AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

federal register

THURSDAY, JUNE 20, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 120

Pages 22107–22240

PART I

HIGHLIGHTS OF THIS ISSUE

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

(Continued Inside)

PART II:

June 20, 1974—Pages 22107–22240

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

DoT/FAA—Miami and Ft. Lauderdale, Fla.; redesignation and alteration of control zones..... 17431; 5–16–74

—IFR Altitudes; miscellaneous amendments..... 17432; 5–16–74

—Alteration of Oklahoma City, Okla., control zone..... 12860; 4–9–74

—Pompano Beach, Fla. control zone. 13526; 4–15–74

—Designation of Federal Airways, area low routes, controlled airspace, and reporting points..... 13968; 4–19–74

—Alteration of transition area; Beatrice, Nebraska..... 14583; 4–25–74

—Designation of transition area; Algona, Iowa..... 14584; 4–25–74

—Alteration of control zone and transition area; Scottsbluff, Nebraska. 14584; 4–25–74

—Designation of transition area; Thedford, Nebraska..... 14584; 4–25–74

—Designation of restricted area; R–3806 England Air Force Base, La. 14584; 4–25–74

—Alteration of jet routes; Jet Route No. 126 between Avenal, Calif., and Stokton, Calif..... 14585; 4–25–74

—Designation of Federal airways; alteration of transition areas (4 documents)..... 14695–14697; 4–26–74

—Designation of transition area at Orr, Minn..... 13875; 4–18–74

—Designation and alteration of transition area control zone, Harrisburg, Pa. and Middletown, Pa 16118; 5–7–74

—Alteration of transition area, Olean, N.Y. and East Hampton, N.Y. 16119; 5–7–74

HEW/Education Office—Environmental education projects; financial assistance..... 17849; 5–21–74

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

contents

(Continued on next page)

list of cfr parts affected

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

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

presidential documents

Title 3—The President

EXECUTIVE ORDER 11788

Providing for the Orderly Termination of Economic Stabilization Activities

The authority contained in the Economic Stabilization Act of 1970, as amended, to impose a system of mandatory wage and price controls expired at midnight on April 30, 1974. Executive Order No. 11781 of May 1, 1974, provided for an orderly transition from mandatory controls, for the continuation of enforcement procedures under the Economic Stabilization Act of 1970, as amended, with respect to acts committed prior to May 1, 1974, for the continuation of the Cost of Living Council, and the continuation of monitoring and other functions of the Council for the period May 1, 1974, through June 30, 1974. However, the orderly termination of the Economic Stabilization Program will require several more months of follow-up activities. The Economic Stabilization Act of 1970, as amended, permits the maintenance of authority to take appropriate action with respect to any action or pending proceedings, civil or criminal, not finally determined on April 30, 1974, or with respect to matters before the Council that relate to wages paid for work performed prior to May 1, 1974, and prices charged prior to May 1, 1974. In order to meet these requirements and to assure the proper disposition of the files, records, data, and other financial and administrative matters relating to the Economic Stabilization Act, I am, by this Order, delegating to the Secretary of the Treasury such Presidential authority as may remain under the Economic Stabilization Act of 1970, as amended, and assigning to him the responsibility for taking such action as may be necessary and appropriate to achieve the limited objectives described above.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and Statutes of the United States, including the Economic Stabilization Act of 1970 (P.L. 91-379, 84 Stat. 799) as amended, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The Cost of Living Council, established by Section 2 of Executive Order No. 11615 of August 15, 1971, and continued by Executive Order No. 11627 of October 15, 1971, Executive Order No. 11640 of January 26, 1972, Executive Order No. 11695 of January 11, 1973, Executive Order No. 11730 of July 18, 1973, and Executive Order No. 11781 of May 1, 1974, is hereby abolished.

SEC. 2. All the powers and duties conferred upon the President by the Economic Stabilization Act of 1970, as amended, are hereby delegated to the Secretary of the Treasury who shall exercise them so as to provide for the orderly termination of the Economic Stabilization Program. That authority shall be exercised only to the extent necessary to provide for the orderly termination of the Economic Stabilization Program, including the taking of appropriate action with respect to any action or pending proceedings, civil or criminal, not finally determined on April 30, 1974, or with respect to any act committed prior to May 1, 1974, and as hereinafter provided. The Secretary of the Treasury is authorized to redelegate such powers and duties to other officials or agencies of the United States, as may be appropriate.

SEC. 3. The Secretary of the Treasury or his designee shall provide for the continuation of any action or pending proceedings, civil or criminal, not finally determined prior to May 1, 1974, as appropriate. He shall continue to receive reports and review pay adjustments with respect to work performed prior to May 1, 1974, and price adjustments with respect to prices charged prior to May 1, 1974, and take appropriate remedial action whenever he finds such adjustments were in violation of applicable Economic Stabilization Regulations.

SEC. 4. Nothing in this Order shall be construed as authorizing the imposition or reimposition of any mandatory economic controls with respect to prices, rents, wages, salaries, corporate dividends, interest rates, or any similar transfer, other than on the basis of the authority provided in Sections 2 and 3 of this Order with respect to enforcement activity related to the period prior to May 1, 1974.

SEC. 5(a). The Secretary of the Treasury or his designee is authorized:

(1) To employ such personnel as he deems necessary to perform the functions conferred upon him by this Order, including personnel previously employed by the Cost of Living Council.

(2) To appoint, pursuant to Section 212(b) of the Economic Stabilization Act of 1970, as amended, not more than one officer who shall be compensated at the rate prescribed for level V of the Executive Schedule (5 U.S.C. 5316) for the purposes of carrying out functions under this Order through December 31, 1974.

(3) To place no more than 3 positions in GS–16, 17, and 18, pursuant to Section 212(d) of the Economic Stabilization Act of 1970, as amended, for purposes of carrying out this Order through December 31, 1974.

(4) To receive from the Cost of Living Council and be the custodian of all the records and data not otherwise properly disposed of by June 30, 1974, including the records and data of all Advisory Committees to the Council.

(5) To receive from the Cost of Living Council custody of and accountability for property (real and personal) and equipment not otherwise properly disposed of by June 30, 1974.

(b) The Secretary of the Treasury shall—

(1) Provide for the compilation of a history of the Economic Stabilization Program by December 31, 1974; and

(2) Provide for the appropriate disposition of all property (real and personal), records, data, and personnel transferred hereunder or relating to the activities conferred upon him by this Order.

SEC. 6. Any officer or employee who was serving in the Economic Stabilization Program, on or before June 30, 1974, and who while so serving was guaranteed reemployment rights to his former agency by virtue of such service, shall retain such rights through December 31, 1974, if employed by the Secretary of the Treasury or his designee to perform functions under this Order, without a break in service of one day or more.

SEC. 7. The following committees and boards are abolished:

(1) The Cost of Living Council Committee on Health established by Section 6 of Executive Order No. 11695 of January 11, 1973, and continued through June 30, 1974, by Executive Order No. 11781 of May 1, 1974.

(2) The Cost of Living Council Committee on Food established by Section 7 of Executive Order No. 11695 of January 11, 1973, and continued through June 30, 1974, by Executive Order No. 11781 of May 1, 1974.

(3) The Labor-Management Advisory Committee established by Section 8 of Executive Order No. 11695 of January 11, 1973, and continued through June 30, 1974, by Executive Order No. 11781 of May 1, 1974.

(4) The Construction Industry Stabilization Committee, established by Executive Order No. 11588 of March 29, 1971, and continued by Executive Order No. 11695 of January 11, 1973, and Executive Order No. 11781 of May 1, 1974.

SEC. 8. The Secretary of the Treasury, or his designee, may, for the purposes of carrying out this Order, continue any advisory committees previously established by the Cost of Living Council and not abolished by the Council prior to the effective date of this Order. He shall make appropriate provisions for abolishing, on or before December 31, 1974, all Council Advisory committees so continued.

SEC. 9. This Order shall not be deemed to affect any authority (1) exercised by the Federal Energy Office with respect to pricing and allocation of crude oil, residual fuel oil, and refined petroleum products (as defined in the Emergency Petroleum Allocation Act of 1973), pursuant to the Economic Stabilization Act of 1970, as amended, the Emergency Petroleum Allocation Act of 1973, Executive Order No. 11748 of December 4, 1973, or Cost of Living Council Order No. 47, as amended, or (2) any comparable authority vested in, or delegated to, the Administrator of the Federal Energy Administration.

SEC. 10. Executive Order No. 11588 of March 29, 1971, Executive Order No. 11627 of October 15, 1971, Executive Order No. 11640 of January 26, 1972, Executive Order No. 11695 of January 11, 1973, Executive Order No. 11723 of June 13, 1973, Executive Order No. 11730

of July 18, 1973, and Executive Order No. 11781 of May 1, 1974, are revoked.

SEC. 11. Sections 1 through 10 of this Order shall be effective as of July 1, 1974.

SEC. 12(a). There is hereby established the President's Committee on Food, which shall be composed of the Counsellor to the President for Economic Policy, who shall be its Chairman, the Secretary of State, the Secretary of the Treasury, the Secretary of Agriculture, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Executive Director of the Council on International Economic Policy, and such other members as the President may, from time to time, designate.

(b) The President's Committee on Food shall review Government activities significantly affecting food costs and prices and provide coordination for the Nation's policy relating to domestic and international food supplies and relating to food costs and prices.

(c) The President's Committee on Food shall terminate on December 31, 1974.

Richard Nixon

THE WHITE HOUSE,
June 18, 1974.

[FR Doc.74-14310 Filed 6-18-74;4:54 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 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-295]

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 fourth 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
*	*	*	*	*	*	*
Colorado	Gunnison	Crested Butte, town of	June 13, 1974. Emergency.	June 7, 1974		
Delaware	Kent	Bowers, town of	do			
Do	do	Smyrna, town of	do	May 10, 1974		
Do	New Castle	Middletown, town of	do			
Florida	Palm Beach	Manalapan, town of	July 17, 1970. Emergency. October 30, 1970. Regular. March 1, 1972. Suspended. June 7, 1974. Reinstated.			
Idaho	Benewah	St. Maries, city of	June 7, 1974. Emergency.	Feb. 15, 1974		
Kansas	Miami	Osawatomie, city of	do	Jan. 23, 1974		
Oregon	Clackamas	Oregon, city of	do	Dec. 28, 1973		
Do	Multnomah	Troutdale, city of	do	Dec. 7, 1973		
Wisconsin	Columbia	Lodi, city of	do	Apr. 12, 1974		

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

Issued: June 6, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-14033 Filed 6-19-74;8:45 am]

[Docket No. FI-294]

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 fourth 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	Lantana, town of	Mar. 12, 1971. Regular. Sept. 15, 1972. Suspended. June 10, 1974. Reinstated.			
Illinois	Cook	Elmwood Park, village of	June 14, 1974. Emergency.			
Ohio	Cuyahoga	Bay Village, city of	do	Apr. 12, 1974		

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

Issued: June 6, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-14034 Filed 6-19-74;8:45 am]

[Docket No. FI-293]

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 fourth 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	Hazard area identified	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
California	Monterey	King, city of				Sept. 4, 1970. Emergency. June 24, 1971. Regular. Jan. 15, 1973. Suspended. June 3, 1974. Reinstated.
Illinois	Winnebago	Roscoe, village of	Mar. 22, 1974			June 11, 1974. Emergency.
Do	Grundy	Unincoporated areas				Do.
Iowa	Clinton	Clinton, city of				Do.
Minnesota	Anoka	Blaine, city of				Do.
Missouri	Vernon	Nevada, city of	Dec. 17, 1973			Do.
Oregon	Tillamook	Bay City, city of				Do.
Pennsylvania	Columbia	Orangeville, borough of				Do.
Do	Allegheny	Upper St. Clair, township of.	May 31, 1974			Do.
Texas	Wharton	Wharton, city of				Do.
Wisconsin	Columbia	Portage, city of	May 3, 1974			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. 23, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 6, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-14035 Filed 6-19-74;8:45 am]

[Docket No. FI-292]

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	Hancock	Carthage, city of	June 12, 1974. Emergency.	June 7, 1974		
Do	Madison	Bethalto, village of	do	May 3, 1974		
Do	do	Glen Carbon, village of	do			
Do	McHenry	Woodstock, city of	do	Mar. 22, 1974		
Do	Randolph	Chester, city of	do	Apr. 12, 1974		
Do	Schuyler	Browning, village of	do			
Do	Will	Mokena, village of	do	Apr. 5, 1974		
Iowa	Black Hawk	Elk Run Heights, town of	do	Jan. 16, 1974		
Maryland	Frederick	Walkersville, town of	do			
North Dakota	La Moure	La Moure, city of	do	Nov. 16, 1973		
Oregon	Union	Elgin, city of	do	Nov. 30, 1973		
Texas	Dallas	De Soto, city of	do			
Do	Robertson	Hearne, city of	do	Mar. 29, 1974		
Wisconsin	Milwaukee	River Hills, village of	do	Dec. 17, 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, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 7, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-14036 Filed 6-19-74;8:45 am]

[Docket No. FI-291]

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 fourth 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	Pulaski	Mounds, city of	June 19, 1974. Emergency.			
Iowa	Polk	Des Moines, city of	do			
Missouri	Jackson	Unincorporated areas	do			
New Jersey	Middlesex	South Brunswick, township of.	do	Jan. 16, 1974		
Virginia	Greene	Standardsville, town of	do			
Do	Montgomery	Blacksburg, town of	do	June 7, 1974		
Washington	Kitsap	Poulsbo, city of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 23, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 12, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-14037 Filed 6-19-74;8:45 am]

[Docket No. FI-296]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Jefferson	Leeds, city of	H 010125 01 through H 010125 04	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Rm. 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, City Hall, City of Leeds, Leeds, Ala. 35094.	June 7, 1974.
Do	do	Lipscomb, town of.	H 010126 01 through H 010126 04	do	Mayor, City Hall, City of Lipscomb, Lipscomb, Ala. 35020.	June 14, 1974.
Do	do	Midfield, city of.	H 010127 01 through H 010127 02	do	Mayor, City Hall, City of Midfield, Midfield, Ala. 35228.	Do.
Do	Madison	New Hope, town of.	H 010154 01	do	Mayor, City Hall, New Hope, Ala. 35760.	Do.
Do	Marion	Guin, town of	H 010162 01 through H 010162 04	do	Office of the City Clerk, Town of Guin, Guin, Ala. 35563.	Do.
Do	Talladega	Childersburg, city of.	H 010197 01 through H 010197 04	do	Mayor, City Hall, City of Childersburg, Childersburg, Ala. 35044.	Do.
Arkansas	Baxter	Cotter, city of	H 050011 01	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, City of Cotter, Cotter, Ark. 72626.	Do.
Do	Bradley	Warren, city of	H 050022 01 through H 050022 02	do	Warren Zoning and Planning Commission, City of Warren, Warren, Ark. 71671.	Do.
Do	Cross	Parkin, city of	H 050059 01	do	City Planning Commission, P.O. Box 335, Parkin, Ark. 72373.	Do.
California	Kern	Maricopa, city of	H 060079 01	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	Mayor, City Hall, City of Maricopa, Maricopa, Calif. 93252.	Do.
Colorado	Clear Creek	Idaho Springs, city of.	H 080036 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Idaho Springs City Hall, 14th Ave. at Miner St., P.O. Box 907, Idaho Springs, Colo. 80452.	Do.
Do	Jefferson	Edgewater, city of.	H 080080 01	do	Mayor and City Councilmen, City of Edgewater, Edgewater, Colo. 80214.	Do.
Georgia	Burke	Waynesboro, city of.	H 130025 01 through H 130025 04	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Rm. 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, City Hall, City of Waynesboro, Waynesboro, Ga. 30803.	Do.
Do	Clayton	Riverdale, city of.	H 130047 01 through H 130047 04	do	City Building Inspector's Office, City of Riverdale, 6600 Church St., Riverdale, Ga. 30274.	Do.
Do	Dooly	Unadilla, town of.	H 130072 01 through H 130072 02	do	Mayor, City Hall, Town of Unadilla, Unadilla, Ga. 31091.	Do.
Do	Floyd	Cave Spring, city of.	H 130080 01	do	City Hall, City of Cave Spring, Cave Spring, Ga. 30124.	Do.
Do	Fulton	Alpharetta, city of.	H 130084 01 through H 130084 02	do	City Hall, City of Alpharetta, Alpharetta, Ga. 30201.	Do.
Do	Houston	Warner Robins, town of.	H 130111 01 through H 130111 05	do	Municipal Complex, 700 Watson Blvd., P.O. Box 1488, Warner Robins, Ga. 31093.	Do.
Do	Gwinnett	Snellville, city of.	H 130102 01 through H 130102 02	do	Mayor, City Hall, City of Snellville, Snellville, Ga. 30278.	Do.
Do	Long	Ludowici, city of.	H 130128 01 through H 130128 02	do	Mayor, City Hall, City of Ludowici, Ludowici, Ga. 31316.	Do.
Do	Bartow	Adairsville, town of.	H 130235 01	do	Mayor, Town of Adairsville, Adairsville, Ga. 30103.	Do.
Do	Forsyth	Cumming, city of.	H 130236 01 through H 130236 03	do	Mayor, City of Cumming, Cumming, Ga. 30130.	Do
Do	Camden	Kingsland, city of.	H 130238 01 through H 130238 02	do	Mayor, City of Kingsland, Kingsland, Ga. 31548.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Fulton and Coweta.	Palmetto, city of	H 130239 01	do	Mayor, City of Palmetto, Palmetto, Ga. 30268.	Do.
Do	Harris	Waverly Hall, town of.	H 130240 01 through H 130240 02	do	Mayor, Town of Waverly Hall, Waverly Hall, Ga. 31831.	Do.
Do	Camden	Woodbine, city of	H 130241 01	do	Mayor, City of Woodbine, Woodbine, Ga. 31569.	Do.
Illinois	Bond	Greenville, city of.	H 170007 01	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 509 State Office Bldg., Springfield, Ill. 62702.	Mayor, City Hall, City of Greenville, Greenville, Ill. 62246.	Do.
Do	Cook	Kenilworth, village of.	H 170113 01	do	President, 99 Robsart Rd., Village of Kenilworth, Kenilworth, Ill. 60043.	Do.
Do	Henry	Galua, city of	H 170283 01	do	Mayor, City Hall, Front St., Galua, Ill. 61434.	Do.
Do	Knox	Williamsfield, village of.	H 170355 01	do	Village President, Village of Williamsfield, Williamsfield, Ill. 61489.	Do.
Do	do	Yates City, village of.	H 170356 01	do	Village President, Village of Yates City, Yates City, Ill. 61572.	Do.
Do	Lee	Paw Paw, village of.	H 170419 01	do	Mayor, Village Hall, Paw Paw, Ill. 61353.	Do.
Do	Macoupin	Carlinville, city of.	H 170431 01	do	Mayor, City Hall, Carlinville, Ill. 62626.	Do.
Do	McLean	Heyworth, village of.	H 170497 01	do	Mayor, City of Heyworth, Heyworth, Ill. 61745.	Do.
Do	do	Hudson, village of.	H 170498 01	do	Mayor, City of Hudson, Hudson, Ill. 61748.	Do.
Do	Piatt	Bement, village of.	H 170544 01	do	President, Village Board, Bement, Ill. 61813.	Do.
Do	Fulton	Lewistown, city of.	H 170782 01	do	County Board Chairman, City of Lewistown, Lewistown, Ill. 61542.	Do.
Indiana	Clark	Clarksville, town of.	H 180026 01 through H 180026 03	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Administrative Assistant, Clarksville Town Board, Clarksville, Ind. 47130.	Do.
Do	Noble	Kendallville, city of.	H 180185 01	do	Kendallville Planning Commission, City of Kendallville, Kendallville, Ind. 46755.	Do.
Do	Vanderburgh	Evansville, city of.	H 180257 01	do	Area Planning Commission, Room 312, Administration Bldg., Civic Center Complex, Evansville, Ind. 47708.	Do.
Do	White	Wolcott, town of	H 180296 01	do	Area Planning Commission, Court House, Town of Wolcott, Monticello, Ind. 47960.	Do.
Iowa	Fremont	Hamburg, city of.	H 190133 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, City of Hamburg, Hamburg, Iowa 51640.	Do.
Do	Johnson	Coralville, city of.	H 190169 01 through H 190169 08	do	Mayor, City Hall, City of Coralville, Coralville, Iowa 52241.	Do.
Do	Lucas	Chariton, city of	H 190195 01 through H 190195 02	do	City Manager, City Hall, Chariton, Iowa 50049.	Do.
Kentucky	Marshall	Hardin, city of	H 210165 01 through H 210165 02	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza, Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, City of Hardin, Hardin, Ky. 42048.	Do.
Do	McCracken	Paducah, city of	H 210152 01 through H 210152 17	do	Mayor, City Hall, Paducah, Ky. 42001	Do.
Do	Whitley	Corbin, city of	H 210227 01 through H 210227 02	do	Mayor, City Hall, Corbin, Ky. 40701	Do.
Louisiana	Bossier Parish	Benton, town of	H 220032 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor of Benton, Town of Benton, Benton, La. 71006.	Do.
Do	do	Plain Dealing, town of.	H 220035 01	do	Mayor, Town of Plain Dealing, Plain Dealing, La. 71064.	Do.
Maine	Aroostook	Van Buren, town of.	H 230036 01 through H 230036 11	Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Town of Van Buren, Van Buren, Maine 04785.	Do.
Do	Franklin	Phillips, town of	H 230060 01 through H 230060 07	do	1st Selectman, Town Office, Town of Phillips, Phillips, Maine 04966.	Do.
Massachusetts	Essex	Amesbury, town of.	H 250075 01 through H 250075 06	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Planning Board, Town Hall, Town of Amesbury, Amesbury, Mass. 01913.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Norfolk	Weymouth, town of.	H 250257 01 through H 250257 06	do.	Weymouth Town Hall, 75 Middle St., Weymouth, Mass. 02189.	Do.
Michigan	Calcoun	Marshall, city of.	H 260053 01 through H 260053 03	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Mosmer St., Lansing, Mich. 48913.	Mayor, City Hall, City of Marshall, Marshall, Mich. 49068.	Do.
Do.	Houghton	Hancock, city of.	H 260087 01	do.	City Manager, City Hall, City of Hancock, Hancock, Mich. 49930.	Do.
Do.	Ingham	Leslie, city of.	H 260091 01	do.	Mayor, City of Leslie, 107 East Bellevue, Leslie, Mich. 49251.	Do.
Do.	Muskegon	Montague, city of.	H 260160 01	do.	Montague City Hall, 4525 Dowling St., Montague, Mich. 49437.	Do.
Do.	Tuscola	Vassar, city of.	H 260208 01	do.	Vassar Village Hall, City of Vassar, 287 East Huron, Vassar, Mich. 48768.	Do.
Do.	Berrien	Michigana, village of.	H 260275 01	do.	Town Hall, Village of Michigana, 4000 Cherokee Dr., Box 12E, New Buffalo, Mich. 49117.	Do.
Minnesota	Pennington	Thief River Falls, city of.	H 270344 01 through H 270344 04	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Robert J. Bregier, Building Official, City of Thief River Falls, P.O. Box 528, Thief River Falls, Minn. 56701.	Do.
Mississippi	Bolivar	Gunnison, town of.	H 280018 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Town of Gunnison, Town Hall, Gunnison, Miss. 38746.	Do.
Do.	Holmes	Pickens, town of.	H 280077 01	do.	Mayor, Town of Pickens, Pickens, Miss. 39142.	Do.
Do.	Lee	Plantersville, town of.	H 280099 01	do.	Mayor, Town of Plantersville, Plantersville, Miss. 38862.	Do.
Do.	Sharkey	Cary, town of.	H 280154 01	do.	Town of Cary, Town Hall, Cary, Miss. 39054.	Do.
Do.	Simpson	Mendenhall, city of.	H 280159 01 through H 280159 03	do.	City Hall, City of Mendenhall, Mendenhall, Miss. 39114.	Do.
Do.	Tallahatchie	Sumner, town of.	H 280194 01	do.	Town of Sumner, Town Hall, Sumner, Miss. 38957.	Do.
Do.	Tallahatchie	Tutwiler, town of.	H 280197 01	do.	Town of Tutwiler, Town Hall, Tutwiler, Miss. 38963.	Do.
Missouri	Clay	Glenaire, village of.	H 290092 01	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 63077. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Chairman, Board of Trustees, Route 4, Box 361, Village of Glenaire, Liberty, Mo. 64068.	Do.
Nebraska	Dawson	Overton, village of.	H 310064 01 through H 310064 02	Nebraska Natural Resources, Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, Village Board, Village of Overton, Overton, Nebr. 68863.	Do.
New Mexico	Torrance	Estancia, town of.	H 350082 01	State Engineers's Office, Bataan Memorial Bldg., Santa Fe, No. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501	Mayor, Town Office, Town of Estancia, Estancia, N. Mex. 87016.	Do.
New York	Erie	Brant, town of.	H 360229 01 through H 360229 10	New York State Department of Environmental Conservation, Division of Resources Management Services, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Supervisor, Town Hall, Brant Rd., Town of Brant, Brant, N.Y. 14027.	Do.
Do.	do.	Holland, town of.	H 360245 01 through H 360245 06	do.	Supervisor, Town Hall, Town of Holland, Pearl St., Holland, N.Y. 14080.	Do.
Do.	Monroe	Clarkson, town of.	H 360413 01 through H 360413 09	do.	Clarkson Town Hall, Town of Clarkson, 3710 Lake Rd., Clarkson, N.Y. 14430.	Do.
Do.	Saratoga	Milton, town of.	H 360722 01 through H 360722 10	do.	Supervisor, Town of Milton, County Board of Supervisors, Municipal Center, Ballston Spa, N.Y. 12020.	Do.
Do.	Sullivan	Callicoon, town of.	H 360816 01 through H 360816 06	do.	Town Supervisor, Town of Callicoon, Jeffersonville, N.Y. 12748.	Do.
Do.	Westchester	Larchmont, village of.	H 360915 01	do.	George P. Forbes, Jr. Village Attorney, Village of Larchmont, Municipal Bldg., Larchmont, N.Y. 10538.	Nov. 23, 1973, June 14, 1974.
North Carolina	Avery	Newland, town of.	H 370012 01	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Town Hall, Town of Newland, Newland, N.C. 28657.	June 14, 1974.
Do.	Franklin	Louisburg, town of.	H 370098 01	do.	City Manager, Town of Louisburg, Louisburg, N.C. 27549.	Do.
Do.	Halifax	Hobgood, town of.	H 370116 01	do.	Mayor and Town Board, Town of Hobgood, Hobgood, N.C. 27843.	Do.
Do.	Haywood	Clyde, town of.	H 370122 01	do.	Town Clerk, Town of Clyde, Clyde, N.C. 28721.	Do.
Do.	Madison	Marshall, town of.	H 370154 01 through H 370154 05	do.	Office of the Town Clerk, Town of Marshall, Marshall, N.C. 28753.	Do.
Do.	Washington	Creswell, town of.	H 370248 01	do.	Mayor, Municipal Bldg., Town of Creswell, Creswell, N.C. 27928.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
North Dakota	Rolette	Rolla, city of	H 380105 01	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City of Rolla, Rolla, N. Dak. 58367.	Do.
Ohio	Butler	Seven Mile, village of.	H 390045 01	Ohio Department of Natural Resources, Fountain Sq., Columbus, Ohio 43224. Director of Insurance, State of Ohio, Department of Insurance, 115 East Rich St., Columbus, Ohio 43215.	Mayor, Seven Mile Village Council, Seven Mile, Ohio 45062.	Do.
Do	Lake	Mentor, city of	H 390317 01 through H 390317 09	do	Mentor Municipal Bldg., 8383 Mentor Ave., Mentor, Ohio 44060.	Do.
Do	Warren	Mason, city of	H 390549 01	do	City Manager, City of Mason, 202 West Main St., Mason, Ohio 45040.	Do.
Do	Mercer	Mendon, village of.	H 390641 01	do	Mayor, Village of Mendon, Mendon, Ohio 45862.	Do.
Oklahoma	Grady	Rush Springs, town of.	H 400064 01	Oklahoma Water Resources, Board, 2241 NW. 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	City Council, Town of Rush Springs, Rush Springs, Okla. 73083.	Do.
Do	Okfuskee	Weleetka, city of	H 400139 01	do	Mayor, City of Weleetka, Box 726, Weleetka, Okla. 74880.	Do.
Oregon	Tillamook	Bay City, town of	H 410197 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St., NE., Salem, Oreg. 97310.	Mayor, Town of Bay City, Bay City, Oreg. 97107.	Do.
Do	do	Rockaway, city of	H 410201 01	do	Mayor, City of Rockaway, Rockaway, Oreg. 97136.	Do.
Pennsylvania	Lehigh	Upper Macungie, township of.	H 420590 01 through H 420590 08	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Upper Macungie Township, Municipal Bldg., Rural Delivery No. 1, Breinigsville, Pa. 18031.	Do.
Do	Tioga	Gaines, township	H 421005 01 through H 421005 04	do	Office of the Township Supervisor, R.F.D. No. 1, Box 67, Gaines, Pa. 16821.	Do.
South Carolina	Aiken	Warrenville, town of.	H 450008 01 through H 450008 02	South Carolina Resources, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Raymond L. Walters, Mayor, P.O. Box 6177, Town of Warrenville, North Augusta, S.C. 29841.	Do.
Do	Dillon	Latta, town of	H 450067 01 through H 450067 02	do	A. Lafon LeGette, Mayor, Town of Latta, Latta, S.C. 29565.	Do.
Do	Dorchester	Summerville, S.C., town of.	H 450073 01	do	Town Hall, Town of Summerville, 104 Civic Center, Summerville, S.C. 29483.	Do.
Do	Greenville	City View, town of.	H 450090 01	do	Zimmie Mason, Mayor, 8½ Belk St., Greenville, S.C. 29611.	Do.
Do	Jasper	Hardeeville, town of.	H 450113 01 through H 450113 02	do	James Horton, Mayor (Pro Tem), Town of Hardeeville, Hardeeville, S.C. 29927.	Do.
Do	Oconee	Seneca, town of	H 450158 01	do	Jake Cromer, Mayor, City Hall, Seneca, S.C. 29678.	Do.
South Dakota	Hutchinson	Parkston, town of	H 460042 01	South Dakota Planning Agency, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Department, Pierre, S. Dak. 57501.	Mayor, City Hall, Town of Parkston, Parkston, S. Dak. 57366.	Do.
Do	Sanborn	Woonsocket, city of.	H 460075 01	do	Mayor, City of Woonsocket, Woonsocket, S. Dak. 57385.	Do.
Tennessee	Bedford	Bell Buckle, town of.	H 470007 01	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, Town of Bell Buckle, County Judge, Courthouse, Shelbyville, Tenn. 37160.	Do.
Do	Franklin	Decherd, town of	H 470054 01 through H 470054 04	do	Mayor, City Hall, Town of Decherd, Decherd, Tenn. 37324.	Do.
Do	do	Winchester, city of.	H 470056 01 through H 470056 11	do	Mayor, City Hall, Winchester, Tenn. 37398.	Do.
Do	Giles	Lynnville, city of	H 470065 01	do	Mayor, City of Lynnville, Lynnville, Tenn. 38472.	Do.
Do	Henderson	Lexington, city of	H 470089 01 through H 470089 10	do	Mayor, City Hall, Lexington, Tenn. 38351.	Do.
Do	Lawrence	Iron City, town of.	H 470101 01	do	Mayor, Town of Iron City, Iron City, Tenn. 38463.	Do.
Do	Marshall	Chapel Hill, town of.	H 470120 01 through H 470120 02	do	Mayor, Town of Chapel Hill, Chapel Hill, Tenn. 37034.	Do.
Do	Robertson	Springfield, city of.	H 470163 01 through H 470163 03	do	Mayor, City Hall, City of Springfield, Springfield, Tenn. 37172.	Do.
Texas	Crosby	Ralls, city of	H 480161 01	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Offices, City of Ralls, Ralls, Tex. 79357.	Do.
Do	Milam	Cameron, city of	H 480478 01	do	City of Cameron, Court House, Brownsville, Tex. 78520.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Moore	Cactus, city of	H 480490 01	do	Mayor, City of Cactus, Cactus, Tex. 79013.	Do.
Do	Van Zandt	Edgewood, city of.	H 480635 01	do	Mayor, City Hall, City of Edgewood, Edgewood, Tex. 75117.	Do.
Vermont	Rutland	Pittsford, town of	H 500098 01 through H 50098 06	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department State Office Bldg., Montpelier, Vt. 05602.	Chairman, Town of Pittsford, Pittsford Board of Selectmen, Pittsford, Vt. 05763.	Do.
Virginia	Washington	Abington, town of	H 510169 01 through H 510169 04	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Town Manager, Town of Abington, Town Hall, Abington, Va. 24210.	Do.
Do	Wise	Pound, town of	H 510174 01 through H 510174 04	do	Mayor, Town of Pound, Town Hall, Pound, Va. 24279.	Do.
Washington	Adams	Ritzville, city of	H 530065 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, City of Ritzville, City Hall, Ritzville, Wash. 99169.	Do.
Do	Grays Harbor	HoQuiam, city of	H 530061 01 through H 530061 06	do	City Engineer, City of HoQuiam, 609 8th Street, HoQuiam, Wash. 98550.	Do.
Do	Whitman	Garfield, town of	H 530209 01	do	Mayor, Town of Garfield, Garfield, Wash. 99130.	Do.
Wisconsin	Dunn	Boyceville, village of.	H 550119 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53701.	Village President, Village of Boyceville, Boyceville, Wis. 54725.	Do.
Do	Outagamie	Kimberly, village of.	H 550306 01	do	Village President, Village of Kimberly, Kimberly, Wis. 54136.	Do.
Do	do	Little Chute, village of.	H 550307 01	do	Village President, Village of Little Chute, Little Chute, Wis. 54140.	Do.
Do	Pierce	Spring Valley, village of.	H 550331 01	do	Village President, Village of Spring Valley, Spring Valley, Wis. 54767.	Do.
Do	Rock	Evansville, city of.	H 550366 01	do	Mayor, City of Evansville, City Hall, Evansville, Wis. 53536.	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. 23, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 12, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–14032 Filed 6–19–74;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1954—PROCEDURES FOR THE EVALUATION AND MONITORING OF APPROVED STATE PLANS

Exercise of Federal Discretionary Authority

1. *Background.* Pursuant to the authority in sections 8(g)(2) and 18 of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 657(g)(2) and 667), (hereinafter called the Act), 29 CFR Part 1954 is amended by adding a new § 1954.3 formerly "[Reserved]", on the exercise of Federal discretionary authority under section 18(e) of the Act. Part 1954 describes the policy and procedures for evaluation and monitoring of State plans approved in accordance with section 18(c) of the Act. These include a description of the monitoring system, provisions for reports from the States, and for complaints about State program administration.

In addition to monitoring the development and operation of approved State plans, the Act in section 18(e), provides for a period of discretionary authority for enforcement of Federal occupational safety and health standards in States with approved plans. Under section 18(e), the Assistant Secretary for Occupational Safety and Health (hereinafter called the Assistant Secretary), under a delegation of authority from the Secretary of Labor (Sec. Order 12–71 36 8754), must retain his enforcement authority with regard to issues covered by the approved plan for at least 3 years until he determines "on the basis of actual operations" that the criteria for plan approval in section 18(c) of the Act are being applied by the State. Section 18(e) as implemented by 29 CFR Part 1902 does not require the exercise of the Assistant Secretary's enforcement authority over all the issues covered by the State plan for the entire period of discretionary authority. Indeed, section 18(e) expressly confers discretion upon the Assistant Secretary in the exercise of his enforcement authority when it states that "he may, but shall not be required to, exercise his authority" under certain specified sections of the Act. These include sections 5(a)(2), 8, 9, 10, 13 and 17 with respect to comparable standards promulgated under section 6 of the Act.

This amendment to 29 CFR Part 1954 sets out the statutory interpretations and policy guidelines by which the Assistant Secretary will exercise his discretion under section 18(e) to enforce Federal standards. This discretion will be exercised within the framework of the general purpose of the Act "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions * * *" (section 2(b)). Implementation of this fundamental statutory purpose necessarily includes consideration of the policy of "encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws * * *" (section 2(b)(11)).

The Assistant Secretary is required in § 1902.1(c)(2) of this chapter to exercise his discretionary enforcement authority after plan approval "to the degree necessary to assure occupational safety and health" protection to employees. Factors to be considered under this section and § 1902.20(b)(1)(iii) of this chapter in determining the level of Federal enforcement include the developmental nature of the plan, the results of evaluations of the plan, the State's schedule for coming up to Federal standards, and any other relevant matters. In accordance with these criteria, each plan approval deci-

sion, codified at 29 CFR Part 1952, contains the Assistant Secretary's intention as to continued Federal enforcement of Federal standards in issues covered by the plan. Other matters which are relevant to the exercise of Federal enforcement authority include the most efficient utilization of Federal and State resources to provide effective worker protection throughout the Nation; the need to clarify the rights and responsibilities of employers and employees with regard to Federal and State authority by eliminating unreasonable duplication and conflict; definition of areas of State responsibility for evaluation of their effectiveness; and prompt and appropriate application of the Federal authority to any failure of the States in providing effective enforcement of standards.

A fundamental consideration in determining the manner and degree to which Federal discretionary enforcement authority should be exercised is the developmental status of approved State plans. 29 CFR Part 1902 governing approval of State plans under section 18(c) of the Act, defines the circumstances for approval of developmental plans. Section 1902.2(b) limits the developmental period to 3 years following commencement of operations under the approved plan.[1] In order to obtain approval as a developmental plan the State must include in its plan the specific actions it proposes to take and a time schedule for their accomplishment not to exceed that 3 year period. On this basis, the Assistant Secretary will approve the plan "if he finds that there is a reasonable expectation that the State plan will met the criteria in § 1902.3 [of this chapter] within the indicated 3 year period."[2] In such case however, the Assistant Secretary cannot make a determination under section 18(e) relinquishing the right to exercise his discretionary enforcement authority as to issues covered by the plan until, in accordance with § 1902.2(b) of this chapter, he has had at least one year to evaluate the plan on the basis of actual operations. Again, this does not mean that discretionary enforcement authority must be exercised over all the issues covered by the plan for the entire length of time it takes a State to complete its developmental schedule and operate for a full year. Section 18(e) leaves the determination as to the exercise of Federal enforcement authority to the discretion of the Assistant Secretary.

The exercise of discretionary authority under section 18(e) so as to reduce Federal enforcement in States with approved plans is not inconsistent with the concept of developmental plans. The guidelines set out in the new § 1954.3 supply reasonable and uniform criteria to be applied to each State in accordance with the facts and circumstances in each State program. Essential to these criteria is the premise that before a State reaches a specified level in its development, the exercise of Federal enforcement authority cannot be diminished consistent with worker protection. However, when a State has attained that specified level of development, consideration of factors such as effective utilization of resources throughout the Nation and relief from unreasonable duplication and conflicts in the rights and responsibilities of employers and employees must be considered in the administration of an effective Federal-State program. In addition, State plan evaluations which have been and will continue to be made throughout the discretionary authority period, will assist in determining the appropriate level of Federal enforcement, including its reinstatement where warranted.

2. *Summary of the regulation.* Section 1954.3 of this chapter sets out the policy guidelines for the exercise of discretionary Federal enforcement authority. The implementation of these guidelines in each States will be set out in the appropriate approval decision in 29 CFR Part 1952. Recognizing that from the time of approval to the end of the developmental period a State is obligated to increase its capability for the enforcement of State standards, the guidelines are based on the extent to which a State can operate at least as effectively as the Federal program. After determining the operational status of the State plan, the Assistant Secretary may reduce the Federal enforcement effort consistent with the developmental nature and relevant operational status of the State plan.

In determining the operational status of a plan, the following elements all must be met in order to determine that the State is operational with regard to any or all of the issues covered by its plan: (1) enabling legislation substantially in conformance with the requirements of 29 CFR Part 1902 which legislation has been reviewed and approved by the Assistant Secretary and enacted by the State; (2) standards promulgated under State law which standards have been reviewed and found to provide overall protection equal to comparable Federal standards; (3) a sufficient number of qualified personnel; and (4) the review procedures for contested citations and penalties in effect. In addition, where the State is operational on one or more issues and has for example, adopted regulations governing variances, reporting and recordkeeping requirements, or developed an approved State poster, such State action will be appropriately recognized by the Assistant Secretary for the purpose of the Federal enforcement program during the period of discretionary Federal authority.

Under § 1954.3 of this chapter, Federal enforcement authority over issues covered by a State plan will be exercised in the absence of enabling legislation, where the State plan covers issues in which State standards are found not to provide overall protection equal to comparable Federal standards, where there are not sufficient qualified personnel, or where the review procedures are not in effect. Of course, Federal enforcement authority will cover all issues not included in the State plan. Employee complaints alleging discrimination under section 11(c) of the Act, which section is not included in section 18(e) and therefore is not subject to termination after an affirmative 18(e) determination will be subject to Federal jurisdiction.

The regulation also provides for written agreements as to the operational status of each State and publication of the level of Federal enforcement in the appropriate section of 29 CFR Part 1952.

3. *Public Participation.* The new § 1954.3 of this chapter contains general statements of policy which advise the States, employers, employees and the public of the guidelines by which the Assistant Secretary proposes to exercise his discretionary authority. It also includes interpretations of the Act and implementing regulations respecting concurrent authority. Regulations dealing with statutory interpretations and policy statements do not require a public comment period prior to becoming effective. (Administrative Procedure Act, 5 U.S.C. 553(b)(3)(A)).

In addition, the Assistant Secretary, in accordance with 5 U.S.C. 553(b)(3)(B) finds that good cause exists for not delaying further application of the amendments to Part 1954 for the following reasons:

1. The policy statements contained in this regulation have been discussed with the National Advisory Committee on Occupational Safety and Health and its Subcommittee on State Plans on December 6, 1973, December 20, 1973 and March 18, 1974. These discussions included input from members of the public, the States, employer and employee representatives, and further participation is considered unnecessary;

2. Immediate implementation of the discretionary authority guidelines which affect a temporary period already begun is necessary to assure adequate worker protection and the orderly development of Federal-State relations and further public comment would therefore be impractical.

Interested persons may, however, submit written data, views and arguments concerning this regulation until July 20, 1974. These comments should be addressed to the Associate Assistant Secretary for Regional Programs, Room 800, 1726 M Street NW., Washington, D.C. 20210.

In accordance with the above, Subpart A of 29 CFR Part 1954 is amended, effective June 20, 1974, by adding a new § 1954.3 formerly "[Reserved]" as follows:

---

[1] Commencement of operations is defined in 29 CFR 1953.10(b) as the plan approval date if the State initiates at the time of approval inspections and enforcement activity with respect to standards covered by the plan. But in any case it can be no later than the effective date of the grant approved under section 23(g) of the Act.

[2] Where, at the end of this 3 year period, the Assistant Secretary finds that the State has not substantially completed the developmental steps of the plan, the approval of the plan shall be withdrawn after notice and opportunity for a hearing. (29 CFR 1902.2(b)).

§ 1954.3 Exercise of Federal discretionary authority.

(a) (1) When a State plan is approved under section 18(c) of the Act, Federal authority for enforcement of standards continues in accordance with section 18 (e) of the Act. That section prescribes a period of concurrent Federal-State enforcement authority which must last for at least three years, after which time the Assistant Secretary shall make a determination whether, based on actual operations, the State plan meets all the criteria set forth in section 18(c) of the Act and the implementing regulations in 29 CFR Part 1902 and Subpart A of 29 CFR Part 1952. During this period of concurrent authority, the Assistant Secretary may, but shall not be required to, exercise his authority under sections 5 (a) (2), 8, 9, 10, 13 and 17 of the Act with respect to standards promulgated under section 6 of the Act where the State has comparable standards. Accordingly, section 18(e) authorizes, but does not require, the Assistant Secretary to exercise his discretionary enforcement authority over all the issues covered by a State plan for the entire 18(e) period.

(2) Existing regulations at 29 CFR Part 1902 set forth factors to be considered in determining how Federal enforcement authority should be exercised. These factors include: (i) whether the plan is developmental or complete; (ii) results of evaluations conducted by the Assistant Secretary; (iii) the State's schedule for meeting Federal standards; and (iv) any other relevant matters. (29 CFR 1902.1(c) (2) and 1902.20(b) (1) (iii).

(3) Other relevant matters requiring consideration in the decision as to the level of Federal enforcement include: (i) coordinated utilization of Federal and State resources to provide effective worker protection throughout the Nation; (ii) necessity for clarifying the rights and responsibilities of employers and employees with respect to Federal and State authority; (iii) increasing responsibility for administration and enforcement by States under an approved plan for evaluation of their effectiveness; and (iv) the need to react promptly to any failure of the States in providing effective enforcement of standards.

