Highway 96, and on and west of U.S. Highway 27, and to Lansing and Grand Rapids, Mich. The purpose

of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC-11220 (Sub-No. E1), filed May 4, 1974. Applicant: GORDONS TRANSPORTS, INC., 185 W. McMurry Ave., Memphis, Tenn. 38101. Applicant's representative: W. F. Goodwin (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, and those requiring special equipment), (1) between Cincinnati, Ohio, on the one hand, and, on the other, Canton, Eucyrus, Crestline, Galion, Massillon, Shelby, Toledo, and Willard, Ohio; (2) between Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio in Lorain, Medina, and Cuyahoga Counties, Ohio, which are west of U.S. Highway 42, outside the Cleveland, Ohio, commercial zone, and within 25 miles of Cleveland, Ohio; and (3) between Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio east of U.S. Highway 42 and north of U.S. Highway 224 (except points in the Cleveland, Ohio, commercial zone). Service at Canton, Massillon, and Toledo, Ohio, is restricted to traffic moving to or from Louisville, Ky., or points beyond Louisville. The purpose of this filing is to eliminate the gateway of Hamersville, Ohio.

No. MC-113843 (Sub-No. E81), filed May 3, 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: *Canned and preserved foods*, from Buffalo, N.Y., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of North Collins, N.Y.

No. MC-113843 (Sub-No. E84), 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 Indiana. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E85), 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 Michigan. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E86), filed May 8, 1974. Applicant: REFRIGER-

ATED 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 meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, in tank vehicles), from Boston, Mass., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E87), 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 meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, in tank vehicles), from Boston, Mass., to Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E88), 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: *Paper bags and materials* used in closing paper bags, from East Pepperell, Mass., to points in Cattaraugus, Chautauqua, and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E89), 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 meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk), from Boston, Mass., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, points in Pennsylvania on and west of U.S. Highway 219, and points in that part of West Virginia, on and west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 33 to junction West Virginia Highway 32, thence along West Virginia Highway 32 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Maryland-West Virginia State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E90), filed May 8, 1974. Applicant: REFRIGER-

ATED 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 Missouri. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E93), 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 Ohio. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E98), filed May 5, 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 Kentucky. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-No. E100), filed May 5, 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 Kentucky. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-No. E102), filed May 5, 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 Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E103), filed May 5, 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 Nebraska. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E104), 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 and berries, frozen fruit and berry concentrates*, from points in Connecticut to points in Texas. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC 113843 (Sub-No. E105), 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 Elmira, N.Y., and Detroit, Mich.

No. MC 113843 (Sub-No. E107), 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: *Fresh, cooked, preserved, salted, and smoked meats*, from Boston, Mass., and points within 10 miles of Boston, Mass., to points in Cattaraugus, Chautauqua, and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-No. E108), 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 by the Commission (except liquid commodities, in bulk, in tank vehicles), from Boston, Mass., to Chicago, Ill., Erie, Pa., Cincinnati, Ohio, and Detroit, Mich. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E109), 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 fish*, from Tiverton, R.I., to Cincinnati and Dayton, Ohio. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 113843 (Sub-No. E111), 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 liquid commodities,

in bulk, in tank vehicles), from Boston and Worcester, Mass., to Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of Gowanda, N.Y.

No. MC 113843 (Sub-No. E110), 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 Ohio. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E112), 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*, motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Illinois. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E116), 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 Nebraska. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E117), filed May 5, 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 Minnesota. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E118), filed May 5, 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 Kansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E119), filed May 5, 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 Colorado. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

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No. MC-113843 (Sub-No. E120), filed May 5, 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 Arkansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E123), filed May 5, 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 Boston, Mass., to points in Ohio. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC-113843 (Sub-No. E124), filed May 5, 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 Boston, Mass., to points in Michigan. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC-113843 (Sub-No. E125), filed May 7, 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 Colorado. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E126), filed May 6, 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 Cattaraugus, Chautauqua, and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E127), filed May 6, 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 Cattaraugus, Chautauqua, and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E128), filed May 15, 1974. Applicant: REFRIG-

ERATED 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: *Fresh meat*, from Cincinnati, Fostoria, Piqua, Sandusky, and Columbus, Ohio, to points in Massachusetts. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Buffalo, N.Y. (via Canada).

No. MC-113843 (Sub-No. E129), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Cincinnati, Fostoria, Piqua, Sandusky, and Columbus, Ohio, to points in New Hampshire. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Buffalo, N.Y. (via Canada).

No. MC-113843 (Sub-No. E130), filed May 13, 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 Ohio to Bangor and Portland, Me., 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. E131), filed May 13, 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: *Fresh meat*, from Cincinnati, Fostoria, Piqua, and Sandusky, Ohio, to points in Rhode Island. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Buffalo, N.Y. (via Canada).

No. MC-113843 (Sub-No. E132), filed May 13, 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: *Fresh, cooked, preserved, salted, and smoked meats*, from Columbus, Ohio, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E133), filed May 13, 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: *Fresh meat*, from Fostoria, Ohio, to points in Connecticut. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Buffalo, N.Y.

No. MC-113843 (Sub-No. E134), filed May 13, 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: *Fresh meat*, from Cincinnati, Fostoria, Piqua, Sandusky, and Columbus, Ohio, to points in Maine. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Buffalo, N.Y.

No. MC-113843 (Sub-No. E135), filed May 13, 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 potatoes* and potato products, from Presque Isle and Easton, Maine, to points in that part of Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 127 to junction Interstate Highway 59 thence along Interstate Highway 59 to the Tennessee-Georgia State line and Chattanooga, Tenn., and points in Wisconsin. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC-113843 (Sub-No. E136), filed May 13, 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 potatoes and potato products*, from Portland, Me., to points in that part of Tennessee on and west of U.S. Highway 231 and points in Wisconsin. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC-113843 (Sub-No. E137), filed May 13, 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*, from Houlton, Caribou, and Corinna, Me., to points in Arkansas, Colorado, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC-113843 (Sub-No. E139), filed May 12, 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: *Fresh meat*, from Piqua, Ohio, to points in that part of Connecticut on, east, and north of a line beginning at the Massachusetts-Connecticut State line and extending along U.S. Highway 7 to junction U.S. Highway 44, thence along

U.S. Highway 44 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction Connecticut Highway 85, thence along Connecticut Highway 85 to New London, Conn. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC-113843 (Sub-No. E140), filed May 12, 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 Cleveland, Ohio, to points in that part of Kentucky west of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Sturgis, Mich.

No. MC-113843 (Sub-No. E142), filed May 12, 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: *Fresh meat*, from Cincinnati, Ohio, to points in that part of Connecticut on, east, and north of a line beginning at the Massachusetts-Connecticut State line and extending along U.S. Highway 7 to junction U.S. Highway 44, thence along U.S. Highway 44 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction Connecticut Highway 85, thence along Connecticut Highway 85 to New London, Conn. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Buffalo, N.Y. (via Canada).

No. MC-113843 (Sub-No. E143), filed May 12, 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 defined by the Commission, from Fostoria, Ohio, to points in Cattaraugus and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E144), filed May 12, 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 defined by the Commission, from Cleveland, Ohio, to points in Cattaraugus and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E145), filed May 12, 1974. Applicant: REFRIGER-

ATED 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 defined by the Commission, from Cincinnati, Cleveland, Fostoria, Piqua, Sandusky, Columbus, and Martins Ferry, Ohio, to Springfield, Mass. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC-113843 (Sub-No. E146), filed May 12, 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 defined by the Commission, from Piqua, Ohio, to points in Vermont. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC-113843 (Sub-No. E150), filed May 12, 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 defined by the Commission, from Sandusky, Ohio, to points in Cattaraugus and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E151), filed May 12, 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 defined by the Commission, from Fostoria, Ohio, to points in Cattaraugus and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E153), filed May 6, 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 Kansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E155), filed May 6, 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 Ap-

pendix 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 that part of Kentucky on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateways of Hamlin, N.Y., and Detroit, Mich.

No. MC-113843 (Sub-No. E157), 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 New Hampshire. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-114019 (Sub-No. E54), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods*, other than frozen, from Nashville, Tenn., and Bowling Green, Ky., to Denver, Colo., and points in that part of Nebraska on and east of U.S. Highway 83 from the Kansas-Nebraska State line to North Platte, and on and south of U.S. Highway 30 from North Platte to the Missouri River, and points in that part of Iowa on and west of U.S. Highway 65 from Lineville to Iowa Falls, and on and south of U.S. Highway 20 from Iowa Falls to Sioux City, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Jeffersonville, Ind., and Effingham, Ill.

No. MC-114019 (Sub-No. E55), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, (a) from Sparrows Point and Baltimore, Maryland, New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania, to points in Minnesota and Wisconsin. (b) from the origin territory described in (a) above to points

## NOTICES

in Missouri. The purpose of this filing is to eliminate the gateways of points in Ohio and Lafayette, Ind.

No. MC-114019 (Sub-No. E56), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined in Sections A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Scottsbluff and Gehring, Nebr., to Bellevue, Bowling Green, and Covington, Ky., and Nashville, Tenn., and points in that part of Wisconsin on, south, and east of a line beginning at the junction of the Wisconsin-Illinois State line and Wisconsin Highway 78, thence along Wisconsin Highway 78 to its junction with Wisconsin Highway 13, thence along Wisconsin Highway 13 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with Wisconsin Highway 54, thence along U.S. Highway 54 to Lake Michigan, restricted to the transportation of shipments moving from, to, or between warehouses or other facilities of wholesale or retail food business houses. The purpose of this filing is to eliminate the gateway of Louisville, Ky., Cincinnati, Ohio, or Chicago, Ill.

No. MC-114019 (Sub-No. E65), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and accessories therefor, and paper cartons* used in the packing or shipping of glass containers, from Winchester, Ind., to Sparrows Point and Baltimore, Md., and points in Connecticut and New Jersey, within 30 miles of New York, N.Y., points in New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., and points in Pennsylvania. The purpose of this filing is to eliminate the gateways at any point in Ohio.

No. MC-114019 (Sub-No. E49), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles, equipped with mechanical refrigeration, from (1) Moberly, Milan, and Macon, Mo., to points in North Dakota, and points in that part of South Dakota on and north of a line beginning at the junction of the Minnesota-South Dakota State line and U.S. Highway 16, thence along U.S. Highway 16 to its junction with South Dakota Highway 42, thence along South Dakota Highway 42 to its

junction with South Dakota Highway 37, thence along South Dakota Highway 37 to its junction with South Dakota Highway 44, thence along South Dakota Highway 44 to its junction with U.S. Highway 18, thence along U.S. Highway 18 to the Wyoming-South Dakota State line; (2) from Marshall, Mo., to points in that part of South Dakota on and north of a line beginning at the junction of Minnesota-South Dakota State line and Interstate Highway 90, thence along Interstate Highway 90 to its junction with South Dakota Highway 45, thence along South Dakota Highway 45 to its junction with South Dakota Highway 44, thence along South Dakota Highway 44 to its junction with U.S. Highway 18, thence along U.S. Highway 18, to the Wyoming-South Dakota Border. The purpose of this filing is to eliminate the gateway of Waseca, Minn.

No. MC-114019 (Sub-No. E50), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, (a) from Fairmont and Waseca, Minn., to points in Indiana, New York, and Pennsylvania, and points in New Jersey within the New York, N.Y., and Philadelphia, Pa., commercial zones, as defined by the Commission; (b) from Fairmont and Waseca, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, and Maryland, and points in that part of Kentucky on and east of Kentucky Highway 45, and points in that part of Michigan on, south and east of a line beginning at the junction of the Indiana-Michigan State line and Michigan Highway 66, thence along Michigan Highway 66 to its junction with Interstate Highway 10, thence along Interstate Highway 10 to its junction with Michigan Highway 25, thence along Michigan Highway 25 to the St. Clair River at Port Huron; (c) from Fairmont and Waseca, Minn., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Chicago, Ill., Lafayette, Ind., or points in Ohio.

No. MC-114019 (Sub-No. E51), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, except in bulk, from Nashville, Tenn., and Bowling Green, Ky., to points in Colorado, on and north of U.S. Highway 6, Wyoming, those in Nebraska on and north of U.S. Highway 34 from the Colorado-Nebraska State line to its junction with U.S. Highway 30, thence along U.S. Highway 30 to its junction with Interstate Highway 275, thence along Interstate Highway 275 to the

Nebraska-Iowa State line, South Dakota, North Dakota, Minnesota, Wisconsin, and points in Iowa on and north of U.S. Highway 6 from the Nebraska-Iowa State line to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with U.S. Highway 218, thence along U.S. Highway 218 to its junction with Iowa Highway 22, thence along Iowa Highway 22 to the Iowa-Illinois State line, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Jeffersonville, Ind., and Utica, Ill.

No. MC-114019 (Sub-No. E52), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible oils and edible oil products* in containers, in vehicles equipped with mechanical refrigeration, and related advertising matter, in mixed loads with the above specified commodities, (a) from Chicago, Carbondale, and Peoria, Ill., Evansville and Indianapolis, Ind., Louisville, Ky., St. Louis, Mo., and Madison, Wis., to points in Connecticut, Delaware, Maine (except points in Aroostook, Penobscot, Piscataquis, and Waldo Counties), Maryland on and east of U.S. Highway 15, Massachusetts, New Hampshire, New Jersey, points in Pennsylvania and New York on and east of U.S. Highway 62, Rhode Island, Vermont, and the District of Columbia; (b) from Detroit and Grand Rapids, Mich., Ft. Wayne, Ind., and Toledo, Ohio, to points in Maine (except points in Aroostook, Penobscot, Piscataquis, and Waldo Counties), New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Virginia, points in Pennsylvania on and east of the Pennsylvania Turnpike Extension, and points in New York on and east of Interstate Highway 87, and the District of Columbia; (c) from Bellevue and Covington, Ky., Cincinnati and Dayton, Ohio, to points in Maine (except points in Aroostook, Penobscot, Piscataquis, and Waldo Counties), New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, and those points in Maryland on and east of U.S. Highway 15, and the District of Columbia. The authority described in (a), (b), and (c) above is restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC-114019 (Sub-No. E53), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: Glass containers, cover, caps, and accessories therefor and paper cartons used in the packing and shipping of glass articles, (a) from Richmond, Ind., to points in Minnesota, North Dakota, South Dakota, and Nebraska; (b) from Richmond, Ind., to Bowling Green, Ky., and Nashville, Tenn.; (c) from Richmond, Ind., to that part of Pennsylvania east of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to junction U.S. Highway 219, and thence along U.S. Highway 219 to the New York-Pennsylvania State line, points in Connecticut and New Jersey within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., and Sparrows Point and Baltimore, Md., restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Streator, Ill., Louisville, Ky., or Springfield, Ohio.