(b) *Guidelines for determining the appropriate level of Federal enforcement.* In light of the requirements of 29 CFR Part 1902 as well as the factors mentioned in paragraph (a) (3) above, the following guidelines for the extent of the exercise of discretionary Federal authority have been determined to be reasonable and appropriate. When a State plan meets all of these guidelines it will be considered operational, and the State will conduct all enforcement activity including inspections in response to employee complaints, in all issues where the State is operational. Federal enforcement activity will be reduced accordingly and the emphasis will be placed on monitoring State activity in accordance with the provisions of this part.

(1) *Enabling legislation.* A State with an approved plan must have enacted enabling legislation substantially in conformance with the requirements of section 18(c) and 29 CFR Part 1902 in order to be considered operational. This legislation must have been reviewed and approved under 29 CFR Part 1902. States without such legislation, or where State legislation as enacted requires substantial amendments to meet the requirements of 29 CFR Part 1902, will not be considered operational.

(2) *Approved State standards.* The State must have standards promulgated under State law which standards are the same as Federal standards; have been found to be at least as effective as the comparable Federal standards; or have been reviewed by the Assistant Regional Director under the delegation of authority in 29 CFR 1953.4 and found to provide overall protection equal to comparable Federal standards. Review of the effectiveness of State standards and their enforcement will be a continuing function of the evaluation process. Where State standards in an issue have not been promulgated by the State or have been promulgated and found not to provide overall protection equal to comparable Federal standards, the State will not be considered operational as to those issues.

(3) *Personnel.* The State must have a sufficient number of qualified personnel who are enforcing the standards in accordance with the State's enabling legislation. Where a State lacks the qualified personnel to enforce in a particular issue; e.g., Occupational Health, the State will not be considered operational as to that issue even though it has enabling legislation and standards.

(4) *Review of enforcement actions.* Provisions for review of State citations and penalties, including the appointment of the reviewing authority and the promulgation of implementing regulations, must be in effect.

(c) (1) *Evaluation reports.* One of the factors to consider in determining the level of Federal enforcement is the result of evaluations conducted under the monitoring system described in this part. While completion of an initial comprehensive evaluation of State operations is not generally a prerequisite for a determination that a State is operational under paragraph (b) of this section, such evaluations will be used in determining the Federal enforcement responsibility in certain circumstances.

(2) Where evaluations have been completed prior to the time a determination as to the operational status of a State plan is made, the results of those evaluations will be included in the determination.

(3) Where the results of one or more evaluations conducted during the operation of a State plan and prior to an 18 (e) determination reveal that actual operations as to one or more aspects of the plan fail in a substantial manner to be at least as effective as the Federal program, and the State does not adequately resolve the deficiencies in accordance with Subpart C of Part 1953, the appropriate level of Federal enforcement activity shall be reinstated. An example of such deficiency would be a finding that State standards and their enforcement in an issue are not at least as effective as comparable Federal standards and their enforcement. Federal enforcement activity may also be reinstated where the Assistant Secretary determines that such action is necessary to assure occupational safety and health protection to employees.

(d) (1) *Recognition of State procedures.* In order to resolve potential conflicting responsibilities of employers and employees, Federal authority will be exercised in a manner designed to recognize the implementation of State procedures in accordance with approved plans in areas such as variances, informing employees of their rights and obligations, and recordkeeping and reporting requirements.

(i) Variances; [Reserved]

(ii) Approved State posters; [Reserved]

(iii) Recordkeeping and reporting. [Reserved]

(e) *Discrimination complaints.* State plan provisions on employee discrimination do not divest the Secretary of Labor of any authority under section 11(c) of the Act. The Federal authority to investigate discrimination complaints exists even after an affirmative 18(e) determination. (See South Carolina decision 37 FR 25932, December 6, 1972). Employee complaints alleging discrimination under section 11(c) of the Act will be subject to Federal jurisdiction.

(f) (1) *Procedural agreements.* A determination as to the operational status of a State plan shall be accompanied by an agreement with the State setting forth the Federal-State responsibilities as follows: (i) scope of the State's operational status including the issues excluded from the plan, the issues where State enforcement will not be operational at the time of the agreement and the dates for commencement of operations; (ii) procedures for referral, investigation and enforcement of employee requests for inspections; (iii) procedures for reporting fatalities and catastrophes by the agency which has received the report to the responsible enforcing authority both where the State has and has not adopted the requirement that employers report as provided in 29 CFR 1904.8; (iv) specifications as to when and by what means the operational guidelines of this section were met; and (v) provision for resumption of Federal enforcement activity for failure to substantially comply with this agreement, or as a result of evaluation or other relevant factors.

(2) Upon approval of these agreements, the Assistant Secretary shall cause to be published in the FEDERAL REGISTER, notice of the operational status of each approved State plan.

(3) Where subsequent changes in the level of Federal enforcement are made, similar FEDERAL REGISTER notices shall be published.

(Sec. 8(g)(2), 18, 84 Stat. 1598, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C., this 13th day of June 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-14149 Filed 6-19-74;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Equal Employment Opportunity; Staff Responsibility

Part 2, Subtitle A, of Title 7, Code of Federal Regulations is amended to revise the delegations of authority by the Assistant Secretary for Administration to the Director, Office of Personnel, and the Director, Office of Equal Opportunity to provide staff assistance to the Assistant Secretary for Administration in his capacity as Director of Equal Employment Opportunity, as follows:

1. Section 2.78(a) is amended to read as follows:

§ 2.78 Director, Office of Personnel.

(a) *Delegations.* * * *

(11) Perform staff work for the Director of Equal Employment Opportunity including the preparation of decisions on complaints of discrimination.

(12) Prepare regulations, plans, and procedures necessary to carry out the Department's equal employment opportunity program.

* * * * *

2. Section 2.80 is amended as follows:

§ 2.80 Director, Office of Equal Opportunity.

(a) *Delegations.* * * *

(8) [Deleted.]

Effective date: These amendments shall become effective on June 20, 1974.

Dated: June 14, 1974.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.74-14118 Filed 6-19-74;8:45 am]

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

[Valencia Orange Regulation 470]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 21-27, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.770 Valencia Orange Regulation 470.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges deteriorated last week. Prices f.o.b. averaged $3.50 per carton on a reported sales volume of 825 carlots last week, compared with an average f.o.b. price of $3.65 per carton and sales of 1,028 carlots a week earlier. Track and rolling supplies at 615 cars were down 36 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until July 22, 1974 (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 18, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 21, 1974, through June 27, 1974, are hereby fixed as follows:

(i) District 1: 257,000 cartons;
(ii) District 2: 193,000 cartons;
(iii) District 3: Unlimited movement.

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

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

Dated: June 19, 1974.

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

[FR Doc.74-14334 Filed 6-19-74;12:15 pm]

[Grapefruit Reg. 14; Amdt. 5]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Grade Requirement for Imports of Seeded Grapefruit

This amendment lowers the minimum grade requirement applicable to imported seeded grapefruit to Improved No. 2 on June 14, 1974. This requirement is the same as that applicable to seeded grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

This amendment is consistent with section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable requirements as those in effect for the domestically produced commodity. This regulation establishes the same grade requirement on imported seeded grapefruit as is effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

Order. In § 944.110 (Grapefruit Regulation 14; 38 FR 26108, 28286; 39 FR 7798, 16472, 17970) the provisions of paragraph (a) are amended to read as follows:

§ 944.110 Grapefruit Regulation 14.

(a) * * *

(1) Seeded grapefruit shall grade at least Improved No. 2 ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.) and be of a size not smaller than $3\frac{1}{16}$ inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of U.S. No. 1 grade as to shape (form) and color.) and be of a size not smaller than $3\frac{5}{16}$ inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this amendment fixes the same requirements on imports of seeded grapefruit as are applicable under amended Grapefruit Regulation 74 (§ 905.551) to the shipment of seeded grapefruit grown in Florida; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment lowers requirements on the importation of seeded grapefruit.

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

Dated: June 13, 1974 to become effective June 14, 1974.

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

[FR Doc.74–14117 Filed 6–19–74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1974 Crop Flue-Cured Tobacco Farm-Stored Loan Supplement

This subpart constitutes the annual crop year supplement to the Subpart—1972 and subsequent crops flue-cured tobacco farm-stored loan program (7 CFR § 1421.400 et seq.).

On page 5777 of the FEDERAL REGISTER of February 15, 1974, there was published a notice of proposed rulemaking relating to the 1974 tobacco loan program. Interested persons were given until March 15, 1974, to submit written comments, suggestions, or objections regarding the proposed program. No written comments, suggestions, or objections were received regarding the loan program.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops published at 35 FR 7363 and 7781 and any amendments thereto, and the Subpart—1972 and Subsequent Crops Flue-Cured Tobacco Farm-Stored Loan Program Regulations, published at 37 FR 16930 and any amendments to such regulations are further supplemented for the 1974-crop Flue-cured tobacco.

Sec.
1421.420 Availability.
1421.421 Farm storage interim loan rate.
1421.422 Rate of interest.
1421.423 Liquidation of loans.
1421.424 Delivery charge.
1421.425 Maturity of loans.

AUTHORITY: Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended; 1054, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 15 U.S.C. 714b, 714c.

§ 1421.420 Availability.

A produced desiring a farm storage storage loan on his eligible Flue-cured tobacco stored in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia must request a loan at the county ASCS office not later than November 1, 1974.

§ 1421.421 Farm storage interim loan rate.

The loan will be made at a rate of 62 cents per pound for regular varieties or 31 cents per pound for discount varieties on the quantity of eligible tobacco tendered as security for a loan under this subpart if such tobacco is equal to or better than the average grade composition of a normal crop. If the producer certifies the grade composition to be below such average quality, the rate of loan shall be 15 cents less than the average loan rate for which he estimates such tobacco would qualify.

§ 1421.422 Rate of interest.

Loans shall bear interest at the rate announced in a separate notice published in the FEDERAL REGISTER.

§ 1421.423 Liquidation of loans.

(a) Section 1421.19 of the general regulations shall not apply to this program. Loans shall be liquidated by repayment of the amount loaned, plus interest, on or before maturity to the county office which approved the loan, either directly by the producer or by the buyer or the Marketing Recorder upon sale of tobacco securing the loan; or by delivery, as directed by CCC, during a period of approximately 1 week beginning immediately after the close of the 1974 auction marketing season to a cooperative association designated by CCC, of a quantity of Flue-cured tobacco eligible for price support having a settlement value equal to the outstanding principal balance of the loan.

(b) Notwithstanding the provisions of § 1421.23 of the general regulations, no deduction for storage charges will be made if the tobacco is delivered during this period. The association will advise producers of the time and place at which the tobacco is to be delivered in liquidation of farm storage loans and will determine the settlement value of the tobacco delivered on the basis of the grade and quality thereof as determin eehbydt and quality thereof as determined by the inspection service of the Agricultural Marketing Service, USDA.

§ 1421.424 Delivery charge.

Notwithstanding the provisions of § 1421.11 of the general regulations, there shall be no delivery charge on the tobacco delivered to the association.

§ 1421.425 Maturity of loans.

Unless demand is made earlier, farm storage loans on Flue-cured tobacco will mature on December 1, 1974.

Effective date: June 20, 1974.

Signed at Washington, D.C. on June 14, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74–14201 Filed 6–19–74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

Revisions of Quality Assurance Practices

The Atomic Energy Commission has revised acceptance sampling procedures for persons specifically licensed under 10 CFR Part 32 to manufacture, distribute, or import exempted and generally licensed items containing byproduct material. As revised, the acceptance sampling procedures in § 32.110 are based on the concept of Lot Tolerance Percent Defective (LTPD) which is defined in new § 32.2(b) as, expressed in percent defective, the poorest quality in an individual inspection lot that should be accepted.

Conforming amendments of §§ 32.15, 32.55, and 32.62 provide assurance that persons licensed under §§ 32.14, 32.53, or 32.61 will for LTPD of 5.0 percent accept or reject inspection lots of products in accordance with the directions of § 32.110. In addition, the amendments provide that the Commission will approve alternative procedures if the applicant for a license demonstrates that the alternative procedures provide the equivalent of LTPD 5.0 percent.

The effect of the amendments is to provide uniform protection against the acceptance of poor quality lots. For example, a 50-item inspection lot containing 5.0 percent defectives would have the same chance, one chance in ten, of being accepted as a 100,000-item inspection lot containing 5.0 percent defectives.

The sampling table for LTPD 5.0 percent is consistent with Sampling Table A, lot size 1301 to 3200, previously set out in § 32.110. With regard to protection as a function of lot size, a mathematical analysis has demonstrated that Sampling Table A previously set out in § 32.110, even though based on an Acceptable Quality Level of 1 percent defective, had one chance in ten of accepting 4 percent defectives in a lot size of 22,000 and one chance in ten of accepting 14 percent defectives in a lot size of 110.

In anticipation of additional products being subjected to acceptance sampling procedures in 10 CFR Part 32, eight single sampling tables covering the range of 0.5 percent to 10.0 percent LTPD are set out in § 32.110(b), any one of which may be referenced depending on the percent defectives that can be tolerated in inspection lots of the product under consideration.

Inasmuch as the amendments set forth below are of a minor nature, good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 32 are published as a document subject to codification.

1. In § 32.2 of 10 CFR Part 32, a new paragraph (b) is added to read as follows:

§ 32.2 Definitions.

* * * * *

(b) Lot Tolerance Percent Defective means, expressed in percent defective, the poorest quality in an individual inspection lot that should be accepted.

2. In § 32.15 of 10 CFR Part 32, the section heading is amended, the prefatory language is designated as paragraph (a), paragraphs (a), (b), and (c) are redesignated as paragarphs (a)(1), (a)(2), and (a)(3), and new paragraphs (b) and (c) are added to read as follows:

§ 32.15 Same: quality assurance, prohibition of transfer, and labeling.

(a) Each person licensed under § 32.14 shall:

(1) Maintain quality assurance practices in the manufacture of the part or product, or the installation of the part into the product;

(2) Subject inspection lots to such testing as may be required as a condition of the license issued under § 32.14 taking a random sample of the size required by the tables in § 32.110, and for Lot Tolerance Percent Defective of 5.0 percent, accept or reject inspection lots in accordance with the directions of § 32.110; and

(3) Visually inspect each unit, except electron tubes containing byproduct material, in inspection lots. Any unit which has an observable physical defect that could affect containment of the byproduct material shall be considered as a defective unit.

(b) An application for a license or for amendment of a license may include a description of procedures proposed as alternatives to those prescribed by § 32.15(a)(2), and proposed criteria for acceptance under those procedures. The Commission will approve the proposed alternative procedures if the applicant demonstrates that the operating characteristic curve or confidence interval estimate for the alternative procedures provides a Lot Tolerance Percent Defective of 5.0 percent at the consumer's risk of 0.10.

(c) No person licensed under § 32.14 shall transfer to other persons for use under § 30.15 of this chapter or equivalent regulations of an Agreement State:

(1) Any part or product which has been tested and found defective under the criteria and procedures specified in the license issued under § 32.14, unless the defective units have been repaired or reworked and have then met such criteria as may be required as a condition of the license issued under § 32.14; or

(2) Any inspection lot which has been rejected as a result of the procedures in § 32.110 or alternative procedures in paragraph (b) of this section, unless the defective units have been sorted and removed or have been repaired or reworked and have then met such criteria as may be required as a condition of the license issued under § 32.14.

* * * * *

3. In § 32.55 of 10 CFR Part 32, the section heading and paragraphs (b), (c), and (d) are amended to read as follows:

§ 32.55 Same: quality assurance; prohibition of transfer.

* * * * *

(b) Each person licensed under § 32.53 shall take a random sample of the size required by the table in § 32.110 for Lot Tolerance Percent Defective of 5.0 percent from each inspection lot, and shall subject each unit in the sample to the following tests:

(1) Each device shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of water entry. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any device which leaks as evidenced by bubbles emanating from within the device, or water entering the device, shall be considered as a defective unit.

(2) The immersion test water from the preceding test in paragraph (b)(1) of this section shall be measured for tritium or promethium 147 content by an apparatus that has been calibrated to measure tritium or promethium 147, as appropriate. If more than 0.1 percent of the original amount of tritium or promethium 147 in any device is found to have leaked into the immersion test water, the leaking device shall be considered as a defective unit.

(3) The levels of radiation from each device containing promethium 147 shall be measured. Any device which has a radiation level in excess of 0.5 millirad per hour at 10 centimeters from any surface when measured through 50 milligrams per square centimeter of absorber, shall be considered as a defective unit.

(c) An application for a license or for amendment of a license may include a description of procedures proposed as alternatives to those prescribed by paragraph (b) of this section, and proposed criteria for acceptance under those procedures. The Commission will approve the proposed alternative procedures if the applicant demonstrates that:

(1) They will consider defective any sampled device which has a leakage rate exceeding 0.1 percent of the original quantity of tritium of promethium 147 in any 24-hour period; and

(2) The operating characteristic curve or confidence interval estimate for the alternative procedures provides a Lot Tolerance Percent Defective of 5.0 percent at the consumer's risk of 0.10.

(d) No person licensed under § 32.53 shall transfer to persons generally licensed under § 31.7 of this chapter:

(1) Any luminous safety device which has been tested and found defective

under the criteria and procedures specified in this section, unless the defective units have been repaired or reworked and have then met the tests set out in paragraph (b) of this section; or

(2) Any inspection lot which has been rejected as a result of the procedures in § 32.110 or alternative procedures in paragraph (c) of this section, unless the defective units have been sorted and removed or have been repaired or reworked and have then met the tests set out in paragraph (b) of this section.

4. In § 32.62 of 10 CFR Part 32, the section heading, and paragraphs (c), (d), and (e) are amended to read as follows:

§ 32.62 Same: quality assurance; prohibition of transfer.

Ice detection devices containing strontium 90 which are manufactured or imported under a license pursuant to § 32.61 shall be subjected to the following procedures:

* * * * *

(c) Each person licensed under § 32.61 take a random sample of the size required by the table in § 32.110 for Lot Tolerance Percent Defective of 5.0 percent from each inspection lot, and shall subject each unit in the sample to the following tests:

(1) Each device shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of physical contact between the water and the strontium 90. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any device which leaks, as evidenced by physical contact between the water and the strontium 90, shall be considered as a defective unit.

(2) The immersion test water from the preceding test in paragraph (c)(1) of this section shall be measured for radioactive material. If the amount of radioactive material in the immersion test water is greater than 0.1 percent of the original amount of strontium 90 in any device, the device shall be considered as a defective unit.

(d) An application for a license or for amendment of a license may include a description of procedures proposed as alternatives to those prescribed by paragraph (c) of this section, and proposed criteria for acceptance under those procedures. The Commission will approve the proposed alternative procedures if the applicant demonstrates that:

(1) They will consider defective any sampled device which has a leakage rate exceeding 0.1 percent of the original quantity of strontium 90 in any 24-hour period; and

(2) The operating characteristic curve or confidence interval estimate for the alternative procedures provides a Lot Tolerance Percent Defective of 5.0 percent at the consumer's risk of 0.10.

(e) No person licensed under § 32.61 shall transfer to persons generally licensed under § 31.10 of this chapter:

(1) Any device which has been tested and found defective under the criteria and procedures specified in this § 32.62 unless the defective units have been repaired or reworked and then met the tests set out in paragraph (c) of this section; or

(2) Any inspection lot which has been rejected as a result of the procedures in § 32.110 or alternative procedures in paragraph (d) of this section, unless the defective units have been sorted and removed or have been repaired or reworked and have been sorted and removed or have been repaired or reworked and have then met the tests set out in paragraph (c) of this section.

5. In § 32.110 of 10 CFR Part 32, the section heading and paragraph (a) are amended, paragraphs (b), (c), and (d) are deleted, and a new paragraph (b) is added to read as follows:

§ 32.110 Acceptance sampling procedures under certain specific licenses.

(a) A random sample shall be taken from each inspection lot of devices licensed under §§ 32.14, 32.53, or 32.61 for which testing is required pursuant to §§ 32.15, 32.55, or 32.62 in accordance with the appropriate Sampling Table in this section determined by the designated Lot Tolerance Percent Defective. If the number of defectives in the sample does not exceed the acceptance number in the appropriate Sampling Table in this section, the lot shall be accepted. If the number of defectives in the sample exceeds the acceptance number in the appropriate Sampling Table in this section, the entire inspection lot shall be rejected.

(b) Single sampling tables for Lot Tolerance Percent Defective:

(1) Lot Tolerance Percent Defective 0.5 percent:

Lot size	Sample size	Acceptance No.
1 to 180	All	0
181 to 210	180	0
211 to 250	210	0
251 to 300	240	0
301 to 400	275	0
401 to 500	300	0
501 to 600	320	0
601 to 800	350	0
801 to 1,000	365	0
1,001 to 2,000	410	0
2,001 to 3,000	430	0
3,001 to 4,000	440	0
4,001 to 5,000	445	0
5,001 to 7,000	450	0
7,001 to 10,000	455	0
10,001 to 20,000	460	0
20,001 to 50,000	775	1
50,001 to 100,000	780	1

(2) Lot Tolerance Percent Defective 1.0 percent:

Lot size	Sample size	Acceptance No.
1 to 120	All	0
121 to 150	120	0
151 to 200	140	0
201 to 300	165	0
301 to 400	175	0
401 to 500	180	0
501 to 600	190	0
601 to 800	200	0
801 to 1000	205	0
1001 to 3000	220	0
3001 to 5000	225	0
5001 to 10,000	230	0
10,001 to 100,000	390	1

(3) Lot Tolerance Percent Defective 2.0 percent:

Lot size	Sample size	Acceptance No.
1 to 75	All	0
76 to 100	70	0
101 to 200	85	0
201 to 300	95	0
301 to 400	100	0
401 to 600	105	0
601 to 800	110	0
801 to 4000	115	0
4001 to 10,000	195	1
10,001 to 100,000	200	1

(4) Lot Tolerance Percent Defective 3.0 percent:

Lot size	Sample size	Acceptance No.
1 to 40	All	0
41 to 55	40	0
56 to 100	55	0
101 to 200	65	0
201 to 500	70	0
501 to 3000	75	0
3001 to 100,000	180	1

(5) Lot Tolerance Percent Defective 4.0 percent:

Lot size	Sample size	Acceptance No.
1 to 35	All	0
36 to 50	34	0
51 to 100	44	0
101 to 200	50	0
201 to 2000	55	0
2001 to 100,000	95	1

(6) Lot Tolerance Percent Defective 5.0 percent:

Lot size	Sample size	Acceptance No.
1 to 30	All	0
31 to 50	30	0
51 to 100	37	0
101 to 200	40	0
201 to 300	43	0
301 to 400	44	0
401 to 2000	45	0
2001 to 100,000	75	1

(7) Lot Tolerance Percent Defective 7.0 percent:

Lot size	Sample size	Acceptance No.
1 to 25	All	0
26 to 50	24	0
51 to 100	28	0
101 to 200	30	0
201 to 300	31	0
301 to 800	32	0
801 to 1,000	33	0
1,001 to 100,000	55	1

(8) Lot Tolerance Percent Defective 10.0 percent:

Lot size	Sample size	Acceptance No.
1 to 20	All	0
21 to 50	17	0
51 to 100	20	0
101 to 200	22	0
201 to 800	23	0
801 to 100,000	39	1

Effective date: These amendments become effective on July 22, 1974.

(Secs. 81, 161, Pub. L. 83-703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201))

Dated at Bethesda, Md. this 13th day of June 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-14090 Filed 6-19-74;8:45 am]

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIAL UNDER CERTAIN CONDITIONS

Broadening of General License Conditions

In the revised Memorandum of Understanding between the Atomic Energy Commission and the Department of Transportation dated March 22, 1973, the Commission agreed to evaluate package designs for fissile material and Type B and large quantities of radioactive material, and if found satisfactory, to issue approvals directly to the persons requesting the evaluation. The Department of Transportation in its regulations has authorized the use of such AEC-approved packages by any person, without the need for a DOT Special Permit, provided the packages meet certain specified requirements.

The purpose of the amendments which follow is to authorize persons holding a general or specific AEC license to use, under a general license, package designs for which a certificate of compliance or other approval has been issued by the Commission's Directorate of Licensing. A certificate of compliance would be the form by which a package approval would be issued to persons, such as Agreement State licensees, for whom AEC does not issue licenses or license amendments. This change will eliminate duplicate applications for package approvals and issuance of duplicate package approvals to licensees for package designs which are evaluated pursuant to the Memorandum of Understanding between the Atomic Energy Commission and the Department of Transportation without affecting safety in the use of the package.

The general license does not authorize the receipt, possession, or use of byproduct, source or special nuclear material; such authorization must be obtained pursuant to the appropriate regulations (10 CFR Parts 30 to 36, 40 or 70). The general license also does not authorize the transportation of licensed material. Transportation by private, common, or contract carriers is subject to the requirements of the Department of Transportation (49 CFR Parts 170 to 179 and 397; 14 CFR Part 103; 46 CFR Part 146) either directly or through requirements in AEC or state regulations.

Since the amendments set forth below relate solely to minor procedural matters, good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary. Since the amendments grant relief from restrictions under regulations currently in effect, they will become effective without the customary 30 day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 71, are published as a document subject to codification.

1. The section heading and paragraph (b) of § 71.12 are amended to read as follows:

§ 71.12 General license for shipment in DOT specification containers, in packages approved for use by another person, and in packages approved by a foreign national competent authority.

A general license is hereby issued to persons holding a general or specific license issued pursuant to this chapter, to deliver licensed material to a carrier for transport:

* * * * *

(b) In a package for which a license, certificate of compliance or other approval has been issued by the Commission's Directorate of Licensing, provided that:

(1) The person using a package pursuant to the general license provided by this paragraph:

(i) Has a copy of the specific license, certificate of compliance, or other approval authorizing use of the package and all documents referred to in the license, certificate, or other approval, as applicable;

(ii) Complies with the terms and conditions of the license, certificate, or other approval, as applicable, and the applicable requirements of this part; and

(iii) Prior to first use of the package submits in writing to the Directorate of Licensing, his name and license number, the name and license or certificate number of the person to whom the package approval has been issued, and the package identification number specified in the package approval.

(2) The package approval authorizes use of the package under general license provided in this paragraph.

* * * * *

2. Section 71.25 is amended to read as follows:

§ 71.25 Additional information.

The Commission may at any time require further information in order to enable it to determine whether a license, certificate of compliance, or other approval should be granted, denied, modified, suspended, or revoked.

Effective date. This amendment becomes effective on June 20, 1974.

(Secs. 53, 63, 81, 161; Pub. L. 83-703, 88-489; 68 Stat. 930, 933, 935, 948 as amended (42 U.S.C. 2073, 2093, 2111 and 2201))

Dated at Bethesda, Md. this 4th day of June 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-14159 Filed 6-19-74;8:45 am]

CHAPTER II—FEDERAL ENERGY OFFICE

PART 210—GENERAL ALLOCATION AND PRICE RULES

"Summer Fill" and Other "Dating" Programs

A notice of proposed rulemaking which proposed revisions to the Normal Business Practices regulation found in Subpart D of Part 210 was issued by the Federal Energy Office on May 21, 1974 (39 FR 18471, May 28, 1974). Comments were invited from interested persons by June 7, 1974 and approximately 25 written comments were received by FEO. All comments have been considered by FEO and the amendment adopted today is adopted in light of the suggestions contained in the comments, some of which are reflected in modifications in the text of the amendment from that which was originally proposed.

Section 210.62, entitled "Normal Business Practices" is hereby amended to require suppliers to maintain their "summer fill" and other special dating or seasonal credit programs, if they had such programs in effect in connection with the supply of covered products to purchasers during the allocation base period.

The comments which FEO has received respecting this amendment, indicate that certain credit practices, such as "summer fill" programs or dating terms, were offered by suppliers on a seasonal basis, and that they substantially influenced the supply relationships and volumes of product during the allocation base period, as defined in Part 211 for each product. Although seasonal credit terms were in existence during the allocation base period (1972 for most products), they may not have been offered to purchasers of that product on May 15, 1973. Since current monthly allocations and supply obligations are determined under FEO regulations by reference to base period volumes and since those volumes were influenced by these seasonal credit programs, FEO has determined that the discontinuance of such programs would be likely to have a disruptive effect on the allocation patterns established under the regulations required by the Emergency Petroleum Allocation Act of 1973.

In order to avoid such disruption of distribution patterns and also to promote and maintain adequate and reliable sources of supply for these products, FEO has therefore amended § 210.62 to explicitly state that such seasonal credit programs will be treated by FEO as "normal business practices" which must be maintained by a supplier if they were in effect during the appropriate base period, as defined in Part 211 with regard to a particular product.

Section 210.62 has also been amended to make explicit that credit terms other than those associated with seasonal credit programs are to be treated under FEO regulations as a function of price. Prices are determined under Part 212 by reference to the May 15, 1973 price for a particular covered product to a class of purchaser. This revision simply recognizes that credit terms constitute an essential aspect of price, and that, except for seasonal credit programs, credit terms

are most appropriately determined by reference to the May 15, 1973 price (See, e.g., FEO Ruling 1974–10, 39 FR 1540, May 1, 1974).

SUMMER FILL

Many suppliers of No. 2 heating oil offered a so-called "summer fill" credit option to their wholesale purchasers during calendar year 1972, which is the base period for allocation of middle distillates under Part 211. The "summer fill" programs offered by suppliers varied in detail, but contained one or more of the following general features:

(1) *Deferred Payment.* Payment for deliveries accepted during a "summer fill" period (e.g., May 1 through September 30), was not due until a date subsequent to this period (e.g., October 10th);

(2) *Discount Option.* A percentage discount (e.g., 1 percent) on the purchase price was provided if payment was made prior to the date it was due, for "summer fill" purchases;

(3) *Price Protection.* Any price reduction implemented by a supplier during the entire "summer fill" period was applicable to all deliveries made prior to the price reduction and within the "summer fill" period.

Considerable comment was received by FEO on the relationship between any price protection provisions and the FEO price regulations. Certain summer fill programs have, in the past, provided purchasers with an assurance that there would be no price increase during the period of the program. FEO has concluded, however, that this aspect of price protection is impracticable in view of the significantly changed price conditions now, as opposed to when such guarantees were given. Moreover, such a guarantee is not essential to fulfilling the objectives of summer fill programs, since even if prices go up during the course of a summer fill program, a purchaser that pays the prices at which it was invoiced each month would, at the end of the program, have a lower average unit cost of product in inventory than if all of the product had been purchased at the higher prices prevailing at the end of the period. Thus, the possibility that prices will go up during a summer fill program would not discourage use of such a program. Also, any assurance that prices crease significantly, result in a substantial amount of unrecouped increased product costs for refiners, which would tend to have a disruptive effect on the overall prices of products sold under summer fill programs.

Accordingly, FEO will not require the maintenance of price protection against price increases under any summer fill program, even if such protection were a part of a summer-fill program in effect in the base period. Thus, in a situation that involves stable or increasing prices during the course of a summer fill program, purchasers will be required to pay the price for the product which is in effect during the month when it is delivered.

Most summer fill programs have, in the past, included "price protection" against reductions in price during the period of the program. The FEO has concluded that such price protection, where previously offered, must be maintained as essential to insuring that the objectives of summer fill programs are achieved and because no disruption of prices is involved. Unless protection against price reductions is provided, a purchaser would be discouraged from taking part in a summer fill program because if prices decrease during the period of the program, the purchaser would have a higher average unit cost of product in inventory at the end of the program than the current cost for the product, and would therefore be at a disadvantage in seeking to sell the product at competitive prices. Further, the maintenance of protection against price decreases does not pose any undue problems under the FEO price regulations. Thus, to the extent such price protection was available under base period summer fill programs, it must be provided currently, even if it was not actually implemented in the base period because price reductions did not occur. The fact that price protection against reductions in price was provided is the significant fact, since, as noted above, it serves as an incentive to utilize summer fill terms.

As some questions were raised as to the proper application of FEO price regulations under price protection provisions of summer fill programs, it is appropriate here to indicate how those regulations should be applied.

In the case of a refiner which makes deliveries of product under a summer fill program, invoices for such product should be provided to indicate the refiner's lawful price for that product to the purchaser for that month, and the refiner should compute its recoupment of increased product costs for that month based on the invoice price. If, in the subsequent month, a refiner's lawful price for that product to that purchaser is less than in the preceding month, the refiner should adjust the preceding month's price to that of the current month and, at the same time, add to its unrecouped increased product costs, available for application to its May 15, 1973 selling price in computing its current month's base price, an amount equal to the volume of the product sold in the preceding month multiplied by the difference in lawful price between the current month and the preceding month. The same procedure should be followed by the refiner each month. In any month where the lawful price is less than the lawful price in a preceding month (or the lawful price as previously adjusted to take into account a price reduction, as described above) a further adjustment to reduce the prices for the preceding month or months to the current month's prices, and to adjust for unrecouped increased product costs must be made.

With respect to a reseller that purchases product under a summer fill program, it must compute its current weighted average unit cost on the basis of the invoices it receives with each delivery of product. If a purchaser receives an invoice in a subsequent month at a lower price than in a preceding month of a summer fill program under which it has protection against price reductions, it must make an adjustment to its inventory costs when it computes weighted average unit cost of the product in inventory for the current month, to take into account the price reduction it received for the prior month.

To do so, the purchaser must deduct from the total cost of its inventory an amount equal to the number of gallons received in the prior month at a higher price multiplied by the difference between the prior month's price and the current month's price. This is to remove from the purchaser's cost of inventory the amounts previously included, but which will not ultimately need to be paid because of protection against price reductions.

FEO price regulations eliminate one aspect of summer fill programs which was formerly a factor—the purchaser's opportunity for taking an additional mark-up on summer-fill supplies as prices rise during the heating season. One refiner stated that this was sufficient incentive for summer purchases, even absent a summer fill program, and one association of jobbers stated that the reseller rules should be modified to permit such additional mark-ups. FEO has concluded that its current price regulations covering pass through of increased product cost by resellers should not be modified, and, accordingly, the opportunity for additional mark-up is not available and does not serve as an incentive to use storage capacity.

In addition to the relationship between allocation volumes and the availability of summer fill terms, FEO noted in its proposal to amend the regulations that summer fill programs appeared to be important to attaining the objectives of the Emergency Petroleum Allocation Act of 1973, in that they insure that existing storage capacity for heating oil is fully utilized and that wholesale purchasers had constructed storage capacity in reliance on the availability of such programs.

The comments received by FEO support the fact that the availability of summer fill programs is important to meeting the objectives of the Act.

The comments confirmed that availability of summer fill programs added to the nation's overall storage capacity, by fully utilizing that capacity, both of jobbers and terminal operators, and of consumers.

The comments further pointed out that the maintenance of summer fill programs was necessary to preserve the his-

toric distribution patterns with respect to branded and nonbranded independent marketers.

Various entities pointed out in their comments that their summer fill programs differed in detail from that outlined in FEO's notice. It should be emphasized that the rule adopted today simply requires suppliers to conform to their normal business practices in the base period concerning such programs, and does not establish a single summer fill program applicable to all suppliers.

Finally, FEO has determined that it would not be appropriate to require purchasers now to make current payments for those volumes that were received under dating programs in 1972. While suppliers may be required now to bear interest costs that are higher than they were in 1972, because of "summer fill" programs, this does not provide justification for shifting that cost to their wholesale purchasers who would be placed in a position either of assuming that cost or of not obtaining supplies to which they are entitled under the allocation program. Moreover, storage facilities constructed in part because of the availability of "summer fill" programs would then be unused. FEO has determined that such a result would not be equitable or consistent with its regulatory structure.

As indicated in the notice of rulemaking, § 210.62, as amended, requires that "summer fill" credit options available to base period purchasers must be offered to those same purchasers during the corresponding time period in 1974. Accordingly, any payments made for deliveries by purchasers entitled to the "summer fill" options and which are not required under such options must now be refunded by suppliers or credited to current accounts of the purchaser.

Where a purchaser that had summer fill terms in the base period is currently being supplied by a supplier other than its base period supplier, such purchaser must be placed in the new supplier's class of purchaser which is afforded the "summer fill" credit option. If the new supplier had no "summer fill" program in the base period, then the former "summer fill" purchaser must be placed in that supplier's class of purchaser which is afforded credit options which most nearly approximate the "summer fill" program previously offered to such purchaser.

If any wholesale purchaser with an entitlement to purchase in May or June, 1974, which was based on supplies received under the terms of a summer fill program in 1972, did not take the full amount of its entitlement because of the unavailability of summer fill terms, the unused portion of the entitlement will be carried forward to the month of July 1974.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33675)

In consideration of the foregoing, Part 210 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective May 1, 1974.

Issued in Washington, D.C., on June 17, 1974.

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

Section 210.62(a) is amended to read as follows:

§ 210.62 Normal Business Practices.

(a) Suppliers will deal with purchasers of an allocated product according to normal business practices in effect during the base period specified in Part 211 for that allocated product, and no supplier may modify any normal business practice so as to result in the circumvention of any provision of this chapter. "Summer fill" programs and other "dating" or seasonal credit programs are among the normal business practices which must be maintained by a supplier under this paragraph, if that supplier had such programs in effect during the base period. Credit terms other than those associated with seasonal credit programs are included as a part of the May 15, 1973 price charged to a class of purchaser under Part 212 of this Chapter. Nothing in this paragraph shall be construed to require suppliers to sell to purchasers who do not arrange proper credit or payments for allocated products, as customarily associated with that class of purchaser during the base period (for seasonal credit), or on May 15, 1973 (for other credit terms). However, no supplier may require or impose more stringent credit terms or payment schedules on purchasers than those in effect for that class of purchaser during the base period (for seasonal credit), or on May 15, 1973 (for other credit terms).

* * * * *

[FR Doc.74-14152 Filed 6-17-74;2:50 pm]

[Ruling 1974-19]

APPENDIX—FEO RULINGS

Competitive Bids; Supplier/Purchaser Relationship

Facts: County A, located in State B, historically solicited competitive bids from fuel suppliers for middle distillate which it uses for heating fuel. State B's laws and County A's ordinances required County A to procure such supplies by soliciting competitive bids. For the year 1972, Firm C was the successful bidder to supply County A's requirement of middle distillate. Firm D was the low bidder for 1973 and 1974. County A purchased in excess of 84,000 gallons of middle distillate in 1972.

County X, also located in State B, has historically solicited competitive bids from fuel suppliers for middle distillate which it uses for heating fuel. County X's ordinances also require County X to procure such supplies by soliciting competitive bids.

For the year 1972, Firm Y was the successful bidder to supply County X's requirements of middle distillate. Firm Z was the low bidder for 1973 and 1974. County X has never purchased more than 75,000 gallons of middle distillate in any calendar year subsequent to 1971.

Issues: (1) Is Firm D or Firm C the middle distillate supplier of County A under the Mandatory Petroleum Allocation Program? (2) Is Firm Y or Firm Z the middle distillate supplier of County X under the Mandatory Petroleum Allocation Program?

Ruling: The mandatory allocation regulations in 10 CFR Part 211, provide no exemption for Federal, State or local governments. Therefore, County A, County X and State B are fully subject to all the provisions of that Part. The competitive bid requirements of the laws and ordinances of State B, County A, and County X are superseded to the extent they are inconsistent with the allocation regulations.

Since County A and County X are ultimate consumers of middle distillate, the supplier/purchaser relationship imposed by the allocation regulations will depend on whether they are end-users or wholesale purchaser-consumers.

County A as a wholesale purchaser-consumer. County A is a wholesale purchaser-consumer since it is an ultimate consumer:

> * * * which as part of its normal business practices, purchases or obtains an allocated product from a supplier and receives delivery of that product into a storage tank substantially under * * * (its) control at a fixed location and * * * purchased or obtained more than 84,000 gallons of that allocated product in any calendar year subsequent to 1971. (§ 211.51.)

Since County A is a wholesale purchaser-consumer its supplier/purchaser relationships will be determined by reference to § 211.9(a) which provides that wholesale purchaser-consumers shall be supplied by their base period suppliers. The base period for middle distillate is the month of 1972 which corresponds to the current month (§ 211.122). County A will therefore be supplied by Firm C rather than Firm D since Firm C was County A's 1972 supplier. Section 211.9 (a) (2) (ii) provides that such a supplier/purchaser relationship shall be maintained for the duration of the Mandatory Petroleum Allocation Program unless otherwise provided by FEO's regulations or directed by FEO "* * * and may not be revised or otherwise terminated except that such relationship may be terminated by the mutual consent of both parties."

Consequently, Firm C will be County A's supplier for 1974 and for the duration of the Mandatory Petroleum Allocation Program, unless FEO assigns County A a different supplier pursuant to § 211.12 (e) (1) or (3).

Section 211.12(e)(1) provides that wholesale purchaser-consumers without

a base period supplier or a new supplier as provided in § 211.10(e)(1) can make mutually acceptable arrangements with suppliers subject to FEO approval. Since County A has a base period supplier (Firm C), it cannot make a mutually acceptable arrangement with a supplier pursuant to § 211.12(e)(1).

Section 211.12(e)(3) provides in part that FEO may assign a supplier to a wholesale purchaser-consumer whose base period supplier is unable to supply it with sufficient amounts of an allocated product. This provision may not be used in circumstances where the base period supplier is able to supply sufficient quantities of product even if the supplier charges higher lawful prices than a wholesale purchaser-consumer would like to pay or higher prices than another supplier might charge.

In those circumstances where FEO considers an assignment pursuant to § 211.12(e)(1) or (3) FEO will take into account such factors as the supplier's allocation fraction, the allocation fraction of other suppliers which could supply the wholesale purchaser-consumer, and whether an assignment will affect the competitive position of any independent marketer, or small or independent refiner or would be otherwise inconsistent with the objectives of the Emergency Petroleum Allocation Act of 1973. The fact that a wholesale purchaser-consumer is a governmental entity required by State and local law to procure supplies at the lowest price will not be a controlling factor in assigning a new supplier to a wholesale purchaser-consumer without a base period supplier. The regulations are intended to be applied equitably such that the burden of fuel shortages will be borne without regard to whether a governmental agency or a private citizen is involved.

County A, of course, is free to procure supplies from any supplier which certifies that it has excess product to distribute and that it has complied with the provisions of § 211.10(g) of FEO's regulations. Thus, County A on a month-to-month basis could attempt to secure its supplies from such suppliers. However, FEO cautions that County A will not know from month-to-month which suppliers will be able to make such a certification. Further, County A will not be able to anticipate whether such suppliers' prices will be higher than or lower than Firm C's.

County X as an end-user. Unlike County A, County X is an end-user rather than a wholesale purchaser-consumer since it has not purchased or obtained more than 84,000 gallons of middle distillate in any calendar year since 1971.

An end-user is "* * * any firm which is an ultimate consumer of an allocated product other than a wholesale purchaser-consumer." (§ 211.51.)

Since County X is an end-user, its supplier/purchaser relationships are specified by § 211.9(b) which provides as follows:

> Each supplier of an allocated product shall, to the maximum extent practicable, supply all end-users which purchased that allocated product from that supplier as of January 15, 1974, and which are entitled to an allocation level under the provisions of Subparts D through K of this part.

As an end-user, County X may apply as a new end-user to a supplier other than its supplier on January 15, 1974. Section 211.12(f) provides:

> (1) Suppliers to the maximum extent possible shall accept new end-users where such purchaser, under normal business practices, could logically have been served by the supplier in accordance with its base period business practices. Suppliers shall allocate to new end-users in a manner consistent with the allocation methods set forth in this chapter.
>
> (2) If the supplier and new end-user cannot agree on an allocation requirement for the end-user or if the end-user cannot locate a supplier, the end-user may apply to the appropriate State office in accordance with the procedure specified in Subpart I of Part 205 of this chapter. In this event, the new end-user shall certify to the State office documented evidence justifying the proposed allocation requirement as normal and reasonable for the intended use.

County X may therefore solicit bids from suppliers of middle distillate such as Firm Z, and Firm Z could under FEO's regulations supply County X.

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

JUNE 14, 1974.

[FR Doc.74-14150 Filed 6-17-74;2:49 pm]

[Ruling 1974-20]

APPENDIX—FEO RULINGS

Additional Use of a Property Used in the Retailing of Gasoline

Facts. Firm A, a refiner, owns property that on May 15, 1973 was leased to a retailer and utilized exclusively for the retail marketing of gasoline. The lease has expired and Firm A wants to lease the site for use in the retailing of gasoline, and to add a retail convenience store on the site that was covered by the prior lease. The proposed additional use of the site will involve substantial additional costs to Firm A for the construction of an additional building within the boundaries described in the prior lease.

Issue. What rental limitations are applicable to a new lease of the property, after the convenience store has been added?

Ruling. A new lease agreement is subject to Subpart G (Lessors) of Part 212, which, pursuant to § 212.101, applies to "each leased real property used in the retailing of gasoline where both the lessor and lessee are refiners, resellers, resellers-retailers, or retailers * * *", and which provides in § 212.103 that the rent for such a property may not be increased to an amount in excess of the base rent. Base rent is defined in § 212.102 as "the rent charged for that station pursuant to the contractual terms prevailing on May 15, 1973."

However, in the case of Firm A, where a property is substantially altered to provide for a substantial additional and different use, the resulting property may be properly treated under the "new item" rule of § 212.111(a), since a parcel of real property which has been extensively altered so as to add a convenience store outlet in the manner described for Firm A is not "in the same or substantially similar form," even though gasoline continues to be sold on the property, and since the renovated property is "substantially different in purpose (and) function."

Firm A, therefore, may determine the base rent under the provisions of the "new item" rule which are specifically applicable to "new real property." Section 212.111(b)(2) provides that "a firm offering a lease in a new real property used in the retailing of gasoline shall determine the base rent for that real property as the average rent charged on May 15, 1973, for the most nearly similar real property used in the retailing of gasoline leased to the same market by other firms leasing real property used in the retailing of gasoline in the same geographic area."

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

JUNE 14, 1974.

[FR Doc.74-14151 Filed 6-17-74; 2:50 pm]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 74-541]

PART 545—OPERATIONS

Issuance of Negotiable Certificates of Deposit by Federal Savings and Loan Associations

JUNE 12, 1974.

The Federal Home Loan Bank Board, by Resolution No. 74-59, dated January 30, 1974, proposed to amend various sections of Parts 545 and 549 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 545, 549) for the purpose of authorizing deposit-type Federal associations to issue certain negotiable certificates of deposit. By a companion Resolution No. 74-60, dated January 30, 1974, the Board proposed collateral amendments to the Rules and Regulations for Insurance of Accounts (12 CFR Chapter V, Subchapter D) relating to State-chartered institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation. Said Resolution No. 74-59 and said Resolution No. 74-60, respectively, were published as FR Docs. 74-7335 and 74-7336, respectively, beginning on page 11562 in the Friday, March 29, 1974, issue of the FEDERAL REGISTER (39 FR 11562 et seq.), with an invitation for interested persons to submit written comments by April 30 ,1974.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Federal Home Loan Bank Board hereby

amends Part 545 by adding a new § 545.1–5, immediately after § 545.1.–4 thereof, to read as set forth below, effective June 20, 1974; and said Board hereby determines that no amendment to Part 549 is needed at his time relating to negotiable certificates of deposit.

Since the new regulation § 545.1–5 as set forth below relieves restriction, and since the Board finds that due to current market conditions the public interest requires that Federal associations be permitted to issue negotiable certificates of deposit as soon as possible, publication of said regulation for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said regulation is unnecessary and the Board hereby provides that said regulation shall become effective as hereinbefore set forth.

The proposed amendments and the final regulation set forth below provide in part that a certificate issued pursuant to new § 545.1–5: (1) shall be in a minimum principal amount of $100,000, shall have a term of not less than 30 days and not more than 10 years, and shall provide that no interest or return shall be earned thereon after the end of the certificate's fixed-term; (2) shall not be withdrawable or redeemable before the end of its fixed-term, shall not provide in its terms or otherwise for any renewal or extension at the end of its fixed-term, and shall not permit its holder to add principal payments after its issuance; and (3) may be in registered form or with principal payable to bearer or order, and may provide for payment of interest in whole or in part by coupon.

The final regulations set forth below and set forth in the companion amendments to the Rules and Regulations for Insurance Accounts, relating to State-chartered insured institutions, differ with the proposed amendments in the following principal respects:

1. The proposed amendments characterized the new certificates as "negotiable". The final regulations use the more neutral word "marketable" in the headings of new §§ 545.1–5 and 563.3–3 and otherwise refer to such certificates by authorizing section. These changes are advisable to qualify certificates which meet all the requirements of these sections and are "marketable", but which in some cases will not necessarily be "negotiable instruments". However, it is expected that in most instances the certificates issued under these sections will be "negotiable intruments".

2. The proposed amendments would not have authorized the issuance of certificates at a discount from their principal amounts (i.e. face amounts). The final regulations permit such discounts and provide in substance that the principal amount of the certificate determines whether it meets the $100,000 requirement. For example, the $100,000 requirement is met by a certificate having the principal amount of $100,000 which is issued on a discount basis for a cash payment of $98,000. If a certificate is issued at a discount, likewise, the full principal amount must be included in determining compliance with the provisions of § 526.5–1(b) (12 CFR 526.5–1(b); percentage limitation on certificate accounts of $100,000 or more) and § 563.25 (12 CFR 563.25; percentage limitation on brokered savings accounts).

3. The proposed amendments would have permitted an issuer to use a form of certificate as soon as such issuer submits to the Federal Savings and Loan Insurance Corporation a copy of such form and an opinion of its counsel. The final regulations require the issuer to wait the shorter period of either 30 days after the form and counsel opinion have been submitted to such Corporation or until the issuer receives written advice that such Corporation has no objection to the use of such form.

4. The proposed § 545.1–5(f) as to Federal associations would permit the association to determine whether the holders of the certificates are members and have voting rights. The final regulation § 545.1–5(h) as to Federal associations provides that holders of the certificates will be members and have voting rights only if such certificates so state and such certificates are registered as to principal. The proposed § 563.3–3 and final regulation § 563.3–3 as to State-chartered institutions porvide in substance that membership and voting rights are matters to be governed by applicable State laws. If a holder of a certificate in either a Federal association or a State-chartered insured institution has membership and/or voting rights, the certificate must contain a statement to such effect.

5. The proposed amendments would have amended the following sections and added a new § 564.13: §§ 545.2, 545.4–1, 549.5–2, 563.3–1, 563.4, 563.7–2 and 563.17–1. The principal purpose of these proposed changes was to conform these sections to the provisions of the proposed new §§ 545.1–5 and 563.3–3. The final regulations have been written in a way that eliminates the need for changing the above-mentioned sections.

6. The proposed amendments to Part 564 (12 CFR Part 564) would have added a new section H to the Appendix following said Part 564 for the purpose of giving an example relating to a negotiable certificate. After further consideration, such an example seems superfluous since insurability, and the amount of insurance on a particular account, is not dependent on negotiability or non-negotiability. Therefore, the final regulations eliminate such new section H and the illustration therein.

Accordingly, Part 545 is amended by adding a new § 545.1–5, as follows:

§ 545.1–5 Marketable certificates of deposit.

(a) *General.* A Federal association which is a deposit association within the meaning of that term as used in § 545.1–2 may, notwithstanding and without regard to any provision of this part other than this section, accept savings deposits for fixed terms and bearing fixed returns which are evidenced by certificates of deposit in conformity with this section. A Federal association may make provision for issuance of duplicate certificates for such savings deposits and for bond, security, and/or other protection in connection with such issuance. Savings deposits authorized by this section shall be deemed to be included in the term "such savings deposits" wherever used in the first sentence of paragraph (b)(3) of § 545.1–2. Provisions of the association's charter other than the provision set forth in paragraph (a) of § 545.1–3 shall not be applicable to or with respect to such savings deposits or such certificates.

(b) *Return.* The return shall be fixed at the time of the issuance of the certificate and shall be in the form of interest or discount or both. Such return shall not be in excess of any applicable maximum limitation in Part 526 of this chapter.

(c) *Terms.* (1) A certificate authorized by this section shall have a single fixed maturity, with a fixed term which shall be not less than 30 days and not more than 10 years. In the calculation of such minimum or maximum term, such term shall be deemed to begin with the date on which the certificate is actually issued, which date shall be excluded, and to expire on the date on which the certificate becomes payable, which date shall be included. No savings deposit shall be accepted pursuant to this section and no certificate shall be issued pursuant to this section if such acceptance or such issuance is accompanied by any contract or agreement for extension or renewal of such deposit or such certificate. Wherever used in this section, except in the second sentence of this paragraph, the term "issue" and variations thereof shall be deemed to include reissue unless the context otherwise requires.

(2) Certificates may be, but need not be, in one or more series. Interest may be, but need not be, evidenced in whole or in part by coupons.

(d) *Limitations.* In exercising authority under this section, a Federal association shall not issue any certificate:

(1) with a face amount (inclusive of discount, whether or not arrived at in whole or part by add-on calculation) of less than $100,000;

(2) which by its terms or otherwise is subject to redemption, repurchase, or acceleration by the association;

(3) as to which there is, by its terms or otherwise, any right or privilege to increase its amount by payment on or transfer to such certificate, or a savings deposit evidenced thereby, prior to the expiration of the fixed term, or which by its terms or otherwise is subject to withdrawal or transfer of principal of or from such certificate, or a savings deposit evidenced thereby, prior to such expiration, but nothing in this paragraph shall be deemed to be violated by compounding of interest or other return or the allowance of interest or other return upon interest or other return on such certificate;

(4) which by its terms or otherwise permits any extension or renewal of the term of such certificate or of a deposit evidenced by such certificate, but a certificate which is silent as to such ex-

tension and as to such renewal shall not be deemed to be in noncompliance with this paragraph.

(e) *Required provisions.* Each certificate under this section shall include in its provisions the following:

(1) The face amount of the certificate and the date borne by the certificate;

(2) The date on which the certificate is payable, which may be expressed as a date or by a provision that the certificate is payable a specified period after a named or specified fixed date;

(3) To the extent that interest is not represented by discount or evidenced by a coupon or coupons, the rate of interest and the date or dates, or the frequency, of payment of interest;

(4) A statement that no interest shall accrue on or be credited to the certificate or any savings account evidenced by the certificate for any time after the expiration of the fixed term of the certificate; and

(5) If the holder of the certificate has membership and voting rights, a statement in accordance with paragraph (h)(2) of this section.

(f) *Form.* (1) A certificate under this section shall be a writing in (i) a form that would be a negotiable instrument (other than a draft or check) within the terms of Article 3 of the 1972 Official Text of the Uniform Commercial Code (which text is hereinafter in this section referred to as the Uniform Commercial Code) or (ii) a form that would be so except that such writing is not payable to order or to bearer within the meaning of the term "payable to order or to bearer" as used in section 3–104 of said Article 3 but is issued in registered form within the meaning of the term "registered form" as used in section 8–102 of the Uniform Commercial Code or in a form that would be such a registered form except that as to interest thereon or part of such interest it is not in such registered form. Certificates under this section shall not be incorporated in passbooks. If a certificate under this section is offered or described as a negotiable instrument it must be an instrument which, under the law of the State or other jurisdiction in which the home office of the Federal association is located, is a negotiable instrument.

(2) A certificate shall not be deemed to be in noncompliance with paragraph (f)(1) or any other provision of this section because it is, by its terms or otherwise, interchangeable as between denominations and/or between some or all of the order, bearer, registered, or partly registered forms permitted by said paragraph (f)(1) or refers to any such interchangeability, or because of the inclusion in the certificate of anything which, by this part, is expressly permitted to be included therein or which, by this part or other applicable regulation or by applicable statute, is required to be included therein.

(3) Subject to the provisions of this section, a certificate under this section shall be in such form as is determined by the board of directors of the association.

(g) *Transfer or withdrawal.* A savings deposit evidenced by a certificate as set forth in this section shall not be subject to check or to withdrawal or transfer on negotiable or transferable order or authorization to the association, but indorsement of such certificate which is physically on such certificate (including an allonge), whether such indorsement is to order or to bearer or otherwise, shall not, so far as such indorsement relates to such certificate or part thereof or to not more of such savings deposit than is evidenced by such certificate, be deemed to be such a check or negotiable or transferable order or authorization, and such indorsement is hereby permitted.

(h) *Voting and membership.* (1) Except as provided in paragraph (h)(2), holders of such savings deposits or of such certificates shall not, by reason of being such holders, be members of the association or have voting rights.

(2) If such certificate (i) is originally issued in registered form and is not by its terms or otherwise exchangeable immediately or otherwise into a form in which it would not be in registered form and (ii) contains a statement that the provisions of the association's charter with respect to membership and voting are applicable to such certificate, the provisions of paragraph numbered 4 of the association's charter with respect to membership and voting shall as to such certificate be applicable in the same manner and to the same extent as if such certificate were included in the term "savings accounts" as used in said paragraph numbered 4. For purposes of this paragraph (h), a certificate shall be deemed to be in registered form if it is in a form which is a registered form within the meaning of the term "registered form" as used in section 8–102 of the Uniform Commercial Code or in a form that would be such a registered form except that as to interest or part of interest it is not such a registered form.

(i) *Ancillary provisions.* (1) The term "savings accounts representing share interest in the association" in § 545.24 shall with respect to savings deposits authorized by this section or by § 545.1–4 be applicable in the same manner and to the same extent that it would be applicable if such savings deposits were such savings accounts.

(2) Nothing in this section shall prevent holders referred to in paragraph (h)(1), of this section from being insured members within the meaning of title IV of the National Housing Act or regulations relating to insurance under said title.

(j) *Filing.* Prior to issuing a certificate under this section, an association shall file with the Federal Savings and Loan Insurance Corporation a copy of the form of certificate which it proposes to issue, together with an opinion of its legal counsel that the form of the certificate complies with the requirements of applicable law and regulations and the association's charter. Such filing shall be made by delivering a copy of such form and opinion to a Supervisory Agent (the President or any other officer or employee of the Federal Home Loan Bank of the district in which the home office of the association is located who is designated as an agent of the Federal Savings and Loan Insurance Corporation by or under § 501.10 or § 501.11 of this chapter) and an additional copy to the Director, Office of Industry Development, 101 Indiana Avenue, NW., Washington, D.C. 20552. The association shall refrain from issuing such certificate for the shorter period of 30 days from the date such form was filed with the Federal Savings and Loan Insurance Corporation in accordance with the provisions of this paragraph or the date such association receives appropriate written advice that such Corporation has no objection to the use of such form by such association.

(k) *Relationship to other provisions.* (1) The provisions of § 545.2, § 545.4, § 545.4–1, and § 545.4–2 shall not be applicable to or with respect to a savings deposit which is in conformity with this section.

(2) Paragraph (d) of § 545.1 shall be applicable to a savings deposit which is in conformity with this section, except that the period referred to in paragraph (d)(2) shall be deemed to commence on the date of the expiration of the fixed term of such deposit.

(3) The provisions of § 545.7 shall be applicable with respect to a savings deposit which is in conformity with the provisions of this section, and for purposes of this paragraph the term "withdrawal amount" as used in said § 545.7 shall include so much of any discount on such savings deposit as would be shown by a straight-line calculation to have accumulated thereon plus any accrued or accumulated interest on such savings deposit which is unpaid. The term "redemption, repurchase, or acceleration by the association" as used in paragraph (d)(2) of this section shall not include setoff, counterclaim, or recoupment, or realization by foreclosure or otherwise upon a lien or pledge held by the association or payment by the association of surplus remaining upon such realization.

(4) Acceptance of savings deposits under any one of § 545.1–2, § 545.1–4, and § 545.1–5 shall not debar a Federal association from concurrently accepting savings deposits under the authority of either or both of the other two of said sections.

(5) The payment of a savings deposit which is in conformity with the provisions of this section shall not be subject to any right of the association to require advance notice.

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

By the Federal Home Loan Bank Board.

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

[FR Doc.74–14180 Filed 6–19–74;8:45 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 74-516]

PART 563—OPERATIONS

Loans in Excess of 90 Percent of Value

JUNE 5, 1974.

The Federal Home Loan Bank Board, by Resolution No. 74-202, dated March 19, 1974, proposed an amendment to Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) by adding a new § 563.9-7, which would require insured institutions making single-family-dwelling loans exceeding 90 percent of value either to establish a special reserve or to secure private mortgage insurance of a specified amount from an insurer approved by the Federal Home Loan Mortgage Corporation. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on March 27, 1974, with an invitation for interested persons to submit written comments by April 30, 1974. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the amendment with the change discussed herein.

Until the present amendment, only federally-chartered associations were required by the Board to have the protection of a special reserve or approved private mortgage insurance for single-family-dwelling loans in excess of 90 percent of value, as provided by § 545.6-1(a)(5)(iv) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1(a)(5)(iv)). The purpose of the amendment is to extend this protection to such loans made by State-chartered, federally-insured institutions. Section 403(b) of the National Housing Act of 1934, as amended, states that insured institutions "will provide adequate reserves satisfactory to the Corporation, to be established in accordance with regulations made by the Corporation . . ." Under this statutory authority, the Board is empowered to determine that investments by insured institutions in the higher-risk, low-equity single-family-dwelling-loan category should be protected by means of a special reserve or approved insurance coverage which in the Board's view will serve as an adequate substitute for such a reserve. The Board therefore is incorporating the provisions of § 545.6-1(a)(5)(iv) for Federal associations into the regulations for insured institutions in Part 563.

The amendment adopted by the Board modifies the language set forth in the proposal to provide explicitly that insured loans and guaranteed loans, as defined in §§ 561.20 and 561.21, respectively (12 CFR 561.20 and 561.21), are excluded from the requirement to establish a special reserve or to secure approved private mortgage insurance.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 563 by adding thereto a new § 563.9-7 to read as set forth below, effective July 22, 1974.

§ 563.9-7 Loans in excess of 90 percent of value.

(a) An insured institution which is authorized to make loans, other than insured loans or guaranteed loans, on the security of "single-family dwellings" (as defined in § 541.10 of this chapter) in excess of 90 percent of value of such real estate may do so only if:

(1) The association establishes and maintains a specific reserve with respect to such loan equal to one percent of the unpaid principal balance thereof until the unpaid principal balance has been reduced to an amount not in excess of 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made; or

(2) As long as the unpaid balance of such a loan is in excess of an amount equal to 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made, that portion of the unpaid balance of such loan which is in excess of an amount equal to 80 percent of such value or purchase price of the real estate security is guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home Loan Mortgage Corporation.

(b) This section does not apply to single-family-dwelling loans to facilitate the sale of real estate owned described in § 561.15(d) of this subchapter.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

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

[FR Doc.74-14182 Filed 6-19-74;8:45 am]

[No. 74-542]

PART 563—OPERATIONS

PART 564—SETTLEMENT OF INSURANCE

Approval of Issuance of Negotiable Fixed-Rate, Fixed-Term Accounts by State-Chartered Insured Institutions

JUNE 12, 1974.

The Federal Home Loan Bank Board, by Resolution No. 74-60, dated January 30, 1974, proposed to amend various sections of Parts 563 and 564 of the rules and regulations for Insurance of Accounts (12 CFR Parts 563, 564) for the purpose of approving the issuance of certain negotiable fixed-rate, fixed-term accounts by State-chartered insured institutions which are authorized to do so under State law. By a companion Resolution No. 74-59, dated January 30, 1974, the Board proposed collateral amendments to the Rules and Regulations for the Federal Savings and Loan System (12 CFR Chapter V, Subchapter C) relating to deposit-type Federal savings and loan associations. Said Resolution No. 74-59 and said Resolution No. 74-60, respectively, were published as FR Docs. 74-7335 and 74-7336, respectively, beginning on page 11562 in the Friday, March 29, 1974, issue of the FEDERAL REGISTER (39 FR 11562 et seq.), with an invitation for interested persons to submit written comments by April 30, 1974.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Federal Home Loan Bank Board hereby amends said Parts 563 and 564 as set forth below, effective June 20, 1974.

Since the final regulations set forth below relieve restrictions, and since the Board finds that due to current market conditions the public interest requires that institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation be permitted to issue negotiable certificates of deposit as soon as possible, publication of said regulations for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said regulations is unnecessary and the Board hereby provides that said regulations shall become effective as hereinbefore set forth.

The proposed amendments and the final regulations set forth below provide in part that a certificate issued pursuant to new § 563.3-3: (1) shall be in a minimum principal amount of $100,000, shall have a term of not less than 30 days and not more than 10 years, and shall provide that no interest or return shall be earned thereon after the end of the certificate's fixed-term; (2) shall not be withdrawable or redeemable before the end of its fixed-term, shall not provide in its terms or otherwise for any renewal or extension at the end of its fixed-term, and shall not permit its holder to add principal payments after its issuance; and (3) may be in registered form or with principal payable to bearer or order, and may provide for payment of interest in whole or in part by coupon.

The final regulations set forth below and set forth in the companion amendments to the rules and regulations for the Federal Savings and Loan System, relating to Federal savings and loan associations, differ with the proposed amendments in the following principal respects:

1. The proposed amendments would have characterized the new certificates as "negotiable". The final regulations use the more neutral word "marketable" in the headings of new §§ 545.1-5 and 563.3-3 and otherwise refer to such certificates by authorizing section. These changes are advisable to qualify certificates which meet all the requirements of these sections and are "marketable", but which in some cases will not necessarily be "negotiable instruments". However, it is expected that in most instances the certificates issued under these sections will be "negotiable instruments".

2. The proposed amendments would not have authorized the issuance of certificates at a discount from their prin-

cipal amounts (i.e. face amounts). The final regulations permit such discounts and provide in substance that the principal amount of the certificate determines whether it meets the $100,000 requirement. For example, the $100,000 requirement is met by a certificate having the principal amount of $100,000 which is issued on a discount basis for a cash payment of $98,000. If a certificate is issued at a discount, likewise, the full principal amount must be included in determining compliance with the provisions of § 526.5–1(b) (12 CFR 526.5–1 (b); percentage limitation on certificate amounts of $100,000 or more) and and § 563.25 (12 CFR 563.25; percentage limitation on brokered savings accounts).

3. The proposed amendments would have permitted an issuer to use a form of certificate as soon as such issuer submits to the Federal Savings and Loan Insurance Corporation a copy of such form and an opinion of its counsel. The final regulations require the issuer to wait the shorter period of either 30 days after the form and counsel opinion have been submitted to such Corporation or until the issuer receives written advice that such Corporation has no objection to the use of such form.

4. The proposed § 545.1–5(f) as to Federal associations would have permitted the issuing association to determine whether the holders of the certficates are members and have voting rights. The final regulation § 545.1–5(h) as to Federal associations provides that holders of the certificates will be members and have voting rights only if such certificates so state and such certificates are registered as to principal. The proposed § 563.3–3 and final regulation § 563.3–3 as to State-chartered institutions provide in substance that membership and voting rights are matters to be governed by applicable State laws. If a holder of a certificate in either a Federal association or a State-chartered insured institution has membership and/or voting rights, the certificate must contain a statement to such effect.

5. The proposed amendments would have amended the following sections and added a new § 564.13: §§ 545.2, 545.4–1, 549.5–2, 563.3–1, 563.4, 563.7–2 and 563.17–1. The principal purpose of these proposed changes was to conform these sections to the provisions of the proposed new §§ 545.1–5 and 563.3–3. The final regulations have been written in a way that eliminates the need for changing the above-mentioned sections.

6. The proposed amendments to said Part 564 would have added a new section H to the Appendix following said Part 564 for the purpose of giving an example relating to a negotiable certificate. After further consideration, such an example seems superfluous since insurability, and the amount of insurance on a particular account, is not dependent on negotiability or non-negotiability. Therefore, the final regulations eliminate such new section H and the illustration therein.

Accordingly:

1. Part 563 is amended by adding a new § 563.3–3, immediately after § 563.3–2, to read as follows:

§ 563.3–3 Marketable fixed-rate, fixed-term accounts.

(a) *General.* Approval by the Corporation as hereinafter set forth in this section is hereby given to the acceptance by an insured institution (other than a Federal savings and loan association), notwithstanding and without regard to any provision of this part other than this section, of savings accounts for fixed terms and bearing fixed returns which are evidenced by certificates in conformity with this section. Such savings accounts and such certificates are hereby approved by the Corporation as to type (as referred to in subdivision (c) of section 401 of the National Housing Act) and form, return, and maturity (as referred to in those parts of the third sentence of subsection (b) of section 403 of said Act which refer to the form, return, and maturity of securities).

(b) *Return.* The return shall be fixed at the time of the issuance of the certificate and shall be in the form of interest or discount or both. Such return shall not be in excess of any applicable maximum limitation in Part 526 of this chapter.

(c) *Terms.* (1) A certificate shall have a single fixed maturity, with a fixed term which shall be not less than thirty days and not more than ten years. In the calculation of such minimum or maximum term, such term shall be deemed to begin with the date on which the certificate is actually issued, which date shall be excluded, and to expire on the date on which the certificate becomes payable, which date shall be included. A certificate shall not be deemed to be not in compliance with this paragraph (c)(1) or any other provision of this section because of any provision of statute, charter, or regulation for postponement of payment, for limitation of funds available for payment, or for any rotation or similar system or method of payment, and the first two sentences of this paragraph shall be applied as if any such provision of statute, charter, or regulation did not exist. No savings account shall be accepted pursuant to the approval granted by this section and no certificate shall be issued pursuant to such approval if such acceptance or such issuance is accompanied by any contract or agreement for extension or renewal of such account or such certificate. Wherever used in this section, except in the second sentence of this paragraph, the term "issue" and variations thereof shall be deemed to include reissue unless the context otherwise requires.

(2) Certificates may be, but need not be, in one or more series. Interest may be, but need not be, evidenced in whole or in part by coupons.

(d) *Limitations.* In acting under the approval granted by this section, an insured institution shall not issue any certificate:

(1) with a face amount (inclusive or discount, whether or not arrived at in whole or part by add-on calculation) of less than $100,000;

(2) which by its terms or otherwise is subject to redemption, repurchase, or acceleration by the insured institution;

(3) as to which there is, by its terms or otherwise, any right or privilege to increase its amount by payment on or transfer to such certificate, or a savings account evidenced thereby, prior to the expiration of the fixed term, or which by its terms or otherwise is subject to withdrawal or transfer of principal of or from such certificate, or a savings account evidenced thereby, prior to such expiration, but nothing in this paragraph shall be deemed to be violated by compounding of interest or other return or the allowance of interest or other return upon interest or other return on such certificate;

(4) which by its terms or otherwise permits any extension or renewal of the term of such certificate or of a savings account evidenced by such certificate, but a certificate which is silent as to such extension and as to such renewal shall not be deemed to be in noncompliance with this paragraph (d)(4). A certificate shall not be deemed to be in noncompliance with this paragraph because of any reference therein to any provision of statute, charter, or regulation referred to in the third sentence of paragraph (c)(1) of this section.

(e) *Required provisions.* Each certificate under this section shall include in its provisions the following:

(1) The face amount of the certificate and the date borne by the certificate;

(2) The date on which the certificate is payable, which may be expressed as a date or by a provision that the certificate is payable a specified period after a named or specified fixed date;

(3) To the extent that interest is not represented by discount or evidenced by a coupon or coupons, the rate of interest and the date or dates, or the frequency, of payment of interest;

(4) A statement that no interest shall accrue on or be credited to the certificate or any savings account evidenced by the certificate for any time after the expiration of the fixed term of the certificate; and

(5) If the holder of the certificate has membership and/or voting rights, a statement to such effect.

(f) *Form.* (1) A certificate under this section shall be a writing in (i) a form that would be a negotiable instrument (other than a draft or check) within the terms of Article 3 of the 1972 Official Text of the Uniform Commercial Code (which text is hereinafter in this section referred to as the Uniform Commercial Code) or (ii) a form that would be so except that such writing is not payable to order or to bearer within the meaning of the term "payable to order or to bearer" as used in section 3–104 of said Article 3 but is issued in registered form within the meaning of the term "registered form" as used

in section 8–102 of the Uniform Commercial Code or in a form that would be such a registered form except that as to interest thereon or part of such interest it is not in such registered form. Certificates under this section shall not be incorporated in passbooks. If a certificate under this section is offered or described as a negotiable instrument it must be an instrument which, under the law of the State or other jurisdiction in which the principal office of the insured institution is located, is a negotiable instrument.

(2) A certificate shall not be deemed to be in noncompliance with paragraph (f) (1) or any other provision of this section because it is, by its terms or otherwise, interchangeable as between denominations and/or between some or all of the order, bearer, registered, or partly registered forms permitted by said paragraph (f) (1) or refers to any such interchangeability, or because of the inclusion in the certificate of anything which, by this part, is expressly permitted to be included therein or which, by this part or other applicable regulation or by applicable statute, is required to be included therein.

(g) *Ancillary provisions.* No savings account shall be accepted pursuant to the approval granted by this section and no certificate shall be issued pursuant to such approval if such acceptance or such issuance is with or accompanied by any contract or agreement for priority of such savings account or such certificate or for subordination of such savings account or such certificate, but a contract or agreement for or toward a priority equal to but not superior to the priority of general creditors of the insured institution not having priority (other than priority arising or resulting from consensual subordination) over other general creditors of the insured institution shall not be deemed to violate this sentence. No savings account shall be accepted pursuant to the approval granted by this section and no certificate shall be issued pursuant to such approval if such acceptance or such issuance is acompanied by the giving by the insured institution of security for such saving account or such certificate or by any contract or agreement for the giving of any such security by such institution.

(h) *Filing.* Prior to issuing a certificate under this section, an insured institution shall file with the Corporation a copy of the form of certificate which it proposes to issue, together with an opinion of its legal counsel that the form of the certificate complies with the requirements of applicable law and regulations and (if the insured institution has a charter) the insured institution's charter. Such filing shall be made by delivering a copy of such form and opinion to a Supervisory Agent (the President or any other officer or employee of the Federal Home Loan Bank of the district in which the principal office of the insured institution is located who is designated as an agent of the Corporation by or under § 501.10 or § 501.11 of this chapter) and an additional copy to the Director, Office of Industry Development, 101 Indiana Avenue NW., Washington, D.C. 20552. The insured institution shall refrain from issuing such certificate for the shorter period of 30 days from the date such form was filed with the Corporation in accordance with the provisions of this paragraph (h) or the date such insured institution receives appropriate written advice that the Corporation has no objection to the use of such form by such insured institution.

(i) *Applicability of other provisions.* (1) The provisions of §§ 563.2, 563.3, 563.3–1, 563.3–2, 563.4, and 563.8 and the provisions of subdivision (5) of paragraph (c) of § 563.17–1 shall not be applicable to or with respect to savings accounts or certificates which are in conformity with § 545.1–5 of this chapter or with this section, and such savings accounts and such certificates shall not be deemed to be borrowing within the meaning of the second sentence of § 563.8. The provisions of this section shall not be applicable to or with respect to savings accounts or certificates which are in conformity with § 545.1–4 of this chapter or with § 563.3–1 or § 563.3–2.

(2) Neither the accumulation or accrual nor the payment of any return referred to in paragraph (b) of § 545.1–5 of this chapter or paragraph (b) of this section shall be deemed to violate any provision of § 563.11 or of the first sentence of § 563.14 or to constitute a use of any Federal insurance reserve account contrary to any provision of § 563.11, and such return shall accumulate and accrue and be payable notwithstanding and without regard to any provision of § 563.13.

(3) The provisions of § 563.24, § 563.25, § 563.26, § 563.27, § 563.31, and § 563.32 shall not, by reason of anything in § 545.–1–5 of this chapter or in this section, be inapplicable to or with respect to said § 545.1–5 or this section. Nothing in this section shall be deemed to grant approval for the issuance of any security which is a subordinated debt security as defined in § 561.24 of this subchapter.

2. Part 564 is amended by revising § 564.1(a) to read as follows:

§ 564.1 Settlement of insurance upon default.

(a) *General.* In the event of a default by an insured institution, the Corporation will promptly determine, from the savings account contracts and the books and records of the institution, or otherwise, the insured members thereof and the amount of the insured account or accounts of each such member. The Corporation will give to each insured member shown to be such on the books of the insured institution written notice of the time and place of payment of insurance by mail at the last known address as shown by the books of the insured institution. If an insured institution has outstanding at the time of default any account or accounts issued pursuant to § 545.1–5 of this chapter or issued pursuant to the approval granted by § 563.3–3 of this subchapter, the Corporation shall, promptly after default, publish (in a newspaper printed in the English language and of general circulation in the city, county, or locality in which the principal office of such insured institution is located) a notice to all account holders of such insured institution of the time and place of payment of insurance.

* * * * *

3. Part 564 is amended by adding a new paragraph (b)(5) to § 564.2, immediately after paragraph (b)(4) of said section, to read as follows:

§ 564.2 General principles applicable in determining insurance of accounts.

* * * * *

(b) *Records.* * * *

(5) The foregoing provisions of this paragraph (b) shall not be applicable with respect to any account evidenced by a certificate of deposit which was issued pursuant to § 545.1–5 of this chapter or evidenced by a certificate which was issued pursuant to the approval granted by § 563.3–3 of this subchapter. Affirmative proof must be offered in all cases to substantiate a claim by the holder of such an account as to the existence of any relationship upon which a claim for insurance coverage is founded.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–48 Comp. p. 1071)

By the Federal Home Loan Bank Board.

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

[FR Doc.74–14181 Filed 6–19–74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8835–o]

PART 13—PROHIBITED TRADE PRACTICES

United Brands Company

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Cease and desist order, United Brands Company, New York, N.Y., Docket 8835, May 14, 1974]

In the Matter of United Brands Company a Corporation

Order dismissing a complaint against a diversified New York City based company with decided interests in the food industry. The complaint challenged respondent's acquisition of the stock or assets of six California and Arizona farming operations producing lettuce and other vegetables.

Order requiring the filing of a special report and periodic subsequent reports informing the Commission of any increase since Feb. 11, 1971, or future increase in access to land commercially suitable for the production of lettuce.

The order dismissing the complaint, and the order requiring special periodic reports informing of any increase in access to land commercially suitable for the production of lettuce, are as follows:

FINAL ORDER

This matter having been heard by the Commission upon the appeal of respondent from the Administrative Law Judge's initial decision, and upon briefs and oral argument in support thereof and in opposition thereto, and the Commission, for the reasons stated in the accompanying opinion, having concluded that the Administrative Law Judge's initial decision should be set aside and that the complaint should be dismissed:

It is ordered That the Administrative Law Judge's initial decision be, and it hereby is, set aside.

It is further ordered That the complaint be, and it hereby is, dismissed.

By the Commission, Commissioner Hanford not participating.[1]

Issued: May 14, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

ORDER REQUIRING FILING OF SPECIAL REPORT

Pursuant to the Opinion of the Commission in the Matter of United Brands Company, Docket No. 8835, attached herewith and made a part hereof, you, United Brands Company, are required to file with the Commission, within sixty (60) days of receipt of this order, a Special Report informing the Commission of any increase, since February 11, 1971, in the access of United Brands or any subsidiary corporation, to land commerically suitable for the production of lettuce. You are further required to file with the Commission every six months, commencing six months after the filing of the initial Special Report, a Special Report informing the Commission of any future increase in access to land commercially suitable for the production of lettuce.

Please note that "access" to land may exist by virtue of various transactions, such as, but not necessarily limited to, purchasing land, acquiring the capital stock of a firm which is the owner or lessee of land, acquiring a lease of land, or contracting with a grower for the production of lettuce.

Said reports must be subscribed and sworn to by an official of the reporting company.

You are advised that penalties may be imposed under applicable provisions of Federal law for failure to file special reports or for the filing of false reports.

By direction of the Commission.

Issued: May 14, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-14097 Filed 6-19-74;8:45 am]

[1] Opinion of the Commission by Commissioner Engman and concurring opinion of Commissioner Thompson, filed as part of the original document.

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Picloram

In response to a food additive petition (FAP 4H5052) submitted jointly by the Montana Department of Agriculture, Helena, MT 59601, and the North Dakota Department of Agriculture, Bismarck, ND 58501, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of May 6, 1974 (39 FR 15879), proposing establishment of the herbicide picloram (4-amino-3,5,6-trichloropicolinic acid) in flour at 1 part per million and in milled fractions (except flour) at 2 parts per million resulting from application of the herbicide to growing barley and wheat.

No requests for referral to an advisory committee were received. One comment was received from the State of Nebraska, Department of Agriculture, requesting that the proposed tolerances for picloram be extended to cover residues in the same processed foods resulting from the same use pattern in Nebraska.

It is concluded that the proposal reflecting this change be adopted. (For a related document, see this issue of the FEDERAL REGISTER, page 22146.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348 (d)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), part 121 is amended by adding the following new section to Subpart D:

§ 121.1256 Picloram.

The following interim tolerances are established for residues of the herbicide picloram (4-amino-3,5,6-trichloropicolinic acid) resulting from application of 2,4-D-picloram mixtures to growing barley and wheat during the 1974 growing season in the States of Montana, Nebraska, and North Dakota:

2 parts per million in milled fractions (except flour) of barley and wheat.

1 part per million in flour of barley and wheat.

Any person who will be adversely affected by the foregoing order may at any time on or before July 22, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on June 20, 1974.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: June 14, 1974.

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

[FR Doc.74-14124 Filed 6-19-74;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 331—ANTACID PRODUCTS FOR THE OVER-THE-COUNTER (OTC) HUMAN USE

PART 332—ANTIFLATULENT PRODUCTS FOR OVER-THE-COUNTER (OTC) HUMAN USE

Final Order for Antacid and Antiflatulent Products Generally Recognized as Safe and Effective and Not Misbranded

Correction

In FR Doc. 74-12666 appearing on page 19862 in the issue of Tuesday, June 4, 1974, make the following corrections:

1. On page 19864 change the second sentence in the fifth paragraph of the third column to read "The Commissioner concurs that an in vitro test should be adopted now and that research should promptly begin on an in vivo test."

2. On page 19874, the last two lines of the first column should read "(e.g., 2 grams per day in antacid products)."

3. The second line of § 331.22 should be changed to read "(NaOH) and hydrochloric acid (HCL)".

4. The third line of the formula appearing in § 331.26(b)(4)(ix) should be changed to read "(NaOH). Total mEq. per labeled minimum".

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Annual Publication

The Comprehensive Drug Abuse Prevention and Control Act of 1970, in section 202(a) (21 U.S.C. 812(a)), requires that the schedules of controlled sub-

stances established by the Act be updated and republished semi-annually for a two-year period beginning one year after the effective date of the Act (October 27, 1970), and thereafter shall be updated and republished annually. Therefore, pursuant to the mandate of section 202(a) of the Act, the Administrator of the Drug Enforcement Administration hereby orders the annual publication of the schedules of controlled substances for 1974.

In updating and republishing the five schedules of control, the Drug Enforcement Administration has become aware of a source of possible confusion which may arise from a reading of 21 CFR 1308.13(c) (38 FR 31310, November 13, 1973). That section, as amended, reads as follows:

§ 1308.13 Schedule III.

* * * * *

(c) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule 2351
(2) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository 2100

* * * * *

Confusion for some may arise in noticing that only one drug code number was assigned to each subpart of subsection (c), notwithstanding that subparts (1) and (2) each contain three separate controlled substances, i.e., amobarbital, secobarbital, and pentobarbital, and their salts. The Administrator finds that the assignment of the drug control numbers to subparts (1) and (2) differed from DEA's past and present practice, which is to assign a separate number to each individual controlled substance, done solely for the purpose of this agency's administrative efficiency and convenience primarily in the areas of manufacturers' registration and laboratory identification.

Therefore, to conform § 1308.13(c)(1) and (2) to the other sections of Part 1308 which list the schedules of controlled substances, and which designate a specific drug control number for each separate controlled substance listed therein, the Administrator of the Drug Enforcement Administration, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, hereby orders that:

1. Section 1308.13(c) (1) and (2) of Title 21 of the Code of Federal Regulations be amended to read as follows:

§ 1308.13 Schedule III.

* * * * *

(c) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:
  (i) Amobarbital 2125
  (ii) Secobarbital 2315
  (iii) Pentobarbital 2270
  or any salt thereof and one or more active medicinal ingredients which are not listed in any schedule.
(2) Any suppository dosage form containing:
  (i) Amobarbital 2125
  (ii) Secobarbital 2315
  (iii) Pentobarbital 2270
  or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.

Effective date. The Administrator regards the above-ordered change in § 1308.13(c) (1) and (2) as a change in form only, and does not consider it to be a substantive rule-making change which would necessitate the solicitation and receipt of comments or objections. There being no occasion requiring the solicitation or receipt of such comments or objections, the above-ordered change shall take effect upon publication of this order. This order is effective on June 20, 1974, and operates to the extent of affecting only those sections of Part 1308 listed below, which actually designate schedules and enumerate substances listed therein as being controlled under the Act, and all other sections of Part 1308 remain in full force and effect and are not repealed by virtue of their exclusion from, or the issuing of, this publication.

Dated: June 12, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

Sections 1308.11 through 1308.15 are republished to read as follows:

SCHEDULES

§ 1308.11 Schedule I.

(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

(b) Opiates. Unless specifically except the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetylmethadol 9601
(2) Allylprodine 9602
(3) Alphracetylmethadol 9603
(4) Alphameprodine 9604
(5) Alphamethadol 9605
(6) Benzethidine 9606
(7) Betacetylmethadol 9607
(8) Betameprodine 9608
(9) Betamethadol 9609
(10) Betaprodine 9611
(11) Clonitazene 9612
(12) Dextromoramide 9613
(13) Dextrorphan 9614
(14) Diampromide 9615
(15) Diethylthiambutene 9616
(16) Dimenoxadol 9617
(17) Dimepheptanol 9618
(18) Dimethylthiambutene 9619
(19) Dioxaphetyl butyrate 9621
(20) Dipipanone 9622
(21) Ethylmethylthiambutene 9623
(22) Etonitazene 9624
(23) Etoxeridine 9625
(24) Furethidine 9626
(25) Hydroxypethidine 9627
(26) Ketobemidone 9628
(27) Levomoramide 9629
(28) Levophenacylmorphan 9631
(29) Morpheridine 9632
(30) Noracymethadol 9633
(31) Norlevorphanol 9634
(32) Normethadone 9635
(33) Norpipanone 9636
(34) Phenadoxone 9637
(35) Phenampromide 9638
(36) Phenomorphan 9647
(37) Phenoperidine 9641
(38) Piritramide 9642
(39) Proheptazine 9643
(40) Properidine 9644
(41) Propiram 9649
(42) Racemoramide 9645
(43) Trimeperidine 9646

(c) Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine 9319
(2) Acetyldihydrocodeine 9051
(3) Benzylmorphine 9052
(4) Codeine methylbromide 9070
(5) Codeine-N-Oxide 9053
(6) Cyprenorphine 9054
(7) Desomorphine 9055
(8) Dihydromorphine 9145
(9) Drotebanol 9335
(10) Etorphine (except hydrochloride salt) 9056
(11) Heroin 9200
(12) Hydromorphinol 9301
(13) Methyldesorphine 9302
(14) Methyldihydromorphine 9304
(15) Morphine methylbromide 9305
(16) Morphine methylsulfonate 9306
(17) Morphine-N-Oxide 9307
(18) Myrophine 9308
(19) Nicocodeine 9309
(20) Nicomorphine 9312
(21) Normorphine 9313
(22) Pholcodine 9314
(23) Thebacon 9315

(d) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which con-

tains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position, and geometric isomers):

(1) 3,4 - methylenedioxy amphetamine ---- 7400
(2) 5-methoxy - 3,4 - methylenedioxy amphetamine ---- 7401
(3) 3,4,5-trimethoxy amphetamine ---- 7390
(4) Bufotenine ---- 7433
Some trade and other names: 3-(β - dimethylaminoethyl)-5 - hydroxyindole; 3 - (2 - dimethylaminoethyl) - 5 - indolol; N,N - dimethylserotonin; 5 - hydroxy - N-dimethyltryptamine; mappine.
(5) Diethyltryptamine ---- 7434
Some trade and other names: N,N-Diethyltryptamine; DET.
(6) Dimethyltryptamine ---- 7435
Some trade or other names: DMT.
(7) 4-methyl-2,5-dimethoxyamphetamine ---- 7395
Some trade and other names: 4-methyl - 2,5 - dimethoxy-α-methylphenethylamine; "DOM"; and "STP".
(8) Ibogaine ---- 7260
Some trade and other names: 7 - Ethyl - 6,6α,7,8,9,10,12,13-octahydro - 2 - methoxy-6,9-methano-5H-pyrido (1',2':1, 2 azepino 4,5-b) indole; tab ernanthe iboga.
(9) Lysergic acid diethylamide ---- 7315
(10) Marihuana ---- 7360
(11) Mescaline ---- 7381
(12) Peyote ---- 7415
(13) N-ethyl-3-piperidyl benzilate ---- 7482
(14) N-methyl-3-piperidyl benzilate ---- 7484
(15) Psilocybin ---- 7437
(16) Psilocyn ---- 7438
(17) Tetrahydrocannabinols ---- 7370
Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:
Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers.
Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers.
$\Delta^{8,4}$ cis or trans tetrahydrocannabinol, and their optical isomers.
(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic position are covered.)
(18) 2,5-dimethoxyamphetamine ---- 7396
Some trade or other names: 2,5-dimethoxy - α - methylphenethylamine: 2,5-DMA.
(19) 4 - bromo-2,5-dimethoxyamphetamine ---- 7391
Some trade or other names: 4-bromo - 2,5 - dimethoxy - α - methylphenethylamine: 4-bromo-2,5-DMA.
(20) 4-methoxyamphetamine ---- 7411
Some trade or other names: 4-methoxy - α - methylphenethylamine; paramethoxyamphetamine: PMA.

§ 1308.12 Schedule II.

(a) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Controlled Substances Code Number set forth opposite it.