No. MC-114019 (Sub-No. E72), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from St. Joseph, Mo., to Chicago, Ill., and points in Vermont and New Hampshire. The purpose of this filing is to eliminate the gateway of Quincy, Ill., or Lafayette, Ind.

No. MC-114019 (Sub-No. E73), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Candy, when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., and Bowling Green, Ky., to points in that part of the Lower Peninsula of Michigan on and east of a line beginning at the junction of Michigan Highway 66 and Lake Michigan, thence south along Michigan Highway 66 to its junction with U.S. Highway 94 and thence east on U.S. Highway 94 to Detroit, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Jefferson, Md., and Toledo, Ohio.

No. MC-114019 (Sub-No. E74), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such merchandise, as is dealt in by wholesale and retail grocery business

houses, between Nashville, Tenn., and Bowling Green, Ky., on the one hand, and, on the other, Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in Pennsylvania and those in West Virginia on and north of U.S. Highway 50, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC-114019 (Sub-No. E75), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Insulating materials, from Alexandria and Richmond, Ind., and Aurora, Ill., to Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 3 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and that part of Pennsylvania, east of U.S. Highway 219, restricted to the transportation of shipments moving from, to, or between building, roofing, or insulating material manufacturing plants, or warehouses (or facilities) of such plants. The purpose of this filing is to eliminate the gateway points in Ohio.

No. MC-114019 (Sub-No. E76), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, and foods not frozen when transported in the same vehicles with frozen foods, in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., and Bowling Green, Ky., to points in that part of Iowa on and north of a line beginning at the junction of the Illinois-Iowa State line

and Iowa Highway 22, thence along Iowa Highway 22 to its junction with U.S. Highway 218, thence along U.S. Highway 218 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line, and points in Nebraska on and north of a line beginning at the junction of the Iowa-Nebraska State line and U.S. Highway 275, thence along U.S. Highway 275 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Wyoming State line, and points in North Dakota and South Dakota, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Jeffersonville, Ind., and Chicago, Ill.

No. MC-114019 (Sub-No. E77), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen vegetables, from Seabrook, N.J., to points in Indiana, Illinois (except Chicago), Michigan (except Detroit and Grand Rapids), Missouri, Wisconsin, Minnesota, Iowa, Nebraska, South Dakota, and North Dakota. The purpose of this filing is to eliminate the gateways of Columbus, Ohio, Lafayette, Ind., and Chicago, Ill.

No. MC-114019 (Sub-No. E78), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from Macon, Marshall, Moberly, and Milan, Mo., to Chicago, Ill., points in Indiana, on and north of U.S. Highway 50, points in the Lower Peninsula of Michigan, and points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Quincy, Ill., and Lafayette, Ind.

No. MC-124078 (Sub-No. E5), filed May 9, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 St., Milwaukee, WI 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: Liquid chemicals (except hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank or hopper-type vehicles, from Atlanta, Ga., to points in North Carolina in and east of Caswell, Alamance, Chatham, Moore, and Richmond Counties, N.C., and points in South Carolina in, south, and east of Chesterfield, Kershaw, Fairfield, Newberry, Saluda, and Edgefield Counties, S.C. The purpose of this filing is to eliminate the gateway of points in Richmond County, Ga.

No. MC-124673 (Sub-No. E1), filed May 11, 1974. Applicant: FEED TRANS-

PORTS, INC., P.O. Box 2167, Amarillo, Texas 79105. Applicant's representative: Joe T. Lanhan, Suite 1102, Perry Brook Bldg., Austin, Texas 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

(a) *Dry livestock feed cottonseed products, in bulk, and alfalfa meal and pellets, in bulk between points in that part of Oklahoma (excluding Cimarron County), west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 77 to Oklahoma City, Okla., thence west along U.S. Highway 66 to the Oklahoma-Texas State line, on the one hand, and, on the other, those points in Curry, Eddy, Union, and Chaves County, N. Mex., and Bent and Prowers Counties, Colo. The purpose of this filing is to eliminate the gateway of points in that part of Texas west and north of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 283 to junction U.S. Highway 380, thence along U.S. Highway 380 to the Texas-New Mexico State line.*

(b) *Dry livestock feedstuffs, in bulk from points in Curry, Eddy, and Chaves Counties, N. Mex., to points in Kansas, points in Colorado on and east of a line beginning at the Wyoming-Colorado State line and extending along U.S. Highway 287 to Denver, Colo., thence on and east of the western and southern boundaries of Arapahoe, Elbert, Lincoln, Kiowa, Bent, and Prowers Counties, Colo. The purpose of this filing is to eliminate the gateway of Hale County, Texas.*

(c) *Dry mixed animal feeds, including cottonseed products, alfalfa meal and pellets, in bulk, from points in Kansas south and west of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 50 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Kansas-Oklahoma State line, to points in that part of New Mexico, on, south, and east of a line beginning at the Texas-New Mexico border, thence west along U.S. Highway 70 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of Hale County, Texas.*

(d) *Dry livestock feedstuffs, in bulk, from points in that part of Texas west and north of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 283 to junction U.S. Highway 380, thence along U.S. Highway 380 to the Texas-New Mexico State line and south of the northern boundaries of Bailey, Lamb, Swisher, Floyd, Motley, Cottle, Foard, Hardeman, and Wilbarger Counties, Tex., to points in that part of Colorado on and east of a line beginning at the Wyoming-Colorado State line and extending along U.S. Highway 287 to Denver, thence along Interstate Highway 25 to the Colorado-New Mexico State line (excluding points in Baca County, Colorado). The purpose of this filing is to eliminate the gateway of Hale County, Tex.*

## NOTICES

(e) *Dry livestock feedstuffs, in bulk from points in Lubbock, Crosby, Dickens, King, Knox, Hardeman, Foard, Cottle, Motley, and Floyd Counties, Tex., to points in New Mexico on and east of U.S. Highway 85 (except Lea, Eddy, Chaves, and Roosevelt Counties, N. Mex.). The purpose of this filing is to eliminate the gateway of Hale County, Tex.*

(f) *Dry livestock feedstuffs, in bulk from points in that part of Texas bounded by a line beginning on the Texas-New Mexico State line and extending eastward along U.S. Highway 380 to junction with the eastern boundary of Kent County, thence north along the eastern boundaries of Kent, Dickens, and Motley Counties, thence west along the northern boundaries of Motley, Floyd, Hale, Lamb, and Bailey Counties, to the Texas-New Mexico State line, thence south along the Texas-New Mexico State line to the junction U.S. Highway 380 (the point of beginning), from points in Swisher County, Tex., to points in Kansas. The purpose of this filing is to eliminate the gateway of Hale County, Texas.*

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-13362 Filed 6-10-74; 8:45 am]

[Notice 101]

### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 11, 1974.

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 July 1, 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-75089. By order of May 2, 1974, the Motor Carrier Board approved the transfer to Oak Harbor Freight Lines, Inc., Seattle, Wash., of the operating rights in Certificate No. MC-127960 issued May 31, 1974, to Henry Vanderpol, doing business as Oak Harbor Freight Lines, Seattle, Wash., authorizing the transportation of various commodities between specified points and areas in Washington. Carl A. Jonson, 300 Central Bldg., Seattle, Wash. 98104, attorney for applicants.

No. MC-FC-75100. By order of June 4, 1974, the Motor Carrier Board approved

the transfer to Ashdown Road, Inc., Ballston Spa, N.Y., of the operating rights in Certificates Nos. MC-70585 and MC-75085 (Sub-No. 3) and the Certificate of Registration in No. MC-75085 (Sub-No. 2) issued December 31, 1942, October 13, 1967, and November 26, 1968, respectively, to Tanney's Motor Transportation, Inc., Latham, N.Y., covering the transportation of general commodities, with usual exceptions, to and from Albany, N.Y., and other named points in New York. William D. Traub, 10 East 40th Street, New York, N.Y. 10016, registered practitioner for applicants.

No. MC-FC-75157. By order of June 5, 1974, the Motor Carrier Board approved the transfer to Thompson Tours, Inc., Mickleton, N.J., of License No. MC-130041 issued July 1, 1968, to Earl M. Thompson, doing business as Tri-County Travelers Club, Mickleton, N.J., authorizing the holder to engage in operations as a broker in connection with the transportation of passengers and their baggage beginning and ending at points in Gloucester, Salem, and Cumberland Counties, N.J., and extending to points in the United States (including Alaska but excluding Hawaii). Jacob P. Billig, Esq., Billig, Sher & Jones, P.C., Suite 300, 1126 16th Street NW, Washington, D.C. 20036.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-13360 Filed 6-10-74; 8:45 am]

[Notice 80]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 4, 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 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 297 (Sub-No. 6 TA), filed May 22, 1974. Applicant: WOODLAND TRUCK LINE, INC., 635 Park Street, P.O. Box 87, Woodland, Wash. 98674. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: General commodities, between Woodland, Wash., and its commercial zone and Spirit Lake, Wash., as follows: From Woodland, Wash., over Interstate Highway 1-5 to the junction of Washington Highway 504, thence over Washington Highway 504 to Spirit Lake, and return over the same route, serving all intermediate points, and their commercial zones, and the off-route point of Longview, Wash., and its commercial zone, and points within 10 miles of Washington Highway 504, for 180 days. RESTRICTION: Service not authorized between Longview and Kelso, Wash., on the one hand, and, on the other, Portland, Oreg., and Vancouver, Wash.

NOTE.—Applicant requested that tacking be authorized with applicant's authority under MC 297 to enable service from Portland, Oreg., and it is also requested that interline be permitted at Longview and Kelso, Wash. SUPPORTING SHIPPERS: There are approximately 12 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 16961 (Sub-No. 5 TA), filed May 22, 1974. Applicant: HUTCHINS TRUCKING COMPANY, a Corporation, 1000 Congress Street, P.O. Box 95 West End Station, Portland, Maine 04102. Applicant's representative: George M. Hutchins (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses (except commodities in bulk) from Northboro, Mass., to South Portland, Maine, with no transportation for compensation on return, except as otherwise authorized, for 90 days. RESTRICTION: Restricted to service in behalf of Legion Square Supermarket, South Portland, Maine. SUPPORTING SHIPPER: Legion Square Supermarket, 101 Ocean Street, South Portland, Maine 04106. SEND PROTESTS TO: Donald G. Weller, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 47583 (Sub-No. 16 TA), filed May 24, 1974. Applicant: TOLLIE FREIGHTWAYS, INC., 41 Lyons Avenue, Kansas City, Kans. 66118. Applicant's representative: D. S. Hults, Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: Fibrous glass products and material, mineral wool, mineral wool products and materials, insulated air ducts, insulating products and materials including products necessary in the installation thereof except commodities in bulk, from Kansas City, Kans., to points in Iowa and also from Pauline, Kans., to points in Iowa, Nebraska, and Oklahoma, for 180 days. SUPPORTING SHIPPER: Certain-tee Products Corp./CSG Group, P.O. Box 860, Valley Forge, Pa. 19482. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 52460 (Sub-No. 148 TA), filed May 23, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Petroleum products, in containers, from St. Louis, Mo., to points in Tennessee, Kentucky, Alabama, and Mississippi, for 180 days. SUPPORTING SHIPPER: Mobil Oil Corporation, Richard J. W. Lehman, Supv. Truck Analysis, P.O. Box 900, Dallas, Tex. 75221. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 52460 (Sub-No. 149 TA), filed May 23, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unsymmetrical dimethylhydrazine*, in bulk, in specialized tank trailers, from Rocky Mountain Arsenal, Ladora, Colo., to Anniston Army Depot, Anniston, Ala., for 180 days. SUPPORTING SHIPPER: Department of Defense, Curtis L. Wagner, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 60014 (Sub-No. 36 TA), filed May 22, 1974. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings and accessories* therefor (except commodities which by reason or size or weight require the use of special equipment), from the plantsite of Johns Manville Products Corporation at or near Wilton, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Virginia,

Pennsylvania, and West Virginia, for 180 days. SUPPORTING SHIPPER: Johns Manville Products Corporation, Greenwood Avenue, Waukegan, Ill. 60085. SEND PROTESTS TO: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 90870 (Sub-No. 1 TA), filed May 23, 1974. Applicant: GLEN RIECHMANN, doing business as RIECHMANN TRUCK SERVICE, R.R. 2, Alhambra, Ill. 62001. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Channels, trays, junction boxes, fabricated metal panels and fittings and accessories* therefor, from Troy and Highland, Ill., to points in Alabama, Georgia, Texas, Louisiana, Mississippi, Indiana, Arkansas, Tennessee, and Kentucky, for 180 days. SUPPORTING SHIPPER: Thomas R. Gold, Sr., President, B-Line Systems, Inc., 509 West Monroe, Highland, Ill. 62249. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 102616 (Sub-No. 902 TA), filed May 22, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, P.O. Box 1555, Akron, Ohio 44309. Applicant's representative: James Annand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk (except cement) from the site of X-Rail Systems, Inc., at Cincinnati, Ohio, to points in Ohio, Indiana, Illinois, Pennsylvania, Kentucky, Michigan, and West Virginia, restricted to products having a prior or subsequent movement by rail, for 180 days. SUPPORTING SHIPPER: X-Rail Systems, Inc., 20 Park Place, Newark, N.J. 07102. SEND PROTESTS TO: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 103051 (Sub-No. 311 TA), filed May 17, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: William G. North, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from points in Transylvania County, N.C., to points in Bartow County, Ga., for 180 days. SUPPORTING SHIPPER: Chemical Products Corporation, P.O. Box 449, Cartersville, Ga. 30120. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

## NOTICES

No. MC 103602 (Sub-No. 8 TA), filed May 22, 1974. Applicant: SKJONSBY TRUCK LINE, INC., 48 N. 23rd Street, Fargo, N. Dak. 58102. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), from points in North Dakota, and South Dakota, to points in North Dakota, South Dakota, Minnesota, Montana, and Wyoming, for 180 days. RESTRICTION: Restricted to the transportation of traffic having a prior movement by rail from the plantsites and facilities of J. I. Case Company. SUPPORTING SHIPPER: J. I. Case Company, Inc., 700 State St., Racine, Wis. 5344. SEND PROTESTS TO: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 106119 (Sub-No. 21 TA), filed May 28, 1974. Applicant: ASSOCIATED PETROLEUM CARRIERS, a corporation, Spartanburg, S.C. 29302. Applicant's representative: Robert R. Odom, P.O. Box 5504, Spartanburg, S.C. 29301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except propane), in bulk, in tank vehicles, (1) from points in South Carolina (except Georgetown, S.C.), to points in North Carolina and Georgia; (2) from points in North Carolina, to points in South Carolina and Georgia; and (3) from points in Georgia, to points in South Carolina and North Carolina, for 180 days. SUPPORTING SHIPPERS: There are approximately 160 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 107496 (Sub-No. 955 TA), filed May 24, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 855 (Box zip 50304), Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum wax*, in bulk, in tank vehicles, from Casper, Wyo., to Tempe, Ariz., for 150 days. SUPPORTING SHIPPER: Amoco Oil, 200 East Randolph Drive, Chicago, Ill. 60601. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 108207 (Sub-No. 390 TA), filed May 24, 1974. Applicant: FROZEN FOOD

EXPRESS, a Corporation, 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75207. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, and Wisconsin, restricted to the transportation of traffic having an immediate prior move by water, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: Gerald T. Holland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 109533 (Sub-No. 1 TA), filed May 23, 1974. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation, 110 Commerce Road, P.O. Box 1216 (Box zip 23209), Richmond, Va. 23224. Applicant's representative: C. H. Swanson (same address as applicant). 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, and those requiring special equipment), (1) between Frederick, Md., and Cumberland, Md., serving all intermediate points: (a) From Frederick over U.S. Highway 40 to Cumberland and return over the same route, and (b) from Frederick over U.S. Highway 340 to Charles Town, W. Va., thence over West Virginia Highway 9 to junction West Virginia Highway 29, thence over West Virginia Highway 29 to the West Virginia-Maryland state line, thence over Maryland Highway 51 to Cumberland and return over the same route; (2) between Hagerstown, Md., and Martinsburg, W. Va., over U.S. Highway 11, serving all intermediate points; and (3) between Hancock, Md., and Berkeley Springs, W. Va., over U.S. Highway 522, serving all intermediate points, for 180 days.

NOTE.—In connection with the above routes, serving all points in Allegany, Garrett, and Washington Counties, Md., as off-route points. Applicant states that in MC-F-11380 (Overnite Transportation Company—Purchase—Tidewater Express Lines, Inc.) it will tack or interline. SUPPORTING SHIPPERS: There are approximately 55 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor Clatin M. Harmon, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, 400 North 8th Street, Richmond, Va. 23240.

No. MC 110988 (Sub-No. 311 TA), filed May 23, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil DuJardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids*, in bulk (sulphuric and phosphoric), from Depue, Ill., to points in Indiana (3,000 tons sulphuric, 1,000 tons phosphoric), Iowa (2,000 tons sulphuric, 2,000 tons phosphoric), Wisconsin (2,000 tons sulphuric, 1,000 tons phosphoric), for 180 days. SUPPORTING SHIPPER: Mobil Oil Corporation, 150 E. 42nd Street, New York, N.Y. 10017 (W.H. Broderick, Manager, Distribution & Traffic). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 111729 (Sub-No. 440 TA), filed May 28, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. (NHP-PO) 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydraulic pumps, hydraulic motors, pressed metal tank heads, and underground tunnel supports*, restricted to packages or articles weighing in the aggregate no more than 25 pounds from one consignor to one consignee on any one day, and (2) *business papers, records, audit and accounting media of all kinds, drawings and blueprints*, between Youngstown, Ohio, and Butler, Ind., for 90 days. SUPPORTING SHIPPER: Commercial Shearing, Inc., 1775 Logan Avenue, Youngstown, Ohio. SEND PROTESTS TO: Anthony D. Gaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114897 (Sub-No. 112 TA), filed May 20, 1974. Applicant: WHITFIELD TANK LINES, INC., P.O. Drawer 9897, 300-316 N. Clark Road, El Paso, Tex. 79989. Applicant's representative: J. P. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from El Paso, Tex., to the site of Duval Corp. Esperanza Mine Properties located in Pima County, Ariz., approximately 30 miles southwest of Tucson, Ariz., for 180 days. SUPPORTING SHIPPER: J. H. Smith, Domestic Traffic Manager, Duval Sales Corporation, 300 The Main Building, Houston, Tex. 77002. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herzing Plaza, Amarillo, Tex. 79101.

No. MC 115268 (Sub-No. 8 TA), filed May 22, 1974. Applicant: DAYTON TRANSPORT CORPORATION, P.O. Box 338, Dayton, Va. 22821. Applicant's representative: Glenn R. Rippeon (same address as above). Authority sought to op-

erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating oil*, in bulk, in tank vehicles, from Harrisonburg and Richmond, Va., to the Pepco Company at Bismarck, W. Va., for 180 days. **SUPPORTING SHIPPER:** Minute Man Fuels, Inc., 400 Freeman Avenue, Chesapeake, Va. 23324. **SEND PROTESTS TO:** Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 115654 (Sub-No. 27 TA), filed May 22, 1974. Applicant: TENNESSEE CARTAGE CO., INC., No. 1 Candy Lane, P.O. Box 1193, Nashville, Tenn. 37202. Applicant's representative: Walter Hardwood, P.O. Box 15214, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and materials, supplies, equipment, and ingredients* used in manufacturing, packaging, and distribution of frozen foods (except in bulk), between the plant and warehouse facilities of The Quaker Oats Company, at or near Jackson, Tenn., on the one hand, and, on the other, points in Alabama, Georgia, Indiana, Kentucky, Michigan, and Ohio, restricted to traffic originating at or destined to the plant and warehouse facilities of The Quaker Oats Company, at or near Jackson, Tenn., for 180 days. **SUPPORTING SHIPPER:** The Quaker Oats Company, Merchandise Mart Plaza, Chicago, Ill. 60654. **SEND PROTESTS TO:** Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 115841 (Sub-No. 474 TA), filed May 24, 1974. Applicant: COLOGNIAL REFRIGERATED TRANSPORTATION, INC., Off: 1215 Bankhead Highway West, P.O. Box 10327 (Box zip 35202), Birmingham, Ala. 35204. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from Leitchfield, Ky., to points in the United States (except Kentucky, Alaska, and Hawaii), for 180 days. **SUPPORTING SHIPPER:** Albany Cheese, Inc., P.O. Box 156, Leitchfield, Ky. 42754. **SEND PROTESTS TO:** Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 116544 (Sub-No. 149 TA), filed May 23, 1974. Applicant: ALTRUK FREIGHT SYSTEM INC., 700 East Fairview Avenue, P.O. Box 636 Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descript-*

*tions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Amarillo, Tex., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to shipments originating at the plantsite and facilities utilized by John Morrell and Co., for 180 days. **SUPPORTING SHIPPER:** John Morrell & Co., 208 S. LaSalle Street, Chicago, Ill. 60604. **SEND PROTESTS TO:** John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 117375 (Sub-No. 10 TA), filed, May 20, 1974. Applicant: BRANSON TRUCK LINE, INC., 1309 Highway 56 East, Lyons, Kans. 67544. Applicant's representative: Hiatt, Spurgeon, Crockett & Hiatt, 308 Casson Bldg., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts*, from Moline, Rock Island, and Canton, Ill., Memphis, Tenn., Louisville, Ky., to Hutchinson, Kans., and to Great Bend, Kans., for 180 days. **SUPPORTING SHIPPERS:** International Harvester Company, P.O. Box 1725, Hutchinson, Kans. 67501; Gibson-Titus Stafford, Inc., Great Bend, Kans. **SEND PROTESTS TO:** M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 117954 (Sub-No. 21 TA), filed May 24, 1974. Applicant: H. L. HERRIN, JR., 3420 Airline Highway, P.O. Box 1106, Metairie, La. 70004. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulations under Section 203 (b) (6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Utah, Washington, Wisconsin, and Wyoming, restricted to the transportation of traffic having an immediate prior move by water, for 180 days. **SUPPORTING SHIPPER:** Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. **SEND PROTESTS TO:** M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum building, Wichita, Kans. 67202.

No. MC 118151 (Sub-No. 3 TA), filed May 23, 1974. Applicant: R. L. LETSON, 611 Ft. Worth Street, Weatherford, Tex., 76086. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulations under Section 203(b) (6) of the Act, when transported in mixed loads with bananas, from Mobile Ala., to points in Minnesota, Idaho, Montana, North Dakota, South Dakota, and Washington, restricted to traffic having an immediate prior move by water, for 180 days. **SUPPORTING SHIPPER:** Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. **SEND PROTESTS TO:** Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-9038, U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 118130 (Sub-No. 68 TA), filed May 23, 1974. Applicant: SOUTH EASTERN EXPRESS, INC., P.O. Box 6985, Fort Worth, Tex. 76115. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Bananas and agricultural commodities* exempt from economic regulations under Section 203 (b) (6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, South Carolina, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, restricted to the transportation of traffic having an immediate prior move by water, for 180 days. **SUPPORTING SHIPPER:** Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. **SEND PROTESTS TO:** H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 118142 (Sub-No. 70 TA), filed May 22, 1974. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b) (6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Arizona, California, Colorado, Kansas, Missouri, Nevada, New Mexico, Oklahoma, Texas, and Utah, for 180 days. **RESTRICTION:** Restricted to the transportation of traffic having an immediate prior move by water. **SUPPORTING SHIPPER:** Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. **SEND PROTESTS TO:** M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum building, Wichita, Kans. 67202.

No. MC 118151 (Sub-No. 3 TA), filed May 23, 1974. Applicant: R. L. LETSON, 611 Ft. Worth Street, Weatherford, Tex., 76086. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulations under Section 203(b) (6) of the Act, when transported in mixed loads with bananas, from Mobile Ala., to points in Minnesota, Idaho, Montana, North Dakota, South Dakota, and Washington, restricted to traffic having an immediate prior move by water, for 180 days. **SUPPORTING SHIPPER:** Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. **SEND PROTESTS TO:** H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 9A27 Federal Building, 819 Taylor St., Fort Worth, Tex. 76102.

## NOTICES

No. MC 119789 (Sub-No. 202 TA), filed May 24, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., 1612 E. Irving Blvd., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical cooling and heating apparatus* (except commodities which because of size or weight require the use of special equipment), from Louisville, Ga., to points in Texas, for 180 days. SUPPORTING SHIPPER: Convoy Servicing Company, 3020 So. Haskell Avenue, Dallas, Tex. 75223. SEND PROTESTS TO: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 123169 (Sub-No. 10 TA), filed May 22, 1974. Applicant: MCKEVITT TRUCKING LIMITED (Ontario, Canada Corp.), 420 Fort William Road, P.O. Box 567, Station P, Thunder Bay, Ontario, Canada. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Filled super-calendal rolls*, between points on the International Boundary line between the United States and Canada located at Sault Ste. Marie, Mich., and Pigeon River, Minn., on the one hand, and, on the other, Appleton and Green Bay, Wis., and Kalamazoo, Mich., for 180 days. SUPPORTING SHIPPER: Abitibi Provincial Paper, P.O. Box 450, Thunder Bay, Ontario, Canada. 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 123392 (Sub-No. 62 TA), filed May 20, 1974. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelly Dr., Route 1, Box 400, Amarillo, Tex. 79106. Applicant's representative: Weldon M. Teague (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen, liquid nitrogen, and liquid argon*, between points in Wisconsin, Minnesota, North Dakota, South Dakota, and Illinois, for 180 days.

NOTE.—Applicant will tack with carrier's Sub 31. SUPPORTING SHIPPERS: Alex Mills, Distribution Manager, Midwest Region, Liquid Air, Inc., 5300 South East Avenue, Countryside, Ill., and R. L. Mathews, Operations Manager, Airco, Inc., 2001 W. 16th Street, Broadview, Ill. 60158. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 124078 (Sub-No. 597 TA), filed May 22, 1974. Applicant: SCHWERMANN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Hartford, Conn., to points in Rhode Island, restricted to transportation of shipments having immediately prior movement by rail, for 180 days. SUPPORTING SHIPPERS: Penn Central Transportation Company, 540 Six Penn Center Plaza, Philadelphia, Pa. 19104 (W. E. Sheehan, Manager of Pricing), and Alpha Portland Cement Company, Inc., P.O. Box 138, Cementon, N.Y. 12415 (D. W. Heineck, Vice President, Northeastern Region). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124579 (Sub-No 11 TA), filed May 22, 1974. Applicant: WIKEL BULK EXPRESS, INC., Route 2, Huron, Ohio 44839. Applicant's representative: Robert E. Wikel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and fertilizer materials*, in bulk, between the facilities of Chester, Inc., at or near Brookston and Boone Grove, Ind., on the one hand, and, on the other, points in Ohio and Michigan, for 180 days. SUPPORTING SHIPPER: Chester, Inc., P.O. Box 276, Brookston, Ind. 47923. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 127579 (Sub-No. 3 TA), filed May 21, 1974. Applicant: PENN-MAR-VA TRANSPORTATION CORPORATION, P.O. Box 343, Stenersen Lane, Cockeysville, Md. 21030. Applicant's representative: Morton E. Kiel, Suite 6195, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from Williamsburg, Va., to Baltimore, Md., Commercial Zone and Glyndon, Md., and *empty used containers* on return, for 180 days. SUPPORTING SHIPPERS: Mr. Lester H. Crowther, Jr., Comptroller, The Winner Distributing Co., 7618 Canton Center Drive, Baltimore, Md. 21224 and Mr. Charles R. Broderick, Jr., The Bees Distributing Co., Inc., Glyndon, Md. 21071. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 129205 (Sub-No. 3 TA), filed May 21, 1974. Applicant: GEORGE D. ELLIS, Waterview, Va. 23108. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, from points in the Baltimore, Md., Commercial Zone, to points in Essex, Middlesex, Gloucester, Mathews, Richmond, Lancaster, and Northumberland Counties, Va., for 180 days. SUPPORTING

SHIPPER: Haywood Larry Hicks, Sales Supervisor, Smith-Douglass Div. of Borden Chemicals, Borden, Inc., P.O. Box 279, Tappahannock, Va. 22560. SEND PROTESTS TO: District Supervisor Clatin M. Harmon, Bureau of Operations, Interstate Commerce Commission, 10-502 Federal Bldg., 400 N. Eighth Street, Richmond, Va. 23240.

No. MC 133920 (Sub-No. 7 TA), filed May 6, 1974. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, Ga. 31082. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel and crushed stone*, in dump and hopper-type vehicles, (1) from points in Georgia, to points in Florida, Alabama, Mississippi, North Carolina, South Carolina, and Tennessee, and (2) from points in Alabama, to points in Georgia, for 180 days. SUPPORTING SHIPPERS: Kalman Floor Company, Inc., 500 E. Morehead Street, Suite 313, Charlotte, N.C. 28201; J. Roy Martin & Company, S.C. Highway 81, North, Anderson, S.C. 29621; Southeastern Industrial Products, Inc., Tenny Road, Sandersville, Ga. 31083; and Martin Marietta Aggregates, P.O. Box 335, Gray, Ga. 31032. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree St. NW, Room 309, Atlanta, Ga. 30309.