(b) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding naloxone hydrochloride, but including the following:

(i) Raw opium ---- 9600
(ii) Opium extracts ---- 9610
(iii) Opium fluid extracts ---- 9620
(iv) Powdered opium ---- 9639
(v) Granulated opium ---- 9640
(vi) Tincture of opium ---- 9630
(vii) Apomorphine ---- 9030
(viii) Codeine ---- 9050
(ix) Ethylmorphine ---- 9190
(x) Etorphine hydrochloride ---- 9059
(xi) Hydrocodone ---- 9193
(xii) Hydromorphone ---- 9150
(xiii) Metopon ---- 9260
(xvi) Morphine ---- 9300
(xv) Oxycodone ---- 9143
(xvi) Oxymorphone ---- 9652
(xvii) Thebaine ---- 9333

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (b) (1) of this section, except that these substances shall not include the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves (9040) and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine (9041) or ecgonine (9180).

(c) Opiates. Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alphaprodine ---- 9010
(2) Anileridine ---- 9020
(3) Bezitramide ---- 9800
(4) Dihydrocodeine ---- 9120
(5) Diphenoxylate ---- 9170
(6) Fentanyl ---- 9801
(7) Isomethadone ---- 9226
(8) Levomethorphan ---- 9210
(9) Levorphanol ---- 9220
(10) Metazocine ---- 9240
(11) Methadone ---- 9250
(12) Methadone-Intermediate, 4-cyano-2-dimethylamino - 4,4-diphenyl butane ---- 9254
(13) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid ---- 9802
(14) Pethidine ---- 9230
(15) Pethidine-Intermediate-A, 4-cyano- 1 -methyl- 4 -phenylpiperidine ---- 9232
(16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine- 4 -carboxylate ---- 9233
(17) Pethidine - Intermediate - C, 1-methyl- 4 -phenylpiperidine- 4 - carboxylic acid ---- 9234
(18) Phenazocine ---- 9715
(19) Piminodine ---- 9730
(20) Racemethorphan ---- 9732
(21) Racemorphan ---- 9733

(d) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers ---- 1100
(2) Methamphetamine, its salts, isomers, and salts of its isomers ---- 1105
(3) Phenmetrazine and its salts ---- 1631
(4) Methylphenidate ---- 1724

(e) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Methaqualone ---- 2565
(2) Amobarbital ---- 2125
(3) Secobarbital ---- 2315
(4) Pentobarbital ---- 2270

§ 1308.13 Schedule III.

(a) Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

(b) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 308.32, and any other drug of the quantitive composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances ---- 1405

(2) Benzphetamine 1228
(3) Chlorphentermine 1645
(4) Clortermine 1647
(5) Mazindol 1605
(6) Phendimetrazine 1615

(c) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:
(i) Amobarbital 2125
(ii) Secobarbital 2315
(iii) Pentobarbital 2270
or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.
(2) Any suppository dosage form containing:
(i) Amobarbital 2125
(ii) Secobarbital 2315
(iii) Pentobarbital 2270
or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.
(3) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof 2100
(4) Chlorexadol 2510
(5) Glutethimide 2550
(6) Lysergic acid 7300
(7) Lysergic acid amide 7310
(8) Methyprylon 2575
(9) Phencyclidine 7471
(10) Sulfondiethylmethane 2600
(11) Sulfonethylmethane 2605
(12) Sulfonmethane 2610

(d) Nalorphine 9400

(e) Narcotics drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine per 100 milliliters of not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium 9803
(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts 9804
(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium 9805
(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts 9806
(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts 9807
(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts 9808
(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts 9809
(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts 9810

§ 1308.14 Schedule IV.

(a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

(b) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Barbital 2145
(2) Chloral betaine 2460
(3) Chloral hydrate 2465
(4) Ethchlorvynol 2540
(5) Ethinamate 2545
(6) Methohexital 2264
(7) Meprobamate 2820
(8) Methylphenobarbital 2250
(9) Paraldehyde 2585
(10) Petrichloral 2591
(11) Phenobarbital 2285

(c) Fenfluramine. — Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

(1) Fenfluramine 1670

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Diethylpropion 1608
(2) Phentermine 1640

§ 1308.15 Schedule V.

(a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

[FR Doc.74-14116 Filed 6-19-74;8:45 am]

Title 32A—National Defense Appendix

CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[DIBA/BDC Notice 1]

BDC NOTICE 1—RATIFICATION OF BUREAU OF COMPETITIVE ASSESSMENT AND BUSINESS POLICY ACTIONS

JUNE 14, 1974.

This notice is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this notice, consultation with industry representatives was impracticable since the notice has no substantive effect on industry.

Sec.
1. What this notice does.
2. Existing regulations, orders, and other actions of the Bureau of Competitive Assessment and Business Policy.
3. Rescission of BCABP Notice 1.
4. Use of Bureau of Competitive Assessment and Business Policy and Business and Defense Services Administration forms.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Order 10–3, 38 FR 33624, and 40–1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41–1, as amended, 39 FR 2780, 39 FR 18490, 45–1, 39 FR 18488, and 45–2, 39 FR 18489.

Section 1. What this notice does.

The purpose of this notice is to furnish continuity in the defense mobilization activities of the United States Department of Commerce, Domestic and International Business Administration, Bureau of Domestic Commerce, which will exercise certain functions formerly handled by the Bureau of Competitive Assessment and Business Policy, the Bu-

reau of Domestic Commerce, the Business and Defense Services Administration, and the National Production Authority. To accomplish a smooth transition, it provides that outstanding actions of the Bureau of Competitive Assessment and and Business Policy, the Bureau of Domestic Commerce, the Business and Defense Services Administration and the National Production Authority are ratified and deemed actions of the Domestic and International Business Administration, Bureau of Domestic Commerce. This notice supersedes BCABP Notice 1 of September 7, 1973.

Sec. 2. Existing regulations, orders, and other actions of the Bureau of Competitive Assessment and Business Policy.

All regulations, orders, and delegations of authority to other Government agencies or officials thereof, shown in List A of this notice, and all other actions (including but not limited to directives), which were issued or taken by or under authority of the Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy, the Director of the Bureau of Domestic Commerce, the Administrator of the Business and Defense Services Administration or the Administrator of the National Production Authority and which were in existence at the close of business November 11, 1973, are hereby adopted, ratified, and confirmed by the Deputy Assistant Secretary for Domestic and International Business, Domestic and International Business Administration, and shall remain in full force and effect until they expire by their terms or are revoked or amended. Any references in such actions to the Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy or the Bureau of Competitive Assessment and Business Policy, to the Director of the Bureau of Domestic Commerce or the Bureau of Domestic Commerce, to the Administrator of the Business and Defense Services Administration or the Business and Defense Services Administration, or to the Administrator of the National Production Authority or the National Production Authority shall be deemed references to the Deputy Assistant Secretary for Domestic and International Business or the Domestic and International Business Administration, Bureau of Domestic Commerce, as the case may be.

Sec. 3. Rescission of BCABP Notice 1.

This DIBA/BDC Notice 1 supersedes BCABP Notice 1 of September 7, 1973, which is hereby rescinded.

Sec. 4. Use of Bureau of Competitive Assessment and Business Policy or Business and Defense Services Administration forms.

Pending the preparation and adoption of revised forms, and until otherwise ordered or prescribed, forms of the Bureau of Competitive Assessment and Business Policy or the Business and Defense Services Administration shall be deemed forms of the Domestic and International Business Administration, Bureau of Domestic Commerce.

This notice shall take effect June 14, 1974.

Domestic and International Business Administration, Bureau of Domestic Commerce.

JOHN M. DUNN,
Deputy Assistant Secretary for Domestic and International Business.

LIST A OF DIBA/BDC NOTICE 1

EXISTING BDC, BCABP AND BDSA ACTIONS

Regulations

Basic Rules of Priorities System:
- DPS Regulation 1 (as amended March 23, 1953) (formerly BDSA Regulation 3 18 FR 1684.
  - Amendment 1 (May 9, 1958) (formerly BDSA Regulation 2, Amendment 5) 23 FR 3273.
  - Amendment 2 (April 27, 1960) (formerly BDSA Regulation 2, Amendment 6) 25 FR 3820.
  - Amendment 3 (July 21, 1964) (formerly BDSA Regulation 2, Amendment 7) 29 FR 10461.
  - Amendment 5 (December 3, 1970) 35 FR 19575.
  - Amendment 6 (July 1, 1971) 36 FR 12741.
  - Amendment 7 (February 4, 1974) 39 FR 4478.
- Direction 2 (June 29, 1956) (formerly BDSA Regulation 2, Direction 7) 29 FR 4911.
- Direction 2, Amendment 1 (May 9, 1958) (formerly BDSA Regulation 2, Direction 7, Amendment 1) 23 FR 3272.
- Direction 3 (January 18, 1957) (formerly BDSA Regulation 2, Direction 8) 22 FR 474.
- Direction 4 (August 15, 1967) (formerly BDSA Regulation 2, Direction 11) 32 FR 11734.
- 1953) (formerly BDSA Regulation 2 18

Operations of the Priorities and Allocations Systems Between Canada and the United States:
- DPS Regulation 2 (February 1, 1956) (formerly BDSA Regulation 3) 21 FR 787.

Compliance and Enforcement Procedures:
- DPS Regulation 3 (May 15, 1956) (formerly BDSA Regulation 8) 21 FR 3254.

Basic Rules of the Defense Materials System:
- DMS Regulation 1 (as amended December 1, 1959) 24 FR 9595.
  - Amendment 1 (March 15, 1966) (formerly DMS Regulation 1, Amendment 2) 31 FR 4594.
  - Amendment 3 (July 1, 1971) 36 FR 12742.
- Direction 1 (December 1, 1959) 24 FR 9607.
- Direction 2 (December 1, 1959) 24 FR 9607.
- Direction 3 (December 1, 1959) 24 FR 9608.
- Direction 3, Amendment 1 (July 1, 1971) 36 FR 12742.

Orders

Metalworking Machines:
- DPS Order 1 (as amended May 24, 1963) (formerly BDSA Order M-41) 28 FR 5295.

Iron and Steel:
- DMS Order 1 (as amended August 14, 1970) (formerly BDSA Order M-1A) 35 FR 12897.
  - Amendment 1 (July 1, 1971) 36 FR 12742.

Nickel Alloys:
- DMS Order 2 (June 29, 1956) (formerly BDSA Order M-1B) 21 FR 4914.
  - Amendment 1 (August 17, 1956) (formerly BDSA Order M-1B, Amendment 1) 21 FR 6227.
  - Amendment 2 (January 20, 1958) (formerly BDSA Order M-1B, Amendment 2) 23 FR 383.
  - Amendment 3 (July 1, 1971) 36 FR 12743.

Aluminum:
- DMS Order 3 (May 6, 1953) (formerly BDSA Order M-5A) 18 FR 2639.
  - Amendment 1 (December 31, 1956) (formerly BDSA Order M-5A, Amendment 1) 22 FR 32.
  - Amendment 2 (January 20, 1958) (formerly BDSA Order M-5A, Amendment 2) 23 FR 383.
  - Amendment 3 (July 1, 1971) 36 FR 12743.

Copper and Copper-Base Alloys:
- DMS Order 4 (as amended October 28, 1966) (formerly BDSA Order M-11A) 31 FR 13852.
  - Amendment 1 (July 1, 1971) 36 FR 12744.
  - Schedule A (Revised as of May 15, 1972) (formerly Schedule A to BDSA Order M-11A) 36 FR 10440.

Delegations

Delegation of Authority to Secretary of Defense:

BDC Delegation 1 (as amended May 31, 1960) (formerly BDSA Delegation 1) 25 FR 5788.

Delegation of Authority to Atomic Energy Commission:

BDC Delegation 2 (as amended May 31, 1960) (formerly BDSA Delegation 2) 25 FR 5789.

Delegation of Authority to Administrator of General Services Administration:

BDC Delegation 3 (May 16, 1972) (formerly BDSA Delegation 3) 37 FR 10456.

Emergency Delegation of Priorities and Allocation Powers:

BDC Emergency Delegation 1 (Revised as of April 18, 1972) (formerly BDSA Emergency Delegation 1) 37 FR 8681.

Notice

Designation of BDC Actions to Be Taken Under the Authority of the Defense Production Act of 1950, as amended:

DIBA/BDC Notice 1 (June 14, 1974) 39 FR 22143

DIBA/BDC Notice 2 (June 14, 1974) 39 FR 22144

BDC Notice 3 (November 30, 1970) 35 FR 18279

[FR Doc.74-14088 Filed 6-19-74;8:45 am]

[DIBA/BDC Notice 2]

DIAB/BDC NOTICE 2—SIGNATURE OF OFFICIAL DIBA/BDC ACTIONS

JUNE 14, 1974.

This notice is found necessary in order to bring procedural practices into conformity with the provisions of Commerce Department Organization Order 10-3, as amended, 38 FR 33624, which abolished the Bureau of Competitive Assessment and Business Policy and assigned its functions to the Domestic and International Business Administation which was established as a primary operating unit of the Department of Commerce. Order 10-3 also established the Bureau of Domestic Commerce as a main line component of the Domestic and International Business Administration. Department of

Commerce, Domestic and International Business Administration Organization and Function Orders 45–1 and 45–2 prescribe the organization and functions of the Bureau of Domestic Commerce. This notice supersedes BCABP Notice 2, April 13, 1973, 38 FR 9589.

Sec.
1. Purpose of this notice.
2. Definition.
3. Signature of official actions.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Order 10–3, 38 FR 33624, and 40–1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41–1, as amended, 39 FR 2780, 39 FR 18490, 45–1, 39 FR 18488, and 45–2, 39 FR 18489.

Section 1. Purpose of this notice.

This notice prescribes the exclusive methods of signature to be used on official actions taken by the Domestic and International Business Administration, Bureau of Domestic Commerce under the authority of the Defense Production Act of 1950, as amended and extended. This notice does not apply to official actions of any other agency, or of any officer or employee thereof, even when such action is based on a regulation, order, directive, direction, delegation, designation, notice, or rule of the Domestic and International Business Administration, Bureau of Domestic Commerce.

Sec. 2. Definition.

As used in this notice, "official action" means any action taken by the Domestic and International Business Administration, Bureau of Domestic Commerce under the authority of the Defense Production Act of 1950, as amended and extended, including but not limited to the issuance of any regulation, order, direction or supplement thereto, including any amendment, extension, or revocation thereof; any action taken by letter, telegram, form, directive, or otherwise, which assigns or denies a preference rating or grants or denies an authorization, allocation, allotment, adjustment, or exception, to a named person or persons to take or not to take any action relating to production, delivery, receipt, use, sale or distribution of any material or facility; and any action which changes or refuses to change the effect of any of the above actions. For the purpose of this notice, "official action" does not include any action taken in the course of an investigation or compliance proceeding; or the issuance of a suspension order or any action taken in the course of a proceeding looking toward the issuance of such a suspension order.

Sec. 3. Signature of official actions.

(a) The Deputy Assistant Secretary for Domestic and International Business and the Deputy Assistant Secretary for Domestic Commerce may, in their respective names, perform the functions and exercise all the powers, authority, and discretion vested in the Deputy Assistant Secretary for Domestic and International Business.

(b) All official actions taken in performance of the functions or in the exercise of the powers, authority, and discretion vested in the Deputy Assistant Secretary for Domestic and International Business under the Defense Production Act of 1950, as amended and extended, which are not taken in the name of the Deputy Assistant Secretary for Domestic and International Business, or in the name of the Deputy Assistant Secretary for Domestic Commerce shall be taken in the name of the Director of the Office of Industrial Mobilization or in the name of the Office of Industrial Mobilization, countersigned or attested by the Executive Secretary of the Office of Industrial Mobilization. Unless otherwise ordered, all actions taken by countersignature or attestation of the Executive Secretary shall be in the following form:

OFFICE OF INDUSTRIAL MOBILIZATION

By _____
(Executive Secretary)

This notice shall take effect June 14, 1974.

Domestic and International Business Administration, Bureau of Domestic Commerce.

JOHN M. DUNN,
Deputy Assistant Secretary for Domestic and International Business.

[FR Doc.74–14087 Filed 6–19–74;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER V—SMITHSONIAN INSTITUTION

PART 510—SCIENCE INFORMATION EXCHANGE

Revocation of Part 510

Part 510 of this title on the Science Information Exchange of the Smithsonian Institution is hereby revoked. The Science Information Exchange (SIE) has been abolished and a successor organization, the Smithsonian Science Information Exchange (SSIE), was incorporated under the laws of the District of Columbia on June 9, 1971. Information on the nature and services of the Smithsonian Science Information Exchange may be obtained by contacting SSIE directly at:

1730 M Street, NW.
Washington, D.C. 20036

S. DILLON RIPLEY,
Secretary.

[FR Doc.74–14119 Filed 6–19–74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Benomyl

A petition (PP 4F1427) was filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodity pineapples at 35 parts per million (postharvest application).

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

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

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.294 is amended by adding the paragraph "35 parts per million * * *", as follows:

§ 180.294 Benomyl; tolerances for residues.

* * * * *

35 parts per million in or on pineapples (from postharvest application).

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before July 22, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on June 20, 1974.

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

Dated: June 14, 1974.

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

[FR Doc.74–14207 Filed 6–19–74;8:45 am]

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

Interim Tolerances; Deletions

In the FEDERAL REGISTER of June 6, 1973 (38 FR 14829), interim tolerances were established for residues resulting from external animal uses only of the insecticides potassium arsenite and sodium arsenite (calculated as As_2O_3) in the raw agricultural commodities kidney and liver of cattle and horses at 2.7 parts per million and the meat, fat, and meat byproducts of cattle and horses at 0.7 part per million.

The interim tolerances were established pending final review and evaluation of the data in petitions submitted on the subject pesticides.

Subsequently, the review and evaluation of the subject petitions have been completed and permanent tolerances established for residues of the insecticides potassium and sodium arsenite (expressed as As_2O_3), resulting from dermal application of the insecticides to animals under the supervision of the U.S. Department of Agriculture, in the raw agricultural commodities kidney and liver of cattle and horses at 2.7 parts per million and the meat, fat, and meat byproducts (except Kidney and liver) of cattle and horses at 0.7 parts per million by an order published in the FEDERAL REGISTER of June 6, 1973 (38 FR 14829).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.319 *Interim tolerances* is amended by deleting the items "Potassium arsenite * * *" and "Sodium arsenite * * *" from the list of items in the table.

Since these amendments are merely for record-clearance purposes and are noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisites to the promulgation of this order.

Effective date. This order shall become effective on June 20, 1974.

Dated: June 14, 1974.

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

[FR Doc.74-14204 Filed 6-19-74;8:45 am]

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

Methomyl

A petition (PP 4F1437) was filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide methomyl (*S*-methyl *N* - [(methylcarbamoyl)oxy]thioacetimidate) in or on the raw agricultural commodities grapes at 5 parts per million and beans (dry) at 0.1 part per million (negligible residue).

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

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

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.253 is amended by revising the paragraphs "5 parts per million * * *" and "0.1 part per million * * *" to read as follows:

§ 180.253 Methomyl; tolerances for residues.

* * * * *

5 parts per million in or on cabbage, endive (escarole), grapes, lettuce, nectarines, peaches, and peas.

* * * * *

0.1 part per million (negligible residue) in or on beans (dry), corn grain (including popcorn), fresh corn including sweet corn (kernels plus cob with husk removed), cottonseed, peanut hulls, and peanuts.

Any person who will be adversely affected by the foregoing order may at any time on or before July 22, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on June 20, 1974.

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

Dated: June 14, 1974.

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

[FR Doc.74-14206 Filed 6-19-74;8:45 am]

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

Picloram

In response to a petition (PP 4E1489) submitted jointly by the Montana Department of Agriculture, Helena, MT 59601, and the North Dakota Department of Agriculture, Bismarck, ND 58501, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of May 6, 1974 (39 FR 15880), proposing establishment of interim tolerances for residues of the herbicide picloram (4-amino-3,5,6-trichloropicolinic acid) in or on the raw agricultural commodities green forage and straw of barley and wheat at 1 part per million; grain of barley and wheat at 0.5 part per million; kidney of hogs and horses at 5 parts per million; liver of hogs and horses at 0.5 part per million; meat, fat, and meat byproducts (except kidney and liver) of hogs and horses at 0.2 part per million; and eggs and the meat, fat, and meat byproducts of poultry at 0.05 part per million.

No requests for referral to an advisory committee were received. One comment was received from the State of Nebraska, Department of Agriculture, requesting that the proposed tolerances for picloram be extended to cover residues in or on the same raw agricultural commodities resulting from the same use pattern in Nebraska.

It is concluded that the proposal reflecting this change be adopted. (For a related document, see this issue of the FEDERAL REGISTER, page 22140.)

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.292 is amended by adding to the end thereof the following new paragraph:

§ 180.292 4-Amino-3,5,6-trichloropicolinic acid; tolerances for residues.

* * * * *

(b) Interim tolerances are established for residues of the herbicide picloram (4-amino-3,5,6-trichloropicolinic acid) in or on the following raw agricultural commodities when present as a result of application of 2,4-D-picloram mixtures to growing barley and wheat during the 1974 growing season in the States of Montana, Nebraska, and North Dakota:

5 parts per million in kidney of hogs and horses.

1 part per million in green forage and straw of barley and wheat.

0.5 part per million in or on grain of barley and wheat.

0.5 part per million in liver of hogs and horses.

0.2 part per million in meat, fat, and meat byproducts (except kidney and liver) of hogs and horses.

0.05 part per million in eggs and the meat, fat, and meat byproducts of poultry.

Any person who will be adversely affected by the foregoing order may at any time on or before July 22, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on June 20, 1974.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: June 14, 1974.

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

[FR Doc.74-14125 Filed 6-19-74;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 151—RIGHT TO READ PROGRAM

General Provisions

Notice of proposed rule making was published in the FEDERAL REGISTER on April 10, 1974 (39 FR 13003) setting forth proposed general provisions applicable to all Right to Read grants and specific provisions governing project grants for the development of exemplary teacher preparation programs. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

1. Only one comment was received by the Office of Education regarding the proposed regulations. It suggested that all proposals submitted by institutions within a State be reviewed by the appropriate State Department of Education and that the State Department of Education make recommendations for priority funding of proposals that are consistent with reading plans of the State agency.

The Office of Education shares the concern implicit in this comment for facilitating communication and coordination among agencies and institutions supported by the Right to Read program. To carry out this concern, the Office of Education would encourage early consultation among prospective applicants and would intend to seek the views of interested parties, particularly State educational agencies, with regard to Right to Read applications, to the extent appropriate and practicable.

However, the suggestion for formal review of applications by State Departments of Education seems inappropriate in a number of respects. The Cooperative Research Act already requires review of applications by an independent panel of specialists. Mandatory review by State agencies would duplicate this statutory procedure and add to the practical difficulties of submitting and processing grant applications within tight funding cycles. Also, funding decisions for applications submitted under this part must be made by the Commissioner strictly on the basis of requirements and criteria provided for in this part, and not on the basis of State plans concerning activities to be carried out by the State agency with Right to Read funds. Accordingly, no changes in the regulations have been made.

2. Technical and typographical corrections have been made.

After consideration of the above comment, the proposed regulations are adopted as set forth below.

Effective date. These regulations are effective on June 20, 1974.

Dated: May 21, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: June 17, 1974.

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

(Catalog of Federal Domestic Assistance Program Number 13.533; Right to Read—Elimination of Illiteracy.)

Title 45 of the Code of Federal Regulations is amended by revising Part 151 to read as follows:

Subpart A—General Provisions for Right to Read

Sec.
151.1 Scope.
151.2 Purpose.
151.3 Definitions.
151.4 Competitions for funding.
151.5 Advice and recommendation on proposals.

Subpart B—Exemplary Projects for the Development of Preservice Teacher Preparation Programs

151.11 Scope and purpose.
151.12 Funding requirements.
151.13 Evaluation criteria.
151.14 Allowable costs.
151.15 Project duration.

AUTHORITY: Sec. 2(a) of the Cooperative Research Act enacted by section 401 of Pub. L. 89-10, 79 Stat. 44, as amended (20 U.S.C. 331a(a)).

Subpart A—General Provisions for Right to Read

§ 151.1 Scope.

(a) The provisions of this subpart apply to all grant awards made with funds available to carry out the Right to Read Program pursuant to section 2(a)(1) of the Cooperative Research Act.

(b) Assistance provided under this part shall also be subject to applicable provisions contained in Subchapter A of this Chapter (General Provisions for Office of Education programs relating to fiscal, administrative, property management, and other matters).

(c) Contracts which may be awarded by the Right to Read Program will be made in accordance with criteria specified in this subpart and shall be subject to regulations in Chapters 1 and 3 of Title 41 of the Code of Federal Regulations.

(d) The regulations of this part are not applicable to the provision of technical assistance by the Commissioner in the field of reading.

(20 U.S.C. 331a, 332)

§ 151.2 Purpose.

The purpose of the Right to Read Program is, through the means of funding surveys, dissemination, and exemplary projects in the field of reading under this part and the provision of technical assistance related to such projects, to stimulate greater attention to reading needs, and the initiation of innovative and effective reading programs, by all types of agencies and institutions which can contribute to the elimination of illiteracy in this country.

(20 U.S.C. 331a(a))

§ 151.3 Definitions.

As used in this part:

"Act" means the Cooperative Research Act, as amended, 20 U.S.C. 331.

"Competency based teacher education" means a system of teacher education which places emphasis on the specification, learning, and demonstration of those competencies which are of central importance to effective teaching.

"Institution of higher education" means an educational institution in any State which (a) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, (b) is legally authorized within such State to provide a program of education beyond secondary education, (c) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (d) is a public or other nonprofit institution, and (e) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose or, if not so accredited, (1) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such agency or association within a reasonable time, or (2) is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

"Prospective teacher" means an undergraduate or graduate student who is preparing, in his university or college studies, to become an elementary school teacher.

"Protocol materials" means reproductions which portray concepts in teaching and learning. Protocol materials are used for interpretation of classroom behavior to facilitate the development of interpretative competencies in teachers.

(20 U.S.C. 331a(a))

§ 151.4 Competitions for funding.

(a) Public and private nonprofit institutions, agencies, and organizations shall be eligible to apply for assistance under this part.

(b) Unsolicited proposals involving surveys, dissemination, and exemplary projects related to reading which do not fall within the activities and specific eligibility requirements set forth under other subparts of this part will be evaluated by the Commissioner according to their overall quality in meeting the purposes of the Act and according to the criteria set forth in § 100a.26(b) of this chapter.

(c) The activities described by other subparts of this part represent areas in which the Commissioner has determined there is a special need for exemplary efforts and for better flow of information to eliminate illiteracy within the Nation, and applications which meet the criteria for selection set forth in those subparts will be given priority for funding.

(20 U.S.C. 331a(a)(1))

§ 151.5 Advice and recommendations on proposals.

The Commissioner will, prior to the approval of any proposal under this part, obtain and consider the advice and recommendations of a panel of specialists who are not employees of the Federal Government and who are competent to evaluate the proposal as to the soundness of its design, the possibilities of securing productive results, the adequacy of resources to conduct the proposed project, and its relationship to similar projects already completed or in progress.

(20 U.S.C. 331a(a)(2))

Subpart B—Exemplary Projects for the Development of Preservice Teacher Preparation Programs

§ 151.11 Scope and purpose.

(a) This subpart governs applications from institutions of higher education for grants to develop exemplary preservice preparation components in the teaching of reading on the elementary school level designed to serve as models for other institutions of higher education which may wish to improve the quality of their teacher preparation programs.

(b) Grants under this subpart will support the development and installation of a new program of preparation in the field of the teaching of reading, or the development and installation of components necessary for the restructuring of an existing such program, for undergraduate or graduate students who are preparing to become elementary school teachers.

(20 U.S.C. 331a(a))

§ 151.12 Funding requirements.

(a) Projects funded under this subpart must be designed to devise a program of preparation in the field of the teaching of reading for prospective elementary school teachers that develops the understanding and skills which enable them to become effective teachers of reading in regular classroom settings. Projects must be designed to prepare prospective teachers to teach reading as an integral part of the overall elementary school curriculum.

(b) An application for Federal assistance under this subpart must describe the proposed activities and provide information adequate to establish that:

(1) The applicant will develop a program as described under paragraph (a) of this section which must include, but need not be limited to, instruction and experiences for prospective teachers which:

(i) Develop understanding of the reading process;

(ii) Develop mastery of a variety of approaches to the teaching of reading;

(iii) Develop mastery of a variety of diagnostic instruments and techniques;

(iv) Develop the ability to individualize instruction;

(v) Provide a variety of teaching experiences with children in school settings, including one-to-one instruction, small group instruction, and whole class instruction;

(vi) Enable the prospective teacher to integrate reading instruction into subject matter courses such as social studies and mathematics;

(vii) Develop an understanding of the language development of children, and how to stimulate it in the classroom;

(viii) Develop understanding and appreciation of children's literature so that it can be presented effectively; and

(ix) Develop appropriate skills and attitudes to teach reading to children from diverse cultural and linguistic backgrounds.

(2) The applicant has conducted an assessment of its teacher preparation program in general and the teaching of reading component of that program in particular to determine what changes are needed to make the program more effective in preparing prospective teachers to teach reading in elementary schools, and the proposed project has been designed in light of that asessment;

(3) The project staff will document their experiences in developing the program in a form that will be useful to other institutions interested in changing their own teacher preparation program in reading;

(4) The project director has a background in both the field of reading and teacher preparation; and

(5) The project design will utilize recent research findings and provide for the adoption of innovative products and practices in teacher preparation (such as any newly developed protocol materials, opportunities for undergraduate prospective teachers to engage in their freshman or sophomore years in practice teaching and similar work with elementary school children; competency based teacher education, individual counseling for prospective teachers, and implementation of the entire project in an elementary school).

(20 U.S.C. 331a(a))

§ 151.13 Evaluation criteria.

In evaluating project proposals under this subpart, the Commissioner will seek to identify a small number of exemplary projects and will evaluate proposals in accordance with the following criteria and point system totalling 100 points:

(a) The criteria set forth in § 100a.26 (b) of this chapter; (15 points)

(b) The overall quality of the project in satisfying the requirements set forth in § 151.12; (45 points)

(c) The extent to which the proposed project:

(1) Would involve, in program planning and implementation, representatives from local educational agencies, educational associations, students, and community groups, as well as faculty from different departments in the school of education; (5 points)

(2) Specifies performance objectives for each prospective teacher and criteria for evaluation of the extent to which they are achieved; (5 points)

(3) Provides for follow-up of the prospective teacher's preformance in the first year of teaching; (5 points)

(4) Would result in the adoption or development of new instructional materials and methods which would contribute to the elimination of illiteracy through improved reading instruction in elementary schools; (5 points)

(5) Provides for an effective management system with methodology for the planning, installing, and evaluating of project activities; (5 points)

(6) Provides for preparation of the teachers and administrators in cooperating elementary schools in order to facilitate their role as trainers of prospective teachers; and (5 points)

(7) Gives evidence of commitment and involvement of the dean (or person of the equivalent position) of the applicant's school of education to the project; (5 points)

(d) The extent to which the proposal shows evidence of a capacity and intent on the part of the applicant to implement the project design (if effective) in its elementary education training curriculum following completion of the project assisted under this subpart. (5 points)

(20 U.S.C. 331a(a))

§ 151.14 Allowable costs.

(a) Allowable costs under grants awarded pursuant to this subpart shall

be determined in accordance with cost principles set forth in Appendix C to Subchapter A of this chapter, subject to the following restrictions:

(1) Funds supplied under the grants may not be used to pay undergraduate or graduate stipend support or tuition.

(2) Not in excess of five percent of the funds supplied under the grant may be used to purchase equipment.

(b) It is expected that grants will generally range from $20,000 to $50,000 depending on the scope of the proposed project.

(20 U.S.C. 331a(a))

§ 151.15 Project duration.

(a) Projects may be of one or two years duration.

(b) Applicants should make a realistic estimate of the amount of time needed to develop and implement the proposed curricular changes and develop a budget according to such estimate.

(c) With respect to funded projects of two years duration, it is anticipated that generally an initial grant will be awarded for the first year of the project for support of course development and experimental teaching. A continuation grant will support the cost of installing the new program during the second year. Decisions for refunding for the second year will be made on the basis of the extent to which the grantee has satisfactorily performed under the first grant and will be contingent upon availability of funds.

(20 U.S.C. 331a(a))

[FR Doc.74-14196 Filed 6-19-74;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Sachuest Point National Wildlife Refuge, R.I.

The following special regulations are issued and are effective during the period June 27, 1974 through December 31, 1974.

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

RHODE ISLAND

SACHUEST POINT NATIONAL WILDLIFE REFUGE

Foot entry to the refuge is permitted during daylight hours for the purposes of photography, nature study, sunbathing, and hiking. The entire refuge beach has no life guards. Swimming will be at the visitor's own risk. Shellfishing is permitted in conformance with the regulations prescribed by the State of Rhode Island. Vehicle parking is limited to areas designated by signs. Parking elsewhere is not permitted. Pets are permitted on a leash not exceeding 10 feet in length. Open fires and camping are not permitted.

The refuge, comprising 71 acres, is delineated on a map available from the Refuge Manager, Ninigret National Wildlife Refuge, c/o Postmaster, Charlestown, Rhode Island 02813, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

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

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

JUNE 12, 1974.

[FR Doc.74-14143 Filed 6-19-74;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 TREASURY

Comptroller of the Currency

[12 CFR 23]

PRINCIPAL OFFICERS AND DIRECTORS OF NATIONAL BANKS

Statement of Business Interests

Notice is hereby given that the Comptroller of the Currency pursuant to the authority contained in R.S. 5211 as amended, 12 U.S.C. 161; R.S. 5240, as amended, 12 U.S.C. 481; 64 Stat. 879, as amended, 12 U.S.C. 1818 is considering the adoption of a new regulation, 12 CFR 23.

Pursuant to the proposed regulation principal officers and directors of each national bank would be required to complete and keep on file with the bank Form CC 8013–06 relating to their business interests. This statement would indicate the form of business, its principal activity, the nature and percentage of ownership interest, all positions held in the business and the amount of all extensions of credit or other transactions between the national bank and the enterprise. These statements of interest would be required to be completed by January 1, 1975, or within 30 days of attaining the position of national bank director or principal officer of a national bank.

The experience of the Comptroller's Office indicates that unsafe and unsound banking practices frequently are associated with self-dealing by the bank's managing officials. Thus, the identification and scrutiny of self-dealing transactions is important both to the bank and to the Comptroller's Office. One of the most common manifestations of self-dealing is the extension of credit on an unsound basis. Other examples include various types of contracts negotiated between the bank and a business enterprise of a bank official on other than an "arms length" basis, sometimes benefiting improperly these individuals or their interests, to the detriment of the bank.

The purpose of this regulation is to establish an informational base upon which bank management and the Comptroller's Office may assess more accurately the extent and manner by which a national bank may be engaging in transactions with its own directors and senior officers.

All interested persons are invited to submit comments in writing to Robert Bloom, Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20220, to be received not later than August 1, 1974. Such material will be made available for inspection and copying upon request except as provided in § 4.16(a) of the Comptroller's rules regarding availability of information.

The proposed new Part 23 would read as follows:

PART 23—STATEMENTS OF BUSINESS INTERESTS OF PRINCIPAL OFFICERS AND DIRECTORS OF NATIONAL BANKS

Sec.

§ 23.1 Authority and scope.

(a) This part is issued by the Comptroller of the Currency pursuant to sections 161, 481 and 1818 of Title 12 of the United States Code. This part requires the filing of a Statement of Interest of directors and principal officers of national banks. An initial statement must be filed by January 1, 1975, or within 30 days of attaining the position of director or principal officer of a national bank, whichever is later.

(b) The statement is to be kept at the head office of the bank for review by national bank examiners and the bank's board of directors, management, lending officers, auditors, and attorneys.

§ 23.2 Definitions.

For purposes of this part:

(a) The term "business enterprise" means a corporation, association, trust, partnership, joint venture, pool, syndicate, sole proprietorship or any other form of business not specifically listed herein. ,

(b) The term "extension of credit" means the making of a loan or extending credit in any manner whatsoever by a national bank, and shall include (without limitation):

(1) A loan.

(2) Any advance by means of an overdraft, cash item or otherwise.

(3) The acquisition by discount, purchase, exchange or otherwise of any note, draft, bill of exchange or other evidence of indebtedness.

(4) An acceptance.

(5) A letter of credit.

(6) Any purchase of securities, accounts, receivable or other chose in action under a repurchase agreement.

(7) Any other transaction as a result of which an extension of credit is created.

(c) The term "interest" with regard to a business enterprise means:

(1) ownership, whether legal, equitable or otherwise, of stock or other forms of equitable, legal or beneficial participation in the enterprise by the reporting bank officer or director and/or his spouse or minor children which, when aggregated, equal or are greater then either 5 percent of the enterprise's total outstanding indicia of ownership, or, in the case of stock, 5 percent of the total outstanding of any class of stock;

(2) indebtedness owed to or from the enterprise in an amount of $100,000 (aggregated among the reporting bank director or principal officer and his spouse and minor children) or greater; or

(3) the holding by the reporting bank director or officer or his spouse or minor child of a position in the enterprise.

(4) The possession, directly or indirectly, by the reporting bank officer or director of the power to direct or cause the direction of the management or policies of the enterprise, whether through the ownership of securities, by contract, by inter-company relationships, or otherwise.

(d) The term "material change" means:

(1) The acquisition or termination of an interest in a business enterprise.

(2) A change from the amount most recently reported on a Form CC 8013–06 of more than 25 percent in the amount of deposits maintained with the bank by a business enterprise.

(3) The creation, or termination, or material change in the terms or conditions of any extension of credit or agreement between the bank and a business enterprise.

(e) The term "principal officer" with regard to a national bank usually includes the Chairman of the Board of Directors, President, Cashier, Treasurer, Secretary, Comptroller, Vice-President or anyone exercising the functions normally associated with those positions, or any other person who participates in major policy-making functions of the bank. In certain banks, particularly those with officers bearing titles such as Executive Vice-President, Senior Vice-President or First Vice-President, some or all Vice-Presidents do not participate in major policy-making functions and such persons are not "principal officers" for the purpose of this part.

(f) The term "position" with regard to a business enterprise means an officer, director, employees with managerial or policy-making responsibilities, trustee, beneficiary, participant, partner, or associate or any similar office regardless of title.

§ 23.3 Filing of statement.

Every director or principal officer of a national bank is required to maintain on file with the bank as prescribed in this Regulation a statement of each business enterprise in which the officer or director has an interest, whether or not that enterprise has a business relationship with the bank. The director or principal officer shall complete and file with the bank Form CC 8013–06 within 30 days of attaining his position as a bank director or principal officer, or by January 1, 1975, whichever is later. Thereafter, the director or principal officer shall complete and file Form CC 8013–06 within 30 days after any material change. The director or principal officer shall include on the Form, in accordance with the instructions thereon, the required information concerning any business enterprise in which he, his spouse, or his minor children have an interest.

§ 23.4 Annual review.

Every director or principal officer subject to this part shall review annually during January the Statement of Interest Form and any subsequent Statement of Interest Form he has on file with the bank to determine if these forms accurately reflect his current status. If his current status is not reflected accurately, he forthwith shall prepare and file with the bank Form CC 8013–06.

§ 23.5 Location and retention of statements.

(a) All Statements of Interest Forms shall be maintained at the head office of the bank during the tenure of the reporting officer or director as an official of the bank.

(b) If any director or principal officer of a national bank ceases to serve in that capacity, the bank nevertheless shall maintain all Statement of Interest Forms for a period of two years or until all extensions of credit listed thereon have been paid, whichever is later.

Dated: June 14, 1974.

[SEAL] JUSTIN T. WATSON,
Acting Comptroller of the Currency.

Office of the Comptroller of the Currency

STATEMENT OF INTEREST
of Principal Officers and Directors
of National Banks

The Administrator of National Banks

☐ Initial Statement, ☐ Subsequent Statement Sheet ___ of ___

Name and Address of Business	Form of Business	Principal Activity

Ownership Interest	Position	Extension of Credit or Agreement by Bank	Deposits

Name & Address of Business	Form of Business	Principal Activity

Ownership Interest	Position	Extension of Credit or Agreement by Bank	Deposits

Name & Address of Business	Form of Business	Principal Activity

Ownership Interest	Position	Extension of Credit or Agreement by Bank	Deposits

Name of Bank:

Date:

Name of Officer or Director:

Position with Bank:

Signature.

This form (CC-8013-06) is to be completed in accordance with the provision of Part 23 of the Comptroller's regulations.

Officers and directors are reminded of the provision of 18 U.S.C. 1001 and 18 U.S.C. 1005.

§ 1001

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

§ 1005

Whoever, being an officer, (or) director . . . of any . . . national bank . . . makes any false entry in any book, report, or statement of such bank with intent to injure or defraud such bank, or any other company, body politic or corporate, or any individual person, or to deceive any officer of such bank, or the Comptroller of the Currency, or the Federal Deposit Insurance Corporation, or any agent or examiner appointed to examine the affairs of such bank, or the Board of Governors of the Federal Reserve System -- shall be fined not more than $5,000 or imprisoned not more than five years.

Initial Statement of Interest

1. Name and Address of Business: Give legal name and address of the business.
2. Form of Business: State the legal form of existence of the business enterprise: e.g., trust, sole proprietorship, corporation.
3. Principal Activity: Briefly describe the principle activities in which the identified business enterprise engages.
4. Ownership Interest: Specify the nature and percentage of ownership in the identified business enterprise; any indebtedness owed to or from the business enterprise to the officer or the director in an amount of $100,000 or greater; and, other means of control.
5. Position: Under "position" list all positions held, in the identified business enterprise by the bank officer or director, his spouse, or his minor children, whether as an officer, director, employee with managerial or policy making responsibilities, trustee, beneficiary, participant, associate, or otherwise.
6. Extension of Credit or Agreement by Bank:
   a. Identify and list the amount of all extensions of credit from the bank to the identified business enterprise.
   b. Identify any transaction between the bank and the identified business enterprise not covered in 6(a) including contracts, agreements, leases or any understanding whereby the bank will purchase or lease goods or services from the business enterprise of the officer or director.
7. Deposits: Indicate the nature and amount of all deposits with the bank by the identified business interest.

Subsequent Statement of Interest

A statement on this form is required to be filed by every director or principal officer of a national bank within 30 days of any material change in his interests or those of his spouse or minor children in any business enterprise, whether or not any previous interest in this enterprise has been reported previously on an "Initial Statement of Interest" or "Subsequent Statement of Interest" is to be completed and filed in accordance with Part 23 of the Comptroller's regulations and with the instructions provided.

[FR Doc.74-14048 Filed 6-19-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

SPORT FISHING

Sachuest Point National Wildlife Refuge, R.I.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended: 16 U.S.C. 668dd), as delegated to the Director, Bureau of Sport Fisheries and Wildlife by Chapter 2, Part 242 of the Departmental Manual, it is proposed to amend 50 CFR 33 by the addition of Sachuest Point National Wildlife Refuge, Rhode Island, to the list of areas open to sport fishing.

It has been determined that sport fishing may be permitted as designated on the above refuge without detriment to the objectives for which the area was established.

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 with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, by July 25, 1974.

WILLARD M. SPAULDING, Jr.,
Acting Regional Director.

JUNE 12, 1974.

[FR Doc.74-14142 Filed 6-19-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Parts 312, 317, 320, 381]

MEAT AND POULTRY PRODUCTS

Labeling and Official Marks of Inspection

Pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 *et seq.*), and in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 *et seq.*), notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service proposes to amend Parts 312, 317, and 320 of the meat inspection regulations (9 CFR Parts 312, 317, and 320) and Part 381 of the poultry products inspection regulations (9 CFR Part 381) to establish procedures for the approval of labeling, marking devices, and containers for use with meat and poultry products; provide criteria to print labeling or other devices bearing the marks of inspection; permit inspectors to approve certain modifications of labeling previously approved; and establish equitable procedures for processing labeling approval applications in the Washington office. Further, notice is given that a public hearing to consider the above proposal will be held.

Statement of Considerations: On August 14, 1969, there was published in the FEDERAL REGISTER (34 FR 13194–13255) a notice that the Department was considering revising the Federal meat inspection regulations, including 9 CFR Parts 317 and 320, pursuant to the Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. 601 *et seq.*). The notice proposed among other things, new §§ 317.3, 317.4, and 317.15 related to approval of labeling, marking devices, and containers for meat products subject to the Act and authorization to make labeling or other devices bearing official marks of inspection.

After considering all the comments and information presented, the Department alternatively proposed new §§ 317.3, 317.4, 317.15, and 320.1 on December 17, 1970 (35 FR 19118–19121). On February 18, 1971, another notice was published (36 FR 3126) extending the time until March 22, 1971, for filing comments on the proposed revision of the regulations. On September 21, 1973, there was published in the FEDERAL REGISTER (38 FR 26455–26459) a notice proposing to amend the poultry products inspection regulations in a similar manner as previously proposed for meat products incorporating changes based on previous comments.