No. MC 134060 (Sub-No. 10 TA), filed May 23, 1974. Applicant: DAVINDER FREIGHTWAY'S LTD., 435 Trunk Road, Duncan, British Columbia, Canada, V9L 2P8. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baled pulp*, from ports of entry on the United States-Canada International Boundary line at or near Blaine and Sumas, Wash., to Everett, Wash., for 180 days. SUPPORTING SHIPPER: B. C. Forest Products, Limited, 1190 Melville Street, Vancouver, British Columbia, Canada. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98104.

No. MC 135082 (Sub-No. 8 TA), filed May 24, 1974. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road, NE., Albuquerque, N. Mex. 87107. Applicant's representative: Don F. Jones (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grinder blowers, grinder mixers, hammer mills, hay mills, burr mills, roller mills, grain buggies, and running gears, attachments and parts of the above when moving in mixed loads therewith, restricted against commodities, the transportation of which by reason of size or weight require the use of special equipment*, from the manu-

facturing facilities of Wetmore, Inc., located at Tonkawa, Okla., to points in Arizona, Colorado, New Mexico, Montana, and Texas, for 180 days. SUPPORTING SHIPPER: Wetmore, Inc., P.O. Box 307, Tonkawa, Okla. 74653. SEND PROTESTS TO: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 135364 (Sub-No. 13 TA), filed May 21, 1974. Applicant: MORWALL TRUCKING, INC., R.D. No. 3, Box 76-C, Moscow, Pa. 18444. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Enamelled, glazed, and surface coated paper*, from Laflin, Luzerne County, Pa., to points in the United States (except Alaska, Hawaii, Wisconsin, Minnesota, Montana, Wyoming, Florida, and Pennsylvania), under a continuing contract with Fitchburg Coated Products, Inc.; and (2) *materials and supplies* used in the manufacture of the above commodities (except commodities in bulk), from points in New Jersey, New York, Ohio, Michigan, Massachusetts, Delaware, West Virginia, Virginia, Vermont, Maine, California, and New Hampshire, to Laflin, Luzerne County, Pa., under a continuing contract with Fitchburg Coated Products, Inc., for 150 days. SUPPORTING SHIPPER: Fitchburg Coated Products, Inc., P.O. Box 1106, Scranton, Pa. 18501. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135535 (Sub-No. 7 TA), filed May 23, 1974. Applicant: EL DORADO TRANSPORTATION, INC., 206 North Concord, Minneapolis, Kans. 67467. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cube van bodies, between the plant site and/or storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., and between the plant site and/or storage facilities of El Dorado Industries, Inc., at or near Salina, Kans., on the one hand, and, on the other, points in the Continental United States (except Kansas), and (2) cube vans, in drive-away service, between the plant site and/or storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., and between the plant site and/or storage facilities of El Dorado Industries, Inc., at or near Salina, Kans., on the one hand, and, on the other, points in the Continental United States (except Kansas)*, for 150 days. SUPPORTING SHIPPER: El Dorado Industries, Inc., Rural Route 2, P.O. Box 266, Minneapolis, Kans. 67477. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 135797 (Sub-No. 26 TA), filed May 10, 1974. Applicant: J. B. HUNT TRANSPORT, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antifreeze or engine coolant preparations* (except in bulk or tank equipment), from Texas City, Tex., to points in Arkansas, Louisiana, Missouri, Oklahoma, Kansas, and Tennessee (Brownsville, Covington, Millington, and Ripley only), restricted to shipments consigned to Wal-Mart Stores, Inc., for 180 days. SUPPORTING SHIPPER: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, Ark. 72112. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 135874 (Sub-No. 46 TA), filed May 22, 1974. Applicant: LTL PERISHABLES, INC., 132nd & Q Street, P.O. Box 37468 (Box zip 68152), Omaha, Nebr. 68137. Applicant's representative: Bill White (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats*, from Wichita, Kans., to points in Iowa, South Dakota, Nebraska, North Dakota, Minnesota, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Del Pero Mondon Meat Co., Sunflower Division, Eston E. Hasty, Sales Manager, 800 E. 37th Street North, Wichita, Kans. 67208. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 135884 (Sub-No. 4 TA), filed May 24, 1974. Applicant: STEVE CALDWELL, Rt. 1, Box 36, Adams, Oreg. 97810. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk replacer, whey and whey-fat mixes*, from the facilities of the Milk Specialties Co. at or near Dundee and Pittsfield, Ill., and Boscobel, Wis., to points in Arizona, California, Colorado, Idaho, Montana, Oregon, Texas, Utah, and Washington, for 180 days. SUPPORTING SHIPPER: Steve Caldwell, Route 1, Box 36, Adams, Oreg. 97810. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg.

No. MC 136220 (Sub-No. 10 TA), filed May 23, 1974. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., 1705 N. 3rd, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 280 Na-

tional Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, in open top dump trailers, from Texas City, Tex., to Kremlin, Okla., and from Texas City, Tex., to Port Arthur, Tex., on traffic having a subsequent and further out-of-state movement, for 180 days. SUPPORTING SHIPPER: Great Lakes Carbon Corp., Geo. R. Gunter, V. P. and Dir. of Transportation, 299 Park Ave., New York, N.Y. 10017. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 136326 (Sub-No. 2 TA), filed May 23, 1974. Applicant: FLORIDA ASSEMBLY & DISTRIBUTION, INC., 201 North Federal Highway, Deerfield Beach, Fla. 33441. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Dade, Broward, and Palm Beach Counties, Fla., for 180 days. SUPPORTING SHIPPER: Industrial Shippers Association, Inc., 3710 South California Avenue, Chicago, Ill. 60632. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 136914 (Sub-No. 3 TA), filed May 23, 1974. Applicant: WALLACE E. BROWN, Rt. 2, Box 130, Grand Junction, Tenn. 38039. Applicant's representative: A Doyle Cloud, Jr., 5100 Poplar Avenue, Suite 2008, Clark Tower, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Gallaway, Tenn., to points in Florida and Michigan, for 180 days. SUPPORTING SHIPPER: Southern Brick and Masonry Manufacturing Co., 5100 Poplar Avenue, Suite 2412, Clark Tower, Memphis, Tenn. 38137. SEND PROTESTS TO: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 138662 (Sub-No. 2 TA), filed May 24, 1974. Applicant: JERRY M. GREEN, doing business as PALACE TRANSFER AND STORAGE CO., 3200 West Picacho, Las Cruces, N. Mex. 88001. Applicant's representative: Edwin E. Piper, Jr., 1115 Sims Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccom-*

## NOTICES

panied baggage, and personal effects, between points in Dona Ana, Otero, Luna, Hidalgo, and Grant Counties, N. Mex., for 180 days. RESTRICTION: The service authorized herein is restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of a pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic: SUPPORTING SHIPPERS: Astro International, 623 South Pickett St., Alexandria, Va. 22304; Vanpac Carriers, Inc., 2114 McDonald Ave., Richmond, Calif. 94801; Asiatic Forwarders, Inc., 335 Valencia St., San Francisco, Calif. 94103; Sun Pak Movers, Inc., 100 West Harrison Plaza, Seattle, Wash. 98119; and Rocky Ford Moving Vans, Inc., 3811 W. Industrial, Midland, Tex. 79701. SEND PROTESTS TO: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 139495 (Sub-No. 2 TA), filed May 20, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Lamps, advertising materials, and packaging materials, from the plant site and storage facilities of North American Philips Lighting Corporation at or near Lynn, Mass., to points in California, Colorado, Illinois, Indiana, Missouri, Nebraska, Oklahoma, Oregon, Texas, Wisconsin, Nevada, Tennessee, Georgia, Florida, and Kansas, for 180 days. SUPPORTING SHIPPER: North American Philips Lighting Corporation, Banks Street, Heightstown, N.J. 08520. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 139772 (Sub-No. 1 TA), filed May 21, 1974. Applicant: ROBERTS TRUCKING, INC., Route 1, Eldorado, Wis. 54932. Applicant's representative: John J. Keller, 145 W. Wisconsin Ave., Neenah, Wis. 54956. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Cheese and cheese supplies used in pizza making, from Van Dyne, Wis., to points in Illinois, Indiana, Michigan, Minnesota, and Ohio; and (2) equipment and supplies used in the manufacture and distribution of cheese and cheese supplies used in pizza making from points in Illinois, Indiana, Michigan, Minnesota, and Ohio to Van Dyne, Wis., under contract to Lone Elm Cheese Factory, Inc., Van Dyne, Wis., for 180 days. SUPPORTING SHIPPER: Lone Elm Cheese Factory, Inc., Van Dyne, Wis. 54979 (Glen Dedow, President). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations,

Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 139826 TA, filed May 21, 1974. Applicant: COLUMBINE TRANSPORTATION, INC., 4155 Laurel Road, Brunswick, Ohio 44212. Applicant's representative: Thomas Bolan, 83 South Fourth St., Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of, and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in California, Mississippi, Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, Maryland, District of Columbia, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, and Massachusetts, restricted to traffic originating at and destined to the named points, for 180 days. SUPPORTING SHIPPER: American Beef Packers, Inc., 7000 W. Center Road, Omaha, Nebr. SEND PROTESTS TO: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

## MOTOR CARRIERS OF PASSENGERS

No. MC 139817 (Sub-No. 1 TA), filed May 20, 1974. Applicant: RICHARD A. POWELSON, doing business as BI-STATE COACH LINES, 36 Princeton Avenue, Gloucester City, N.J. 08030. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in special operations, between Borough of Brooklawn, Camden County, N.J., and the construction site of the Sohio Petroleum Company at or near Trainer, Delaware County, Pa., for 180 days. SUPPORTED BY: Various individuals. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-13363 Filed 6-10-74; 8:45 am]

[Notice 81]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 5, 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 C.F.R. 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 139816 (Sub-No. 1 TA), filed May 23, 1974. Applicant: SOUTHERN FARM SERVICES, INC., P.O. Box 103, Opp., Ala. 36467. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Fertilizer, in bulk, from Cottondale, Fla., to points in Alabama on and south of U.S. Highway 80, and points in Mississippi, and (2) fertilizer, in bulk and in bags, from Opp., Ala., to points in Florida and Mississippi, and from points in Mississippi, to Opp., Ala., for 180 days. SUPPORTING SHIPPER: Goolsby Farm Supply, 400 South Ninth Street, Florala, Ala., 36442; Opp's Cooperative, Inc., P.O. Box 328, Opp, Ala. 36467; and Opp's Farm Supply, Opp, Ala. 36467. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 139819 (Sub-No. 1 TA), filed May 20, 1974. Applicant: GARNER TRUCKING, INC., Route No. 4, Findlay, Ohio 45840. Applicant's representative: Michael M. Briley, 300 Madison Avenue, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Dry fertilizer and dry fertilizer ingredients, in bags or in bulk; herbicides, insecticides, and pesticides when moving in mixed shipments with dry fertilizer and animal and poultry feed and animal and poultry feed ingredients, restricted against the shipment of commodities in bulk, in tank vehicles, from the plant site of The Andersons, a partnership, located at or near Maumee, Ohio, to points in Michigan, Illinois, Indiana, Wisconsin, Pennsylvania, Kentucky, and New York, for 180 days. SUPPORTING SHIPPER: The Andersons, P.O. Box 119, Maumee,

Ohio 43537. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 139823 (Sub-No. 1 TA), filed May 23, 1974. Applicant: RALPH MURR, doing business as MURR TRUCKING COMPANY, Route 3, Huntsville, Ark. 72740. Applicant's representative: James B. Blair, 111 Holcomb Street, P.O. Box 869, Springdale, Ark. 72764. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, ingredients, and animal and poultry health products*, in bulk and sack, from Girard, Kans., to points in Benton, Washington, Carroll, and Madison Counties, Ark., for 180 days. SUPPORTING SHIPPER: International Multifoods Corporation, 1200 Multifoods Building, Minneapolis, Minn. 55402. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 139825 (Sub-No. 1 TA), filed May 23, 1974. Applicant: A & B TRACTOR SERVICE, INC., 2428 South Hanna Street, Fort Wayne, Ind. 46803. Applicant's representative: Donald R. Clifford, 115 East Wayne Street, Suite 344, Ft. Wayne, Ind. 46802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New trailers*, other than trailers designed to be drawn by passenger automobile from the point of manufacture, and (2) *new and used trailers* in subsequent or secondary movements, between points in Indiana, Michigan, Ohio, Illinois, Pennsylvania, Kentucky, Tennessee, and Missouri, for 180 days. SUPPORTING SHIPPERS: North American Van Lines, Inc., P.O. Box 988, Ft. Wayne, Ind. 46801; Truck-Transport Equipment, Inc., 2500 Coliseum Blvd., West Ft. Wayne, Ind. 46808; and Kentucky Manufacturing Company, 2601 South Third St., Louisville, Ky. 40208. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 139830 TA, filed May 23, 1974. Applicant: COLUMBIA DISTRIBUTING CORPORATION, 1009 Airport Blvd., Columbia, S.C. 29202. Applicant's representative: Edward J. Morrison, P.O. Box 87, Lexington, S.C. 29072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes*, in bags on pallets, from Lake City, S.C., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: T. S. Ragsdale Company, Incorporated, P.O. Drawer 937, Lake City, S.C. 29560. SEND PROTESTS TO: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Bldg. 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 139831 TA, filed May 10, 1974. Applicants: R. E. AND R. H. STROZIER, doing business as S & S BOAT REPAIR, 4855 Northway Drive NE., Atlanta, Ga. 30342. Applicant's representative: (R. E. Strozier (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats and automation tooling*, between points in Georgia, Alabama, Florida, Tennessee, North Carolina, South Carolina, and Virginia, for 180 days. SUPPORTING SHIPPERS: There are approximately 8 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree St. NW., Room 309, Atlanta, Ga. 30309.

No. MC 139832 TA, filed May 23, 1974. Applicant: QUALITY CASKET CARRIERS, INC., 176 Eagle Point Road, Fox Lake, Ill. 60020. Applicant's representative: Harold Bell, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated burial caskets and its components* using specialized trailers containing padded shelves and equipment to protect the uncrated caskets, from Chicago, Oak Park, and Prophetstown, Ill., and Milwaukee, Wis., on the one hand, and to points and places to and from, for said shippers throughout the United States of America, except Hawaii and Alaska, for 180 days. SUPPORTING SHIPPERS: National Casket Co., P.O. Box 11, Prophetstown, Ill. 61277; The Merit Co., 2124 W. Chicago Avenue, Chicago, Ill. 60622; Brenner Casket Co., 954 West Washington Blvd., Chicago, Ill. 60607; Curtis Casket Co., 411 So. Blvd., Oak Park, Ill. 60302; Chicago Casket Co., 932 W. Washington Blvd., Chicago, Ill. 60607; and Milwaukee Casket Co., 1418 W. St. Paul Street, Milwaukee, Wis. 53233. SEND PROTESTS TO: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago Ill. 60604.