The principal objectives of the proposals were to assure that products distributed under the Acts are wholesome, unadulterated, and properly marked, labeled, and packaged. The objectives also were to insure that the official marks of the Department's meat and poultry inspection service shall not be printed, cast, lithographed, or otherwise made or

used improperly. The number and nature of comments received emphasized the importance of the subject matter involved in the proposed regulations. The Department carefully considered all the information presented by the comments.

Several of the persons commenting recommended changes in the proposed regulations and one person recommended a public hearing on the regulations. In view of numerous comments received, the Department believes that it would be in the public interest to conduct further rulemaking proceedings, and that a public hearing should be held to develop further information on the proposals.

Based on the comments received to date, the Department has made certain changes in the proposed regulations concerning authorizations to make labeling or devices, and generally has modified the proposed amendments to the meat inspection regulations to conform to the proposed amendments to the poultry products inspection regulations. It is recognized that additional changes may be necessary after the rulemaking proceedings are completed.

As set forth herein, the proposed amendments would: (1) Establish a new application form for the submission of labeling for approval; (2) provide for more complete information upon which the approval or disapproval of labeling can be based; (3) simplify labeling approval procedures for multiple plant operations and in situations where multiple formulae apply to the same product name and label design; (4) retain the previous policy of control for the acceptability of containers used for foods; (5) establish a simplified procedure for the approval of the manufacture of brands or printing of labeling bearing the official mark of inspection, and (6) prescribe procedures for submitting labeling by mail and in person for approval.

Therefore, it is proposed to amend Parts 312, 317 and 320 of the meat inspection regulations (9 CFR Parts 312, 317 and 320) and Part 381 of the poultry products inspection regulations (9 CFR Part 381) as set forth below:

The specific proposed amendments to the meat inspection regulations are as follows:

§ 312.10 [Amended]

1. In § 317.3, the text of paragraph (a) would be added at the end of the present text in § 312.1 of this subchapter; and § 317.3 and the title thereof would be revised to read:

§ 317.3 Prior approval required for certain labeling and marking devices; conditions and procedure.

(a)(1) No labeling or device bearing an official mark as provided for in Part 312 of this subchapter, or simulation thereof, shall be used until it has been approved in finished form, as provided in this section. This requirement does not, however, apply to labeling used on the outside of an immediate or shipping container and approved in accordance with § 316.13(g) of this subchapter.

(2) No labeling or device bearing an official mark, or simulation thereof, shall be made or caused to be made in finished form until it has been approved in sketch form, as provided in this section; except that such prior approval of a sketch will not be required when finished labeling is submitted initially: *Provided, however,* That no more than 100 prints of the labeling may be prepared in finished form without sketch approval and such prints shall be marked "Proof" before being removed from the printing establishment or printing facility.

(3) Inserts, tags, liners, pasters, and similar articles containing printed or graphic matter for use on, or to be placed within, containers or coverings for product shall be submitted for approval in the same manner as provided for in paragraph (a)(2) of this section. Inspectors in charge may, however, permit use of such devices which bear no reference to any product and which are not false or misleading in any particular even though not so submitted.

(b) Requests for approval required under paragraph (a) of this section shall be made on Form MP–480, Application for Approval of Label, Marking, or Device,[1] in accordance with the procedures prescribed in this section. To request approval, the applicant (or his agent) shall submit sketches or proofs of the labeling or device, as described in paragraph (a) of this section. Copies of these sketches or proofs shall be attached to Form MP–480 completed as prescribed in paragraph (d) of this section. Applications shall be mailed to: Labels and Packaging Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Post Office Box 7416, Benjamin Franklin Station, Washington, D.C. 20044, or delivered to the office of said Staff, U.S. Department of Agriculture, Washington, D.C. Applications will be processed in accordance with the following procedures:

(1) Applications received by mail will be stamped with the date of receipt and will be processed in the daily order in which they are received.

(2) Applications delivered to the office of said Staff by the applicant (or his agent) shall be handled as follows:

(i) The application shall be left with the receptionist who will stamp thereon the date of receipt, which will be used to determine priority of processing applications as provided in paragraph (b)(1) of this section; and instructions shall also be left with the receptionist identifying the person to be notified of the final action and the method of notification desired; or

(ii) The applicant (or his agent) may schedule a conference with the label review office for the purpose of presenting applications in person. Such conferences will be scheduled, based on available time, Monday through Friday. Every effort will be made to schedule conferences to meet the desires of the applicant. However, availability of label review personnel for such conferences will be dependent upon the processing of all applications on an equitable time basis, regardless of the mode of receipt. These procedures for scheduling conferences apply only to routine applications. Conferences to discuss principles of labeling or special problems will be by appointment during regular working hours Monday through Friday. Information supplied under this section will be treated as confidential insofar as authorized under the provisions of 5 U.S.C. 552, 18 U.S.C. 1905, § 407 of the Act, and 15 U.S.C. 50, and the public information regulations of the Department of Agriculture (7 CFR 1.1 *et seq.* and supplementary regulations). All information requested must be given either in the space provided on Form MP–480 or by attaching additional sheets as necessary.

(c) The sketch for labeling or a device shall be an accurate representation of the labeling or device as it will appear in finished form. To be considered for approval, the sketch shall:

(1) Show all the features required by Parts 312, 316, 317, and 319 of this subchapter.

(2) Represent by rough drawings, printing, or other means, the exact information to be shown, the approximate location thereof, and size of type to be used. When a comprehensive sketch of a true color reproduction of the finished labeling or device with complete details is submitted, it will be eligible for final approval under the conditions stated in paragraph (e) of this section.

(3) Indicate transparent or semi-transparent colored coverings.

(4) Present pictorials, if used, in color photographs, color transparencies or color prints.

(5) Indicate, if proposed for multiplant operations, the official establishment numbers of the plants at which the final labeling will be used.

(6) Show each applicable ingredient statement and formula for which the labeling format will be used.

(d) Form MP–480 shall be completed in its entirety in accordance with the instructions provided on the reverse side of the form and shall conform with the following provisions:

(1) Entries shown under the item—"Fill Specifications" shall specify the quantity of each component of the product, either by weight or percentage, if the product consists of two or more major distinct components such as "beef and gravy," "frozen dinner," etc. The space shall not be used for such products as stews, soup, patties, sausage, etc.

(2) Entries shown under the item—"Formula Breakdown of Each Major Component" shall specify a formula, listing the ingredients and quantity, either by weight or percentage, of each ingredient used in the preparation of each component making up the product. In cases where the percentages of ingredients may vary, approximate percentages may be given if the limits of variations are

[1] Copies of this form may be obtained from any Meat and Poultry Inspection Program office or from the Administrator.

stated. When a complex ingredient (such as a breading or seasoning mixture), for which there is no Food and Drug Administration standard of identity, is shown in a formula, the formula shall be further explained by listing the common name of each ingredient therein. The quantity need not be shown for each ingredient in gravy bases, gravy mixes, seasoning mixes, and relishes. The space shall not be used for products that do not have distinctly separate components such as stews, soup, patties, etc.

(3) The space provided for "Complete Formula" shall be used to show the complete formula of the product and to specify the quantity of each ingredient used to prepare the product, either by weight or percentage, in descending order of predominance, when required in the specific case by the Administrator.

(4) "Processing Procedures" shall describe those processing procedures (fabricating, cooking, smoking, curing, canning, etc.) that may significantly affect the physical properties or condition of the product, or both. Description of the establishment control methods exercised with respect to the processing procedures shall be provided when it is required in the specific case by the Administrator to enable determination whether the product complies with statements on the labeling.

(e) (1) Finished labeling shall not be printed prior to obtaining sketch approval except as provided for in paragraph (a) (2) of this section. In any case, if finished labeling is printed prior to sketch approval, the applicant shall assume full responsibility and risk for the labeling which may be disapproved for use in accordance with the regulations in this Part.

(2) Finished labeling submitted for approval shall be accompanied by a copy of the approved sketch or make reference to the approved sketch, if a sketch has been approved, or other approval; or comply with the requirements of this section with respect to submission of sketches for approval: *Provided*, That,

(i) Finished labeling intended for use at more than one official establishment shall be submitted in sufficient copies to provide two copies for each official establishment designated on the application;

(ii) Lithographed labels, metal containers or sections therefrom shall not be submitted for approval. Paper takeoffs can be used to represent lithographed labels submitted for approval. Such paper takeoffs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved; and

(iii) For fiber containers, the printed layers such as kraft paper sheet, showing the entire label shall be submitted for approval in lieu of the complete container.

(f) At an official establishment, application for approval of a device or a sketch of any labeling or device, proof of any labeling, or any finished labeling completed in accordance with this section, may be submitted by the applicant to the inspector in charge. Applications may also be submitted to Washington, D.C., as hereinafter provided.

(1) If such material is submitted to the inspector in charge, he shall initially review the material as follows:

(i) If he determines that the device, sketch of labeling or device, proof of labeling, or finished labeling and the formulation of the product on which the labeling is to be used are in accordance with the applicable provisions of Parts 312, 316, 317, and 319 of this subchapter, he shall sign the application in the space provided therefor, and submit an imprint of the device, the sketch of labeling or device, proof of labeling, or finished labeling and the formulation to the Labels and Packaging Staff for review to determine whether the proposed labeling or device complies with all the applicable provisions of this subchapter, and approval or disapproval accordingly.

(ii) If the inspector in charge determines that the device, sketch, proof, or finished labeling or the formulation of the product on which the labeling or the device is to be used is not in accordance with the regulations cited in paragraph (f) (1) (i) of this section, he shall notify the applicant and request that the labeling or device be revised or the product formulation be changed in accordance with the applicable regulations: *Provided*, That, if the applicant does not agree with the inspector in charge's determination, the inspector in charge shall complete Form MP–442, "Checklist for Accuracy of Labels," identifying nonconforming features of the device, sketch, proof, finished labeling, or product formulation. The completed Form MP–442, signed by the inspector in charge, shall be submitted with the application and the imprint of the device, sketch, proof, or finished labeling to the Washington, D.C., office of the Labels and Packaging Staff for review and decision.

(2) If the Washington office of the Labels and Packaging Staff concurs with the inspector in charge's determinations, the application will be returned to the applicant without further action. If, however, said office does not agree with the inspector in charge's determinations, the application will be further processed in the usual manner for a determination whether the proposed labeling or device complies with all the applicable provisions of this subchapter, and approval and disapproval accordingly.

(3) The operator of an official establishment may submit applications for approval of a device, sketch of labeling or device, proof of labeling or finished labeling to the Washington office of the Labels and Packaging Staff for review. If said office determines that the device, sketch, proof, or finished labeling or the formulation of the product on which the labeling or device is to be used is not in accordance with the regulations cited in paragraph (f) (1) (i) of this section, the application will be returned to the applicant with an appropriate explanation of why the material submitted appears not to be in accordance with the regulations. Otherwise, it will be processed in the usual manner for a determination whether the proposed labeling or device complies with all the applicable provisions of this subchapter and approval or disapproval accordingly.

(4) Applications for approval of a device, a sketch of labeling or device, proof of labeling, or finished labeling will be reviewed and processed by the Washington, D.C., office of the Labels and Packaging Staff in the order received by that office. If an application is returned to the applicant because the sketch, proof, or finished labeling or product formulation does not comply with the regulations cited in paragraph (f) (1) (i) of this section, and an application is resubmitted therefor, it will be handled as a new application in accordance with this section.

(g) A sample of the product for which labeling approval is being sought may be required to be furnished by the applicant to the Washington, D.C., office of the Labels and Packaging Staff to determine the acceptability of the proposed labeling.

(h) Two copies of the approved sketch shall be mailed to the inspector in charge of the official establishment concerned, and, if requested, a copy of the approved sketch may be given to the applicant or his agent. Copies of approved sketches for multiplant operations may be sent to the applicant under appropriate procedures approved by the Administrator.

(i) (1) All applications for approval of labeling or devices intended for use on or with products to be imported into the United States shall comply with all requirements of this section, except that the applications shall be presented directly to the Labels and Packaging Staff, Meat and Poultry Inspection Program, Post Office Box 7416, Benjamin Franklin Station, Washington, D.C. 20044.

(2) After receiving an approved sketch, the applicant shall submit the finished labeling or device in the same manner as required for sketches, except that a minimum of four copies of the finished labeling or device plus one for each foreign plant producing the product involved and one for each port of entry where the product will be offered for importation into the United States shall be furnished. Each port of entry and each foreign producing plant shall be listed in the application.

(3) The import inspector shall not allow entry of the product proposed for importation into the United States until he receives an approved copy of the finished labeling or device.

(j) Copies of the approved application for labeling or devices pertaining to domestic product shall be mailed to the inspector in charge of the official establishment concerned, and he shall deliver a copy to the applicant. When an applicant desires wider than usual distribution of approved copies, he shall provide extra copies of the application, along with mailing or other distribution instructions. Approved applications for foreign product shall be returned to the applicant. Copies shall be sent to the inspector of the foreign plant where the product is to be prepared. Each labeling

or device made or caused to be made by the applicant for approval of such labeling or device, shall conform to the approved sketch or proof.

(k) Any action taken by any inspector in charge or any other employee of the Program under this subchapter with respect to any application for approval of any labeling or device may be appealed to the immediate supervisor of such employee by the applicant. An order under section 7(e) of the Act to withhold any marking, labeling or container from use may be issued by the Administrator.

2. Section 317.4 and the title thereof would be revised to read:

§ 317.4 Authorization required to make labeling or other devices bearing official marks.

(a) No person, firm, or corporation shall cast, print, lithograph, or otherwise make or cause to be made any labeling or device bearing any official mark, or simulation thereof, except as authorized by the Administrator as provided for in this section.

(b) Receipt of an approved sketch or proof for a labeling or device bearing the official mark as provided for in § 317.3 of this subchapter, shall be deemed sufficient authorization by the Administrator to make or cause to be made such labeling or device in accordance with the provisions of this section.

(c) A copy of the approved labeling or device, a record of the order by the official establishment to manufacture, and a record of the quantity received and disposition made of the labeling or device, shall be maintained by the operator of the official establishment as provided for in Part 320 of this subchapter.

3. Section 317.5 and the title thereof would be revised to read:

§ 317.5 Inspector in charge may permit modifications of approved labelings or markings.

(a) The inspector in charge may permit modifications of approved labeling or marking under any of the following circumstances, provided the labeling or marking, as modified, is so used as not to be false or misleading.

(1) When all features of the labeling or marking are proportionately enlarged and the color scheme remains the same;

(2) When abbreviations are substituted for words, such as "lb." for "pound," or "oz." for "ounce," or words are substituted for abbreviations such as "pound" for "lb.";

(3) When the name and address of the distributor are included in the blank space following the words "prepared for" or a similar statement, on a master or stock label which was approved with the understanding that such information would be added later;

(4) When, during any holiday season, special designs or wrappers are used with approved labelings or markings on a label;

(5) When there is a slight change in the directions pertaining to opening a can or serving the product;

(6) When there is a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown in the ingredients statement on the label: *Provided*, That the change in the quantity of ingredients complies with any minimum or maximum limits for the use of such ingredients prescribed in Parts 318 and 319 of this subchapter, or identified in the original approved application as a condition for approval of the product name.

(b) Request for such permission shall be made to the inspector in charge, prior to printing the modified labeling, on Form MP–480, as specified in § 317.3 of this subchapter, except that in lieu of a sketch sufficient copies of the previously approved labeling may be modified to indicate the change(s) and the information on Form MP–480 may be limited to the modification requested.

(c) The inspector in charge shall review the application for permission for use of a modified labeling, and, if appropriate, indicate approval by signing his name in the appropriate space on Form MP–480.

(d) Prior to use, three copies of the modified finished labeling shall be submitted to the inspector in charge on Form MP–480 for his approval. If approved, the inspector in charge will indicate approval by signing his name on Form MP–480 in the appropriate space and distribute copies as follows:

(1) One copy to the establishment operator,

(2) One copy to the inspector at the establishment, for filing along with the original approval, and

(3) One copy to the Labels and Packaging Staff, Meat and Poultry Inspection Program, for review and filing.

(e) If the inspector in charge determines that the modification does not comply with the regulations, and the applicant disagrees, the application for modification must be submitted to the Labels and Packaging Staff for review and decision.

4. A new section 317.15 would be added with the following title and text:

§ 317.15 Containers.

Containers for any product shall not result in the adulteration or misbranding of the product. Containers shall not be composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health under conditions of use. Containers shall adequately protect products and shall not be deceptive. Container composition shall comply with section 409 of the Federal Food, Drug, and Cosmetic Act, as amended, and the implementing regulations in 21 CFR 121, Subparts B, E, and F.

5. Section 320.1 would be amended by adding thereto a new paragraph (b)(4) to read as follows:

§ 320.1 Records required to be kept.

* * * * *

(4) Records of any labeling or device bearing any official inspection mark, as required of the operator of each official establishment by § 317.4 of this subchapter.

* * * * *

6. The Table of Contents to Part 317—Labeling, Marking Devices, and Containers would be amended to reflect new titles for §§ 317.3, 317.4, 317.5, and 317.15 as follows:

Sec.
317.3 Prior approval required for certain labeling and marking devices; conditions and procedure.
317.4 Authorization required to make labeling or other devices bearing official marks.
317.5 Inspector in charge may permit modification of approved labelings or markings.
317.15 Containers.

The specific proposed amendments to the poultry products inspection regulation are as follows:

1. Section 381.131 and the title thereof would be revised to read as follows:

§ 381.131 Prior approval required for certain labeling and marking devices; conditions and procedure.

(a)(1) No labeling or device bearing an official mark as provided for in Subpart M of this subchapter, or simulation thereof, shall be used until it has been approved in finished form, as provided in this section. This requirement does not, however, apply to labeling used on the outside of an immediate or shipping container and approved in accordance with § 381.134(b) of this subchapter.

(2) No labeling or device bearing an official mark, or simulation thereof, shall be made or caused to be made in finished form until it has been approved in sketch form, as provided in this section; except that such prior approval of a sketch will not be required when finished labeling is submitted initially: *Provided, however*, That no more than 100 prints of the labeling may be prepared in finished form without sketch approval and such prints shall be marked "Proof" before being removed from the printing establishment or printing facility.

(3) Inserts, tags, liners, pasters, and similar articles containing printed or graphic matter for use on, or to be placed within, containers or coverings for product shall be submitted for approval in the same manner as provided for in paragraph (a)(2) of this section. Inspectors in charge may, however, permit use of such devices which bear no reference to any product and which are not false or misleading in any particular, even though not so submitted.

(b) Requests for approval required under paragraph (a) of this section shall be made on Form MP–480, Application for Approval of Label, Marking, or Device,[1] in accordance with the procedures prescribed in this section. To request approval, the applicant (or his agent) shall

[1] Copies of this form may be obtained from any Meat and Poultry Inspection Program office or from the Administrator.

submit sketches or proofs of the labeling or device, as described in paragraph (a) of this section. Copies of these sketches or proofs shall be attached to Form MP–480 completed as prescribed in paragraph (d) of this section. Applications shall be mailed to: Labels and Packaging Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Post Office Box 7416, Benjamin Franklin Station, Washington, D.C. 20044, or delivered to the office of said Staff, U.S. Department of Agriculture, Washington, D.C. Applications will be processed in accordance with the following procedures:

(1) Applications received by mail will be stamped with the date of receipt and will be processed in the daily order in which they are received.

(2) Applications delivered to the office of said Staff by the applicant (or his agent) shall be handled as follows:

(i) The application shall be left with the receptionist who will stamp thereon the date of receipt, which will be used to determine priority of processing applications as provided in paragraph (b)(1) of this section; and instructions shall also be left with the receptionist identifying the person to be notified of the final action and the method of notification desired; or

(ii) The applicant (or his agent) may schedule a conference with the label review office for the purpose of presenting applications in person. Such conferences will be scheduled, based on available time, Monday through Friday. Every effort will be made to schedule conferences to meet the desires of the applicant. However, availability of label review personnel for such conferences will be dependent upon the processing of all applications on an equitable time basis, regardless of the mode of receipt. These procedures for scheduling conferences only apply to routine applications. Conferences to discuss principles of labeling or special problems will be by appointment during regular working hours Monday through Friday. Information supplied under this section will be treated as confidential insofar as authorized under the provisions of 5 U.S.C. 552, 18 U.S.C. 1905, §§ 9(a)(5) and 22 of the Act, and 15 U.S.C. 50, and the public information regulations of the Department of Agriculture (7 CFR 1.1 et seq. and supplementary regulations). All information requested must be given either in the space provided on Form MP–480 or by attaching additional sheets as necessary.

(c) The sketch for labeling or a device shall be an accurate representation of the labeling or device as it will appear in finished form. To be considered for approval, the sketch shall:

(1) Show all the features required by Subparts M and N of this subchapter.

(2) Represent by rough drawings, printing, or other means, the exact information to be shown, the approximate location thereof, and size of type to be used. When a comprehensive sketch of a true color reproduction of the finished labeling or device with complete details is submitted, it will be eligible for final approval under the conditions stated in paragraph (e) of this section.

(3) Indicate transparent or semi-transparent colored coverings.

(4) Present pictorials, if used, in color photographs, color transparencies or color prints.

(5) Indicate, if proposed for multi-plant operations, the official establishment numbers of the plants at which the final labeling will be used.

(6) Show each applicable ingredient statement and formula for which the labeling format will be used.

(d) Form MP–480 shall be completed in its entirety in accordance with the instructions provided on the reverse side of the form and shall conform with the following provisions:

(1) Entries shown under the item—"Fill Specifications" shall specify the quantity of each component of the product, either by weight or percentage, if the product consists of two or more major distinct components such as "turkey and gravy," "frozen dinner," etc. The space shall not be used for such products as stews, soup, patties, etc.

(2) Entries shown under the item—"Formula Breakdown of Each Major Component" shall specify a formula, listing the ingredients and quantity, either by weight or percentage, of each ingredient used in the preparation of each component making up the product. In cases where the percentages of ingredients may vary, approximate percentages may be given if the limits of variations are stated. When a complex ingredient (such as a breading or seasoning mixture), for which there is no Food and Drug Administration standard of identity, is shown in a formula, the formula shall be further explained by listing the common name of each ingredient therein. The quantity need not be shown for each ingredient in gravy bases, gravy mixes, seasoning mixes, and relishes. The space shall not be used for products that do not have distinctly separate components such as stews, soup, patties, etc.

(3) The space provided for "Complete Formula" shall be used to show the complete formula of the product and to specify the quantity of each ingredient used to prepare the product, either by weight or percentage, in descending order of predominance, when required in the specific case by the Administrator.

(4) "Processing Procedures" shall describe those processing procedures (fabricating, cooking, smoking, curing, canning, etc.) that may significantly affect the physical properties or condition of the product, or both. Description of the establishment control methods exercised with respect to the processing procedures shall be provided when it is required in the specific case by the Administrator to enable determination whether the product complies with statements on the labeling.

(e)(1) Finished labeling shall not be printed prior to obtaining sketch approval except as provided for in paragraph (a)(2) of this section. In any case, if finished labeling is printed prior to sketch approval, the applicant shall assume full responsibility and risk for the labeling which may be disapproved for use in accordance with the regulations in this Part.

(2) Finished labeling submitted for approval shall be accompanied by a copy of the approved sketch or make reference to the approved sketch, if a sketch has been approved, or other approval; or comply with the requirements of this section with respect to submission of sketches for approval: *Provided*, That,

(i) Finished labeling intended for use at more than one official establishment shall be submitted in sufficient copies to provide two copies for each official establishment designated on the application;

(ii) Lithographed labels, metal containers or sections therefrom shall not be submitted for approval. Paper takeoffs can be used to represent lithographed labels submitted for approval. Such paper takeoffs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved; and

(iii) For fiber containers, the printed layers such as kraft paper sheet, showing the entire label shall be submitted for approval in lieu of the complete container.

(f) At an official establishment, application for approval of a device or a sketch of any labeling or device, proof of any labeling, or any finished labeling completed in accordance with this section, may be submitted by the applicant to the inspector in charge. Applications may also be submitted to Washington, D.C., as hereinafter provided.

(1) If such material is submitted to the inspector in charge, he shall initially review the material as follows:

(i) If he determines that the device, sketch of labeling or device, proof of labeling, or finished labeling and the formulation of the product on which the labeling is to be used are in accordance with the applicable provisions of §§ 381.96 or 381.97, 381.117 through 381.122, 381.125, 381.147(f)(3), and 381.155 through 381.170 of this subchapter, he shall sign the application in the space provided therefor, and submit an imprint of the device, the sketch of labeling or device, proof of labeling, or finished labeling and the formulation to the Labels and Packaging Staff for review to determine whether the proposed labeling or device complies with all the applicable provisions of this subchapter, and approval or disapproval accordingly.

(ii) If the inspector in charge determines that the device, sketch, proof, or finished labeling or the formulation of the product on which the labeling or the device is to be used is not in accordance with the regulations cited in paragraph (f)(1)(i) of this section, he shall notify the applicant and request that the labeling or device be revised or the product formulation be changed in accordance with the applicable regulations: *Provided*, That, if the applicant does not

agree with the inspector in charge's determination, the inspector in charge shall complete Form MP-442, "Checklist for Accuracy of Labels," identifying nonconforming features of the device, sketch, proof, finished labeling, or product formulation. The completed Form MP-442, signed by the inspector in charge, shall be submitted with the application and the imprint of the device, sketch, proof, or finished labeling to the Washington, D.C., office of the Labels and Packaging Staff for review and decision.

(2) If the Washington office of the Labels and Packaging Staff concurs with the inspector in charge's determinations, the application will be returned to the applicant without further action. If, however, said office does not agree with the inspector in charge's determinations, the application will be further processed in the usual manner for a determination whether the proposed labeling or device complies with all the applicable provisions of this subchapter, and approval or disapproval accordingly.

(3) The operator of an official establishment may submit applications for approval of a device, sketch of labeling or device, proof of labeling or finished labeling to the Washington office of the Labels and Packaging Staff for review. If said office determines that the device, sketch, proof, or finished labeling or the formulation of the product on which the labeling or device is to be used is not in accordance with the regulations cited in paragraph (f) (1) (i) of this section, the application will be returned to the applicant with an appropriate explanation of why the material submitted appears not to be in accordance with the regulations. Otherwise, it will be processed in the usual manner for a determination whether the proposed labeling or device complies with all the applicable provisions of this subchapter and approval or disapproval accordingly.

(4) Applications for approval of a device, a sketch of labeling or device; proof of labeling, or finished labeling will be reviewed and processed by the Washington, D.C., office of the Labels and Packaging Staff in the order received by that office. If an application is returned to the applicant because the sketch, proof, or finished labeling or product formulation does not comply with the regulations cited in paragraph (f) (1) (i) of this section, and an application is resubmitted therefor, it will be handled as a new application in accordance with this section.

(g) A sample of the product for which labeling approval is being sought may be required to be furnished by the applicant to the Washington, D.C., office of the Labels and Packaging Staff to determine the acceptability of the proposed labeling.

(h) Two copies of the approved sketch shall be mailed to the inspector in charge of the official establishment concerned, and, if requested, a copy of the approved sketch may be given to the applicant or his agent. Copies of approved sketches for multiplant operations may be sent to the applicant under appropriate procedures approved by the Administrator.

(i) (1) All applications for approval of labeling or devices intended for use on or with products to be imported into the United States shall comply with all requirements of this section, except that the applications shall be presented directly to the Labels and Packaging Staff, Meat and Poultry Inspection Program, Post Office Box 7416, Benjamin Franklin Station, Washington, D.C. 20044.

(2) After receiving an approved sketch, the applicant shall submit the finished labeling or device in the same manner as required for sketches, except that a minimum of four copies of the finished labeling or device plus one for each foreign plant producing the product involved and one for each port of entry where the product will be offered for importation into the United States shall be furnished. Each port of entry and each foreign producing plant shall be listed in the application.

(3) The import inspector shall not allow entry of the product proposed for importation into the United States until he receives an approved copy of the finished labeling or device.

(j) Copies of the approved application for labeling or devices pertaining to domestic product shall be mailed to the inspector in charge of the official establishment concerned, and he shall deliver a copy to the applicant. When an applicant desires wider than usual distribution of approved copies, he shall provide extra copies of the application, along with mailing or other distribution instructions. Approved applications for foreign product shall be returned to the applicant. Copies shall be sent to the inspector of the foreign plant where the product is to be prepared. Each labeling or device made or caused to be made by the applicant for approval of such labeling or device, shall conform to the approved sketch or proof.

(k) The Administrator may approve and authorize the use of abbreviations for marks of inspection under the regulations in this subchapter. Such authorized abbreviations shall have the same force and effect as the marks themselves.

(l) Any action taken by any inspector in charge or any other employee of the Inspection Service under this subchapter with respect to any application for approval of any labeling or device may be appealed to the immediate supervisor of such employee by the applicant. An order under section 8(d) of the Act to withhold any marking, labeling or container from use may be issued by the Administrator in accordance with § 381.130 of this Part.

2. Section 381.132 and the title thereof would be revised to read as follows:

§ 381.132 Authorization required to make labeling or other devices bearing official marks.

(a) No person shall cast, print, lithograph, or otherwise make or cause to be made any labeling or device bearing any official mark, or simulation thereof, except as authorized by the Administrator as provided for in this section and in § 381.131 of this subchapter.

(b) Receipt of an approved sketch or proof for a labeling or device bearing the official mark as provided for in § 381.131 of this subchapter, shall be deemed sufficient authorization by the Administrator to make or cause to be made such labeling or device in accordance with the provisions of this section.

(c) A copy of the approved labeling or device, a record of the order by the official establishment to manufacture, and a record of the quantity received and disposition made of the labeling or device, shall be maintained by the operator of the official establishment as provided for in Subpart Q of this subchapter.

§ 381.133 [Amended]

3. Section 381.133 would be amended by revoking paragraph (a) in its entirety; deleting the paragraph designation "(b)" with the provisions of that paragraph becoming the text of the amended § 381.133; and changing the section heading as follows: § 381.133 Requirements of analysis.

4. Section 381.134 would be amended by revising paragraph (b) to read as follows:

§ 381.134 Label approvals by the inspector in charge.

* * * * *

(b) Stencils, labels, box dies, and brands may be used on shipping containers which contain properly labeled immediate containers or immediate containers which contain properly marked poultry products, such as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers, without approval as provided for in § 381.131 of this Part. Provided, That the stencils, labels, box dies, and brands are not false or misleading and are approved by the inspector in charge. The official mark for use in combination with such devices shall be approved by the Administrator as provided for in this Part.

5. Section 381.135 and the title thereof would be revised to read:

§ 381.135 Inspector in charge may permit modifications of approved labelings or markings.

(a) The inspector in charge may permit modifications of approved labeling or marking under any of the following circumstances, provided the labeling or marking, as modified, is so used as not to be false or misleading.

(1) When all features of the labeling or marking are proportionately enlarged and the color scheme remains the same;

(2) When abbreviations are substituted for words, such as "lb." for "pound," or "oz." for "ounce," or words are substituted for abbreviations, such as "pound" for "lb.";

(3) When the name and address of the distributor are included in the blank space following the words "prepared for" or a similar statement, on a master or stock label which was approved with the understanding that such information would be added later;

(4) When, during any holiday season, special designs or wrappers are used with approved labelings or markings on a label;

(5) When there is a slight change in the directions pertaining to opening a can or serving the product;

(6) When the appropriate name or class of the poultry is added to a master or stock label which was approved without this information appearing on the label;

(7) When there is a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown in the ingredients statement on the label: *Provided*, That the change in the quantity of ingredients complies with any mimimum or maximum limits for the use of such ingredients prescribed in Subparts O and P of this part, or identified in the original approved application as a condition for approval of the product name.

(b) Request for such permission shall be made to the inspector in charge, prior to printing the modified labeling, on Form MP–480, as specified in § 381.131, except that in lieu of a sketch sufficient copies of the previously approved labeling may be modified to indicate the change(s) and the information on Form MP–480 may be limited to the modification requested.

(c) The inspector in charge shall review the application for permission for use of a modified labeling, and, if appropriate, indicate approval by signing his name in the appropriate space on Form MP–480.

(d) Prior to use, three copies of the modified finished labeling shall be submitted to the inspector in charge on Form MP–480 for his approval. If approved, the inspector in charge will indicate approval by signing his name on Form MP–480 in the appropriate space and distribute copies as follows:

(1) One copy to the establishment operator,

(2) One copy to the inspector at the establishment, for filing along with the original approval, and

(3) One copy to the Labels and Packaging Staff, Meat and Poultry Inspection Program, for review and filing.

(e) If the inspector in charge determines that the modification does not comply with the regulations, and the applicant disagrees, the application for modification must be submitted to the Labels and Packaging Staff for review and decisions.

6. Section 381.175(b) would be amended by adding a new subparagraph (2) to read as follows:

§ 381.175 Records required to be kept.

* * * * *

(b) * * *

(2) Records of any labeling or device bearing any official inspection mark, as required of the operator of each official establishment by § 381.132 of this Part.

7. A new section 381.142 would be added to Subpart N as follows:

§ 381.142 Containers.

Containers for any product shall not result in the adulteration or misbranding of the product. Containers shall not be composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health under conditions of use. Containers shall adequately protect products and shall not be deceptive. Container composition shall comply with section 409 of the Federal Food, Drug, and Cosmetic Act, as amended, and the implementing regulations in 21 CFR 121, Subparts B, E, and F.

8. Section 381.205(c) would be amended as follows:

§ 381.205 Labeling of immediate containers of imported poultry products.

* * * * *

(c) Labeling for immediate containers of imported poultry products shall be submitted for approval to the Labels and Packaging Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, and approved as provided in Subpart N of this Part, before products bearing such labeling will be admitted into the United States.

9. The Table of Contents to Subpart N—Labeling and Containers would be amended to reflect new headings for §§ 381.131, 381.132, 381.133, and 381.135, and to add the new section 381.142 with its heading, as follows:

Sec.
381.131 Prior approval required for certain labeling and marking devices; conditions and procedure.
381.132 Authorization required to make labeling or other devices bearing official marks.
381.133 Requirements of analysis.
381.135 Inspector in charge may permit modifications of approved labelings or markings.
381.142 Containers.

* * * * *

A public hearing to consider the above proposal is scheduled before a representative of the Department on Wednesday, August 28, 1974, at 10 a.m. in Room 218A, Administration Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250. A representative of the Animal and Plant Health Inspection Service will present a statement explaining the purpose and basis of the proposal. Any interested person or firm may appear in person or by a representative and present information relevant to the proposal. Also, any interested person or his representative will be afforded an opportunity to ask the Department representative relevant questions concerning the proposal.

Any interested person or his representative who wishes to attend the public hearing and present his views shall contact the Director, Issuance Coordination Staff, Technical Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 4905, South Agriculture Building, Washington, D.C. 20250, Area Code (202) 447–7163 no later than August 22, 1974. If no one contacts the Director in this regard by the close of business on August 22, 1974, the public hearing will be canceled.

Any interested person who desires to submit written data, views, or arguments on the proposal may do so by filing the same with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by September 30, 1974, or with the presiding officer at the hearing. All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business, unless the person making the submission requests that it be held confidential, and the Administrator determines that a proper showing in support of the request has been made on grounds that disclosure of the material submitted could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If such determination is made, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential as provided in 7 CFR 1.27(c).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on June 17, 1974.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74–14199 Filed 6–19–74;8:45 am]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

ABANDONED APPLICATIONS REFERRED TO IN DEFENSIVE PUBLICATIONS

Public Inspection

Correction

In FR Doc. 74–12726, appearing at page 19786 in the issue for Tuesday, June 4, 1974, the approval date above the last signature now reading "May 28, 1964" should be changed to read "May 28, 1974".

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

[33 CFR Part 401]

SEAWAY REGULATIONS AND RULES

Call-In Table

Notice is hereby given that the Saint Lawrence Seaway Development Corporation, pursuant to provisions of its enabling act (33 U.S.C. 981 et seq.) and pursuant to the authority vested in the Secretary of Transportation with respect to the Saint Lawrence Seaway under the Ports and Waterways Safety Act of 1972 (Pub. L. 92–340, 86 Stat. 424), which authority was subsequently delegated to the Administrator of the Saint Lawrence

Seaway Development Corporation in the FEDERAL REGISTER on October 17, 1972 (37 FR 21943), acting jointly with the St. Lawrence Seaway Authority of Canada, proposes to amend the Seaway Regulations with respect to Schedule III, Calling-In Table.

After publication of the 1974 revision of the Seaway Regulations in the FEDERAL REGISTER on March 22, 1974, it was found that certain items contained in the message content required from downbound vessels at Mid Lake Ontario-entering Sector 4 and Sodus Point should be rearranged. Recognizing a need to keep message content at Mid Lake Ontario to a minimum since vessels must call two stations at this point, i.e. leaving Sector 5 and entering Sector 4, it is proposed to require only name and location of vessel at Mid Lake Ontario-entering Sector 4 and to obtain the vessel's drafts fore and aft, cargo and destination at Sodus Point.

Therefore, the proposed amendment is as follows:

SCHEDULE III.—*Calling-in table*

C.I.P. and checkpoint	Station to call	Message content
* * *	* *	*
Downbound vessels:		
* * *	* *	*
Mid Lake Ontario—entering sector 4	Seaway, Sodus.... Call Ch. 16. Work Ch. 13.	1. Name of vessel. 2. Location.
Sodus Point....	Seaway, Sodus.... Call Ch. 16. Work Ch. 13.	1. Name of vessel. 2. Location. 3. Updated ETA Cape Vincent or Lake Ontario port. 4. Confirm river pilot requirement-Cape Vincent. 5. Drafts, fore and aft. 6. Cargo. 7. Destination.
* * *	* *	*

Interested parties may submit written data, views, or arguments in regard to the proposed amendment to the Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, N.Y. 13662 (Attention: General Counsel). Comments received not later than July 19, 1974, will be considered. All comments received will be available for examination by interested parties at the office of the Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, N.Y. 13662.

(68 Stat. 92–97, 33 U.S.C. 981–990, as amended, and Sec. 104, Pub. L. 92–340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943)).

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.74–14120 Filed 6–19–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

NEW MEXICO; APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Schedules of Compliance

On May 31, 1972 (37 FR 10881), pursuant to section 110 of the Clean Air Act, 42 USC 1857c–5, the Administrator approved, with specific exceptions, the plan submitted by the State of New Mexico for the implementation of the national ambient air quality standards. One of the requirements for implementation plans, described in § 51.15(c) of this Chapter, was that any compliance schedule extending over a period of 18 months from the date of its adoption should provide for periodic increments of progress toward compliance. Section 52.1626(a) of this Chapter, promulgated May 31, 1972 (37 FR 10882), noted the failure of the New Mexico plan to meet the requirements of § 51.15(c) as it applied to the State's Air Quality Control Regulations 504.D (emission limitation for particulate matter from coal burning equipment), 506.B (emission limitation for particulate matter from nonferrous smelters), 602.B (emission limitation for sulfur dioxide from existing coal burning equipment), 603.B (emission limitation for nitrogen dioxide from existing coal burning equipment), 604.B (emission limitation for nitrogen dioxide from existing gas burning equipment), and 652.A (emission limitation for sulfur from existing nonferrous smelters). Subsequently, on July 27, 1972 (37 FR 15087), Regulation 602.B was deleted from § 52.1626(a).

On July 27, 1972 (37 FR 15106), in order to correct the deficiency in the New Mexico plan, the Administrator proposed the addition of § 52.1626(d) to this Chapter to require increments of progress in compliance schedules. Almost contemporaneously, on July 29, 1972, the State of New Mexico adopted Air Quality Control Regulation 705 requiring semi-annual progress reports from pollution sources until the sources reported compliance with emission limiting regulations. This Regulation 705 was submitted to the Administrator on July 31, 1972. Since the requirement for progress reports did not assure the setting of specific dates for achieving increments of progress, Regulation 705 did not meet the requirements of § 51.15(c). On May 14, 1973 (38 FR 12709), the Administrator promulgated § 52.1626(d) of this Chapter requiring increments of progress with dates in compliance schedules.

On September 24, 1973, the State of New Mexico repealed the July 29, 1972, Regulation 705, and adopted a new Air Quality Control Regulation 705, Schedules of Compliance, requiring increments of progress. Prior to its adoption, the proposed regulation was subjected to public hearing on May 17, 1973. This hearing was preceded by adequate notice to the public of thirty days. During this period, the proposed regulation was available for public inspection. The new Regulation 705 became effective on December 16, 1973, and was submitted to the Administrator on February 12, 1974. It has been examined and found to meet the requirements of § 51.15(c). The Administrator proposes to revoke paragraph (d) of § 52.1626 of this Chapter and to revise paragraph (a) to indicate approval of the September 24, 1973, Regulation 705.

The September 24, 1973, Regulation 705 requires compliance schedules under certain circumstances for pollutant sources which are out of compliance with emission limiting regulations, including those regulations listed in § 52.1626(d). Regulation 705 contains procedures for obtaining approval of schedules of compliance, requires that a public hearing be held by the Board on a petition for approval, and requires that increments of progress with dates be included in a compliance schedule and followed to achieve compliance with the applicable regulations as expeditiously as practicable. The Regulation in its entirety is available for public inspection at the following locations:

Environmental Protection Agency
Region VI
Air Programs Branch
1600 Patterson Street
Dallas, Texas 75201

New Mexico Environmental Improvement Agency
Air Quality Division
P.E.R.A. Building
Santa Fe, New Mexico 87501

Environmental Protection Agency
Freedom of Information Center
401 M Street, S.W.
Washington, D.C. 20460

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Region VI Air Program Branch, 1600 Patterson Street, Dallas, Texas 75201. All comments received on or before July 22, 1974, will be considered. All comments will be available for public inspection during normal business hours at the Region VI office.

This notice of proposed rulemaking is issued under the authority of section 110 of the Clean Air Act, Pub. L. 91–604, 84 Stat. 1713.

Dated: June 10, 1974.

ARTHUR W. BUSCH,
Regional Administrator, Region VI.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. In § 52.1620, paragraph (c) is amended by adding a subparagraph (3) as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

(3) February 12, 1974.

2. In § 52.1626, paragraph (d) is revoked and paragraph (a) is revised to read as follows:

§ 52.1626 Compliance schedules.

(a) New Mexico Air Quality Control Regulation 705, Schedules of Compliance, as adopted by the State of New Mexico on September 24, 1973, meets the requirements of § 51.15(c) of this Chapter and is hereby approved as part of the State of New Mexico Implementation Plan.

* * * * *

(d) [Revoked]

[FR Doc.74-14203 Filed 6-19-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR—Part 73]

[Docket No. 20012; RM-1927]

FM BROADCAST STATIONS

Transmission of Non-Aural Signals; Order Extending Time for Filing Comments and Reply Comments

In the Matter of amendment of Part 73 of the Commission's rules and regulations concerning the transmission of non-aural signals on an FM broadcast station subcarrier pursuant to a Subsidiary Communications Authorization.

1. The Commission, on April 9, 1974, adopted a notice of proposed rulemaking in the above-entitled matter. Publication of the notice was given in the FEDERAL REGISTER on April 22, 1974 (39 FR 14230). As subsequently amended, the dates for filing comments and reply comments in this proceeding is now specified as June 14 and June 28, 1974, respectively.

2. On June 12, 1974, counsel for Information Transmission Corporation (ITX) filed a request for an extension of time to and including June 19, 1974, in which to file comments herein. ITX states that it feels that the technical and empirical information it wishes to file in this proceeding will provide valuable assistance to the Commission. It further states that although the technical data to be submitted has been completed the additional time is necessary to allow sufficient time to insure receipt and proper collation of the data by its counsel.

3. We are of the view that the public interest would be served by extending the time for filing comments and reply comments in this proceeding. Accordingly, *it is ordered*, that the dates for filing comments and reply comments are extended to and including June 19 and July 3, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: June 13, 1974.

Released: June 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-14183 Filed 6-19-74;8:45 am]

[47 CFR—Part 73]

[Docket No. 19824; RM-2060]

FM BROADCAST STATIONS

Proposed Table of Assignments, Sun Valley, Idaho

1. A notice of proposed rulemaking, adopted in this docket September 11, 1973 (FCC 73-947; 38 FR 26380), proposed to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) by substituting Class C Channel 247 for 228A, the only FM channel assigned to Sun Valley, Idaho. At the time the notice was adopted, Channel 228A was unoccupied and unapplied for. As indicated below, two applications for its use have since been filed.