No. MC 139833 TA, filed May 24, 1974. Applicant: TASCO, INC. P.O. Box 1072, Dumas, Tex. 79029. Applicant's representative: William L. Slover, 1224 Seventeenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in California, Mississ-

sippi, Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, Illinois, Indiana, West Virginia, Virginia, Maryland, District of Columbia, Kentucky, Delaware, New Jersey, New York, Michigan, Pennsylvania, Connecticut, Rhode Island, Vermont, New Hampshire, Ohio, Massachusetts, and Maine, restricted to traffic originating at and destined to the named points, for 180 days. SUPPORTING SHIPPER: Ralph L. McGee, General Traffic Manager, American Beef Packers, Inc., 7000 West Center Road, Omaha, Nebr. 68106. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 139834 TA, filed May 24, 1974. Applicant: WILLIAM T. PEARCE, 7794 East Evans Creek Road, Rogue River, Oreg. 97537. Applicant's representative: William T. Pearce (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Various electric transformers*, from 500 pounds to 12,000 pounds or more, between White City, Jackson County, Oreg., and various points in California, Arizona, Washington, Nevada, Texas, Colorado, Utah, Idaho, Wyoming, New Mexico, and Montana, for 180 days. SUPPORTING SHIPPER: Standard Transformer Company, 8001 Table Rock Road, Medford, Oreg. 97502. SEND PROTESTS TO: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-13364 Filed 6-10-74; 8:45 am]

[Notice 102]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 11, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75204. By application filed June 3, 1974, R. J. M. TRANSFER CO., 10526 Doe Run, St. Louis, MO 63128, seeks temporary authority to lease the operating rights of LAWRENCE SANDERS, Trustee in Bankruptcy of the Estate of F. W. STRECKER TRANSFER COMPANY, Paul Brown Bldg., St. Louis, Mo. 63101, under section 210a(b). The transfer to R. J. M. TRANSFER CO., of the operating rights of LAWRENCE SANDERS, Trustee in Bankruptcy of the Estate of F. W. STRECKER TRANSFER COMPANY, is presently pending.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-13361 Filed 6-10-74; 8:45 am]

## NOTICES

[Notice 2]

## TEMPORARY AUTHORITY

## Notice of Termination

The temporary authorities granted in the dockets listed below have expired as a

result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
MC-28457 (Sub-No. 6)	MC-28457 (Sub-No. 7)	Apr. 16, 1974
MC-113843 (Sub-No. 192)	MC-113843 (Sub-No. 186)	Sept. 28, 1973
MC-119767 (Sub-No. 270)	MC-119767 (Sub-No. 278)	Sept. 13, 1973
MC-124236 (Sub-No. 53)	MC-124236 (Sub-No. 61)	Apr. 5, 1974
MC-124796 (Sub-No. 98)	MC-124796 (Sub-No. 99)	Sept. 6, 1973
MC-126196 (Sub-No. 7)	MC-126196 (Sub-No. 8)	Sept. 5, 1973
MC-127239 (Sub-No. 12)	MC-127239 (Sub-No. 11)	Sept. 5, 1973
MC-128217 (Sub-No. 5)	MC-128217	Sept. 11, 1973
MC-129350 (Sub-No. 13)	MC-129350 (Sub-No. 19)	Sept. 10, 1973
MC-129719 (Sub-No. 3)	MC-129719 (Sub-No. 4)	Sept. 5, 1973
MC-133220 (Sub-No. 4)	MC-133220 (Sub-No. 5)	Sept. 6, 1973
MC-133485 (Sub-No. 6)	MC-133486 (Sub-No. 6)	Sept. 10, 1973
MC-135032 (Sub-No. 1)	MC-135032 (Sub-No. 2)	Sept. 24, 1973
MC-135117 (Sub-No. 4)	MC-135117 (Sub-No. 3)	Sept. 14, 1973
MC-135144	MC-135144 (Sub-No. 1)	Apr. 5, 1974
MC-136083 (Sub-No. 2)	MC-136083 (Sub-No. 2)	Sept. 7, 1973
MC-136146	MC-136146 (Sub-No. 1)	Sept. 6, 1973
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MC-136921	MC-136921 (Sub-No. 1)	Sept. 5, 1973
MC-136942 (Sub-No. 1)	MC-136942 (Sub-No. 2)	Sept. 19, 1973
MC-136994	MC-136994 (Sub-No. 1)	Sept. 4, 1973
MC-138132	MC-138132 (Sub-No. 1)	Sept. 20, 1973

[SEAL]

ROBERT L. OSWALD,  
*Secretary.*

[FR Doc. 74-13359 Filed 6-10-74; 8:45 am]

## CUMULATIVE LIST OF PARTS Affected—JUNE

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U.S. GOVERNMENT  
FEDERAL REGISTER

TUESDAY, JUNE 11, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 113

PART II



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## DEPARTMENT OF LABOR

Employment Standards  
Administration

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### EMPLOYMENT OF THE HANDICAPPED

Affirmative Action Obligations of  
Contractors and Subcontractors

## RULES AND REGULATIONS

## Title 20—Employees' Benefits

## CHAPTER VI—EMPLOYMENT STANDARDS ADMINISTRATION, DEPARTMENT OF LABOR

## SUBCHAPTER C—REHABILITATION ACT OF 1973

## PART 741—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

On September 26, 1973, the President signed the Rehabilitation Act, Public Law 92-112, which, among other things, requires Government contractors and subcontractors to take affirmative action to employ and advance in employment qualified handicapped individuals. By virtue of authority delegated to me by Executive Order No. 11758, and pursuant to section 503 of the Rehabilitation Act, I hereby issue Title 20, Chapter VI, Subchapter C, Part 741 of the Code of Federal Regulations, setting forth the duties of contractors, subcontractors and agencies.

We find that notice of proposed rule-making and delay in the effective date would be contrary to the public interest in view of the need for prompt implementation of the affirmative action requirements contained in the Rehabilitation Act, and accordingly such notice and delay are not required under 5 U.S.C. 553 (b) and (d). Therefore, these regulations shall be effective on June 11, 1974.

However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data or arguments to Mr. Bernard E. DeLury, Assistant Secretary for Employment Standards, U.S. Department of Labor, Washington, D.C., on or before July 26, 1974. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal.

## Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

Sec.

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- 741.2 Definitions.
- 741.3 Affirmative action clause.
- 741.4 Affirmative action policy.
- 741.5 [Reserved]
- 741.6 Certification of handicap.
- 741.7 [Reserved]
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- 741.20 Subcontracts.
- 741.21 Adaptation of language.
- 741.22 Incorporation by reference.
- 741.23 Incorporation by operation of the Act and agency regulations.
- 741.24 [Reserved]
- 741.25 Exemptions.
- 741.26 Duties of contracting agencies.
- 741.27 Noncompliance with the Affirmative Action Clause.
- 741.28 Evaluations by Assistant Secretary.
- 741.29 Complaints.
- 741.30 Processing of matters by agencies.
- 741.31 Assumption of jurisdiction by the Assistant Secretary.
- 741.32 Actions for non-performance.
- 741.33 Disputed matters related to the affirmative action program.
- 741.34 Notification of agencies.
- 741.35 Formal hearings.
- 741.36 Contractor ineligibility list.

## Subpart C—Ancillary Matters

- 741.50 Reinstatement of ineligible contractors and subcontractors.
- 741.51 Intimidation and interference.
- 741.52 Access to records of employment.
- 741.53 Rulings and interpretations.
- 741.54 Effective date.

AUTHORITY: Sec. 503, Pub. Law 93-112, 87 Stat. 393 (29 U.S.C. 793) and Executive Order 11758.

## Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

## § 741.1 Purpose and application.

The purpose of the regulations in this part is to assure compliance with section 503 of the Rehabilitation Act of 1973, which requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified handicapped individuals. The regulations in this part apply to all government contracts for personal property or nonpersonal services (including construction) in excess of \$2,500. Failure of a contractor to comply with any provision of the regulations in this part shall be grounds for the imposition of any or all of the sanctions authorized herein. The regulations in this part do not apply to any action taken to effect compliance with respect to employment or participation in Federal grant programs under section 504 of the Rehabilitation Act of 1973.

## § 741.2 Definitions.

(a) The term "Act" means the Rehabilitation Act of 1973, Public Law 93-112.

(b) The term "affirmative action clause" means the contract provisions set forth in § 741.3.

(c) The term "agency" means any contracting agency of the government.

(d) The term "Assistant Secretary" means the Assistant Secretary of Labor for Employment Standards or his designee.

(e) The term "certification" means a signed statement which is issued as a service of such qualified vocational rehabilitation agencies or facilities listed by the Employment Standards Administration and which describes the handicapped individual's disabilities.

(f) The term "construction work" means the construction, rehabilitation, alteration, conversion, extension, demolition, or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.

(g) The term "contract" means any government contract for the procurement of personal property or non-personal services, including construction.

(h) The term "contracting agency" means any department, agency, establishment or instrumentality of the United States, including any wholly owned government corporation, which enters into contracts.

(i) The term "contractor" means, unless otherwise indicated, a prime contractor or subcontractor.

(j) The term "Employment Standards Administration" means the Employment Standards Administration of the United States Department of Labor, its regional and area offices and any division, branch or bureau thereof engaged in activities under this regulation.

(k) The term "government" means the government of the United States of America.

(l) The term "government contract" means any agreement or modification thereof between any contracting agency and any person for the furnishing of personal property or non-personal services or for the use of real or personal property, including lease arrangements. The term "services", as used in this section includes, but is not limited to the following services: utility, construction, transportation, research, insurance, and fund depository. The term "government contract" does not include (1) agreements in which the parties stand in the relationship of employer and employee, and (2) federally-assisted contracts.

(m) The term "handicapped individual" means any individual who has a physical or mental disability which for such individual constitutes or results in a substantial barrier to employment, provided such individual has reasonably benefited in terms of employability from any of the types of services (including certification) provided pursuant to Titles I and III of the Act or their equivalent.

(n) The term "modification" means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

(o) The term "person" means any natural person, corporation, partnership or joint venture, unincorporated association, State or local government, and any agency, instrumentality, or subdivision of such a government.

(p) The term "prime contractor" means any person holding a contract, and for the purposes of Subpart B of this part, any person who has held a contract subject to the Act.

(q) The term "procurement activity" means the organizational element of a federal agency which has responsibility to contract for the procurement of personal property or non-personal services, including construction.

(r) The term "recruiting and training agency" means any person who refers workers to any contractor or subcontractor, or who provides or supervises apprenticeship or training for employment by any contractor or subcontractor.

(s) The term "rules, regulations, and relevant orders of the Secretary of Labor" used in paragraph (d) of the affirmative action clause means rules, regulations, and relevant orders of the Secretary of Labor or his designee issued pursuant to the Act.

(t) The term "Secretary" means the Secretary of Labor, U.S. Department of Labor, or his designee.

(u) The term "subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

(v) The term "subcontractor" means any person holding a subcontract and, for the purposes of Subpart B of this part, any person who has held a subcontract subject to the Act. The term "first-tier subcontractor" refers to a subcontractor holding a subcontract with a prime contractor.

(w) The term "United States" as used herein shall include the several States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, the Panama Canal Zone, American Samoa and the Trust Territory of the Pacific Islands.

#### § 741.3 Affirmative action clause.

Each procuring activity shall include the following affirmative action clause in each of its nonexempt Government contracts (and modifications thereof if not included in the original contract).

##### EMPLOYMENT OF THE HANDICAPPED

(This clause applies to all nonexempt contracts and subcontracts which exceed \$2,500 as follows: (1) Part A applies to contracts and subcontracts which provide for performance in less than 90 days, (2) Parts A and B apply to contracts and subcontracts which provide for performance in 90 days or more and the amount of the contract or subcontract is less than \$500,000, and (3) Parts A, B, and C apply to contracts and subcontracts which provide for performance in 90 days or more and the amount of the contract or subcontract is \$500,000 or more.)

##### PART A

(a) The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, promotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The Contractor agrees that, if a handicapped individual files a complaint with the Contractor that he is not complying with the requirements of the Act, he will (1) investigate the complaint and take appropriate action consistent with the requirements of 20 CFR 741.29 and (2) maintain on file for three years, the record regarding the complaint and the actions taken.

(c) The Contractor agrees that, if a handicapped individual files a complaint with the Department of Labor that he has not complied with the requirements of the Act, (1) he will cooperate with the Department in its investigation of the complaint, and (2) he will provide all pertinent information regarding his employment practices with respect to the handicapped.

(d) The Contractor agrees to comply with the rules and regulations of the Secretary of Labor in 20 CFR Ch VI, Part 741.

(e) In the event of the Contractor's non-compliance with the requirements of this clause, the contract may be terminated or suspended in whole or in part.

(f) This clause shall be included in all subcontracts over \$2,500.

##### PART B

(g) The Contractor agrees (1) to establish an affirmative action program, including appropriate procedures consistent with the guidelines and the rules of the Secretary of Labor, which will provide the affirmative action regarding the employment and advancement of the handicapped required by PL. 98-112, (2) to publish the program in his employee's or personnel handbook or otherwise distribute a copy to all personnel, (3) to review his program on or before March 31 of each year and to make such changes as may be appropriate, and (4) to designate one of his principal officials to be responsible for the establishment and operation of the program.

(h) The Contractor agrees to permit the examination by appropriate contracting agency officials or the Assistant Secretary for Employment Standards or his designee, of pertinent books, documents, papers and records concerning his employment and advancement of the handicapped.

(i) The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Assistant Secretary for Employment Standards, provided by the contracting officer stating contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment and the rights and remedies available.

(j) The Contractor will notify each labor union or representative of workers with which he has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of Section 503 of the Rehabilitation Act, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

##### PART C

(k) The Contractor agrees to submit a copy of his affirmative action program to the Assistant Secretary for Employment Standards within 90 days after the award to him of a contract or subcontract.

(l) The contractor agrees to submit a summary report to the Assistant Secretary for Employment Standards, by March 31 of each year during performance of the Contract, and by March 31 of the year following completion of the contract, in the form prescribed by the Assistant Secretary, covering employment and complaint experience, accommodations made and all steps taken to effectuate and carry out the commitments set forth in the affirmative action program.

#### § 741.4 Affirmative action policy.

(a) *General requirements.* Under the affirmative action obligation imposed by section 503 of the Rehabilitation Act of 1973, contractors are required to take affirmative action to employ and advance in employment qualified handicapped individuals. Such action shall apply to employment practice, including, but not limited to the following: Employment, upgrading, promotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other

forms of compensation; and selection for training, including apprenticeship.

(b) *Outreach and positive recruitment.* Contractors shall review their employment practices to determine whether their programs provide the required affirmative action for employment and advancement of qualified handicapped individuals. Based upon the findings of such reviews, contractors shall undertake appropriate outreach and positive recruitment activities, such as those listed below. It is not contemplated that contractors will necessarily undertake all of the listed activities. The scope of a contractor's efforts shall depend upon all the circumstances, including the extent in which existing employment practices are adequate and the contractor's size and resources.

(1) Internal communication of the contractor's obligation to engage in affirmative action efforts to employ qualified handicapped individuals in such a manner as to foster understanding, acceptance and support among the contractor's executive, management, supervisory and all other employees and to encourage such persons to take the necessary action to aid the contractor in meeting this obligation.

(2) Development of reasonable internal procedures to insure that the contractor's obligation to engage in affirmative action to employ and promote qualified handicapped individuals is being fully implemented.

(3) Periodically informing all employees of the contractor's commitment to engage in affirmative action to increase employment opportunities for qualified handicapped individuals.

(4) Enlisting the assistance and support of all recruiting sources (including the State Employment Services, State vocational rehabilitation agencies or facilities, sheltered workshops, college placement officers, State education agencies, labor organizations, and social service organizations serving handicapped individuals) for the contractor's commitment to provide meaningful employment opportunities to qualified handicapped individuals. (A list of national organizations serving the handicapped, many of which have State or local affiliates, is found in the "Directory of Organizations Interested in the Handicapped", published by the People to People Committee on the Handicapped, 1146 16th Street, NW, Washington, D.C. 20036.)

(5) Engaging in recruitment activities at educational institutions which participate in training of the handicapped, such as schools for the blind, deaf, or retarded.

(6) Establishment of meaningful contacts with appropriate social service organizations, Vocational Rehabilitation agencies or facilities, for such purposes as advice, technical assistance and referral of potential employees.

(7) Reviewing employment records to determine the availability of promotable and transferrable qualified handicapped individuals presently employed, and to determine whether their present and

## RULES AND REGULATIONS

potential skills are being fully utilized or developed.

(8) Use of appropriate media for institutional and employment advertising to indicate the contractor's commitment to nondiscrimination and affirmative action under this part.

(c) *Accommodation to physical and mental limitations of employees.* A contractor must attempt to make a reasonable accommodation to the physical and mental limitations of an employee or applicant unless the contractor can demonstrate that such an accommodation would impose an undue hardship on the conduct of the contractor's business. In determining the extent of a contractor's accommodation obligations, the following factors among others may be considered: (1) Business necessity (2) financial cost and expenses and (3) resulting personnel problems.

§ 741.5 [Reserved]

§ 741.6 Certification of handicap.

(a) Any handicapped individual may request, at any time, a certification of his handicap from any Vocational Rehabilitation agency or facility listed by the Employment Standards Administration, such lists shall be available through local U.S. Department of Labor, Employment Standards Administration offices. The certification shall be in the form prescribed by the Secretary, and shall represent the determination of a facility listed by the Employment Standards Administration that the individual is handicapped and has benefited in employability from a type of service provided pursuant to Title I and III of the Act or their equivalent.

(b) Handicapped individuals filing administrative complaints under this part may do so only upon certification of their handicapping disability or condition as provided in paragraph (a) of this section.

§ 741.7 [Reserved]

§ 741.8 Listing of employment openings.

The mandatory listing obligation of 41 CFR Part 50-250, which requires contractors to list their job openings with State employment services offices shall be utilized by State employment security agencies to refer qualified handicapped individuals.

§ 741.9 Labor unions and recruiting and training agencies.

(a) Whenever performance in accordance with the affirmative action clause or any matter contained in the regulations in this part may necessitate a revision of a collective bargaining agreement, the labor union or unions which are parties to such agreements shall be given an adequate opportunity to present their views to the contracting agency, or, if he has assumed jurisdiction, the Assistant Secretary.

(b) The Secretary shall use his best efforts, directly and through contractors, subcontractors, local officials, vocational

rehabilitation facilities, and all other available instrumentalities, to cause any labor union, recruiting and training agency or other representative of workers who are or may be engaged in work under contracts and subcontracts to cooperate with, and to assist in the implementation of, the purposes of the Act.

Subpart B—General Enforcement and Complaint Procedure

§ 741.20 Subcontracts.

Each nonexempt prime contractor and subcontractor under a Government contract shall include the affirmative action clause prescribed in § 741.3 in each of their nonexempt subcontracts.

§ 741.21 Adaptation of language.

Such necessary changes in language may be made to the affirmative action clause (see § 741.3) as shall be appropriate to identify properly the parties and their undertakings.

§ 741.22 Incorporation by reference.

The affirmative action clause may be incorporated by reference in Government transportation requests, contracts for deposit of Governmental funds, contracts for issuing and paying U.S. savings bonds and notes, contracts and subcontracts less than \$50,000, and such other contracts as the Assistant Secretary may designate.

§ 741.23 Incorporation by operation of the Act and agency regulations.

By operation of the Act, the affirmative action clause shall be considered to be a part of every contract and subcontract required by the Act and the regulations in this part and to include such a clause whether or not it is physically incorporated in such contracts. The clause may also be applied by agency regulations to every nonexempt contract where there is no written contract between the agency and the contractor.

§ 741.24 [Reserved]

§ 741.25 Exemptions.

(a) *General.*—(1) *Transactions not exceeding \$2,500.* Contracts and subcontracts not exceeding \$2,500 are exempt from the requirement of the affirmative action clause. No agency, contractor or subcontractor shall procure supplies or services in less than usual quantities to avoid applicability of the affirmative action clause.

(2) *Contracts and subcontracts for indefinite quantities.* With respect to indefinite delivery-type contracts and subcontracts (including, but not limited to, open end contracts, requirement-type contracts, Federal Supply Schedule contracts, "call-type" contracts, and purchase notice agreements), the affirmative action clause shall be included unless the procuring activity has reason to believe that the amount to be ordered in any year under such contract will not exceed \$2,500. The applicability of the affirmative action clause shall be determined by the purchaser at the time of award for the first year, and annually

thereafter for succeeding years, if any. Notwithstanding the above, the affirmative action clause shall be applied to such contract whenever the amount of a single order exceeds \$2,000. Once the affirmative action clause is determined to be applicable, the contract shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered in any year.

(3) *Work outside the United States.* Contracts and subcontracts are exempt from the requirements of the affirmative action clause with regard to work performed outside the United States by employees who were not recruited within the United States.

(4) *Contracts with State or local governments.* The requirements of the affirmative action clause in any contract or subcontract with a State or local government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract or subcontract.

(5) *Facilities not connected with contracts.* The Assistant Secretary may exempt from the requirements of the affirmative action clause any of a prime contractor's or subcontractor's facilities which he finds to be in all respects separate and distinct from activities of the prime contractor or subcontractor related to the performance of the contract or subcontract, provided that he also finds that such an exemption will not interfere with or impede the effectuation of the Act.

(b) *Waivers—(1) Specific contracts and classes of contracts.* The head of an agency, with the concurrence of the Assistant Secretary, may exempt any contract or subcontract from any or all of the affirmative action clause when he deems that special circumstances in the national interest so require. The agency head, with the concurrence of the Assistant Secretary, may also exempt groups or categories of contracts or subcontracts of the same type where it is (i) in the national interest, (ii) found impracticable to act upon each request individually, and (iii) where group exemption will substantially contribute to convenience in administration of section 503 of the Act.

(2) *National security.* Any requirement set forth in these regulations in this part shall not apply to any contract or subcontract whenever the head of the contracting agency determines that such contract or subcontract is essential to the national security and that its award without complying with such requirements is necessary to the national security. Upon making such a determination, the head of the agency will notify the Assistant Secretary in writing within 30 days.

(c) *Withdrawal of exemption.* When any contract or subcontract is of a class exempted under this section other than

contracts exempted under paragraph (b) (2) of this section, the Assistant Secretary may withdraw the exemption for a specific contract or subcontract or group of contracts or subcontracts when in his judgment such action is necessary or appropriate to achieve the purposes of the Act. Such withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal, except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

#### § 741.26 Duties of contracting agencies.

(a) *General responsibility.* Each agency shall cooperate with the Assistant Secretary in the performance of his responsibilities under the Act.

(b) *Designation of agency official.* The head of each agency, or his designee, shall identify and submit to the Assistant Secretary the name, address and telephone number of the official within the agency who is primarily responsible for implementation of this program within the Agency.

(c) *Certification requirement.* The following certification shall be included in all invitations for bids and requests for proposals for contracts to be awarded after January 1, 1976.

#### HANDICAPPED

The offeror certifies with respect to the Employment of the Handicapped clause as follows:

1. He [ ] has, [ ] has not previously been awarded a contract which included the clause. (If affirmative, execute 2).

2. The time specified for contract performance [ ] exceeded 90 days, [ ] did not exceed 90 days. (If more than 90 days, execute 3).

3. The amount of the contract was [ ] less than \$500,000, [ ] more than \$500,000, and he [ ] has, [ ] has not published his program for the employment of the handicapped. (If more than \$500,000, execute 4).

4. He [ ] has, [ ] has not submitted the required annual report to the Assistant Secretary of Labor for Employment Standards.

5. He [ ] has, [ ] has not made a good faith effort to effectuate and carry out his affirmative action program.

6. He will not award subcontracts to persons or concerns that have not published programs and submitted annual reports as required by the clause.

(d) *Award of contracts.* Effective January 1, 1976, each agency shall follow the procedures described in this paragraph (d) before awarding any nonexempt contracts.

(1) The certification required by this section shall be executed by all offerors prior to the award of a contract.

(2) Failure to execute the certificate shall be deemed a defect in form and not in substance, and the bidder or offeror shall be permitted to satisfy the requirements prior to award (see 41 CFR 1-2.405.)

(3) Awards shall not be made where the certifications indicate that required programs have not been published or

annual reports have not been submitted to the Assistant Secretary of Labor for Employment Standards, or a good faith effort has not been made to effectuate and carry out affirmative action program.

(e) *Criteria for good faith efforts.* By October 1, 1975, the Assistant Secretary shall promulgate criteria for defining good faith "effort" to effectuate and carry out an affirmative action program.

#### § 741.27 Noncompliance with the Affirmative Action Clause.

Noncompliance with the prime contractor's or subcontractor's obligations under the Affirmative Action Clause is a ground for the imposition by the agency, the Assistant Secretary, prime contractor, or subcontractor of appropriate sanctions. Any such failure shall be reported in writing to the Assistant Secretary by the agency as soon as practicable after it occurs.

#### § 741.28 Evaluations by Assistant Secretary.

The Assistant Secretary shall undertake such evaluations as may be necessary to assure that the purposes of Section 503, of the Rehabilitation Act of 1973 are being effectively carried out.

#### § 741.29 Complaints.

(a) (1) Any handicapped employee of any contractor or handicapped applicant for employment with such contractor or subcontractor may, by himself or by an authorized representative, file in writing a complaint of alleged violation of the Employment of the Handicapped clause with the contractor or subcontractor.

Where established, contractors and subcontractors shall utilize their internal review procedure, which may be governed by the terms of an applicable collective bargaining agreement generally meeting the requirements of this paragraph, to receive complaints from handicapped employees alleging the employer's failure to promote or advance them in employment or otherwise failing to comply with the Act. Procedures utilized under this paragraph shall provide for fair, expeditious and effective processing of complaints. Actions under these procedures shall be processed to completion within 60 days after the complaint is filed.

At the completion of the review and appropriate action thereunder, the employer shall inform the complainant of his right to file a complaint with the Department of Labor if the decision is adverse to the employee. A statement describing the procedures under this subsection shall be disseminated to all employees in an effective manner.

(2) No employee may file an administrative complaint with the Employment Standards Administration of the Department of Labor until the internal review procedure, where available, has been accorded 60 days to resolve the matter.

(3) If a contractor does not have an internal review procedure, employees may file administrative complaints directly with the Department of Labor.

(b) Any handicapped employee of any contractor or handicapped applicant for

employment with such contractor may, by himself or by an authorized representative, file in writing a complaint of alleged violation of the affirmative action clause. Such complaint is to be filed not later than 180 days from the date of the alleged violation unless the time for filing is extended by the Assistant Secretary upon good cause shown.

(c) Complaints shall be filed with the nearest office of the Employment Standards Administration of the Department of Labor. The Department of Labor may refer complaints to the contracting agency or in the case of multiple contracting agencies, the contracting agency designated by the Assistant Secretary for processing, or they may be processed in accordance with § 741.31.

(d) Complaints will be required to be signed by the complainants or their authorized representatives and to contain the following information: (1) Name and address (including telephone number) of the complainant, (2) name and address of the contractor or subcontractor who committed the alleged violation, (3) a description of the act or acts considered to be a violation, (4) a brief statement describing the complainant's job skills or training, if any, job experience or other qualifications for the position, (5) a copy of the complainant's certification, and (6) other pertinent information available which will assist in the investigation and resolution of the complaint, including the name of the Federal Agency with which the employer has contracted.

(e) Where a complaint contains incomplete information, the agency or the Assistant Secretary shall promptly seek the needed information from the complainant. In the event such information is not furnished to the agency or the Assistant Secretary within 60 days of the date of such request, the case may be closed.

(f) Upon final resolution of a complaint by the agency, the complainant shall be furnished with a copy of the decision. The complainant may file an appeal with the Secretary requesting assumption of jurisdiction under the provisions of § 741.31. The Secretary shall review the complaint and all relevant material related thereto, including the decision issued by the agency head. If he determines that assumption of jurisdiction under § 741.31 is necessary or appropriate to achieve the purposes of the Act, he shall notify the complainant and agency, and take whatever action he deems appropriate in accordance with the provisions set forth therein.

#### § 741.30 Processing of matters by agencies.

(a) *Investigations.* The agency shall institute a prompt investigation of each complaint referred to it, and shall be responsible for developing a complete case record. A complete case record consists of the following: (1) Name and address of each person interviewed, (2) A summary of his statement, (3) Copies or summaries of pertinent documents, (4) A narrative summary of the evidence disclosed in the investigation as it relates

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to each charge, and (5) Recommended resolution and/or actions.

(b) *Resolution of matters.* (1) If the investigation of a complaint by an agency pursuant to paragraph (a) of this section shows no violation of the affirmative action clause, the agency shall so inform the Assistant Secretary. The Assistant Secretary shall periodically review such findings of the agency, and he may request further investigation by the agency or may undertake such investigation as he may deem appropriate. (2) If any complaint investigation indicates a violation of the affirmative action clause, the matter should be resolved by informal means whenever possible. (3) Complaint-initiated hearings shall be conducted in accordance with established agency procedures, except that where the Assistant Secretary has assumed jurisdiction hearings shall be conducted in accordance with the procedures set forth under the Service Contract Act in 29 CFR Part 6. (4) For reasonable cause shown, the Assistant Secretary or his designee or an agency head may reconsider or cause to be reconsidered any matter on his own motion or pursuant to a request from the complainant or contractor.