2. The notice was adopted in response to a petition for rule making filed by Sun Valley Radio, Inc. (SVR), which made a convincing showing that because of terrain factors a station operating on Channel 228A could not provide service to the Wood River Valley communities of Sun Valley (population 180), Ketchum (population 2,273), Hailey (population 1,425), Bellevue (population 537), and Elkhorn, a new resort city under construction near Sun Valley, all in Blaine County (population 5,749).[1] As stated in the Notice, Sun Valley is a world famous ski resort, which we were told is visited annually by one million families for skiing and other recreational purposes; and Channel 247 may be assigned there in full compliance with mileage separation requirements. The Notice also indicated a need for information as to the extent of the service area that would be served and the nature of FM and other aural services within that area.[2] Note was made that, although there is preclusion (Channels 244A, 246, 247, 248, and 249A), many other FM channel assignments are available for the communities located within the preclusion areas.

3. Comments and reply comments were due October 2 and November 5, 1973, respectively. SVR filed timely comments reiterating the position taken in its petition and furnishing data and information requested by the Notice concerning the extent of the service area if Channel 247 is assigned to Sun Valley and the nature of aural services within that area. SVR's engineering showing about service from a Class C station indicates that it would serve a substantial white and gray area in terms of FM service: of the total service area (10,297 square miles with a total population of 18,262), there is no FM service to 7,800 square miles with a population of 15,644, and there is one FM service for an area of 1,388 square miles with a population of 2,402; the remaining 1,109 square miles with a population of 216 receive two or three FM services. As concerns AM service, there is no unserved area with service from one to five AM stations based on a showing of daytime service.

4. On November 16, 1973, Leisure Time Communications, Inc. (LTC), filed a letter in which it stated its belief that the present lack of local service and the prospects for economic growth in the area warranted the Class C assignment. It further said that, although the time for filing comments had expired, it wished to inform the Commission that LTC was prepared to apply for use of the channel if it was assigned to Sun Valley.

5. On December 12, 1973, SVR filed an application for a construction permit for use of Channel 228A (BPH-8724), and on the following day it filed "Supplemental Comments" requesting that the proposed amendment of the table "be modified and changed only so as to continue the allocation of Channel 228A at Sun Valley, Idaho".[3] The basis for this request is said to be that after the issuance of the Notice herein, the president of SVR met with representatives of the U.S. Forest Service and of the Sun Valley Company (which is the prime permittee on Bald Mountain in connection with its ski facility there) and with a number of licensees of other communications facilities who operate from Bald Mountain. These meetings resulted in an expression of concern by the Forest Service representative about potential interference that a Class C FM station on Bald Mountain might impose on other communications licensees on the mountain. SVR states that it has been informally assured that there would be no problem in locating a transmitter and antenna for a Class A FM station on the mountain.

6. SVR also then stated that, while earlier speculation without benefit of precise and detailed engineering study gave a contrary indication as to the feasibility of a Class A operation at Sun Valley, it now believes that a Class A station would provide service to the Wood River Valley communities previously mentioned, and it submits an engineering statement in support of this.

[1] All population data are from the 1970 Census unless otherwise indicated.

[2] See Policy to Govern Requests for Additional FM Assignments, 8 F.C.C. 2d 79 (1967); and Roanoke Rapids and Goldsboro, 9 F.C.C. 2d 672, 673 (1968).

[3] Since SVR did not ask for dismissal of the rule making, it appears that this quoted language was intended to mean that SVR is requesting that Channel 247 be assigned to Sun Valley not as a substitute for 228A as proposed in the Notice but as an additional channel, a supposition which is borne out by its February 27, 1974, pleadings discussed in paragraph 8 below.

7. On January 25, 1974, LTC filed a petition to hold action on the SVR application for use of Channel 228A in that petition states that as a result of making proceeding. Among other things, abeyance pending resolution of this rule on-the-spot investigations and the retention of a broadcast engineering firm which assures it of the feasibility of a Class C operation, LTC believes that a transmitter site for such an operation is available.

8. Two pleadings were filed by SVR on February 27, 1974—a response to the LTC petition to hold in abeyance, and further supplemental comments. Read together, they request the Commission to grant the SVR application for a new station on Channel 228A, and to either dismiss the rule making or, alternatively, consider the assignment of Channel 232A or any other of a number of Class A channels as a second FM assignment at Sun Valley. The dismissal is sought on the ground that the assignment of Channel 247 to Sun Valley while allowing Channel 228A to remain there would be contrary to the Commission's long-standing policy against intermixture of classes of FM channels which is avoided in order to maintain technical parity between facilities in the same community. SVR says that while the policy against intermixture has been deviated from on occasion there is no reason for doing so here where the only consideration is service to Blaine County and a Class A station can adequately serve that county (77% of the population clustered in the Wood River Canyon (4,312 persons) would be within the 1 mV/m contour of a Class A station).

9. On March 22, 1974, LTC filed an application for a construction permit for the use of Channel 228A at Sun Valley (BPH-8903) which, of course, is mutually exclusive with that filed by SVR. Finally, completing the succession of filings, on April 18, 1974, SVR filed further supplemental comments in which it requested the Commission to assign a second Class A channel, Channel 232A, to Sun Valley (and not assign a Class C channel there). This request is in conflict with its previous request of February 27 which asked, as one alternative, that the rule making be dismissed, which would leave Sun Valley with only one channel—228A—assigned to the community.

10. As stated above, comments and reply comments were due on October 26 and November 5, 1973, respectively. Although SVR filed timely comments, thereafter both SVR and LTC filed a variety of untimely submissions, as the foregoing resume indicates. Section 1.415 of the Commission's rules provides that in rule making proceedings a reasonable time will be allowed for the filing of comments and reply comments and that no additional comments may be filed unless specifically requested or authorized by the Commission. No requests or authorizations were made. Nor did SVR request leave that any of the pleadings filed subsequent to the comments be accepted for good cause shown. We do not accept the late pleadings into the record. However, to the extent that they raise substantial questions which require an answer on the record, we are issuing this further notice of proposed rule making. Of the questions presented, the overriding ones are whether, as originally proposed, a Class C channel is necessary in order to provide service to the Wood River Valley communities, and, if so, whether there is a site available for a station. SVR, which originally proceeded on the basis that a site for a Class C transmitter was available on Bald Mountain (to which there now are objections), implies that there is no other site. LTC alleges that a suitable site exists. SVR's objection to intermiature would suggest that in fact there is a site for a Class C channel.[4]

11. We should like interested parties to discuss whether the public interest would be served by the assignment of a Class C channel to Sun Valley, Idaho, and, if so, whether a site is available in the area for a station on such a channel. In this respect, we need further information as to the existence of aural services in the area and, more particularly, as to *nighttime* AM service (see para. 3 above).[5] We should also like the parties to discuss whether, aside from considerations of availability, it is appropriate to make a second channel assignment to a community the size of Sun Valley, and, if so, whether intermixture is appropriate in the circumstances. To make an appropriate evaluation of this and other issues, an engineering showing should be made as to the area of service from a Class A station on Bald Mountain. On the other hand, if it is deemed appropriate to assign a second Class A channel to Sun Valley, our own study indicates that Channel 237A would be preferable to SVR's suggestion of Channel 232A.

[4] SVR's vacillation is disturbing. First, it argues that a Class C channel is needed at Sun Valley to provide service to the Wood River Valley communities and urges that such a channel be substituted for the existing Class A assignment; then, it asks that the Class A assignment remain at Sun Valley, stating that adequate service could be provided by a Class A (para. 5, *supra*); later, it objects to its own proposal—to allow Channel 228A to remain there and to assign Channel 247—as contrary to the Commission's policy against intermixture and would have the Commission either dismiss the petition or assign a second Class A channel to Sun Valley; and, finally, it urges that a second Class A channel be assigned but that no Class C channel be assigned to Sun Valley.

[5] See the recent *Anamosa and Iowa City, Iowa* case, adopted April 16, 1974 (FCC 74-409; 46 F.C.C. 2d), which stated that in considering the need for service and evaluating the extent to which service is already provided, recognition must be given to both AM and FM as components of a single aural service with primary AM service determined by nighttime coverage. See also footnote 2, *supra*.

12. *Showings required.* Further comments are invited as to the issues referred to above. Failure to file comments or address the issues raised may result in dismissal.

13. *Cut-off procedure.* The following procedures will govern:

(a) Except as to Channel 247, counter-proposals advanced will be considered if advanced in initial comments so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Further Notice (except Channel 247), they will be considered as comments in this proceeding, and Public Notice to that effect will be given, as long as they are filed before the date for filing initial comments set forth below. If filed later, they will not be considered in connection with the decision herein.

(c) The cut-off as to the proposed Channel 247 assignment to Sun Valley is already operative by virtue of the Notice, adopted September 11, 1973 (FCC 73-947).

14. In view of the foregoing, and pursuant to the authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, as concerns Sun Valley, Idaho, as follows:

City	Channel No.	
	Present	Proposed
Sun Valley, Idaho	228A	228A and 247 or 228A and 237A or 247

15. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before August 8, 1974, and reply comments on or before August 27, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

16. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C. 20554.

Adopted: June 12, 1974.

Released: June 14, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-14184 Filed 6-19-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR 240]

[File No. S7-526; Release No. 34-10845]

SECURITIES EXCHANGE ACT PROPOSED RULE 3a12-5

Request for Public Comment

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 3a12-5 (17 CFR 240.3a12-5) under the Securities Exchange Act of 1934 (the "Act") which would exempt certain investment contract securities involving the direct ownership of specified residential real property offered by broker-dealers from sections 7 and 11(d)(1) of the Act, subject to certain conditions. Rule 3a12-5 is being proposed pursuant to sections 3(a)(12), 7(c), 11(d)(1) and 23(a) of the Act. The Board of Governors of the Federal Reserve System has also announced that it has deferred, for a period of six months, an amendment to § 220.6(*l*) of Regulation T (12 CFR 220.6 (*l*)) which was to become effective on June 21, 1974.[1]

The rationale behind the adoption of Section 7 of the Act was to limit the amount of credit which might be devoted to speculation in the securities markets,[2] to maintain the availability of credit for financing local commerce and industry,[3] to prevent undue market volatility by exerting a positive, stabilizing effect on the market[4] and to protect investors from purchasing on too thin a margin.[5]

Section 11(d)(1) was enacted by Congress to prevent "one of the greatest potential evils attributable to the combination of the broker and dealer functions in the same person"—the extension of credit on new issues by underwriter-brokers.[6] This potential conflict of interest so troubled Congress that it was "deemed advisable to include a statutory prohibition"[7] even prior to the completion of a Commission study on the advisability and feasibility of segregating the functions of broker and dealer.[8]

Section 11(d)(1) prohibits a person who transacts business as both a broker and a dealer from effecting any transaction in connection with which he extends or maintains, or arranges for the extension or maintenance of, credit, directly or indirectly, to or for a customer on a security which was part of a new issue in the distribution of which he participated.

In response to requests from interested parties, the Commission has reviewed the impact of sections 7 and 11(d)(1) on the sale of certain investment contracts in the form of real estate and related management agreements in light of the statutory purposes of those sections. It is the preliminary view of the Commission that the unique characteristics of investment contract securities involving the direct ownership of specified residential real property (particularly the traditional modes of financing real property and the lack of any secondary trading market therefor) make the existence of the concerns addressed by sections 7 and 11(d)(1) unlikely. The Commission has determined, therefore, to propose an exemption from the provisions of sections 7 and 11(d)(1) of the Act for the arranging of credit by broker-dealers offering such securities, subject to certain conditions. Nevertheless, the Commission believes it important that commentators address certain policy questions in the context of investment contracts which include the offering of a direct ownership interest in residential real property and related management agreements:

(1) Does the lack of a secondary trading market for such investment contracts outweigh the prohibition which Congress established for the extension or arranging of credit by broker-dealers for "purpose loans" against other than "approved collateral"?

(2) Would permitting the extension or arranging of credit by broker-dealers for such investment contracts tend to encourage investment in such securities rather than other types of securities and therefore be less likely to ensure a rational allocation of capital?

The conditions incorporated in the rule proposed herein would require that the credit be secured by a lien, mortgage, deed of trust or other security interest on specified real property; that the lender not be in a control relationship with the broker-dealer or the issuer; that the principal and interest relating to the credit be repaid pursuant to a regular schedule of amortization; and that the credit extended be reasonably related to the value of the real property.

Additionally, the proposed rule would require certain disclosures and a determination by the broker-dealer that the investment is suitable for each purchaser. The broker-dealer would be required by Rule 3a12-5 to deliver to the person for whom credit is arranged, before any purchase, lien or other related element of the transaction is entered into, a written statement setting forth the exact nature and extent of (1) such person's obligation under the particular loan arrangement; (2) the risk which such person will incur in the entire transaction; and (3) all commissions, discounts and other remuneration received and to be received by the broker-dealer or any person in a control relationship with the broker-dealer in connection with the transaction.

The broker-dealer must also obtain information concerning the purchaser's financial situation, and, in light of such information, determine reasonably that the entire transaction, including the loan arrangement, is suitable for such person. Finally, the broker-dealer must deliver to the purchaser a written statement setting forth the basis upon which the determination as to suitability was made.

If adopted, proposed Rule 3a12-5 would exempt from the restrictions of sections 7 and 11(d)(1) credit arranged by broker-dealers in connection with the offer and sale of investment contract securities consisting of the direct ownership of specified residential real property and related management services, for example "condominium securities".[9] The proposed rule would not apply to real estate syndications, real estate limited partnerships, real estate investment trusts or other investment vehicles in which the investor does not possess a direct ownership interest in specified residential real property. The Commission is also soliciting comments concerning whether proposed Rule 3a12-5 should be available for (1) investment contract securities involving specified residential real property which, because of prohibitions under foreign or domestic law, do not convey a fee simple interest; and (2) investment contract securities that include a direct interest in real property other than residential real property. At this time the Commission does not have a sufficient basis for determining whether such securities should be exempted from sections 7 and 11(d)(1) consistent with the interests of the public and the protection of investors.

The Commission wishes to emphasize that this rule, if adopted, is in the nature of an experiment and that the activities of persons seeking to avail themselves of the exemptions proposed today will be carefully scrutinized to assure that such activities are not inconsistent with the public interest and are not subject to abuse. Inasmuch as proposed Rule 3a12-5 is premised, in part, upon the lack of a secondary trading market for investment contract securities involving the direct ownership of specified residential real property, the Commission would reconsider the appropriateness of the rule proposed today if secondary trading markets develop for these investment contract securities.

TEXT OF PROPOSED RULE

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 3(a)(12), 7(c), 11(d)(1) and 23(a) thereof, hereby proposes to amend Part 240 of Title 17 of the Code of Federal Regulations by adding new § 240.3a12-5 to read as follows:

---

[1] See FEDERAL REGISTER for (December 21, 1973) 38 FR 34988. This amendment would have the effect of treating the extension of credit on any part of an investment contract security as credit on the entire security and would prohibit broker-dealers from arranging for such credit unless collateralized in compliance with the requirements of Regulation T.

[2] H.R. Rep. No. 1383, 73d Cong., 2d Sess. 8 (1934).

[3] Id.

[4] S. Rep. No. 792, 73d Cong., 2d Sess. 8 (1934).

[5] Id. at 3; S. Rep. No. 1453, 73d Cong., 2d Sess. 11 (1934).

[6] H.R. Rep. No. 1383, 73d Cong., 2d Sess. 22 (1934).

[7] S. Rep. No. 792, 73d Cong., 2d Sess. 12 (1934).

[8] Pursuant to Section 11(e) of the Securities Exchange Act, the Commission conducted a study of the abuses connected with, among other things, the combination of underwriter-broker and participating dealer-broker functions but did not recommend the segregation of such functions. Securities and Exchange Commission, Study of the Feasibility and Advisability of the Complete Segregation of the Functions of Dealer and Brokers, 43-45, 109 (1936).

[9] See, Securities Act Release No. 5347 (Jan. 4, 1973) and FEDERAL REGISTER for (Jan. 18, 1973) 38 FR 1735.

§ 240.3a12–5 Exemption of certain investment contract securities from sections 7 and 11(d)(1) of the Act.

(a) A security shall be exempted from the provisions of sections 7(c) and 11(d)(1) [of the Act] with respect to any transaction by a broker or dealer who, directly or indirectly, arranges for the extension or maintenance of credit on the security to or for a customer, if—

(1) The security is an investment contract security involving the direct ownership of specified residential real property and related management services, and the credit:

(i) Is secured by a lien, mortgage, deed of trust, or other security interest which is related only to such real property;

(ii) Is reasonably related to the current market value of the real property at the time the credit is extended; and is to be repaid by regular payments of principal and interest pursuant to an amortization schedule established by the governing instruments; and

(iii) Is extended by a lender which is not directly or indirectly controlling, controlled by, or under common control with the broker or dealer or the issuer of the securities; and

(2) Such broker or dealer, before any purchase, loan or other related element of the transaction is entered into:

(i) Delivers to the customer a written statement setting forth the exact nature and extent of (*a*) the customer's obligation under the particular loan arrangement, including, among other things, the specified charges which he will incur under such loan in each period during which the loan may continue to be extended, (*b*) the risks which he will incur in the entire transaction, including the loan arrangement, and (c) all commissions, discounts and other remuneration received and to be received in connection with the entire transaction, including the loan arrangement, by the broker or dealer, and by any person controlling, controlled by, or under common control with the broker or dealer: *Provided, however,* That the broker or dealer shall be deemed to be in compliance with paragraph (a)(2) if the customer, before any purchase, loan or other related element of the transaction is entered into in a manner legally binding upon the customer, receives a statement from the lender, or receives a prospectus or offering circular from the broker or dealer, which statement, prospectus or offering circular contains the information required by this subparagraph; and

(ii) Obtains from the customer information concerning his financial situation, reasonably determines that the entire transaction, including the loan arrangement, is suitable for him, and delivers to him a written statement setting forth the basis upon which the broker or dealer made such determination.

(Secs. 3(a)(12), 7(c), 11(d)(1), 23(a), 48 Stat. 882, 886, 891, 901; as amended 84 Stat. 718, 1435, 1499; 82 Stat. 452; 68 Stat. 666; 49 Stat. 704, 1379; 78 Stat. 580; 15 U.S.C. 78c (12), 78g(c), 78k(d), 782(a)).

Comments are invited from all interested persons and should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Comments should be received before August 15, 1974. All comments received will be made publicly available and reference should be made to File No. S7–526.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 7, 1974.

[FR Doc.74–14172 Filed 6–19–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposed Definition of a Small Electric Utility for the Purpose of Obtaining an SBA Loan

Notice is hereby given that the Administrator of the Small Business Administration proposes to establish a new definition of a small electric utility for the purpose of obtaining an SBA loan. At the present time, the SBA size regulation provides that, unless otherwise defined, the size standard for a concern primarily engaged in a service industry is that it have average annual receipts of $1 million or less for the preceding fiscal year.

Available information indicates that the currently effective $1 million size standard is unreasonable for an electric utility concern. The latest available data shows that there are approximately 400 electric utility concerns. However, many of these 400 concerns are very small and account for an insignificant portion of the total industry output. The industry is dominated by the largest 20 percent of the industry in terms of output, sales, assets, etc. These concerns include many of the largest corporations in the United States.

Over the past several decades, there has been an increase in concentration in the electric power industry and some experts contend that the industry may end up with only 15 to 20 systems. The SBA finds that an increase in the size standard will help to preserve competition within the industry and may, in certain instances, have a salutary effect with respect to mergers and acquisitions.

Therefore, the SBA proposes to establish a size standard for electric utilities of annual output not exceeding 4 million megawatt hours. Under such a definition, no firm qualifying as small would account for more than three-tenths of 1 percent of the total output of the industry.

Accordingly, the Small Business Administration proposes to amend 13 CFR 121.3–10(d) by adding new paragraph (d)(11) to read as follows:

§ 121.3–10 Definition of Small Business for SBA Loans.

* * * * *

(d) Services * * *

(11) As small if, including its affiliates, it is primarily engaged in the generation, transmission, and/or distribution of electric energy for sale and its total electric output for the preceding fiscal year did not exceed 4 million megawatt hours.

* * * * *

Interested parties may file with the Small Business Administration on or before July 22, 1974, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington
Director
Office of Industry Studies and Size Standards
1441 L Street, NW.
Washington, D.C. 20416

(Catalog of Federal Domestic Assistance Program Nos. 59.011, Small Business Investment Companies; 59.012, Small Business Loans.)

Dated: June 10, 1974.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.74–14129 Filed 6–19–74;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 JUSTICE

Drug Enforcement Administration

[Docket No. 74-5]

JAMES G. MIDDLETON, M.D.

Hearing

Notice is hereby given that on April 22, 1974, the Drug Enforcement Administration, Department of Justice, issued to James G. Middleton, M.D., Des Plaines, Illinois, an Order to Show Cause as to why the Drug Enforcement Administration registration No. AM4183670 issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said Order was received by Dr. Middleton, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on June 25, 1974, in Room 204-A, Everett Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois 60604.

Dated: June 17, 1974.

JOHN R. BARTELS, Jr.,
Administrator.

[FR Doc.74-14221 Filed 6-19-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ATKASOOK, ALASKA

Eligibility of Native Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him pursuant to the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native Villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on November 29, 1973, his Final Decision determining the eligibility of the Native Village of Atkasook, said decision appearing in 38 Fed. Reg. 32958 (1973).

On December 18, 1973, the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, filed a Notice of Appeal from the Final Decision of the Director on the eligibility of the Native Village of Atkasook. Thereafter, on May 21, 1974, the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, filed a Motion to Dismiss its appeal from the Final Decision of the Director on the eligibility of the Native Village of Atkasook.

The Ad Hoc Board, finding no reason for justifying the denial of Motion of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, to Dismiss its Appeal from the Final Decision of the Director on the eligibility of the Native Village of Atkasook, on May 30, 1974, issued a Final Order Dismissing the Appeal of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, and Certifying Village.

In accordance with the Ad Hoc Board's Final Order Dismissing the Appeal of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy and Certifying Village, which requested the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the Native Village of Atkasook as eligible for benefits under the Alaska Native Claims Settlement Act, the Director, Juneau Area Office, Bureau of Indian Affairs, certifies the Native Village of Atkasook eligible for benefits under the Alaska Native Claims Settlement Act, said decision not being further appealable, and also issues to the Native Village of Atkasook a Certification of Eligibility.

JOHN A. MOORE II,
Acting Director.

JUNE 11, 1974.

[FR Doc.74-14156 Filed 6-19-74;8:45 am]

NOOIKSUT, ALASKA

Eligibility of Native Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him pursuant to the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native Villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on December 12, 1973, his Final Decision determining the eligibility of the Native Village of Nooiksut, said decision appearing in 38 Fed. Reg. 34211(1973).

On January 4, 1974, the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, filed a Notice of Appeal from the Final Decision of the Director on the eligibility of the Native Village of Nooiksut. Thereafter, on May 21, 1974, the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, filed a Motion to Dismiss its appeal from the Final Decision of the Director on the eligibility of the Native Village of Nooiksut.

The Ad Hoc Board, finding no reason for justifying the denial of Motion of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, to Dismiss its Appeal from the Final Decision of the Director on the eligibility of the Native Village of Nooiksut, on May 30, 1974, issued a Final Order Dismissing the Appeal of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, and Certifying Village.

In accordance with the Ad Hoc Board's Final Order Dismissing the Appeal of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy and Certifying Village, which requested the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the Native Village of Nooiksut as eligible for benefits under the Alaska Native Claims Settlement Act, the Director, Juneau Area Office, Bureau of Indian Affairs, certifies the Native Village of Nooiksut eligible for benefits under the Alaska Native Claims Settlement Act, said decision not being further appealable, and also issues to the Native Village of Nooiksut a Certification of Eligibility.

JOHN A. MOORE II,
Acting Director.

JUNE 11, 1974.

[FR Doc.74-14157 Filed 6-19-74;8:45 am]

Bureau of Land Management

EUGENE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Eugene District Advisory Board will meet on July 24, 1974, commencing at 9 a.m. in the Eugene District, Bureau of Land

Management, Conference Room, 1255 Pearl Street, Eugene, Oregon, for a field trip to look at reforestation, forest genetics and nursery operations. There will be a no-host dinner followed by a short meeting at Cottage Grove, Oregon, after the field trip.

The meeting and tour will be open to the public although persons wishing to accompany the tour must provide their own transportation. In addition to discussion of the agenda topics by board members, there will be time for brief statements by nonmembers. Persons wishing to make oral statements should so advise the chairman or co-chairman prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the board by sending it to the chairman, in care of the co-chairman: Eugene District Manager, P.O. Box 10226, Eugene, Oregon 97401.

JOSEPH C. DOSE,
Eugene District Manager.

JULY 13, 1974.

[FR Doc.74-14139 Filed 6-19-74;8:45 am]

[New Mexico 21434]

NEW MEXICO

Notice of Application

JUNE 12, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 37 E.,
Sec. 6, E½SW¼.

This pipeline will convey natural gas across .308 miles of national resource land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14141 Filed 6-19-74;8:45 am]

[New Mexico 21531]

NEW MEXICO

Notice of Application

JUNE 12, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for an 8-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 25 E., Sec. 10, W½SE¼; Sec. 15, NW¼NE¼.

This pipeline will convey natural gas across .721 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14140 Filed 6-19-74;8:45 am]

[New Mexico 21533 and 21551]

NEW MEXICO

Notice of Applications

JUNE 12, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for two 6-inch natural gas pipelines right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 26 E.,
Sec. 17, S½NE¼ and SE¼NW¼.
T. 17 S., R. 29 E.,
Sec. 10, W½SW¼ and SE¼SW¼.
Sec. 15, SW¼NE¼, S½SE¼ and NW¼SE¼.

These pipelines will convey natural gas across 1.656 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14158 Filed 6-19-74;8:45 am]

[Wyoming 40618]

WYOMING

Notice of Application

JUNE 13, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Champlin Petroleum Company has applied to amend right-of-way grant W-40618 to install an oil pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 17 N., R. 100 W.,
Sec. 10, SW¼NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼.

The pipeline will convey oil from a well in the NE¼ sec. 9 to an existing pipeline in the SE¼ sec. 10, all in T. 17 N., R. 100 W.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1088, Rock Springs, Wyoming 82901.

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

[FR Doc.74-14174 Filed 6-19-74;8:45 am]

[Wyoming 46354]

WYOMING

Notice of Application

JUNE 13, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 99 W.,
Sec. 20, E½E½.

The pipeline will convey natural gas from the UPRR No. 28-E well in sec. 28, T. 20 N., R. 99 W., to an existing gathering system.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1088, Rock Springs, Wyoming 82901.

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

[FR Doc.74-14175 Filed 6-19-74;8:45 am]

[Wyoming 46208]

WYOMING

Notice of Application

JUNE 13, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Marathon Pipe Line Company has applied for a right-of-way for a rectifier and ground bed across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 56 N., R. 97 W.,
Sec. 15, S½NE¼ and N½SE¼.

These facilities are requested for the operation and maintenance of an existing oil transmission system.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401.

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

[FR Doc.74-14176 Filed 6-19-74;8:45 am]

[C-063968, C-072835, C-079187]

WYOMING

Notice of Application

JUNE 11, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Amoco Pipeline Company has applied to amend right-of-way grants C-063968, C-072835 and C-079187 to install cathodic protection units on the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 22 N., R. 76 W.,
sec. 20, NW¼.
T. 22 N., R. 80 W.,
sec. 30, SE¼SE¼.
T. 25 N., R. 88 W.,
sec. 35, NE¼.
T. 38 N., R. 92 W.,
sec. 20, SE¼.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301.

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

[FR Doc. 74-14126 Filed 6-19-74;8:45 am]

[C-071484]

WYOMING

Notice of Application

JUNE 11, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Amoco Pipeline Company has applied to amend right-of-way grant C-071484 to install a cathodic protection unit on the following land:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 38 N., R. 88 W.,
sec. 21, NE¼.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, Wyoming 82601.

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

[FR Doc.74-14127 Filed 6-19-74;8:45 am]

Fish and Wildlife Service

COYOTE CONTROL

Emergency Use of Sodium Cyanide With M-44 Device

Notice is hereby given that on May 28, 1974, procedures for the emergency use of sodium cyanide applied with the M-44 device to control coyotes in the Department of the Interior's operational predator control program, authorized by the Act of March 2, 1931 (7 U.S.C. 426-426b; 46 Stat. 1468), were implemented for the purpose of relieving coyote depredations on sheep and goats where mechanical techniques have proven ineffective. The procedures which are printed below were developed in consultation with the agencies stipulated as required by the emergency provisions of Executive Order 11643, section 3(b).

The use of the sodium cyanide for this purpose is covered by an experimental permit issued May 30, 1974, by the Environmental Protection Agency (EPA) under section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 121-135k; 78 Stat. 190), for the period of May 28, 1974, through October 31, 1974. Data collected during the field use of the M-44 in this program will be used by EPA to evaluate the use in considering registration of this application of sodium cyanide.

PROCEDURE FOR ADVANCE IDENTIFICATION AND APPROVAL OF AREAS FOR THE POSSIBLE EMERGENCY USE OF SODIUM CYANIDE DELIVERED BY THE M-44 DEVICE FOR THE CONTROL OF DEPREDATING CANIDS

Introduction. Section 3 of Executive Order 11643 prohibits the use of toxicants for killing predators on Federal lands or in Federal programs of mammalian or bird damage control except in emergency situations.

Section 3(b) allows for chemical toxicants to be used for killing predatory mammals and birds, and for chemical toxicants with secondary poisoning effects to be used for killing other mammals, birds or reptiles when an emergency exists that cannot be dealt with by other means.

(b) Notwithstanding the provisions of subsection (a) of this section, the head of any agency may authorize the emergency use on Federal lands under his jurisdiction of a chemical toxicant for the purpose of killing predatory mammals or birds, or of a chemical toxicant which causes a secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles, but only if in each specific case he makes a written finding, following consultation with the Secretaries of the Interior, Agriculture, and Health, Education and Welfare, and the Administrator of the Environmental Protection Agency, that an emergency exists that cannot be dealt with by means which do not involve use of chemical toxicants, and that such use is essential.

(1) to the protection of the health or safety of human life;

(2) to the preservation of one or more wildlife species threatened with extinction, or likely within the foreseeable future to become so threatened; or

(3) to the prevention of substantial irretrievable damage to nationally significant natural resources.

The Bureau of Sport Fisheries and Wildlife (hereinafter referred to as the Bureau), conducts and supervises a cooperative operational predator control program in many of the Western States under authority of the Act of March 2, 1931 (7 U.S.C. 426-426b; 46 Stat. 1468). Since the issuance of Executive Order 11643, the Bureau has attempted to carry out this program with nonchemical methods, such as steel traps, aircraft, shooting and other techniques. The effort has been successful in many situations; however, the effort has failed in areas where terrain, vegetation, and other factors do not permit the effective use of nonchemical methods to reduce livestock damage caused by coyotes. In these areas the use of sodium cyanide delivered by the M-44 device could significantly increase the Bureau's capability to prevent significant economic damage to livestock resources, particularly sheep and goats. The Bureau has identified and defined the types of areas where the effective use of nonchemical means of control may be inadequate to respond to an emergency and where there is a history of severe depredations on sheep.

The procedures for implementation of the emergency provisions of the Executive order established by interagency Memorandum of Agreement were developed to expedite emergency requests for aid. The procedures of the Memorandum of Agreement appear to be acceptable for routine requests; emergencies caused by coyote depredation on sheep and goats require faster action. Accordingly, the Department of the Interior, in consultation with the other agencies charged with the implementation of the Executive order, has developed the procedures contained herein in order to provide for timely responses to true emergency situations. These procedures address only the emergency use of sodium cyanide delivered by the M-44 device to mitigate emergencies caused by coyote depredation on sheep and goats.

An emergency request will be handled by the following procedure:

(1) The owner or operator in the case of private land, or the land administrator, in the case of public land, may initiate a request in consultation with Bureau field personnel through use of the form, "Request for the Emergency Use of the M-44 Device."

(2) The completed request form will be reviewed by the Bureau's State Animal Damage Control Office.

(3) The request, with recommendations, will be submitted to the Regional

Director for a final determination on the existence of an emergency situation and the need for use of the M–44. If the finding is made that an emergency exists, the Regional Director has authority to approve the use of the M–44 without further consultation with the Secretary of the Interior or other agencies. The criteria set forth in the remainder of this document shall be adhered to by the Regional Director in making the finding that an emergency exists.

Definition of an emergency. Emergency requests will be considered only for sheep and goat raising areas where aerial or other nonchemical coyote control methods have not proved feasible or effective. An emergency shall be held to exist when there is an unusually high rate of predator loss to one or more growers equal to 2 percent or more of the affected flock over a 7-day period. The emergency criteria may be satisfied when a lesser rate of predator loss occurs which can be projected to cause the destruction of 8 percent or more of the affected flock over the growing season, after trapping, shooting, and other nonchemical controls have been attempted over a reasonable period and found ineffective.

In low, open grassy pastures, sheep and goat losses due to predation are more easily located and confirmed. An emergency will be considered to exist in these areas when: a sheep raiser is suffering a demonstrated and confirmed 2 percent or higher loss to predators over a period of 7 days; when mechanical methods have been unsuccessful for a 14-day period and the losses suffered by the grower due to predation have reached an average of 0.6 percent per week or more for that period; or when mechanical control methods have been unsuccessful for 28 consecutive days and the losses suffered by the grower due to predation have reached an average of 0.4 percent per week for that period.

In heavy brushy areas or rough, steep terrain, sheep and lamb losses due to predation are not easily located and confirmed. Research has documented the extreme difficulty in locating more than 50 percent of all losses in areas of this type. An emergency will be considered to exist in this situation when a sheep grower suffers a confirmed loss of 1 percent or higher during a 7-day period, when mechanical control methods have been unsuccessful during a 14-day period and losses suffered due to predation have reached an average of .3 percent per week or more for that period; or when mechanical control methods have been unsuccessful for a 28-day period and the losses suffered by the grower due to predation have reached an average of .2 percent per week or more for that period.

Description of areas where the M–44 may be authorized to control coyote depredations. These are areas where aerial methods of predator control are not feasible and other mechanical tools have not been effective in reducing sheep and goat depredations and where use of the M–44, in justified emergency situations, could provide a means to effectively reduce depredations on flocks during grazing or lambing seasons. This delineation is based on a number of factors. These are covered in more detail in (1) "The Bridger Project: An Evaluation of Mechanical Control Techniques;" (2) "Predator Control in Transition;" (3) "Coyote Damage Control by Mechanical Techniques;" and (4) "Preliminary Report, Predator Survey—Western U.S., 1972;" and "1973 Index of Coyote Abundance, Showing Percent Change from 1972 and Percent Significance." In order to be qualified as an emergency area the three following conditions must be present: (1) sheep and or goats must be present in the area; (2) coyotes or other predator canids must have been shown to be the cause of loss; and (3) mechanical means must have been shown to be ineffective.

The areas can be generally classified into four types as follows:

1. *Low altitude pastures.* Lambing grounds and pastures which may be used throughout the year. In case of lambing situations, the animals are vulnerable during late winter and early spring starting in January in southern States and continuing through May in northern States.

These areas are typified by dense, brushy ground cover, and rough breaks where ground access is limited. Mechanical methods, such as aerial hunting, may not be effective because of the dense vegetation which prevents observation of coyotes from the air. Roughness and limited access may also present obstacles to effective use of other mechanical techniques, such as steel traps, calling, and shooting in some instances. Steel traps are often not practical because of the time involved in reaching problem areas for placement and frequent revisitation as required by Bureau regulations or State laws.

Much of the land is open range with minimum fencing. The presence of livestock, both sheep and cattle, interferes with the effective use of traps, resulting in traps being sprung or trampled and rendered useless before the target animal can be caught, causing time loss and increased depredations.

2. *High altitude summer pastures.* These are areas above 7,000 feet used by sheep and goats from late June through early October. Aerial hunting is impractical either because of high altitudes or vegetation. Many of these grazing areas are covered by aspen and coniferous timber.

The open park areas at high altitudes cannot be hunted with fixed-wing aircraft or helicopters due to the lack of aircraft efficiency and the extreme safety hazard at this elevation. Sheep and goats are moved to fresh feed daily. Trap interference is common as a result of trampling because livestock and coyotes travel the same trails. Due to the roughness and limited access, traps often cannot be tended as required.

Sheep and lambs are present in areas during the period that coyote pups are maturing and begin to hunt on their own or in family groups.

The major area under this classification is public land under the jurisdiction of the U.S. Forest Service and the Bureau of Land Management. Land use and restrictions on control techniques are determined by these agencies to coordinate these practices with other land use patterns, such as recreation.

3. *Fenced pastures including small farms with mixed agriculture.* This classification includes fenced pastures where it is impractical or illegal to use aircraft due to the difficulty in identifying property lines from the air. The lands are almost exclusively privately owned.

The aerial hunting permit law recently passed by Congress (16 U.S.C. 742 J–L; 86 Stat. 905), requires the States to issue specific permits showing land areas to be hunted and land ownership. Permission from the landowner must be secured before aerial programs can be conducted since aerial hunting is interpreted as trespass in some States. It is therefore necessary that property lines be recognizable from the air to conduct programs of this nature.

Fenced pastures as described are used for lambing and may include summer and winter grazing. In many instances control operations are restricted within the fenced areas containing the animals to be protected; steel traps cannot be used due to interference by sheep and other livestock. Sheep and goats are vulnerable to coyote depredation at all ages and, therefore, in these areas are exposed to depredations throughout the year.

4. *Areas where aerial hunting is prohibited by State law.* Coyote depredations in some of the areas designated in Arizona and the State of Washington could be stopped through aerial hunting techniques. However, State laws prohibit aerial hunting. In some areas of these States, the use of mechanical means other than aerial hunting may not be effective.

Coyote Abundance. The Bureau's coyote scent post surveys conducted during the fall of 1972 and 1973 indicate significant increases in some coyote populations in Western States east of the Continental Divide and decreases in some States west of the divide. Coyote populations occur in all of the problem areas where emergencies can be anticipated. Coyote density alone is only a variable, and not a determining factor in the seriousness of coyote depredations. Specific situations, such as losses resulting from a single coyote den in a lambing area in the spring, or from a family group of maturing coyote pups in the fall, may create a critical situation for an individual grower within the areas where mechanical methods are not effective and create the need for use of the M–44 to stop significant economic hardship.

Livestock Use. The determination of areas where problems may not be handled with mechanical techniques is based on the number of sheep present and the historic depredation problems of which we have record.

Policy and procedures for field application. When emergencies as defined herein are determined to exist within the areas described, field application of M–44

devices will be conducted by Bureau employees and State employees under the supervision of the Bureau. The following policies and procedures will be followed:

LEGAL GUIDELINES

Service use of the M–44 shall conform to all applicable Federal, State, and local laws and regulations.

AGREEMENTS FOR USE

M–44's may be placed after an emergency request for control is received and approved and a Bureau Agreement and Release Form (3–1923) or its equivalent, is executed. Use of M–44's shall be controlled by cooperative agreement for programs on Federal or State lands.

PLACEMENT

Emergency use of M–44's shall be in locations and at times that will minimize encounters by humans, pets, and nontarget species.

1. *Private Lands.* M–44's may be used in emergency areas as defined hereinafter approval of the Regional Director. Use shall be for the period authorized by the Director of the Bureau.

2. *Public Lands.* Specific locations and time periods of M–44 use shall be established by the appropriate Bureau representative, based upon land-use information provided by the land administrator.

WARNING REGULATIONS

Signs shall be used to provide warning of all areas containing M–44's. Individual unit sites also shall be clearly identified to protect persons who might happen upon them.

1. *Area Warning.* Main entrances, gateways, or commonly used access points to areas in which M–44's are set shall be posted with warning signs to alert the public to the toxic nature of the cyanide and to the danger to pets. Good judgment is the best guide to placing signs so they most likely will be seen by those entering the property.

2. *Individual Unit Warnings.* An elevated sign shall be placed in the immediate vicinity of the M–44, clearly warning persons not to handle the device. This sign must be obvious when one is looking at the M–44 from its most logical access.

NONAUTHORIZED USE

M–44's or cartridges shall not be given to, or entrusted to the care of any person not under the supervision of the Bureau. Care shall be taken to prevent theft or loss and the possibility of their subsequent use by nonauthorized persons.

SAFETY

1. *Personal Safety.* The State Supervisor shall be responsible for determining that all Bureau-supervised employees are properly instructed in the safe use of M–44's before being entrusted with them. When setting M–44's, caution should be exercised to prevent personal injury from accidental discharge. Gloves shall be worn when handling loaded M–44's. When assembling or disassembling the loaded top, the gloved hand should be cupped over the M–44 to deflect an accidental discharge to the face.

2. *Antidote.* Cyanide antidote kits shall be possessed by all employees using M–44's and shall be carried with them at the time units are being set or maintained.

3. *Storage.* M–44 cases contain toxic materials and shall be stored and handled accordingly.

4. *Case Disposal.* Discharged M–44 cases may retain hazardous amounts of cyanide and shall not be discarded at random in the field. Spent cases that have become unusable, shall be disposed of by burning in a safe place.

INSPECTION

1. *Maintenance of M–44 Sets.* District Field Assistants shall carry with them a supply of warning signs and shall check all M–44 sets under their care as frequently as is feasible to assure that warning signs are present and fully visible. Under guidelines prescribed by the Regional Director, frequency of checking sets shall be established by the State Supervisor for his project area, taking into consideration topography, weather, access, and local and State regulations. All requirements established by the State Supervisor shall be subject to the Regional Director's review.

2. *Inspection of M–44 Sets.* District Supervisors shall routinely inspect M–44 sets as a part of their supervisory responsibility to assure compliance with established policy. The State Supervisor or Assistant State Supervisor shall conduct inspections of M–44 sets as part of District inspections. Inspections shall include checking on the adequacy of warning signs. A written report to the Regional Director shall be mandatory on any violation of these regulations.

LOCAL RESTRICTIONS

Regions, States or Districts shall have the authority to issue more restrictive M–44 regulations as local situations may warrant.

REPORTING ACCIDENTS

All accidents involving humans and domestic animals shall be reported immediately in accordance with procedures established in 6.000, (68)–F–17, (68)–F–16, and 4.000, (68)–R–8 of the Policy Handbook.

RECORD OF PLACEMENT, ACCOUNTABILITY OF M–44'S

The State Supervisor will establish procedures for recording the placement and removal of M–44's in the field. Transfer of M–44's will be recorded according to the nature of the loss (theft, vandalism, removal by animal, inability to find location, etc.).

In addition to the above provisions, the following restrictions will apply.

1. The M–44 will not be used in National Parks or Monuments, under any circumstances.

2. The device will not be used in areas where susceptible threatened or endangered species, such as the San Joaquin kit fox, or red wolf, might be affected. Maps delineating the known range of susceptible threatened and endangered species will be supplied for guidance to the Regional Directors. (The new endangered species legislation (16 U.S.C. 1531–1543, 87 Stat. 884), provides for a list of threatened species; however, this list has not been established and at this time no animals are designated as threatened. When the provisions of the legislation are enacted, threatened species would be included in the areas where the M–44 would not be used.)

3. The device will not be used in areas of high public use or at times when excessive exposure is likely.

An appropriate announcement of the intent, including definition, procedures, and a general description of the areas to be affected will be published in the FEDERAL REGISTER for public information. Monthly notices of actual use of the M–44 under the program also will be published in the FEDERAL REGISTER.

Records and Reports. Appropriate arrangements will be made in all cases involving the use of the M–44 sodium cyanide device to secure and record data that can be helpful in further evaluating this device for the purpose of controlling sheep and goat depredations. The data will include:

a. Total number of target species taken, by direct count.

b. Number of nontarget species taken, by species.

c. Number of M–44 discharges with no animal recovery.

d. Any human or domestic animal accidents associated with M–44 use.

e. Loss rate reported by the sheep owner before emergency use of M–44's and loss after application of the tool.

f. Other significant information, such as effectiveness of different types of scents, or placement techniques.

g. Number of M–44 devices and capsules used, and cumulative total of M–44 use-years or months.

Monitoring. Each Regional Director shall established a system for monitoring the operation of emergency procedures in the field and shall provide a monthly report of findings. Surveillance may be undertaken on a sampling basis and shall include verification of the following.

1. Data presented in support of emergency requests.

2. Effort expended to provide control with mechanical means.

3. Adherence to described geographical areas.

4. Adherence to policy in use of M–44's.

5. Reports of results obtained in controlling depredations with M–44's.

REQUEST FOR THE EMERGENCY USE OF THE M–44 DEVICE

1. Land status: Public _____ and/or Private _____.

2. Land administrator, if public:_____. Landowner, if private:_____.

3. Name and address of the livestock operator: _____

4. Land area involved: _____ acres in _____ County and _____ State.

5. Date request for assistance received: _____.

6. Description of the problem:
(a) Total livestock losses from all causes during the peirod_____.
(b) Number of predator kills confirmed by District Field Assistants (Indicate whether sheep, goats, calves, etc.)_____.
(c) Predator species responsible_____.
(d) Time period involved for these reported losses _____ to _____.
(e) What mechanical methods were used during the period of loss_____.
(f) Time period this operation will be exposed to depredation losses_____.
(g) Number of sheep and goats involved in this operation_____.
(h) Number of sheep and goats lost to predators during the same period last season _____ (other losses).
(i) Type of operation: farm flock _____; open range _____; fenced pasture _____; close herding of bands _____; other_____.
(j) Number of M–44 units which will be used _____ during the period of _____ to _____.
(k) Factors which limit the effectiveness of available mechanical tools_____.
7. What has been the success with non-chemical methods in the past?_____.
8. Other factors affecting losses (whether high predator population, low population of buffer species, etc.)_____.
9. Special restrictions required by land administrators _____.