(c) *Reports to the Assistant Secretary.* Within 60 days from receipt of a complaint by the agency, or within such additional time as may be allowed by the Assistant Secretary for good cause shown, the agency shall process the complaint and submit to the Assistant Secretary the case record and a summary report containing the following information: (1) Name and address of the complainant; (2) brief summary of findings including a statement as to the agency's conclusions regarding the contractor's compliance or noncompliance with the requirements of the affirmative action clause; (3) a statement of the disposition of the case, including any corrective action taken and any sanctions or penalties imposed or, whenever appropriate, the recommended corrective action and sanctions or penalties.

**§ 741.31 Assumption of jurisdiction by the Assistant Secretary.**

(a) The Assistant Secretary may inquire into the status of any matter pending before an agency, including complaints and matters arising out of reports, reviews, and other investigations. Where he considers it necessary or appropriate to achieve the purposes of the Act, he shall assume jurisdiction over complaints, advise the contracting agency, and proceed as provided herein. Whenever the Assistant Secretary assumes jurisdiction over any matter, he may conduct, or have conducted, such investigation, hold such hearings, make such findings, issue such recommendations and request the contracting agencies to take such action as may be appropriate. The agency shall take such action, as may be appropriate, and report the results thereof to the Assistant Secretary within the time specified.

(b) Hearings convened by the Assistant Secretary shall be conducted in accord-

ance with the rules and regulations promulgated by the Secretary of Labor under the Service Contract Act at 29 CFR Part 6.

**§ 741.32 Actions for non-performance.**

(a) *General.* In every case where any complaint investigation indicates the existence of a violation of the affirmative action clause or these regulations, the matter should be resolved by informal means, including conciliation, and persuasion, whenever possible. This will also include, where appropriate, establishing a program for future performance. Where the apparent violation is not resolved by informal means the agency shall proceed in accordance with established agency procedures.

(b) *Specific performance and/or breach.* The agency or Assistant Secretary may, as an alternative or supplement to the administrative remedies set forth herein, seek appropriate judicial relief for breach of contract or specific performance of the affirmative action clause of the contract or both.

(c) *Withholding progress payments.* So much of the accrued payment due on the contract or any other contract between the government prime contractor and the Federal government may be withheld as is authorized under applicable procurement law to correct any violations of the provisions of the affirmative action clause.

(d) *Termination.* A contract or subcontract may be cancelled, suspended or terminated, in whole or in part, for failure to comply with the provisions of the affirmative action clause.

(e) *Debarment.* A prime contractor or subcontractor or a prospective contractor or subcontractor may be debarred from receiving future contracts for failure to comply with the provisions of the affirmative action clause.

**§ 741.33 Disputed matters related to the affirmative action program.**

Disputes related to matters pertaining to the affirmative action program shall be handled pursuant to standard agency procedures for government contracts and subcontracts unless the Assistant Secretary has assumed jurisdiction under § 741.31, in which case the procedures set forth in that section shall apply.

**§ 741.34 Notification of agencies.**

The Assistant Secretary of Labor shall notify the heads of all agencies of any sanctions taken against any contractor after such sanctions have been imposed. No agency may issue a waiver under § 741.25(b)(1) to any contractor subject to sanctions without prior approval of the Assistant Secretary.

**§ 741.35 Formal hearings.**

(a) *Hearing opportunity.* An opportunity for a formal hearing shall be afforded to a prime contractor or a subcontractor or a prospective prime contractor or subcontractor by the agency or Assistant Secretary in any of the following circumstances:

(1) An apparent violation of the af-

firmative action clause by a contractor or subcontractor, as shown by any complaint investigation, is not resolved by informal means and a hearing is requested pursuant to § 741.30(b)(3); or

(2) The Assistant Secretary or an agency proposes to debar the prime contractor or subcontractor and a hearing is requested pursuant to § 741.30(b)(3).

(b) *General procedure.* The Assistant Secretary or the agency head, with the approval of the Assistant Secretary may convene formal hearings pursuant to Subpart B. Such hearings shall be conducted in accordance with procedures prescribed by the contract, unless the Assistant Secretary has assumed jurisdiction under § 741.31, in which case hearings shall be conducted as prescribed in 29 CFR Part 6.

(c) *Decision following hearing.* When the hearing is convened by the Assistant Secretary under the rules set forth in 29 CFR Part 6, the Administrative Law Judge shall make recommendations to the Assistant Secretary who shall make the final decision. Parties shall be furnished with copies of the Administrative Law Judge's recommendations and shall be given an opportunity to file their exceptions to the recommended decision.

(d) *Debarment by an agency.* No decision of an agency to debar a contractor or subcontractor shall be final without the prior approval of the Assistant Secretary.

**§ 741.36 Contractor ineligibility list.**

The Assistant Secretary shall distribute periodically a list to all executive departments and agencies giving the names of prime contractors and subcontractors who have been declared ineligible under the regulations in this part and the Act.

**Subpart C—Ancillary Matters**

**§ 741.50 Reinstatement of ineligible contractors and subcontractors.**

Any prime contractor or subcontractor debarred from further contracts or subcontracts under the Act may request reinstatement in a letter directed to the Assistant Secretary. In connection with the reinstatement proceedings, the prime contractor or subcontractor shall be required to show that it has established and will carry out employment policies and practices in compliance with the affirmative action clause.

**§ 741.51 Intimidation and interference.**

The sanctions and penalties contained in this regulation may be exercised by the agency or the Assistant Secretary against any prime contractor or subcontractor, who fails to take all necessary steps to ensure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, performance evaluation, hearing, or any other activity related to the administration of the Act.

**§ 741.52 Access to records of employment.**

Each prime contractor and subcontractor shall permit access during normal business hours to his places of business, books, records and accounts pertinent to compliance with the Act, and all rules and regulations promulgated pursuant thereto by the agency or the Assistant Secretary for the purposes of evaluations and investigations of performance under the affirmative action clause of the contract or subcontract. Information obtained in this manner shall be used in

in connection with the administration of the Act.

**§ 741.53 Rulings and interpretations.**

Rulings under or interpretations of the Act, the regulations of the Secretary of Labor, and the regulations contained in this Part 741 shall be made by the Secretary or his designee.

**§ 741.54 Effective date.**

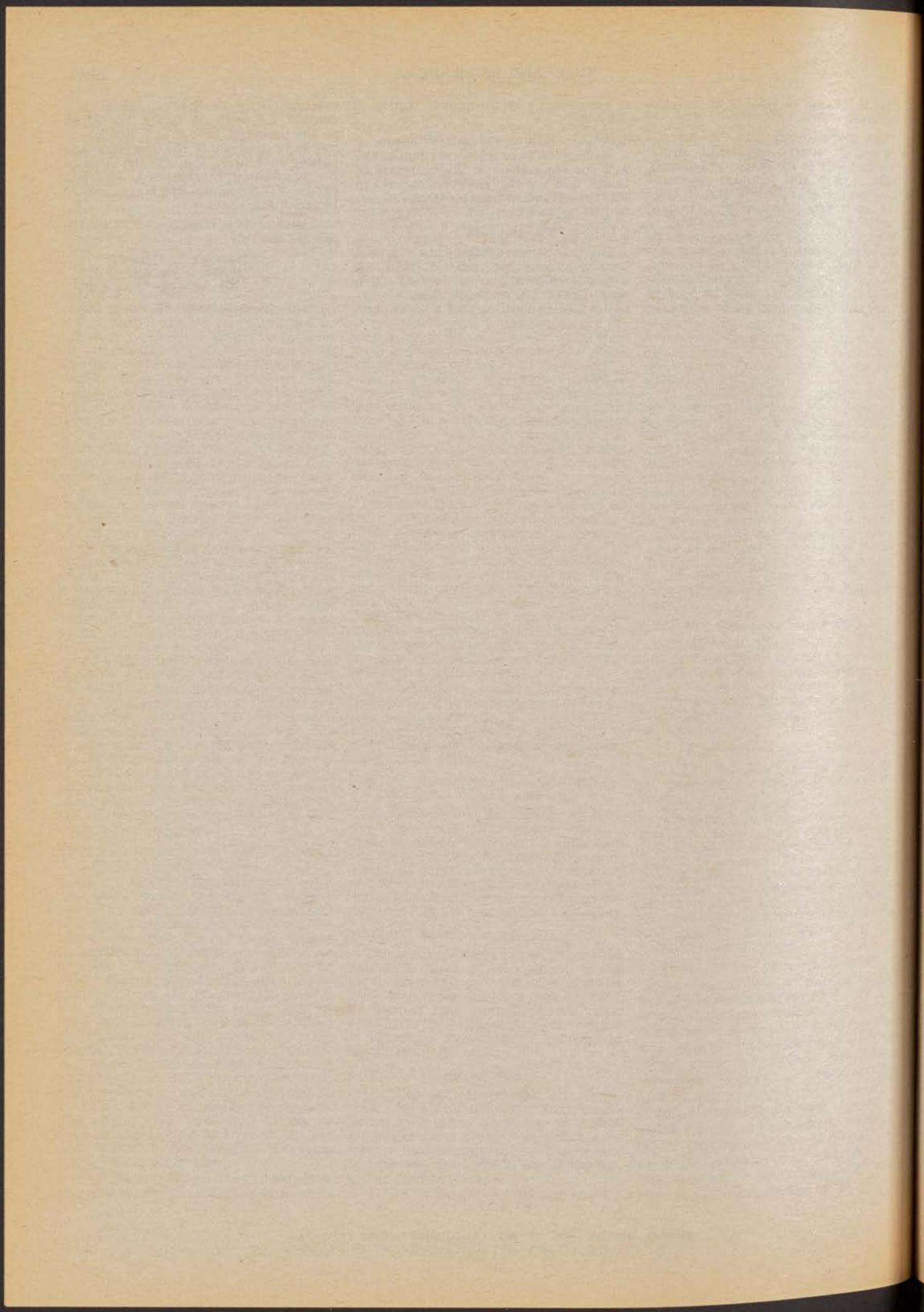
The regulations contained in this part become effective on June 11, 1974. All solicitations issued after July 11, 1974, shall contain the contract clause required by this regulation, and all contracts

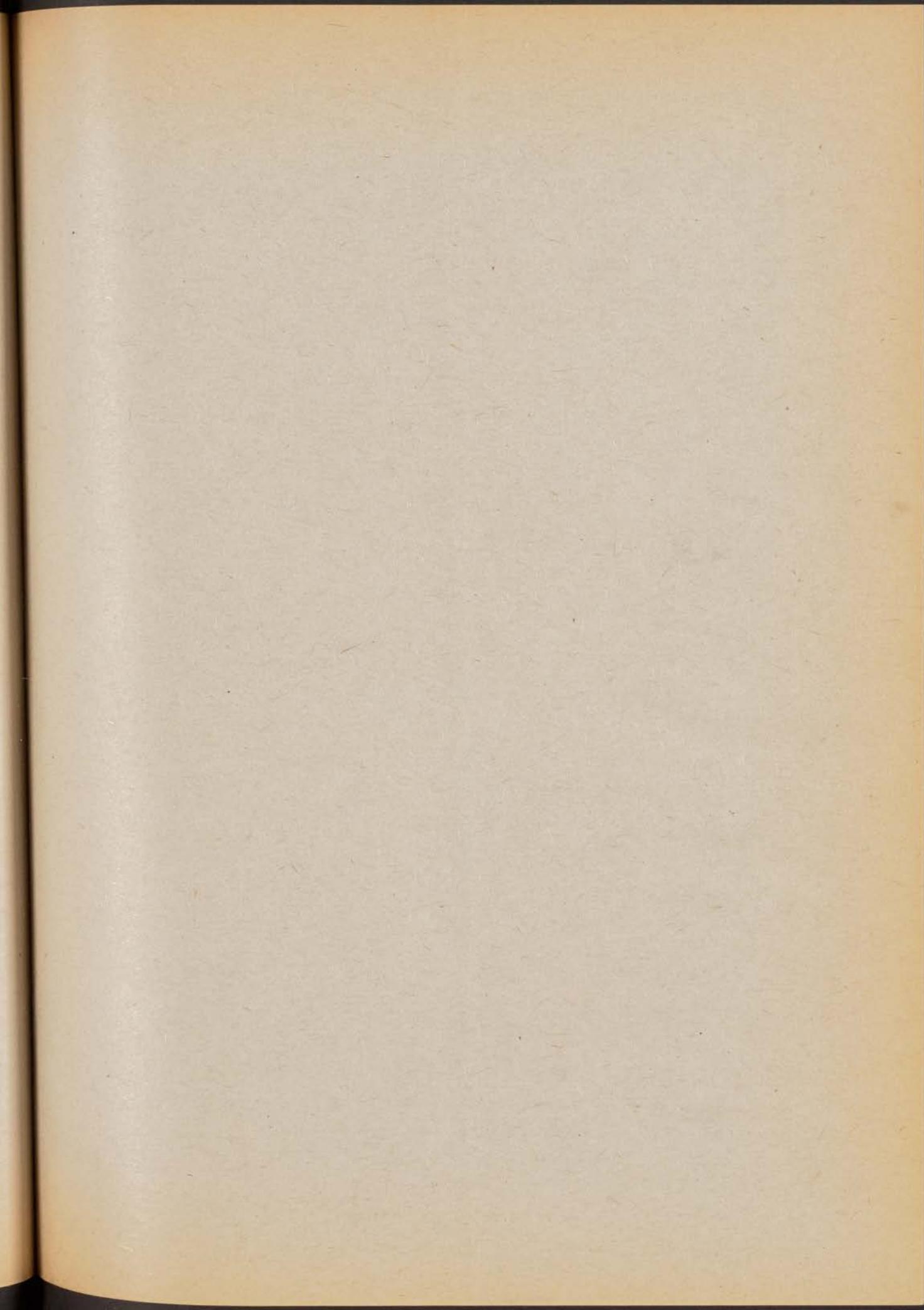
executed after October 11, 1974, shall contain the contract clause, regardless of the period of solicitation. Subject to any prior approval of the Secretary, any agency may defer the effective date of the regulations in this part, for such period of time as the Secretary finds to be reasonably necessary.