Recommended by: _____
State Supervisor_____
Land Administrator_____
(Forest Supervisor, BLM Area Manager or Landowner)
Approved by Regional Director_____

Date _____

LISTING OF BUREAU OF SPORT FISHERIES AND WILDLIFE REPRESENTATIVES FOR FIELD APPLICATION OF THE PRECEDING EMERGENCY PROGRAMS

REGIONAL DIRECTORS

Region 1 (California, Idaho, Nevada, Oregon and Washington)
R. Kahler Martinson
1500 NW. Irving Street
P.O. Box 3737
Portland, Oregon 97208

Region 2 (Arizona, New Mexico, Oklahoma and Texas)
W. O. Nelson, Jr.
517 Gold Avenue SW.
P.O. Box 1306
Albuquerque, New Mexico 87103

Region 6 (Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North and South Dakota, Utah and Wyoming)
Charles M. Loveless
P.O. Box 25486
Denver, Colorado 80225

STATE SUPERVISORS

Malcolm N. Allison
2800 Cottage Way
Sacramento, California 95825

Joe E. Minor
300 Booth Street
Reno, Nevada 89502

Vincent Bogatich
506 W. Valley Mall Blvd.
Union Gap, Washington 98903

Vernon Cuningham
10304 Candelaria NE.
Albuquerque, New Mexico 87112

A. Warren Ahlstrom
550 West Fort (Box 025)
Boise, Idaho 83724

Willard Nelson
809 NE. Sixth Avenue
Portland, Oregon 97232

William Rightmire
2721 N. Central Ave. (Suite 704)
Phoenix, Arizona 85004

Berkeley R. Peterson
Room 238, Old Post Office
Oklahoma City, Oklahoma 73102

Milton Caroline
P.O. Box 9037, Guilbeau Station
San Antonio, Texas 78204

Frederick Christenson
Federal Bldg. & U.S. Courthouse
111 S. Wolcott
Casper, Wyoming 82601

William K. Pfeifer
P.O. Box 1897
Bismarck, North Dakota 58501

Robert P. Kelly
246 Federal Building
Lincoln, Nebraska 68508

Norton Minor
711 Central Avenue
Billings, Montana 59102

Donald W. Hawthorne
Federal Bldg., Room 2215
125 S. State Street
Salt Lake City, Utah 84111

Rew V. Hanson
439 Federal Building
Pierre, South Dakota 57501

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

JUNE 17, 1974.

[FR Doc.74–14096 Filed 6–19–74;8:45 am]

Geological Survey

DEEP CREEK BASIN, OREGON

Power Site Cancellation 296

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 382 of July 15, 1947, is hereby canceled to the extent that it affects the following described land:

WILLAMETTE MERIDIAN, OREGON

T. 40 S., R. 22 E.,
Sec. 28, NE¼NE¼.

The area described aggregates 40 acres.

The effective date of this cancellation is October 14, 1974.

Dated: June 13, 1974.

HENRY W. COULTER,
Acting Director.

[FR Doc.74–14144 Filed 6–19–74;8:45 am]

Office of the Secretary

[Int Des 74–42]

LIVESTOCK GRAZING MANAGEMENT FOR NATIONAL RESOURCE LANDS

Extension of Time Period

The Department of the Interior published in the FEDERAL REGISTER of April 16, 1974 (39 FR 13697) a notice concerning the availability of a Draft Environmental Impact Statement on Livestock Grazing Management. The statement addresses itself to the livestock grazing management program on public lands administered by the Bureau of Land Management. The notice provided a 2-month period from its date of publication for comments.

Because of the requests for extension of time to comment by reviewers, the time originally established for commenting on the Draft EIS has been extended to July 16, 1974.

JACK O. HORTON,
Assistant Secretary of the Interior.

JUNE 14, 1974.

[FR Doc.74–14083 Filed 6–19–74;8:45 am]

MARTIN T. QUIGLEY

Appointee's Statement of Financial Interests

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

Martin T. Quigley.

NAME OF EMPLOYING AGENCY

Department of the Interior, Defense Electric Power Administration

THE TITLE OF THE APPOINTEE'S POSITION

Regional Power Liaison Representative, DEPA Area 3

THE NAME OF THE APPOINTEE'S PRIVATE EMPLOYER OR EMPLOYERS

Potomac Electric Power Company

The statement of "financial interests" for the above appointee is enclosed.

ROGERS C. B. MORTON,
Secretary of the Interior.

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 May 1, 1974, as Regional Power Liaison Representative, Defense Elec-8trict Power Administration, an officer or director;

No change.

(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.

I own 310 shares of common stock in the Potomac Electric Power Company of Washington, D.C.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

No change.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:
No change.

Dated: May 23, 1974.

M. T. QUIGLEY.

[FR Doc.74-14137 Filed 6-19-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

PEANUTS; 1974 CROP

Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34 and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1974 Crop Peanuts", "Outgoing Quality Regulation—1974 Crop Peanuts" and the "Terms and Conditions of Indemnification—1974 Crop Peanuts", which modify or are in addition to the provisions of section 5, 31, 32 and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended "Incoming Quality Regulation—1974 Crop Peanuts", "Outgoing Quality Regulation—1974 Crop Peanuts" and the "Terms and Conditions of Indemnification—1974 Crop Peanuts", be issued so as to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The 1974 peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the Committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1974 Crop Peanuts", "Outgoing Quality Regulation—1974 Crop Peanuts", and the "Terms and Conditions of Indemnification—1974 Crop Peanuts" are hereby approved.

Dated: June 17, 1974.

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

INCOMING QUALITY REGULATION—1974 CROP PEANUTS

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions of 1974 crop peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to 1974 crop farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus.*

(b) *Moisture.* Except as provided under paragraph (e) *Seed peanuts,* no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided,* That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of whole kernels which ride screens with the following slot openings: Runner—16/64 x ¾ inch; Spanish and Valencia—15/64 x ¾ inch; Virginia—15/64 x 1 inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of as oil stock. If the whole kernels are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The whole kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, they may contain up to 3 percent damaged kernels and have visible Aspergillus flavus, and, in addition, the following moisture content, as applicable:

(1) for seed peanuts produced in the Southeastern and Virginia-Carolina areas, they may contain up to 11 percent moisture except Virginia type peanuts which are not stacked at harvest time may contain up to 12 percent moisture; and (2) for seed peanuts produced in the Southwestern area, they may contain up to 10 percent moisture.

However, any such seed peanuts with visible Aspergillus flavus shall be stored and shelled separate from other peanuts, and any residual not used for seed shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. A handler whose operations may include custom seed shelling, may receive, custom shell, and deliver for seed purposes farmers stock peanuts and such peanuts shall be exempt from the Incoming Quality Regulation requirements and therefore shall not be required to be inspected and certified as meeting the Incoming Quality Regulation requirements and the handler shall report to the Committee as requested the weight of each lot of farmers stock peanuts received on such basis on a form furnished by the Committee. However, handlers who may acquire seed peanut residuals from their custom seed shelling operations or from another seed sheller or producer who has or has not signed the marketing agreement shall hold and/or mill such residuals separate and apart from other receipts or acquisitions of the handler and such residuals which meet Outgoing Quality Regulation requirements may be disposed of by sale to human consumption outlets and any portion not meeting such requirements shall be disposed of by sale to oil stock or crushing.

(f) *Oil stock.* Handlers may acquire as oil stock, peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agreement restricting such acquisitions to handlers who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire Segregation 2 or 3 farmers stock peanuts: *Provided,* That all such acquisitions except Segregation 3 peanuts shall be bagged, red tagged and held separate and apart from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts and shall be disposed of only by crushing or by delivery to crushers and the consequent production of oil and meal: *And further provided,* That all Segregation 3 peanuts shall at all times be kept separate and apart from all other peanuts and disposed of as provided in paragraph (j) of the Outgoing Quality Regulation for 1974 crop peanuts. However, to be eligible to receive or acquire Segregation 3 farmers stock peanuts, a handler shall pay to the Area Association a fee, specified by the Committee, for the purpose of covering cost of supervision on the disposition of such peanuts.

(g) *Segregation 3 control.* To assure the removal from edible outlets of any

lot of peanuts determined by the Federal or Federal-State Inspection Service to be Segregation 3, each handler shall inform each employee, country buyer, commission buyer or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 3 peanuts from milling for edible use. If any lot of Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificate on the lot to the designated office of the handler and a copy to the Committee which shall be used only for information purposes.

(h) *Warehouse Storage Facilities.* Handlers shall report to the Committee, on a form furnished by the Committee, all storage facilities or contract storage facilities which they will use to store acquisitions of 1974 crop Segregation 1 farmers stock peanuts and all such storage facilities must be reported prior to storing of any such handler acquisitions. All such storage facilities must be of sound construction, in good repair, built and equipped so as to provide suitable storage and sufficient ventilation to prevent moisture condensation and provide adequate protection for farmers stock peanuts. All breaks or openings in the walls, floors or roofs of the facilities shall have been repaired so as to keep out moisture. Elevator pits and wells must be kept dry and free of moisture at all times. Insect control procedures must be carried out in such a manner as to prevent undesirable moisture in the storage facilities. The Committee may make periodic inspections of storage facilities and farmers stock peanuts stored in such facilities to determine if handlers are adhering to these requirements.

(i) *Shelled peanuts.* Handlers may acquire from other handlers shelled peanuts (which originated from "Segregation 1 peanuts") that fail to meet the requirements of the Outgoing Quality Regulation. Any lot of such peanuts must be accompanied by a valid inspection certificate for grade factors, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the buyer and seller on a form provided by the Committee. Peanuts acquired pursuant to this paragraph shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by the Outgoing Quality Regulation.

OUTGOING QUALITY REGULATION—1974 CROP PEANUTS

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of 1974 crop peanuts for human consumption:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption unless appropriate samples for pretesting have been drawn in accordance with subparagraph (c) of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than (1) a total of 1.50 percent unshelled peanuts and damaged kernels; (2) a total of 3.00 percent unshelled peanuts and damaged kernels and minor defects; (3) 9.00 percent moisture in the Southeastern and Southwestern areas, or 10.00 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts "with splits" and peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and other edible quality peanuts not of U.S. grade. Fall through in such peanuts shall not exceed 4 percent except that in peanuts other than "No. Two Virginia" fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners or Virginias "with splits" shall not exceed 3 percent or 2 percent on Spanish "with splits". The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this paragraph (a) shall be as follows:

Type	Screen openings	
	Split and broken kernels	Whole kernels
Runners	17/64 inch round	18/64 by 3/4 inch slot.
Spanish and Valencia	16/64 inch round	13/64 by 3/4 inch slot.
Virginia, except "No. Two Virginia"	17/64 inch round	18/64 by 1 inch slot.
"No. Two Virginia"	17/64 inch round only for split, broken and whole kernels.	

("No. Two Virginia" means Virginia type peanuts that meet requirements of U.S. No. 2 Virginia grade peanuts except for tolerances for: (1) damage or unshelled peanuts and minor defects; and (2) sound peanuts and portions of peanuts which pass through the prescribed screen. Such tolerances shall be the same as those listed heretofore in this paragraph. Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Spanish 2.00 percent whole kernels which will pass through 15/64 x 3/4 slot screen; for Runners 3.00 percent whole kernels which will pass through a 16/64 x 3/4 inch slot screen; and for Virginias 3.00 percent whole kernels which will pass through a 15/64 x 1 inch slot screen, and (c) otherwise meet the specifications of U.S. No. 1 grade).

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) with more than 1.00 percent kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by an Agricultural Marketing Service laboratory (hereinafter referred to as "AMS laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2.00 percent peanuts with damaged kernels; (3) with more than 10.00 percent moisture; or (4) with more than 0.50 percent foreign material.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot of shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service. The gross amount of peanuts drawn shall be large enough to provide for a grade analysis, for a grading check sample and for one 48-pound sample for aflatoxin assay. The 48-pound sample shall be ground by the Federal or Federal-State Inspector, AMS or designated laboratories in a "sub-sampling mill" approved by the Committee. Four sub-samples of a size specified by the Committee shall be drawn from the ground portion of the sample diverted by the "sub-sampling mill" during the grinding process. Two of the resulting sub-samples from the 48-pound sample shall be designated as "1–A" and "2–A". The two remaining sub-samples shall be designated as "1–B" and "2–B". The sub-samples designated "1–A" and "1–B" shall be sent as requested by the handler or buyer, for aflatoxin assay to an AMS laboratory or a laboratory listed on the most recent Committee list of approved laboratories that can provide analyses results on such samples in 36 hours. The sub-samples designated as "2–A" and "2–B" shall be held as aflatoxin check-samples by the Federal or Federal-State Inspection Service, AMS or designated laboratories and shall be analyzed only in AMS or designated laboratories.

Sub-samples "1–A" and "1–B" shall be accompanied by a notice of sampling, signed by the inspector, containing, at least, identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice on each lot shall be sent to the Committee office. All assay sub-samples shall be positive lot identified and sub-samples "2–A" and "2–B" held for 30 days, after delivery of sub-samples "1–A" and "1–B", and delivered for assay upon all of the laboratory or the Committee and at the Committee's expense. The cost of drawing the 48-pound sample and the preparation of the resultant sub-samples and postage for mailing the sub-samples "1–A" and "1–B" shall be borne by the handler. When the sub-samples "1–A" and "1–B" have not been analyzed within 30 days from date of delivery of the "1–A" and "1–B" sub-samples and a second set of "2–A" and "2–B" sub-samples must be drawn, the cost of drawing, grinding preparation and mailing such sub-samples shall be for the account of the holder

of the peanuts. Cost of the assay on the "1–A" and "1–B" sub-samples shall be for the account of the buyer of the lot and of the "2–A" and "2–B" sub-samples for the Committee's account. If the handler elects to pay for the assay of the "1–A" sub-sample, he shall charge the buyer when he invoices the peanuts, and if more than one buyer, on a pro rata basis. The results of each assay shall be reported to the buyer listed in the notice of sampling and, if the handler desires, to the handler.

If a buyer is not listed in the notice of sampling the results of the assay shall be reported to the handler who shall promptly cause notice to be given, to the buyer of the contents thereof and such handler shall not be required to furnish additional samples for assay.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State inspectors and to the Committee. All lots shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Inter-plant transfer.* Until such time as procedures permitting all interplant and cold storage movements are established by the Committee, any handler may transfer peanuts from one plant owned by him to another of his plants or to commercial storage, without having such peanuts positive lot identified and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, fall through and pickouts.* (1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—$^{16}/_{64}$ x $^{3}/_{4}$ inch; Spanish and Valencia—$^{15}/_{64}$ x $^{3}/_{4}$ inch; Virginia—$^{15}/_{64}$ x 1 inch; shall be disposed of only by sale as domestic oil stock, by crushing, or as specified in "paragraph (g)(3)" hereinafter. Fall through shall be disposed of in the same manner while pickouts shall be sold as domestic oil stock or crushed. For the purpose of this regulation: the term "non-edible quality peanuts described in paragraph (g)(1)" means loose shelled kernels, fall through, and pickouts; the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens (U.S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall through and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels. Each such category of peanuts shall be bagged separately in suitable new or clean, sound, used bags or placed in bulk containers acceptable to the Committee, except that loose shelled kernels and fall through may be commingled as provided in paragraph (g)(3). Such peanuts shall be inspected by Federal or Federal-State inspectors in lots of not more than 100,000 pounds and a certification made as to moisture and foreign material content.

(3) Each category of non-edible quality peanuts described in paragraph (g)(1) shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag. In addition to disposition outlets specified in paragraph "(g)(1)", "loose shelled kernels" and "fall through" may be exported in bulk or bags to countries other than Mexico or Canada if such peanuts are sampled and determined to be "negative" as to aflatoxin content and are "fragmented" prior to exportation. The term "fragmented" means to fragment the shelled peanuts by use of such devices as barhullers, rollers, hammermills, etc. so that no more than 10 percent of the kernels that remain as whole kernels will ride the following screens by type: Spanish $^{14}/_{64}$ x $^{3}/_{4}$ inch slot; Runner $^{15}/_{64}$ x $^{3}/_{4}$ inch slot; and Virginia $^{14}/_{64}$ x 1 inch slot. Furthermore, after such peanuts have been fragmented handlers may commingle them with residue from CCC stock of a similar type for export under area association supervision. Fall through that has been sampled and determined to be negative as to aflatoxin content may be disposed of for use as wild-life feed or bait for rodents in labeled containers approved by the Committee. All dispositions of peanuts described in paragraph (g)(1) shall be reported to the Committee on such forms and at such times as it prescribes. Such peanuts destined for crushing shall be deemed to be "restricted" peanuts and the meal produced therefore shall be used or disposed of as fertilizer or other non-feed use. Loose shelled kernels and fall through not fragmented and exported may be commingled provided they are separated by type (Spanish, Virginia, etc.). However, the handler shall cause such peanuts to be inspected and certified as to the percentage of such peanuts riding and/or falling through the following specified screens, for determination of loose shelled kernels: Spanish $^{16}/_{64}$ inch round; Virginia and Runners $^{17}/_{64}$ inch round. However, such peanuts shall be disposed of only for domestic crushing. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for nonfeed use or sell it to the aforesaid fertilizer manufacturers. However, loose shelled kernels, fall through and pickouts and meal from peanuts other than pickouts in specifically identified lots of not more than 50 tons each, may be sampled by Federal or Federal-State inspectors, or by the Area association if authorized by the Committee, and tested for aflatoxin by laboratories approved by the Committee or operated by the Agricultural Marketing Service, at handler's or crusher's expense, and if such meet Committee standards, the meal may be disposed of for feed use.

(4) Notwithstanding any other provisions of this regulation or of the Incoming Quality Regulation applicable to 1974 crop peanuts, a handler may transfer such "restricted" peanuts to another plant within his own organization or transfer or sell such peanuts to a crusher for crushing. Sales or transfer of restricted peanuts to persons not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) including the reporting requirements.

(h) *Peanuts failing quality requirements.* (1) Handlers may sell to other handlers shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the Outgoing Quality Regulation requirements heretofore specified. Lots of peanuts disposed of in this manner must be accompanied by a valid grade inspection certificate, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the seller and buyer on a form provided by the Committee. Any such peanuts acquired by handlers pursuant to paragraph (i) of the Incoming Quality Regulation shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by the requirements specified heretofore.

(2) Handlers may blanch or cause to have blanched peanuts failing to meet requirements of the Outgoing Quality Regulation because of excessive damage or minor defects or are positive as to aflatoxin. To be eligible for disposal into human consumption outlets, such peanuts, after blanching, must meet speci-

fications for unshelled peanuts, damaged kernels, and minor defects as listed in the Outgoing Quality Regulation and be accompanied by an aflatoxin certificate determined to be negative by the Committee.

(3) Handlers may dispose of to domestic crushing or export to countries other than Mexico and Canada, shelled peanuts which fail to meet requirements of the Outgoing Quality Regulation, because of excessive damage and minor defects providing such peanuts will ride the following prescribed screens:

Type	Screen openings	
	Split and broken kernels	Whole kernels
Virginia	17/64 inch round	12/64 by 1 inch slot.
Runners	17/64 inch round	12/64 by 3/4 inch slot.
Spanish and Valencia	16/64 inch round	11/64 by 3/4 inch slot.

Furthermore, such peanuts riding the above screens shall: contain not more than 2.00 percent foreign material; contain not more than 6.00 percent fall through of kernels passing through such prescribed screens; contain not more than a total of 8.00 percent damage and minor defects, including not more than 4.00 percent damage or unshelled kernels; and not contain moisture content exceeding 10.00 percent in the Virginia-Carolina area and 9.00 percent in the Southwestern and Southeastern areas. Each lot of peanuts so disposed of shall be identified by positive lot identification procedures as specified in paragraph (d). Each lot of peanuts so disposed of shall be sampled and assayed for aflatoxin as specified in paragraph (c) and only peanuts determined negative by the Committee and accompanied by a negative certificate may be exported provided such peanuts are "fragmented" prior to exportation. Any such peanuts not eligible for export due to excessive aflatoxin or which fail to meet the requirements of this paragraph shall be handled and disposed of in the same manner specified for loose shelled kernels, fall through and pickouts in paragraph (g) and such disposition shall be reported to the Committee on such forms and at such times as it prescribes.

(i) *Residuals from seed peanuts.* Handlers who receive and custom shell for seed purposes farmers stock peanuts (which have not been inspected and certified as meeting the incoming quality regulation) shall hold and mill peanuts acquired as residuals from such operations separate and apart from peanuts acquired as Segregation 1 farmers stock. Likewise, any such residuals received or acquired from a handler or non-handler, shall be held and milled separate and apart in the same manner. Residuals that meet requirements of the Outgoing Quality Regulation may be disposed of by sale to human consumption outlets or to another handler and any portion not meeting such requirements shall be disposed of by sale to an oil mill for crushing or by crushing.

(j) *Segregation 3 farmers stock disposition.* Shelling and disposition of Segregation 3 peanuts shall be done only under the supervision of the Committee and the Area Associations. Such peanuts, prior to shelling and after shelling, shall be kept separate and apart from all other peanuts. Handlers who have acquired Segregation 3 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation may dispose of the peanuts in bags or bulk: (1) for crushing to other handlers who are crushers or to crushers who are not handlers but are approved by the Committee with the resultant meal restricted for non-feed use; and (2) to export but prior to such exportation, the shelled peanuts shall be "fragmented" in the same manner as specified in paragraph (g) (3) of the Outgoing Quality Regulation and shall be assayed for aflatoxin by an AMS laboratory or a laboratory approved by the Committee with the aflatoxin results shown on the export bill of lading. All dispositions of Segregation 3 peanuts shall be reported to the Committee on such forms and at such times as it prescribes.

TERMS AND CONDITIONS OF INDEMNIFICATION—1974 CROP PEANUTS

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify or arrange for the buyer to notify, the Manager, Peanut Administrative Committee of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of chemical assay. To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting requirements in (a) and (c) of the "Outgoing Quality Regulation—1974 Crop Peanuts", and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these Terms and Conditions and such is concurred in by the Agricultural Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Agricultural Marketing Service shall, prior to disposition for crushing cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions and rates of payment as the Committee may find to be acceptable.

If the Committee and the Agricultural Marketing Service conclude that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided, plus actual costs of any necessary storage. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirements of the "Outgoing Quality Regulation—1974 Crop Peanuts". Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1.00 percent damaged kernels other than minor defects. Lots with damage in excess of 1.00 percent on such inspection shall be remilled without reimbursement from the Committee for milling, freight, or temporary storage and handling but otherwise shall be indemnifiable the same as lots with not more than 1.00 percent damage.

The indemnification value of peanuts delivered to the Committee for indemnification shall be as listed in the final paragraph of these terms and conditions.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1.00 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for

human consumption, plus temporary storage, except as hereinafter restricted, plus an allowance for remilling of one cent per pound on the original weight, less 1½ percent of the indemnification value multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1974 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirement of the "Outgoing Quality Regulation—1974 Crop Peanuts". On lots on which the remilling is not successful in making the lot wholesome as to aflatoxin and such lots of peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus any temporary storage, the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the indemnification value of the weight of reject peanuts removed from the lot. On lots which are custom blanched without remilling, the indemnification payment shall be determined in the same manner but it shall be reduced by 1½ percent of the indemnification value multipled by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1974 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Moreover, no indemnification payments shall be paid on any lot of peanuts where the Committee determines that the custom blanched peanuts from such a lot which has been sold at a price lower than the indemnification value on the original red skin lot at the time the indemnification claim was filed with the Committee.

Claims for indemnification on 1974 crop peanuts may be filed by any handler sustaining a loss as result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which has been determined to be unwholesome due to aflatoxin. The Committee shall pay, to the extent of the raw peanut equivalent value of the peanuts used in the product so withheld, such claims as it determines to be valid.

Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lot for human consumption as the Committee may require and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification. However, the Committee shall refuse to pay indemnification on any lot(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer or by a country buyer, commission buyer or other like person.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling.

Claims for indemnification on peanuts of the 1974 crop shall be filed with the Committee at least 60 days prior to December 31, 1975.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and the Manager, Peanut Administrative Committee, Atlanta, Georgia. Upon a determination of the Peanut Administrative Committee, confirmed by the Agricultural Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller. Seller shall not be precluded from replacing such peanuts if he so elects.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample(s) to be sent to an AMS laboratory or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, if other than the buyer's to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on 1974 crop peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on 1974 crop peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Any handler who fails to conform to the requirements of paragraph (h) of the "Incoming Quality Regulation—1974 Crop Peanuts" shall be ineligible for any indemnification payments until such condition or conditions are corrected to the satisfaction of the Committee.

Categories eligible for indemnification are as follows:

Cleaned inshell peanuts—
(1) U.S. Jumbos
(2) U.S. Fancy Handpicks
(3) Valencia—Roasting Stock

U.S. Grade shelled peanuts—
(1) U.S. No. 1
(2) U.S. Splits
(3) U.S. Virginia Extra-Large
(4) U.S. Virginia Medium

Shelled peanuts "with splits"—
(1) Runners with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $^{16}/_{64}$ x ¾ slot screen.
(2) Spanish with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a $^{15}/_{64}$ x ¾ slot screen.
(3) Virginias with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $^{15}/_{64}$ x 1 slot screen.

However, peanuts in any of the above categories shall not be eligible for indemnification if such peanuts: (1) were milled from seed peanut residuals as referred to in the last sentence of paragraph (e) of the Incoming Quality Regulation and paragraph (i) of the Outgoing Quality Regulation for 1974 Crop Peanuts; (2) failed the Outgoing Quality Regulation for 1974 Crop Peanuts due to excessive damage and minor defects and such peanuts were subsequently blanched to remove such excess damage and minor defects pursuant to paragraph (h) of such regulation; (3) when shipped for human consumption outlets contained more than a total of 1.25 percent unshelled peanuts and damaged kernels or a total of 2.00 percent unshelled peanuts, damaged kernels and minor defects; (4) were received or acquired from another handler pursuant to paragraph (i) of the Incoming Quality Regulation and were milled to meet requirements of the Outgoing Quality Regulation pursuant to paragraph (h) of such regulation.

The indemnification value for all categories of peanuts eligible for indemnification, except U.S. Virginia Extra-Large, shall be a base price of 24 cents per pound plus an increase of 7½ points for each $1.00 increase in the national average price of the 1974 price support on farmers stock peanuts over the 1973 national average support price. The value for U.S. Virginia Extra-Large shall be a base price of 26 cents per pound plus the same increase as allowed on other categories.

[FR Doc.74-14200 Filed 6-19-74;8:45 am]

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

Forest Service

BARRY ARM NO. 1 TIMBER SALE

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Barry Arm No. 1 Timber Sale, Report Number USDA–FS–DES(Adm)R10–74–08.

This environmental statement concerns a proposed timber sale involving the harvesting of 2,849 million board feet of timber.

This draft environmental statement was transmitted to CEQ on June 14, 1974.

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

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

U.S. Department of Agriculture
Forest Service–Alaska Region
Federal Building
Juneau, Alaska 99801

Forest Supervisor, Chugach National Forest
121 W. Fireweed Lane, Suite 205
Anchorage, Alaska 99503

Forest Supervisor, Chatham Area
Tongass National Forest
Federal Building
Sitka, Alaska 99835

Forest Supervisor, Stikine Area
Tongass National Forest
Federal Building
Petersburg, Alaska 99833

Forest Supervisor, Ketchikan Area
Tongass National Forest
Federal Building, Room 313
Ketchikan, Alaska 99901

A limited number of single copies are available upon request to Clay G. Beal, Forest Supervisor, Chugach National Forest, 121 W. Fireweed Lane, Anchorage Alaska 99503.

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

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Clay G. Beal, Forest Supervisor, Chugach National Forest, 121 W. Fireweed Lane, Anchorage, Alaska 99503. Comments must be received by August 13, 1974, in order to be considered in the preparation of the final environmental statement.

C. A. YATES,
Regional Forester, Alaska Region.

JUNE 13, 1974.

[FR Doc.74–14148 Filed 6–19–74;8:45 am]

KEOWEE PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Keowee Unit, USDA–FS–R8–FES (Adm.)–74–54.

The environmental statement concerns the proposed management direction and resource allocation for a portion of the Sumter National Forest known as the Keowee Planning Unit.

This final environmental statement was transmitted to CEQ on June 12, 1974.

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

USDA, Forest Service
So. Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Southern Region
1720 Peachtree Road, NW
Atlanta, Georgia 30309

USDA, Forest Service
Andrew Pickens Ranger District
Star Rt.
Walhalla, South Carolina 29691

A limited number of single copies are available upon request to John V. Orr, Forest Supervisor, Francis Marion-Sumter National Forests, 1801 Assembly St., second floor, Columbia, South Carolina 29201.

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

DAVID F. JOLLY,
Regional Environmental Coordinator.

[FR Doc.74–14128 Filed 6–19–74;8:45 am]

VEGETATION MANAGEMENT USING SELECTIVE HERBICIDES ON THE MT. HOOD, ROGUE RIVER AND WILLAMETTE NATIONAL FORESTS, OREGON

Availibility of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for vegetation management using selective herbicides on the Mt. Hood, Rogue River and Willamette National Forests, Oregon, for the period January 1, 1974 through June 30, 1975. USDA–FS–FES–(Adm)–74–72.

The environmental statement concerns a proposed use of selective herbicides for vegetation management on three National Forests located in western Oregon. The proposed uses are for conifer crop tree release, site preparation prior to planting, utility and road right-of-way maintenance, range improvement, noxious weed control, and poison plant control.

This final environmental statement was transmitted to CEQ on July 12, 1974.

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

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

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97204

Mt. Hood National Forest
2440 S.E. 195th
Portland, Oregon 97233

Rogue River National Forest
333 West Eighth
Federal Building and U.S. Post Office
Medford, Oregon 97501

Willamette National Forest
210 East 11th Avenue
Eugene, Oregon 97401

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

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

ROBERT B. TERRILL,
Acting Regional Forester, R–6.

JUNE 12, 1974.

[FR Doc.74–14121 Filed 6–19–74;8:45 am]

NORTH KAIBAB GRAZING ADVISORY BOARD

Notice of Meeting

The North Kaibab Grazing Advisory Board will meet at 1 p.m. August 9, 1974, in the North Kaibab Ranger District's Office, Fredonia, Arizona.

The following items will be discussed:

1. Range allotment management plans and on-the-ground accomplishment.
2. Proposals for enlargement of the Grand Canyon National Park.
3. Publication and public release of Advisory Board minutes.
4. Improvement maintenance.
5. Review of the long range North Kaibab District program of range work and other impacts on range management.
6. Revision of Charter and election procedures to correspond to the Consolidated District.
7. Business brought up by outside interest groups.
8. Advisory Board suggested topics (should be in by July 31, 1974).

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, North Kaibab Ranger District, P.O. Box 248, Fredonia, Arizona 86002, telephone 643–2407. 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 14, 1974.

KEITH T. PFEFFERLE,
Forest Supervisor.

[FR Doc.74-14177 Filed 6-19-74;8:45 am]

SHASTA-TRINITY NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Timber Management Plan, Shasta-Trinity National Forest, California USDA-FS-R5-DES(Adm)-74-4.

The environmental statement concerns a proposed timber management plan for the management of the timber resources on the forest.

This draft environmental statement was transmitted to CEQ on June 13, 1974.

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

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
630 Sansome Street, Rm. 531
San Francisco, California 94111

A limited number of single copies are available upon request to Regional Forester, Douglas R. Leisz, California Region, U.S. Forest Service, 630 Sansome Street, San Francisco, California 94111.

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

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal Agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Douglas R. Leisz, Regional Forester, 630 Sansome Street, San Francisco, California 94111. Comments must be received by August 13, 1974 in order to be considered in the preparation of the final environmental statement.

Dated: June 12, 1974.

T. W. KOSKELLA,
Acting Regional Forester.

[FR Doc.74-14147 Filed 6-19-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MEMORIAL MEDICAL CENTER

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 (Pub. L. 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 10, 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: 74-00465-33-90000. Applicant: Chatham County Hospital Authority, d/b/a Memorial Medical Center, Post Office Box 6688, Station C., Savannah, Georgia 31405. Article: EMI Scanner and Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to examine in minute detail the human brain and any pathological conditions which may involve the brain. Clinical research will be conducted to determine the specificity of the EMI brain scanning system in determining the various etiologies of brain pathology. The article will also be used in training radiology residents as well as ongoing programs for physicians in neurology, neurosurgery, internal medicine, psychiatry, pediatrics and general surgery. Application received by Commissioner of Customs: May 13, 1974.

Docket Number: 74-00483-33-10500. Applicant: Baylor College of Medicine, 1200 Moursund Avenue, Houston, TX. 77025. Article: Radiochromatogram Spark Chamber Imaging System. Manufacturer: Birchover Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used in biochemical research related to cancer to detect on chromatograms minute amounts of radioactively labeled derivatives of nucleic acids (i.e. gene materials). The main objective of this research is to detect and characterize chemical difference between nucleic acids in normal and cancer cells which is necessary for rational treatment of human cancer. Application received by Commissioner of Customs: May 21, 1974.

Docket Number: 74-00484-75-52400. Applicant: The University of Wisconsin—Madison, 750 University Avenue, Madison, Wisconsin 53706. Article: Proto-Cleo Stellarator Plasma System. Manufacturer: Culham Laboratory, United Kingdom. Intended use of article: The article is intended to be used in the determination of the scientific feasibility of achieving the controlled nuclear fusion of deuterium-tritium plasmas in order to produce energy from the fusion of these ions into helium. The article will also be used in the following courses to provide a basis to advanced undergraduate and graduate students in the area of plasmas and controlled fusion, in order that they be able to conduct graduate research in this area:

(1) Introduction to Plasmas—ECE 525

(2) Waves Instabilities of Plasmas—ECE 724

(3) Plasma Kinetics and Radiation Processes—ECE 725

(4) Research or thesis—ECE 990.

Application received by Commissioner of Customs: May 21, 1974.

Docket Number: 74-00487-18-80050. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2015 Ivy Road, Room 104, Charlottesville, Va. 22903. Article: Antenna Coupling Waveguide components and accessories. Manufacturer: The Furakawa Electric Co., Ltd., Japan. Intended use of article: The article is intended to be used as part of the Very Large Array radio telescope to transmit radio wavelength radiation received from extraterrestrial objects to recording apparatus. The study of this radiation enables astronomers to study the sources of energy, origin, and evolution of the universe. Application received by Commissioner of Customs: May 22, 1974.

Docket Number: 74-00488-33-90000. Applicant: Harvard University, Department of Chemistry, 12 Oxford Street, Cambridge, Mass. 02138. Article: GX6 Rotating Anode X-ray Generator. Manufacturer: Elliott Automation Radar Systems, Ltd., United Kingdom. Intended use of article: The article is intended to be used for biological research on cell membranes and viruses, using x-ray diffraction as a method for probing their structure. Application received by Commissioner of Customs: May 22, 1974.

A. H. STUART,
Director, Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.74-14093 Filed 6-19-74;8:45 am]

UNIVERSITY OF IOWA

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: 73-00315-90-30600. Applicant: University of Iowa, Hydraulic Research Institute, Hydraulic Laboratory, Iowa City, Iowa 52240. Article:

Model 403 Low-speed probe 2.5 to 150 cm/sec and Model 405 signal cable assembly, 3 m long. Manufacturer: Novar Nixon Electronic Instrumentation, United Kingdom. Intended use of article: The article is intended to be used to measure, indicate, and record very low flow rates of water and other conductive fluids.

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 specification of operation over a range of flow velocities from a few centimeters per second (cm) to approximately 150 cm/s. The most closely comparable domestic instrument, flow velocity probe manufactured by Teledyne Gurley, Troy, New York, does not respond to the lower flow velocities on the order of a few centimeters per second. The National Bureau of Standards (NBS) advised in its memorandum dated May 7, 1974 that operation over a range of flow velocities from a few cm/s to approximately 150 cm/s is pertinent to the purposes for which the article is intended to be used. 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.74-14091 Filed 6-19-74;8:45 am]

UNIVERSITY CORPORATION OF ATMOSPHERIC RESEARCH

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: 74-00287-98-20700. Applicant: University Corporation for Atmospheric Research, 1850 Table Mesa Drive, Boulder, Colorado 80302. Article: Germanium Photodiode-Preamplifier. Manufacturer: RCA Limited-Research Laboratories, Canada. Intended use of article: The foreign article is to be used in a solar polarimeter in an experiment designed to provide information on the magnetic field of the solar corona.

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 a specification for minimum noise-equivalent power of 6×10^{-14} Watts·Hertz$^{\frac{1}{2}}$ ($W \cdot H_z^{\frac{1}{2}}$) at 1074 Angstroms (Å) (modulation frequency 100 Hertz, 1 Hertz bandwidth, 5 millimeter (mm) diameter). The most closely comparable domestic instrument, the Pin-040-A device, manufactured by United Detector Technology, Inc., provides a significantly lower noise-equipment power of 5×10^{-13} $W \cdot H_z^{\frac{1}{2}}$ under the same conditions. (The lower the negative power of ten the larger the noise equivalent power.) The National Bureau of Standards advised in its memorandum dated May 9, 1974 that the specification for minimum noise-equivalent power of the article is pertinent to the applicant's intended 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.74-14092 Filed 6-19-74;8:45 am]

National Oceanic and Atmospheric Administration

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to section 10(a)(2) of 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Thursday and Friday, July 11 and 12, 1974. The meeting will commence at 9:00 a.m. on each day at the Pfister Hotel and Tower, Wisconsin at Jefferson Street, Milwaukee, Wisconsin 53202. On July 11, the meeting will be held in the Henry VIII and Louis XIV Rooms and on July 12, in the Roosevelt and Kennedy Rooms.

Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 11:30 a.m. until 12 noon on July 11, interested persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. Depending on the level of interest expressed in making oral statements, the number of persons permitted to make oral statements that day may be limited to five, the length of oral statements may be limited to no more than five minutes, and preference may be given based upon the relevance of statements to items on the agenda; such decisions will be made by the Chairman in consultation with the Committee. Interested persons wishing to make oral statements must register on July 11, with the Executive Secretary between 8:30 a.m. and 9 a.m. in the meeting room and must provide their name, legal address, a list of any affiliations relevant to their intended topic(s), and a brief, written description of their topic(s). A written version of an oral statement or a written statement may be submitted to the Executive Secretary before or after the meeting, or may be mailed within five days to: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration; 11400 Rockville Pike, Rockville, Maryland 20852; (Attn: Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting.

The items for Committee discussion at the meeting will include the following:

	JULY 11
9 a.m.	Call to Order and Announcements.
9:15 a.m.	Chairman's Report.
9:30 a.m.	Election of Vice Chairman.
9:45 a.m.	Substantive Topic No. 1—Review of Approaches to CZM Being Taken By Currently Funded States.
10:30 a.m.	Brief Recess.
10:45 a.m.	Continuation of Topic No. 1.
11:25 a.m.	Consideration of Proposed Oral Statements (if any).
11:30 a.m.	Oral Statements (if any) by Interested Persons.
12 noon	Recess for Lunch.
1:30 p.m.	Continuation of Topic No. 1.
3:15 p.m.	Brief Recess.
3:30 p.m.	Substantive Topic No. 2—Discussion of the Adequacy of the Present CZM Program. 1. Present Legislation 2. Adequacy of Guidelines, Rules and Regulations, and Administrative Procedures 3. Funding Levels 4. Possible Legislative Changes to Improve Effectiveness of the Program or Extend Dimensions of the Program 5. Other Aspects As Appropriate
4:30 p.m.	Adjourn.
	JULY 12
9 a.m.	Call to Order and Announcements.
9:15 a.m.	Continuation of Topic No. 2.
10:15 a.m.	Brief Recess.
10:30 a.m.	1. Environmental Impact Statement Procedures in the CZM Program. 2. Other Topics As Appropriate.
11:45 a.m.	Date, Location, and Agenda of Next Meeting.
12 noon	Adjourn.
1 p.m.	Field Trip Inspection for Members.

Dated: June 14, 1974.

[SEAL] T. P. GLEITER,
Assistant, Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.74-14146 Filed 6-19-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Monitors Subcommittee and Diagnostic Devices Subcommittee of Panel on Review of Cardiovascular Devices.	July 8, 9:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m. Glenn A. Rahmoeller (HFM-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of cardiovascular devices currently in use.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Review classifications for cardiovascular monitors and cardiovascular diagnostic devices and begin identification of safety and efficacy criteria for devices which are classified in the scientific review category.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Internal Analgesic including Antirheumatic Drugs.	July 8, 9, and 10, 9 a.m., Sea Lodge, 8110 Camino Del Oro, La Jolla, Calif.	Open July 8, 9 a.m. to 10 a.m., closed July 8 after 10 a.m., closed July 9 and July 10. Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing internal analgesic agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of nonprescription internal analgesic drugs under investigation.

Committee name	Date, time, place	Type of meeting and contact person
3. Pediatric Panel of the Neuropharmacology Advisory Committee.	July 9, 11 a.m., Room 1813, FB-8, 200 C St. SW., Washington, D.C.	Open—Thomas A. Hayes, M.D. (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4020.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of currently marketed and new prescription drug products proposed for marketing for use in the practice of neuropharmacology.

Agenda. Review of draft copy of pediatric drug trial guidelines and discussion of the design of future pediatric protocols.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on Review of Antiperspirant Drug Products.	July 9 and 10, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 9, 9 a.m. to 10 a.m., closed July 9 after 10 a.m., closed July 10. Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products for human use containing antiperspirant drug products, and adequacy of their labeling.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of the safety and efficacy of antiperspirant drug products.

Committee name	Date, time, place	Type of meeting and contact person
5. Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs.	July 9 and 10, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 9, 9 a.m. to 10 a.m., closed July 9 after 10 a.m., closed July 10. Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing sedative, tranquilizer, or sleep aid drugs.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
6. Panel on Review of Allergenic Extracts.	July 12 and 13, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, Md.	Open July 12, 9 a.m. to 10 a.m., closed July 12 after 10 a.m., closed July 13. Clay Sisk, Room 220, Bldg. 29, 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-2883.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products or materials, either singly or in combination, that are administered to man for the diagnosis, prevention, or treatment of allergies and allergic diseases.

Agenda. Open session: Discussion of the regulation of allergenic products by the Bureau of Biologics and comments and presentations by interested persons. Closed session: Preliminary review of certain allergenic extracts and panel deliberations on review criteria.

Committee name	Date, time, place	Type of meeting and contact person
7. Panel on Review of Orthopaedic Devices.	July 15, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open 9 a.m. to 10 a.m., closed after 10 a.m. James R. Veale (HFM-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of orthopaedic devices currently in use.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuation of review of previous classification results and identification of specific areas for standards for those devices classified as requiring standards.

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Topical Analgesics.	July 17 and 18, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 17, 9 a.m. to 10 a.m., closed July 17 after 10 a.m., closed July 18. Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing topical analgesic agents, and the adequacy of their labeling.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
9. Panel on Review of Contraceptives and Other Vaginal Drug Products.	July 18 and 19, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 18, 9 a.m. to 10 a.m., closed July 18 after 10 a.m., closed July 19. Armond Welch, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
10. Panel on Review of Laxative, Antidiarrheal, Emetic, and Antiemetic Drugs.	July 19 and 20, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 19, 9 a.m. to 10 a.m., closed July 19 after 10 a.m., closed July 20. John T. McElroy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing laxative, antidiarrheal, emetic, and antiemetic agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of the safety and efficacy of laxative, antidiarrheal, emetic, and antiemetic drug products.

Committee name	Date, time, place	Type of meeting and contact person
1. Controlled Substances Advisory Committee.	July 24 and 25, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 24, closed July 25. J. Stephen Kennedy, Ph. D., Room 10B-04, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3504.

Purpose. Advises the Commissioner on scientific and medical aspects of control of abusable substances.

Agenda. Open session: Discussion of propoxyphene, pentazocine, benzodiazepines, and preliminary discussion of testing procedures for predicting abuse potential or dependence liability of drugs. Closed session: Discussion and formulation of recommendations regarding possible regulatory actions involving the substances listed above. Discussion will include technical aspects of these drugs and judgments as to appropriate schedules of controls. Interested persons who may wish to present information to the committee are requested to contact Dr. Kennedy at least 10 days prior to the meeting and are requested to submit 15 copies of any written material for committee review.