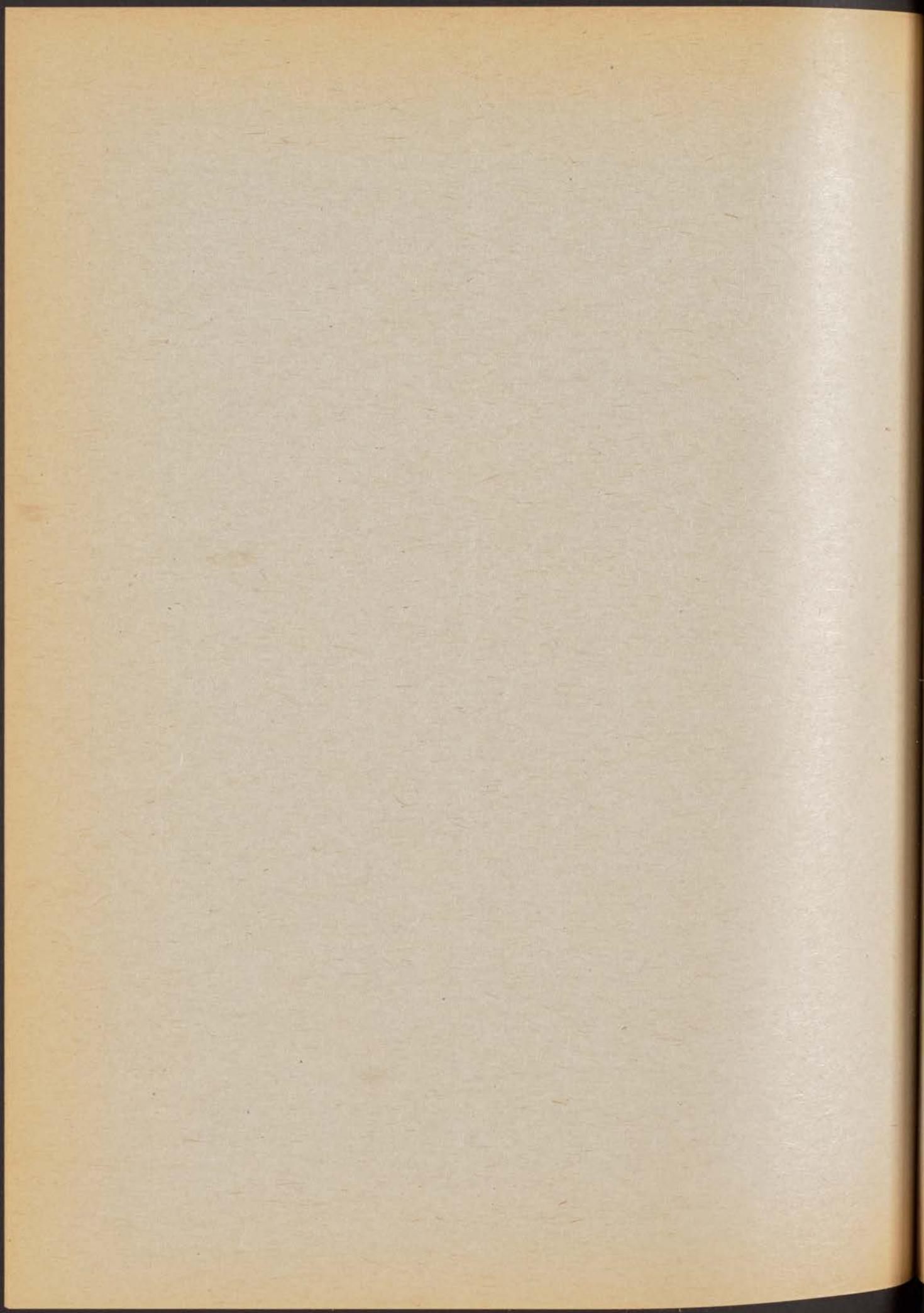
Signed at Washington, D.C., this 5th day of June 1974.

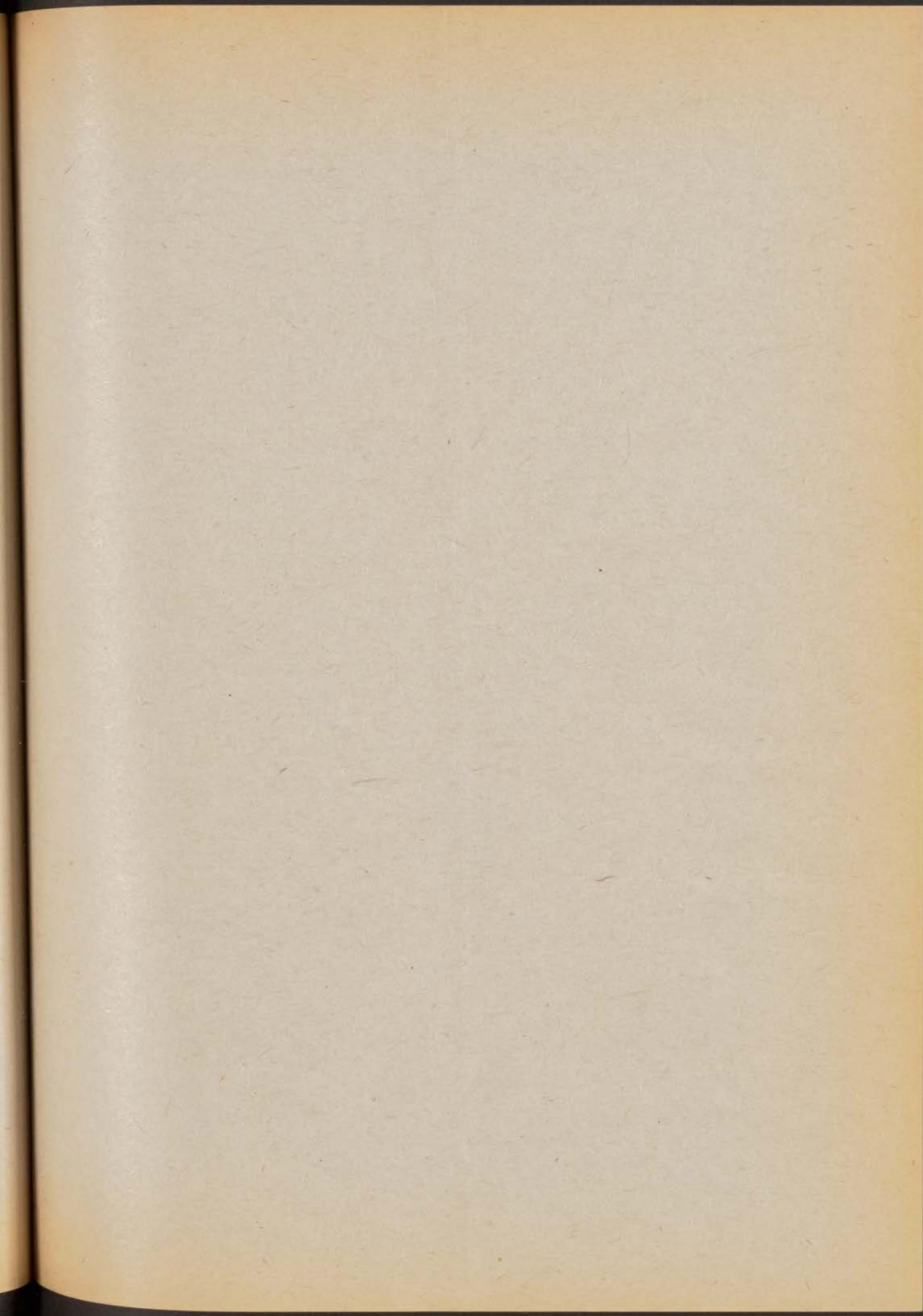
BERNARD E. DELURY,  
*Assistant Secretary for  
Employment Standards.*

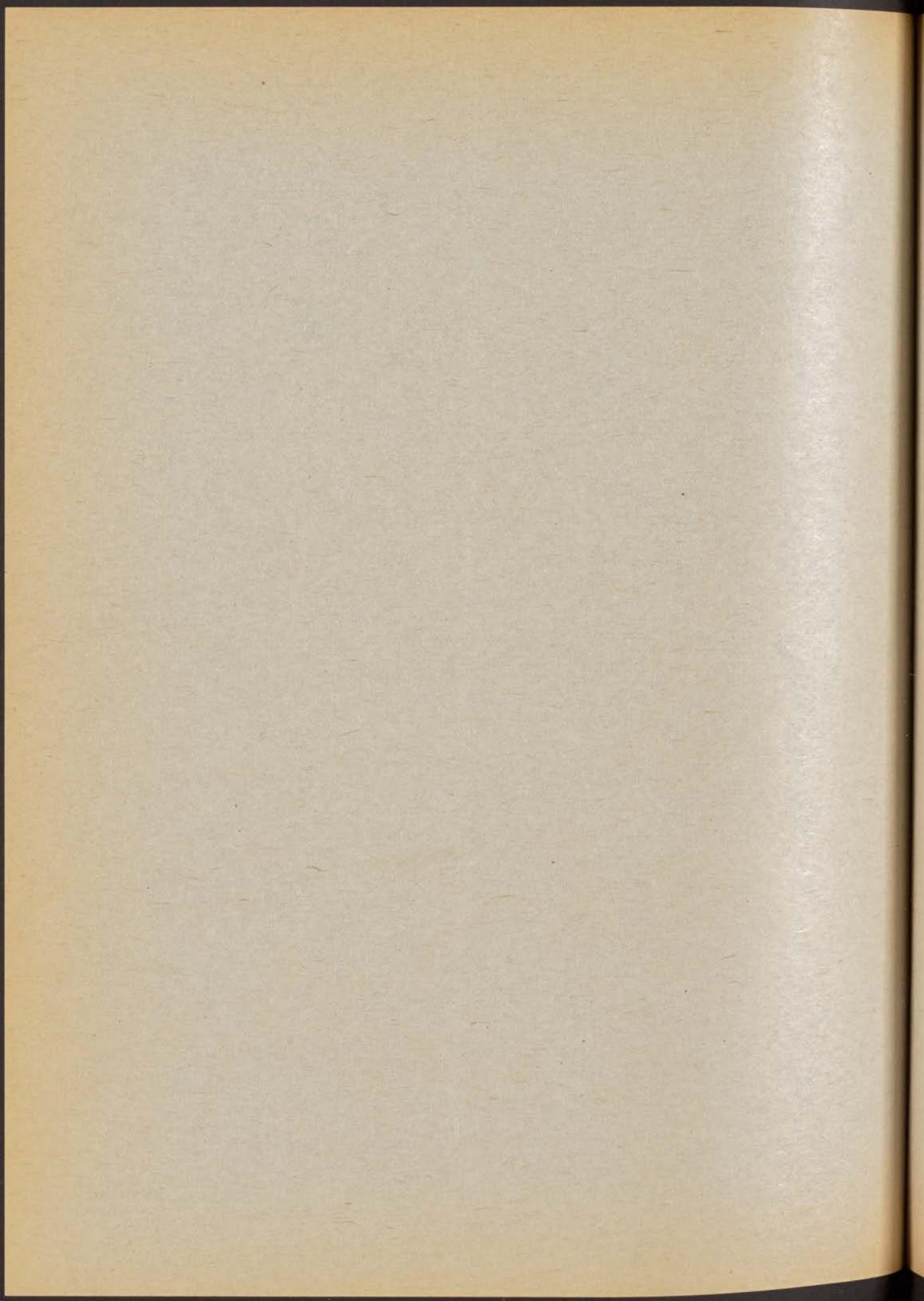
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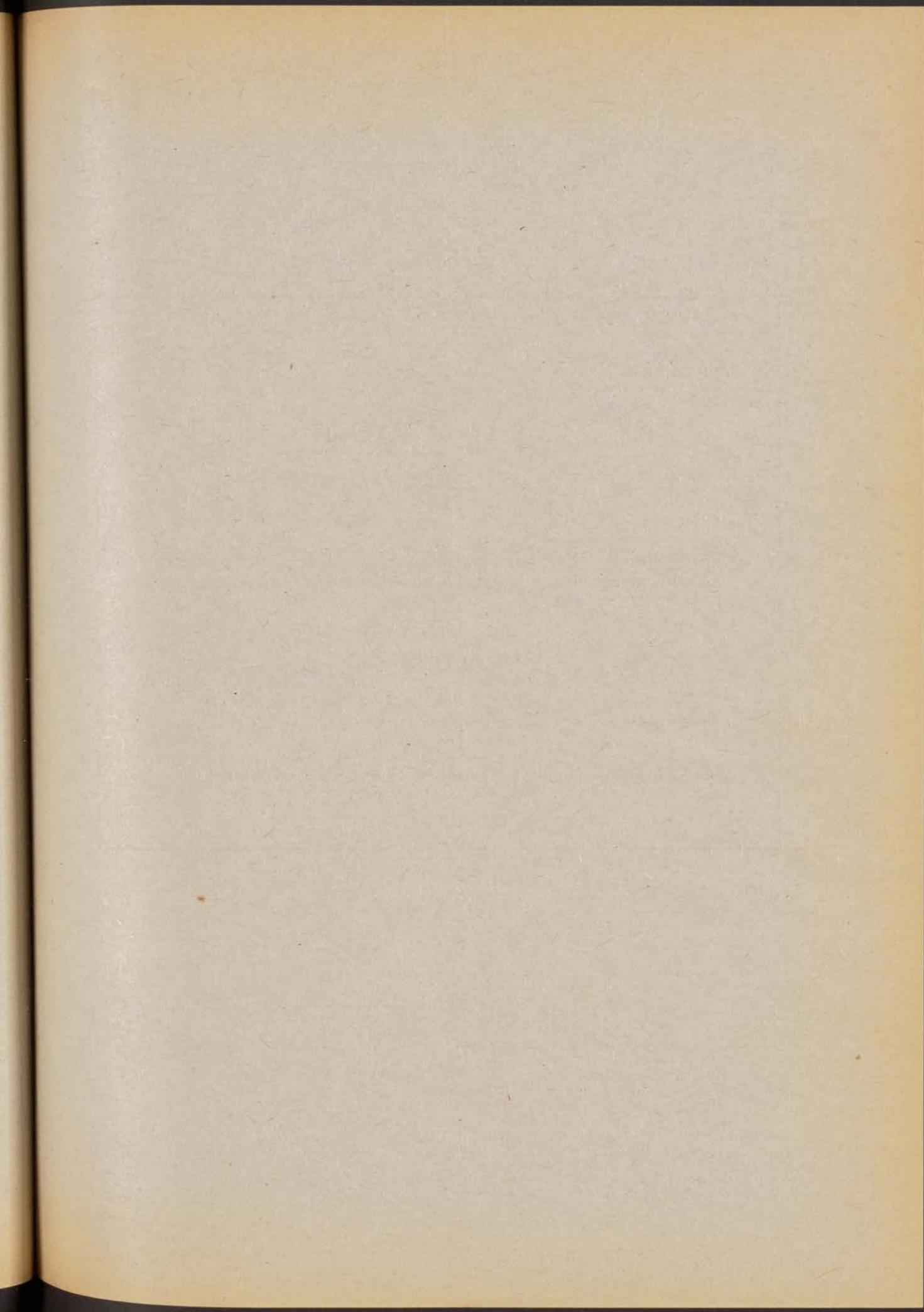












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