Committee name	Date, time, place	Type of meeting and contact person
12. Panel on Review of Dentifrices and Dental Care Agents.	July 24 and 25, 9 a.m., Conference Room B, Parklawn, Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 24, 9 a.m. to 10 a.m., closed July 24 after 10 a.m., closed July 25. Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing dentifrices and dental care agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
13. Panel on Review of Vitamin, Mineral, and Hematinic Drug Products.	July 30 and 31, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open July 30, 9 a.m. to 10 a.m., closed July 30 after 10 a.m., closed July 31. Thomas DeCillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription vitamin, mineral, and hematinic drug products, and the adequacy of their labeling.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
14. Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drugs.	August 1 and 2, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open August 1, 9 a.m. to 10 a.m., closed August 1 after 10 a.m., closed August 2. Thomas DeCillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing cold, cough, allergy, bronchodilator, and antiasthmatic drugs products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continued review of individual ingredients, proposed combination policy, and initial approach to draft of final report.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: June 17, 1974.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.74-14161 Filed 6-19-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-210; FDAA-441-DR]

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Oklahoma, dated June 10, 1974, and amended June 12, 1974, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 10, 1974:

The Counties of:

Delaware
Pottawatomie
Wagoner

Dated: June 13, 1974.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-14178 Filed 6-19-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON BABCOCK & WILCOX WATER REACTORS

Notice of Meeting

In accordance with the purposes of section 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards' Subcommittee on Babcock and Wilcox Water Reactors will hold a meeting on July 5, 1974 in Room 1046 at 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to review various topics applicable to Babcock and Wilcox Company designed pressurized water reactors.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, July 5, 1974, 9:00 a.m.–1:00 p.m. Review of various topics common to pressurized water reactors (Presentations by the AEC Regulatory Staff and B&W will be made and discussions with these groups will be held.)

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at aproximately 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee will hold a closed session with representatives of the Regulatory Staff and Applicant for the purpose of discussing privileged information relating to plant design and corporate research.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session will be held to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Committee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than June 28, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon B&W topical reports and various other documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 11:30 a.m. and 12:30 p.m. on July 5, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 3, 1974 to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 9, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717

H Street, NW., Washington, D.C. 20545 after September 9, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-14211 Filed 6-19-74;8:45 am]

[Docket Nos. 50-440, 50-441]

CLEVELAND ELECTRIC ILLUMINATING CO., ET AL.

Notice and Order on Second Session of Evidentiary Hearing

In the matter of Cleveland Electric Illuminating Company, et al., (Perry Nuclear Power Plant Units 1 and 2).

Take notice that the Evidentiary Session in this proceeding on site suitability, and natural draft cooling alternative, will commence on July 1, 1974, at 10 a.m. local time at the Airport Holiday Inn, 16501 Brook Park Road, Cleveland, Ohio 44142.

It is so ordered.

Issued at Bethesda, Maryland, this 14th day of June 1974.

ATOMIC SAFETY AND LICENSING BOARD.
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-14089 Filed 6-19-74;8:45 am]

[License No. 05-15863-01E]

UNITEC, INC.

Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 05-15863-01E to Unitec Incorporated, 3993 South Mariposa Street, Englewood, Colorado 80110, which authorizes the distribution of Models UT-310, UT-310A, UT-310S, UT-310AS, UT-311, UT-312, and UT-314 fire detectors and Model UT-350 product indicating equipment to persons exempt from the requirements for a license pursuant to § 32.20 of 10 CFR Part 30.

1. The product indicating equipment is used to monitor the concentration of gases and/or particles in an enclosed area. The other devices are designed to detect incipient fires by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of each device is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium 241.

2. The byproduct material incorporated in the devices is americium in the oxide form contained in foils manufactured by Nuclear Radiation Developments (Model A-001) or by Amersham/Searle (Model AMM W852). The nominal activity contained in a unit is 3.0 microcuries.

3. Each exempt unit will have a label identifying the manufacturer (Unitec, Incorporated) and the byproduct material (americium 241) contained in the unit and recommending that the unit be returned to Unitec, Incorporated, for repair or disposal.

A copy of the license and the license application containing additional information are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

For the Atomic Energy Commission.

Dated at Bethesda, Maryland, June 13, 1974.

BERNARD SINGER,
Chief, Materials Branch, Directorate of Licensing.

[FR Doc.74-14160 Filed 6-19-74;8:45 am]

URANIUM ENRICHMENT SERVICES

Termination Charges

The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled, "Uranium Enrichment Services: Termination Charges", as published in the FEDERAL REGISTER on February 1, 1974 (39 FR 4126) (referred to herein as the notice).

Paragraph 2 of the notice is deleted and the following paragraph 2 is inserted in lieu thereof:

2. The termination charge applicable to termination, in whole or part, of a Long-Term, Fixed-Commitment Agreement subsequent to the receipt of a construction permit for the facility designated therein and the termination charge applicable to termination, in whole or part, of a Short-Term, Fixed-Commitment Agreement shall be determined by applying to the terminated enriching services a unit charge or charges as provided in the following table:

For advance notice of termination [1]		Termination charge per kilogram unit of separative work terminated as percentage of applicable enriching service charge [2]
At least	But less than	
0 yr	1 yr	63.1
1 yr	2 yr	58.8
2 yr	3 yr	55.5
3 yr	4 yr	50.4
4 yr	5 yr	45.7
5 yr	6 yr	42.5
6 yr	7 yr	39.5
7 yr	8 yr	37.3
8 yr	9 yr	26.9
9 yr	10 yr	25.4

[1] For purposes of determining when enriching services would have been furnished but for such termination, enriching services scheduled to be delivered on a monthly basis shall be deemed to be scheduled for delivery on the 15th day of such months; and for services scheduled for delivery on a fiscal year basis, they shall be deemed to be scheduled for delivery on Jan. 1 of such fiscal years.

[2] For purposes of determining the applicable enriching services charge per kilogram units of separative work terminated which have not been scheduled for delivery on other than a fiscal year basis, such applicable charge shall be the average of the applicable charges scheduled to be effective during such fiscal year.

For advance notices of termination of 10 years or more, the applicable unit termination charge shall be 25.4 percent of the applicable enriching services charge divided by $(1.06)^n$ where n is the number of years in excess of 9 years, 11 months and 29 days for such notice of termination; provided, however, that if n has a fractional part it shall be rounded up to the next higher integer before being applied as an exponent.

Effective date: This notice is effective June 20, 1974.

Dated at Germantown, Md., this 17th day of June, 1974.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-14209 Filed 6-19-74;8:45 am]

URANIUM HEXAFLUORIDE

Charges, Enriching Services, Specifications

The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled, "Uranium Hexafluoride: Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specification and Packaging", as published in the FEDERAL REGISTER on November 29, 1967 (32 FR 16289), and as amended in 34 FR 14039, September 4, 1969, 35 FR 13457, August 25, 1970, 36 FR 4563, March 9, 1971, 36 FR 11877, June 22, 1971, 38 FR 4432, February 14, 1973, 38 FR 13593, May 25, 1973, 38 FR 21518, August 9, 1973, 38 FR 22908, August 27, 1973, and 38 FR 27962, October 10, 1973 (referred to herein as the notice).

Paragraph 3 of the notice is deleted and the following paragraph 3 is inserted in lieu thereof:

3. *Standard table of enriching services, charges per kilogram unit of separative work, base charges and standard processing loss.* (a) The AEC's Standard Table of Enriching Services is set forth in Table 1 of this notice.

(b) The charge per kilogram unit of separative work furnished pursuant to Requirements-type contracts is $47.80. The charge per kilogram unit of separative work furnished pursuant to other than Requirements-type contracts is $42.10. These charges, and successor charges determined in accordance with this sentence, shall be increased by 2 percent (rounded upward to the nearest $0.05) on January 1 and July 1 of each year with the first such increase to occur on July 1, 1975.

(c) The base charge ($/kgU) for uranium, enriched, or depleted in the isotope U^{235} and in the form of UF_6, is determined by summing the number opposite the desired assay in the Feed Component column of Table 1 multiplied by $23.46 and the number opposite the desired assay in the Separative Work Component column of Table 1 multiplied by the then current charge per kilogram unit of separative work furnished pursuant to other than Requirements-type contracts. The calculated base charge is rounded up to the nearest $0.01. For assays not shown in Table 1, the Feed Component and Separative Work Component are first determined by linear interpolation before calculation of the base charge. Any resulting base charge less than $3.00 is increased to $3.00. The base charge for depleted uranium requested

without a specification as to assay is $2.50. The assay furnished by the AEC in this case will normally be in the neighborhood of 0.20 wt. percent U^{235} of which large amounts are available.

(d) The standard processing loss factor to be applied to toll enricher's acquisition of tails material is 0.05 percent.

Effective date. This notice is effective December 18, 1974.

Dated at Germantown, Md., this 17th day of June 1974.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-14210 Filed 6-19-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

PENNSYLVANIA AIR QUALITY IMPLEMENTATION PLAN

Cancellation of Public Hearings

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, state plans for implementation of the national ambient air quality standards. On that date, the Governor of Pennsylvania was advised that in order to complete the requirements of § 51.13, a plan demonstrating the attainment and maintenance of the national secondary standard for particulate matter for the Metropolitan Philadelphia Interstate and the Southwest Pennsylvania Intrastate Air Quality Control Regions was to be submitted by July 31, 1973.

The State of Pennsylvania failed to submit the required plan by July 31, 1973. The Administrator, as required by section 110 of the Clean Air Act, proposed on February 22, 1974 (39 FR 6727) that the existing implementation plan for the Metropolitan Philadelphia Interstate Air Quality Control Region be approved as being adequate to attain the secondary particulate matter standard by July 1975, and that the existing plan for the Southwest Pennsylvania Intrastate Air Quality Control Region be disapproved as it relates to attainment of the secondary particulate matter standard. Concurrently, he proposed regulations to attain the secondary particulate matter standard in the Southwest Pennsylvania Intrastate Air Quality Control Region. He also proposed July 1978 as the attainment date for the secondary particulate matter standard in the Southwest Pennsylvania Intrastate Region.

On March 22, 1974 (39 FR 10917) the Administrator issued notice that a public hearing would be held on the proposal for the Southwest Pennsylvania Intrastate Air Quality Control Region in GSA Conference Room 2214, 1000 Liberty Avenue, Pittsburgh, Pennsylvania on Tuesday, April 30, 1974, at 10 a.m.

Based upon a review of public comments received and additional evaluation by EPA, the Administrator determined that further examination of this proposal should be made before a public hearing is held and the hearing scheduled for April 30, 1974, was therefore cancelled. Prior notice of this cancellation was given to parties who had requested time to appear and speak at the hearing. Attempts were made to publish this notice of cancellation in appropriate local newspapers but were unsuccessful due to a newspaper strike in the Allegheny County Area. Accordingly, this notice is issued to formally advise the public that the hearing scheduled for April 30, 1974 was cancelled pending the completion of said examination.

However, anyone still wishing to submit written comments on this proposal may do so. These comments should be submitted, preferably in triplicate, to the Regional Administrator, EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. Comments received on or before July 5, 1974, will be considered.

Dated: June 13, 1974.

ROGER STRELOW,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74-14123 Filed 6-19-74;8:45 am]

[OPP-32000/70]

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 19, 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 19, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 241-EGI. American Cyanamid Company, Agricultural Division, P.O. Box 400, Princeton, New Jersey 08540. *Counter 15-G Soil Insecticide.* Active Ingredients: S[(tert-butylthio)methyl]0,0-diethyl phosphorodithioate 15.0 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 241-EGT. American Cyanamid Company, Agricultural Division. *Warbex Famphur Dust Cattle Insecticide 1 percent.* Active Ingredients: O,O-dimethyl O - p - (dimethylsulfamoyl) phenyl phosphorothioate 1.0 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 241-EGA. American Cyanamid Company, Agricultural Division. *Warbex Famphur Dust Concentrate, 25 percent for Formulation of Famphur Dust Cattle Insecticide 1 percent.* Active Ingredients: O,O - dimethyl O - p-(dimethylsulfamoyl) phenyl phosphorothioate 25.0 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 5590-RLA. Aerosol Techniques, Incorporated, Old Gate Lane, Milford, Connecticut 06460. *Foam Household Cleaner with Ammonia Code No. 235-34E, Prevents Mold and Mildew, Kills Household Germs.* Active Ingredients: Triethanolamine Dodecylbenzenesulfonate 0.300 percent; Lauric diethanolamide 0.200 percent; o-Phenylphenol 0.100 percent; 4-Chloro-2-Cyclophentylphenol 0.080 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 2914-UU. Calgon Commercial Division, 7501 Page Avenue, St. Louis, Missouri 63166. *CS-420 Wash Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 28 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 100-LUU. Agricultural Division, CIBA-GEIGY Corporation, P.O. Box 11422, Greensboro, North Carolina 27409. *CIBA-GEIGY Technical Prometon-A Herbicide for Formulating Use.* Active Ingredients: Prometon: 2,4-*bis*(isopropylamino)-6-methoxy-s-triazine 97 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 100-LUG. Agricultural Division, CIBA-GEIGY Corporation, P.O. Box 11422, Greensboro, North Carolina 27409. *CIBA-GEIGY Technical Propazine-A Herbicide For Formulating Use.* Active Ingredients: Propazine: 2-choloro-4,6-*bis* (isopropylamino)-s-triazine 95 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4600-EU. Clean Home Products, 2801-05 Locust Street, St. Louis, Missouri 63103. *Lemon Scent Perfumed Deodorant Block Deodorizes, Kills Moths, Helps Prevent Mildew Damage.* Active Ingredients: Paradicholorobenzene 99.75 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34292-R. Dow Corning Corporation, South Saginaw Road, Midland, Michigan 48640. *Dow Corning X9-5700 Bacteriostat, Fungistat and Algistat.* Active Ingredients: 3-(trimethoxysilyl)-pro-

pyldimethyloctadecyl ammonium chloride 50 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 25581–L. G & G Chemical Co., Inc., 1550 Carroll Avenue, San Francisco, California 94124. *Formula 4028 Heavy-Duty Institutional Strength Cleaner, Disinfectant, Deordorizer, Fungicide, Virucide.* Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950 percent; Dioctyl Dimethyl Ammonium Chloride 0.475 percent; Didecyl Dimethyl Ammonium Chloride 0.475 percent; Tetrasodium Ethylenediamine Tetraacetate 1.000 percent; Trisodium Phosphate 2.000 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 6175–O. Hart-Delta, Inc., 5055 Choctaw Drive, Baton Rouge, Louisiana 70805. *Yard & Kennel Dust Kills Fleas—Kills Ticks in Lawns, Kennels, Runs and Dog Bedding.* Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 5.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–URU. Helena Chemical Company, 5100 Poplar Avenue, Memphis, Tennessee 38137. *Helena Brand 7.5 Lb. Methyl Parathion Emulsifiable Insecticide Concentrate.* Active Ingredients: O,O-dimethyl O-p-nitrophenyl phosphorothioate 73.6 percent; Xylene 15.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342–OGE. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City, Oklahoma 73125. *Fasco C–Z–M 15–22–15.* Active Ingredients: Copper as metallic from basic copper sulfate 15.2 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30943–RT. Lea Chemicals, P.O. Box 868, Marianna, Florida 32446. *Lea Kill-Zem.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200 percent; Related compounds 0.027 percent; Pyrethrins 0.150 percent; Piperonyl Butoxide technical 0.600 percent; Aromatic petroleum hydrocarbons 0.265 percent; Petroleum distillate 18.750 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11411–R. Leslie's Pool Mart, Inc., 7756 Balboa Blvd., Van Nuys, California 91406. *Leslie's Chlor Brite New Fire Resistant Concentrated Pool Chlorine.* Active Ingredients: Sodium dichloro-s-triazinetrione Dihydrate 100 percent. Method of Support: Application proceeds under 2 (b) of interim policy.

EPA File Symbol 6284–EO. Kiefer McNeil Division of McNeil Corporation, 999 Sweitzer Avenue, Akron, Ohio 44311. *Sunny Sol Brom-O-Ring Disinfectant, Bactericide, Algaecide.* Active Ingredients: 1,3,5-trichloro-s-triazine-2,4,6-trione 96 percent; Sodium Bromide 2 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8781–I. Metz Sales Co., 605 W. Allegheny St., Martinsburg, Pennsylvania 16662. *Metz Chlorine Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 25 percent. Method of Support: Application proceeds under 2 (b) of interim policy.

EPA File Symbol 9855–GN. Mobil Chemical Company, Maintenance & Marine Coatings Department, P.O. Box 250, Edison, New Jersey 08817. *Mobil Marine Coating Vinyl Anti-Fouling Black Paint.* Active Ingredients: Tri-N-Butyltin Fluoride 17.2 percent; Bis(Tri–N–Butyltin) Oxide 4.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967–RGN. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Kelthane Dust No. 4.* Active Ingredients: 1,1 - bis(chlorophenyl) - 2,2,2, - trichloroethanol 4.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967–RGR. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Malathion-Sulfur Dust No. 4–25.* Active Ingredients: Malathion 4.0 percent; Sulfur 25.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5891–RO. Mt. Hood Chemical Corporation, 4444 N.W. Yeon Avenue, Portland, Oregon 97210. *Sani Det Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 5.60 percent; Sodium dodecylbenzene sulfonate 4.00 percent; Sodium metasilicate 5.00 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9864–A. O'Neill Brothers Chemical, Inc., 5129 Unruh Street, Philadelphia, Pennsylvania 19135. *O'Neill Hygi-San Detergent Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 5.6 percent; Sodium dodecylbenzene sulfonate 4.0 percent; Sodium Metasilicate 5.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9864–T. O'Neill Brothers Chemical, Inc., 5129 Unruh Street, Philadelphia, Pennsylvania 19135. *O'Neill Hygi-San Fabric and Diaper Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 18.0 percent; Sodium carbonate (anhydrous) 25.0 percent; Sodium dodecylbenzene sulfonate 2.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 13680–RO. Ozark Chemical Company, P.O. Box 1384, Little Rock, Arkansas 72203. *Polyklor Detergent Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 5.6 percent; Sodium dodecylbenzene sulfonate 4.0 percent; Sodium Metasilicate 5.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 13680–RI. Ozark Chemical Company, P.O. Box 1384, Little Rock, Arkansas 72203. *Microban Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 25 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4389–TG. Pacific Chemical Division Pace National Corp., 500 7th Avenue South, Kirkland, Washington 98033. *Iocide Germicide-Fungicide.* Active Ingredients: Nonylphenoxypolyethyleneoxyethanol-iodine complex 6.3 percent; Phosphoric acid 3.8 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9313–EE. Rose Chemical Products, Inc., 545 Stimmel Road, Columbus, Ohio 43223. *Chlor-Det Heavy-Duty Chlorinated Cleaner, Disinfectant and Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione, dihydrate; sodium metasilicate, anhydrous; sodium dodecylbenzenesulfonate 14.6 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11715–GN. Speer Products, Inc., 105 South Parkway West, Memphis, Tennessee 38109. *Magic Guard Disinfectant Spray.* Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C18) dimethyl benzyl ammonium chlorides 0.1 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chloride 0.1 percent; Isopropanol 53.0 percent; Essential Oil 0.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33404–G. Stat Enterprises, Inc., 1865 New Highway, Farmingdale, New York 11735. *V. I. P. Insecticide.* Active Ingredients: Pyrethrins 0.1 percent; Piperonyl Butoxide, technical 1.0 percent; Petroleum distillate 0.4 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3640–TU. Stearns Chemical Corp., 4200 Sycamore Avenue, Madison, Wisconsin 53704. *Banquet BFC–14 Powdered Chlorine Disinfectant and Germicide.* Active Ingredients: Sodium Dichloro-s-triazinetrione 14.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1769–ELT. National Chemsearch, Division of USAchem Inc., 2727 Chemsearch Blvd., Irving, Texas. 75062. *National Chemsearch Lemalene Air Sanitizer and Deodorant Spray.* Active Ingredients: Isopropyl Alcohol 27.30 percent; Triethylene Glycol 4.70 percent; Propylene Glycol 4.40 percent; Methyldodecylbenzyl Trimethyl Ammonium Chloride 0.16 percent; Methyldodecylxylylene bis (Trimethyl Ammonium Chloride) 0.04 percent; Essential Oils 0.50 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1769–ELA. National Chemsearch, Division of USAchem Inc. *National Chemsearch RAP Wasp Spray.* Active Ingredients: Pyrethrins 0.15 percent; Technical Piperonyl Butoxide 0.37 percent; N-Octyl Bicycloheptene Dicarboximide 0.37 percent; Technical Chlordane 2.00 percent; Petroleum Distillates 14.43 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1769–ELL. National Chemsearch, Division of USAchem Inc. *National Chemsearch Root Out.* Active Ingredients: Dichlobenil; 2,6-dichlorobenzonitrile 2.1 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8405–O. Webco Chemical Corp., P.O. Box 368, Webster, Massachusetts 01570. *FS–104 Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 25 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 682–IT. Woods Industries, Inc., dba Crop King Chemical, Box 1016, Yakima, Washington 98907. *Crop King Malathion 30 Dust Base.* Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 30 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 769–UUT. Woolfolk Chemical Works, Inc., P.O. Box 938, Ft. Valley, Georgia 31030. *Super-Tox Cotton Spray 4–3–1.* Active Ingredients: Toxaphene 37.04 percent; O-ethyl O-p-nitrophenyl phenylphosphonothioate 9.27 percent; O,O-dimethyl O-p-nitrophenyl phosphorothioate 27.78 percent; Aromatic petroleum derivative solvent 17.44 percent. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: June 7, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–13594 Filed 6–19–74;8:45 am]

RHODIA, INC.

Reextension of Temporary Tolerance

Rhodia, Inc., Chipman Division, 23 Belmont Drive, Somerset, NJ 08873, was granted a temporary tolerance for negligible residues of the herbicide asulam

(methyl sulfanilylcarbamate) in or on sugarcane at 0.1 part per million on July 11, 1972, in connection with Pesticide Petition No. 2G1200 (notice was published in the FEDERAL REGISTER of July 18, 1972, (37 FR 14229)). The temporary tolerance expired July 11, 1973.

The firm received a 1-year extension of the temporary tolerance on July 24, 1973 (notice was published in the FEDERAL REGISTER of July 31, 1973 (38 FR 20290)).

The petitioner has requested a 1-year reextension of the temporary tolerance to obtain additional experimental data. It is concluded that such reextension of the temporary tolerance for negligible residues of the herbicide in or on sugarcane at 0.1 part per million will protect the public health. A condition under which this temporary tolerance is reextended is that the herbicide will be used in accordance with the temporary permits which are being issued concurrently and which provide for distribution under the Rhodia, Inc., name.

As extended, this temporary tolerance expires July 11, 1975. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permits/tolerance.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: June 14, 1974.

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

[FR Doc.74-14086 Filed 6-19-74;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

NONMEMBER COMMERCIAL BANKS

Weekly Money Supply Reports

Notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation has adopted a reporting program for a five-month test period applicable to each nonmember commercial bank which had more than $100 million in deposits at year-end 1973. The program requires each bank to submit to the Federal Deposit Insurance Corporation on each Thursday daily data for specified items, vault cash and cash items in process of collection for the seven calendar days ending on the Wednesday before. The first report for the week beginning June 20, 1974 is due on June 27, 1974 and the last weekly report is due on November 27, 1974. The Federal Deposit Insurance Corporation will provide the selected banks with forms to be used for this purpose. The reporting form, Report of Deposits and Vault Cash, FDIC 8020/42 (6-74), is submitted with this notice and is on file with the FEDERAL REGISTER.

The Federal Deposit Insurance Corporation shall provide aggregations of the weekly data, but not individual bank data, to the Federal Reserve System.

The Federal Deposit Insurance Corporation staff will analyze the value of such reports in improving the predictability of changes in the money supply. The results of such analysis will be made available to the Federal Reserve Board, and all other interested parties.

This reporting requirement is imposed pursuant to authority contained in paragraph (a) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)).

By order of the Board of Directors, June 7, 1974.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.74-14153 Filed 6-19-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-142]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

JUNE 13, 1974.

Take notice that Cities Service Gas Company (Company) on June 3, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. The Company states that pursuant to the Purchased Gas Cost Rate Adjustment provision contained in Article 21, of its FPC Gas Tariff, it proposes to increase its rates effective July 23, 1974, to reflect increased purchased gas costs.

The Company states that the Eighth Revised Sheet PGA-1 included in Appendix A of its filing reflects a rate increase of 4.42¢ per Mcf. The Company further states that this 4.42¢ per Mcf increase in rates will produce an increase in the Company's jurisdictional revenues of $15,053,063 based on annual sale volumes for the twelve months ended April 22, 1974. According to the Company such 4.42¢ per Mcf increase reflects, among other supplier increases, pipeline supplier increases by Transwestern Pipeline Company (Transwestern) on July 11, 1974 and Oklahoma Natural Gas Gathering Corporation (ONGGC) on July 1, 1974.

In the event that the Commission does not permit the Eighth Revised Sheet PGA-1 in Appendix A to be effective, the Company, in the alternative, tendered for filing the Eighth Revised Sheet PGA-1 included in Appendix B reflecting an increase of 3.70¢ per Mcf. The Company states that this 3.70¢ per Mcf increase in rates will produce an increase in the Company's jurisdictional revenues of $13,600,980 based on annual sales volumes for the twelve months ended April 22, 1974. According to the Company such 3.70¢ per Mcf increase reflects the same increased supplier rates as the tariff sheet in Appendix A, with the exception of the pipeline supplier increases by Transwestern on July 11, 1974 and ONGGC on July 1, 1974, which have been deleted in calculating the 3.70¢ per Mcf increase.

The Company states that copies of its filing were served on all jurisdictional customers, interested state commissioners and all parties to the proceedings in Docket Nos. RP71-106 and RP72-142.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Persons presently parties to this proceeding need not file additional petitions to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14102 Filed 6-19-74;8:45 am]

[Docket No. CI74-689]

CITIES SERVICE OIL CO.

Notice of Application

JUNE 13, 1974.

Take notice that on May 28, 1974, Cities Service Oil Company (Applicant), P.O. Box 300, Tulsa, Oklahoma 74102, filed in Docket No. CI74-689 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas) from Applicant's 25 percent interest in casinghead gas produced from Block 217 Field, Eugene Island Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Texas Gas from the subject acreage up to 1,000 Mcf of gas per day for a term of one year at 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of section 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). The application indicates that Applicant made a sale of natural gas from October 21, 1973, until April 19, 1974, from the subject acreage to Texas Gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29).

Applicant states that although its April 25, 1974, contract with Texas Gas provides for a rate of 50.0 cents per Mcf at 15.025 psia for the subject sale, Appli-

cant is willing to accept a certificate conditioned to a rate of 45.0 cents per Mcf. Applicant estimates monthly sales of 30,000 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14109 Filed 6-19-74;8:45 am]

[Docket No. CP73-302]

COLUMBIA GAS TRANSMISSION CORP.

Crawford Underground Storage Project

JUNE 10, 1974.

Notice is hereby given in the above Docket, that on June 19, 1974, in accordance with § 2.28(b) of Commission Order No. 415-C, a draft environmental impact statement prepared by the Staff of the Federal Power Commission was made available for comments. This statement deals with the environmental impact of an application filed by Columbia Gas Transmission Corporation in Docket No. CP73-302 for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act requesting authorization for the development of a proposed underground gas storage field near Lancaster, Ohio. The proposal would include the drilling of 230 injection-withdrawal wells, construction of 137.0 miles of pipeline, and other miscellaneous appurtenant facilities.

This statement has been circulated for comments to Federal, State and local agencies, has been placed in the public files of the Commission, and is available for public inspection, both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and at its Regional Offices located in Room 1051, 610 South Canal Street, Chicago, Illinois 60606 and 26 Federal Plaza, 22nd Floor, New York, New York 10007. Copies are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

The Commission has found that it is necessary and appropriate in the public interest to dispense with the 45 day time period for review and comment and herewith shortens the period to 30 days from the above date (June 19, 1974). This was done to afford the Commission the opportunity to decide, in as expeditious a manner as possible, if the merits of this application serve the public convenience and necessity.

Any person who wishes to do so may file comments on the draft statement for the Commission's consideration. All comments must be filed on or before July 19, 1974.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedures. Petitioners must also file timely comments on the draft statement in accordance with § 2.82 (c) of Order No. 415-C.

All petitions to intervene must be filed on or before July 19, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14098 Filed 6-19-74;8:45 am]

[Docket No. RP72-89]

COLUMBIA GAS TRANSMISSION CORP.

Order Granting Motion to Extend Interim Curtailment Plan for Specific Time Period, Providing for Hearing and Establishing Procedures, and Permitting Interventions

JUNE 6, 1974.

On April 10, 1974, Columbia Gas Transmission Corporation (Columbia) filed a motion requesting the Commission to extend its interim curtailment plan, pendente lite, after June 30, 1974, together with certain implementing tariff sheets.[1] Columbia also filed tariff sheets containing the priority-of-service categories set forth in the Commission's Order No. 467-B,[2] with the exception of including firm industrial sales up to 300 Mcf per day in priority 2 as allowed by Opinion 647-A, along with end-use data to permit implementation of an Order 467-B curtailment procedure. Columbia requests the Commission to (1) extend its currently effective interim curtailment plan approved by the Commission's order issued September 29, 1972, pendente lite after the interim plan's expiration date of June 30, 1974, and (2) hold a hearing on the merits of a just and reasonable permanent curtailment plan.

In support of its motion, Columbia alleges, inter alia, that: (1) The extension of its interim curtailment plan will avert unreasonable disruption of customers' annual quantity entitlements and, to the extent possible, maintain the status quo; (2) the interim plan would be extended only for the amount of time required to complete an expedited hearing on a permanent curtailment plan for Columbia, which possibly could occur before expiration of the summer seasonal period commencing in April and extending through October, 1974, during which Columbia does not anticipate a need to curtail; (3) requiring Columbia to implement an Order No. 467-B curtailment plan prior to a hearing contravenes the Commission's pronouncements that such priority-of-service categories are not binding without proceedings upon specific pipelines; and (4) the interim plan conforms to the basic objective toward which the priorities-of-deliveries enumerated in Order No. 467-B are directed because firm, non-industrial high priority loads are protected.

Notice of Columbia's filing was published in the FEDERAL REGISTER (39 FR 14001), requiring that comments, protests and/or petitions to intervene be filed on or before April 29, 1974.[3] Timely notices of intervention or petitions for leave to intervene were filed by the following parties:

Mayor and City Council of Baltimore
Bethlehem Steel Corporation
City of Charlottesville, Virginia
Congoleum Industries, Inc.
Delta Natural Gas Company, Inc.
International Paper Company
J. M. Huber Corporation
Kaiser Aluminum & Chemical Corporation
Marvin Mandel, Governor of Maryland, and the State of Maryland
Maryland Group of Industrial Consumers of Natural Gas
Public Service Commission of Maryland
Westinghouse Electric Corporation

On May 13, 1974, Orange & Rockland Utilities, Inc. filed an untimely petition for leave to intervene. It states that a

[1] Columbia's FPC Gas Tariff, Original Volume No. 1: First Revised Sheet Nos. 19A, 28A, 28B, 47A, and 62C; Second Revised Sheet Nos. 18, 19, 20, 28, 29, 30, 33, 47, 62A, 62B, 91, 92, 93, and 94; and Third Revised Sheet Nos. 62 and 90. Except for two minor exceptions involving asserted inadvertencies concerning small customers' maximum monthly volumes, these tariff sheets are identical to those now in effect on the Columbia system.

[2] Columbia's FPC Gas Tariff, Original Volume No. 1: Original Sheet Nos. 95, 96, and 97; First Revised Sheet Nos. 19A, 28A, 28B, 31, 47A, and 62C; Second Revised Sheet Nos. 18, 19, 20, 28, 29, 30, 33, 47, 62A, 62B, 91, 92, 93, and 94; and Third Revised Sheet Nos. 62 and 90.

[3] The Commission Secretary's Notice issued April 19, 1974, postponed the due date for such filings from April 22, 1974, to April 29, 1974.

timely petition to intervene was not filed because of a mistaken belief that it was already a party herein.

Numerous comments were received in response to the Commission's Notice concerning Columbia's motion for extension of its interim plan and a comparative hearing upon the merits of that curtailment sequence vis-a-vis an Order 467–B curtailment procedure. The vast majority of the comments support Columbia's motion.

Most of Columbia's customers have shown a preference for continuation on July 1, 1974, of the interim curtailment plan which has been in effect on the Columbia system for nearly two years. A change to an Order 467–B type of curtailment procedure on that date would modify operations under the interim plan which are keyed to provisions such as the maximum monthly quantity entitlements applicable to the fiscal year November 1, 1973, through October 31, 1974.

The basic goal of Order No. 467–B and the primary concern of the few Columbia customers dissenting to extension of the interim plan revolve about the protection afforded deliveries to residential and small volume consumers. In this regard we note that Columbia's interim arrangement provides an exemption from pro rata curtailment if a customer's firm, non-industrial high priority usage is threatened thereby. Additionally, we note that Columbia does not contemplate a need to curtail before termination of the summer seasonal period on October 31, 1974. In these circumstances, we shall grant Columbia's motion for extension of its interim curtailment plan after June 30, 1974, but limit our authorization to the period commencing July 1, 1974, and ending April 30, 1975, or until the date of a final Commission order herein if such is issued sooner.

We believe that a hearing should be held herein to determine what permanent curtailment plan is appropriate for Columbia's system. Accordingly, we shall schedule hearing procedures pursuant to which Columbia may submit testimony and exhibits in support of its proposed curtailment program. Additionally, Columbia shall be required to submit testimony and exhibits on the Order No. 467–B curtailment plan and the implementation of that plan on its system. Following cross-examination of that evidence, the Presiding Administrative Law Judge shall determine what further submittals of testimony may be appropriate in the proceeding.

The Commission finds. (1) Good cause has been shown for our granting Columbia's motion for extension of its interim curtailment plan after June 30, 1974, for the period ending April 30, 1975, or the date of a final Commission decision herein, whichever is sooner.

(2) It is necessary and proper that the alternative tariff sheets set forth in footnote (2) above be held in abeyance, pending further motions for extension of Columbia's interim curtailment plan after April 30, 1975, and disposition of the issues raised in this proceeding.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Columbia's proposed curtailment plan and that the issues in this proceeding be scheduled for hearing in accordance with the procedures hereinafter set forth.

(4) Although the petition of Orange & Rockland Utilities, Inc. was not timely filed, good cause exists for permitting its intervention.

(5) The participation of all of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders. (A) The motion filed on April 10, 1974, by Columbia for extension of its interim curtailment plan after June 30, 1974, is hereby granted for the period ending April 30, 1975, or the date of a final Commission decision herein, whichever is sooner.

(B) Columbia's tariff sheets set forth in footnote (1) above are hereby accepted for filing to be effective for the period July 1, 1974, through April 30, 1975, or until the date of a final Commission order herein if such is issued sooner.

(C) The notice requirements of Section 154.22 of the Commission's regulations under the Natural Gas Act are hereby waived to permit the tariff sheets referred to in Paragraph (B) above to be effective July 1, 1974.

(D) The alternative tariff sheets set forth in footnote (2) above are to be held in abeyance, pending decision upon further motions or requests for extension of Columbia's interim curtailment procedures after April 30, 1975, and disposition of the issues raised in this proceeding.

(E) On or before June 25, 1974, Columbia shall file its case-in-chief providing evidentiary support for its position in regard to the issues herein which have been described heretofore in the recital above, and, as part of its case, it shall file evidence in the form of testimony and exhibits showing the impact on its customers of implementing its proposed curtailment plan and the impact on its customers of implementing end use curtailment priorities as set forth in Commission Order No. 467–B.

(F) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on July 9, 1974, at 10 a.m. (e.d.t.), in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., on the lawfulness of Columbia's proposed curtailment procedures and the issues pertaining thereto as set forth in the recital above.

(G) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose [see Delegation of Authority, 18 CFR 3.5(d)], shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided, including an opportunity for the submission of answering or rebuttal testimony following cross-examination of the presentation hereinabove ordered.

(H) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided,* however, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petitions to intervene; and *Provided,* further, That the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.[4]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–14100 Filed 6–19–74;8:45 am]

[Docket Nos. RP73–86 and RP73–85]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CORP.

Order Granting Late Petitions to Intervene

JUNE 13, 1974.

On May 6, 1974 City of Cincinnati (Cincinnati) and Armco Steel Corporation (Armco) filed petitions to intervene out of time in the above captioned proceeding. Cincinnati and Armco each state that the late filing of their respective petitions to intervene was due to extraordinary circumstances and that they each have a direct and substantial interest in this proceeding.

The Commision finds. Participation by Cincinnati and Armco in this proceeding may be in the public interest and good cause exists to grant Cincinnati and Armco's late petitions to intervene.

The Commision orders. (A) Cincinnati and Armco are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided,* however, That the participation of these intervenors shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene, and; *Provided,* further, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring the pocedural schedule heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–14111 Filed 6–19–74;8:45 am]

---

[4] Separate statements of Commissioners Smith, concurring, and Moody, concurring in part and dissenting in part, filed as part of the original document.

[Docket No. ID-1735]

JOHN E. DOLAN

Notice of Initial Application

JUNE 13, 1974.

Take notice that on June 3, 1974, John E. Dolan (Applicant) filed an initial application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act, to hold the following positions:

Director, Appalachian Power Company, Public Utility.
Director, Wheeling Electric Corporation, Public Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14106 Filed 6-19-74;8:45 am]

[Docket No. E-8769]

FLORIDA POWER AND LIGHT CO.

Filing of Rate Agreements

JUNE 13, 1974.

Take notice that on May 3, 1974, Florida Power and Light Company (FP&L) tendered for filing letters to Florida Power Corporation, City of Fort Pierce, Orlando Utilities Commission, Tampa Electric Company and City of Vero Beach establishing the rate to be charged by FP&L to each of the above-named customers for emergency service. This filing supplements FP&L's August 2, 1972, filing with this Commission of agreements for service between FP&L and the above-named customers which did not contain any agreement as to the rate to be charged for this service.

FP&L requests an effective date of August 13, 1973. FP&L states that it is not possible to estimate transactions and revenues for the 12 month period following the proposed effective date and therefore requests waiver of the requirements of § 35.12(b)(1) of the Commission's regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14112 Filed 6-19-74;8:45 am]

[Terror Lake Project No. 2743]

KODIAK ELECTRIC ASSOCIATION, INC.

Application for Preliminary Permit (Unconstructed Project)

JUNE 13, 1974.

Public notice is given that application for a preliminary permit was filed March 25, 1974, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by Kodiak Electric Association, Inc., Kodiak, Alaska (correspondence to : Leon H. Johnson, Manager, Kodiak Electric Association, Inc., Post Office Box 787, Kodiak, Alaska, 99615; Copy of correspondence to: Robert W. Retherford, Robert W. Retherford Associates, Post Office Box 6410, Anchorage, Alaska 99502) for proposed Project No. 2743, to be known as Terror Lake Hydroelectric Project. The proposed project would be on the Terror River, in the Borough of Kodiak Island (in the region of the City of Kodiak and town of Port Lions). The proposed project would affect lands of the United States, including parts of the Kodiak National Wildlife Refuge. The proposed development of the Terror Lake Hydroelectric Project contemplates: a rock-fill dam at the outlet of Terror Lake to provide a reservoir with maximum pool elevation of about 1365 feet first stage and 1385 feet elevation for the second stage development; a spillway through a rock cut near the lake outlet and provide it with a concrete weir; approximately 23,000 feet of minimum nine-foot diameter, unlined tunnel from Terror Lake to the surge tank site above Kizhuyak Valley; a diversion dam on Shot Gun Creek and a 2000-foot diversion tunnel to the Falls Creek drainage; a diversion dam and rock trap on Falls Creek and a 315-foot tunnel into the main power tunnel from Terror Lake to the Kizhuyak Valley; a surge tank at the downstream end of the power tunnel and a penstock to a powerhouse in the Kizhuyak Canyon at an elevation of 164 feet. Two 10,000 kW capacity generating units would be installed under the first stage development and a third 10,000 kW capacity generating unit added in the second stage of development; a diversion dam at the mouth of a small lake north of Mount Glotoff and divert this drainage in a ditch to the Terror River watershed; approximately 22 miles of 69 kV transmission line from the powerhouse to Kodiak and 14 miles of 25 kV distribution line to Port Lions, and a substation at Kodiak.

The application also sets forth an "Alternate Development" which proposes:

* * * a rock-fill dam at the outlet of Terror Lake to provide a reservoir with a maximum pool elevation of about 1310 feet; a spillway through a saddle 1200 feet south of the Lake outlet provided with a concrete weir; an intake structure and approximately 7000 feet of 4'-6'' diameter steel pipe down the Terror River; a powerhouse on the north bank of the Terror River at approximate rivermile 6.3 and 600-foot elevation. Installation of two 6000 kW capacity generating units; approximately 27 miles of 69 kV transmission line from the powerhouse to Kodiak and approximately 12 miles of 25 kV distribution line from the Kizhuyak Valley to Port Lions. Construction of a substation in the Kizhuyak Valley and one in Kodiak; second stage development of the "Alternate Plan" would consist of diverting the water from the tailrace and the drainage below Terror Lake into a pipeline and convey it in approximately 7500 feet of 4'-6'' diameter steel pipe downstream to a second powerhouse at approximate rivermile 5.0 and 370-foot elevation. Install one 2000 kW capacity generating unit. (All elevations U.S.G.S. datum.)

The Power to be developed would be used for public utility purposes.

No construction is authorized under a preliminary permit.

Any person desiring to be heard or to make protest with reference to said application should on or before August 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14105 Filed 6-19-74;8:45 am]

[Docket No. CI74-672]

WYNN D. MILLER

Notice of Application

JUNE 6, 1974.

Take notice that on May 17, 1974, Wynn D. Miller (Applicant), 1111 NBC Building, San Antonio, Texas 78205, filed in Docket No. CI74-672 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the S.W. Normanna Field, Bee County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas from the subject acreage to United on January 31, 1974, within the contemplation of § 157.29 of the regulations under the Natural Gas

Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell all available gas from the subject acreage to United at 50.0 cents per Mcf at 14.65 psia. Estimated monthly sales are 11,440 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14101 Filed 6-19-74;8:45 am]

[Project No. 1553]

THE NEW JERSEY ZINC CO.

Notice of Issuance of Annual License

JUNE 13, 1974.

On June 12, 1970, The New Jersey Zinc Company, Licensee for Fall Creek Hydroelectric Plant, Project No. 1553, located on Fall Creek in Eagle County, Colorado, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The license for Project No. 1553 was issued effective June 28, 1950, for a period ending June 28, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to The New Jersey Zinc Company for the continued operation and maintenance of Project No. 1553.

Take notice that an annual license is issued to The New Jersey Zinc Company (Licensee) under section 15 of the Federal Power Act for the period June 29, 1974, to June 28, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Fall Creek Hydroelectric Plant, Project No. 1553, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14104 Filed 6-19-74;8:45 am]

[Docket No. E-8375]

OTTER TAIL POWER CO.

Notice of Application

JUNE 13, 1974.

Take notice that on May 28, 1974, Otter Tail Power Company (Applicant), filed an Application pursuant to section 204 of the Federal Power Act seeking authorization for a Supplemental Order to increase the maximum amount of short-term borrowing which it may have outstanding at any one time from $25 million to $30 million. Applicant was authorized to issue short-term promissory notes in the aggregate principal amount of $25 million by Commission order dated October 16, 1973, in the above docket.

Applicant is incorporated under the laws of the State of Minnesota with its principal business office at Fergus Falls, Minnesota and is authorized to do business in the States of Minnesota, North Dakota and South Dakota.

Notes issued to Commercial banks and other institutional lenders will bear interest at a rate not to exceed ½ of 1 percent over the large business prime rate of interest charged by Commercial banks in the area in which the loan is made on 90 day loans to substantial and responsible commercial borrowers, and having a maturity of 12 months or less.

Notes issued in the form of commercial paper will be issued in principal amounts in excess of $50,000 and will have a maturity of not more than nine months and will not be extended or renewed and will not contain any provision for extension or renewal or automatic "roll-over." The commercial paper will be issued at rates not exceeding the discount rate prevailing at the date of issuance. The aggregate amount of commercial paper outstanding at any one time will not exceed $10,000,000 which is less than 25% of the Applicant's gross revenues during the twelve months of operation ended March 31, 1974.

Any person desiring to be heard or to make any protest with reference to said Application should file with the Federal Power Commission, Washington, D.C. 20426, on or before June 25, 1974, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's rules. The Application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14110 Filed 6-19-74;8:45 am]

[Docket No. E-8176]

SOUTHERN CALIFORNIA EDISON CO.

Notice Postponing Hearing

JUNE 13, 1974.

On May 29, 1974, a notice was issued extending the procedural dates in the above-designated matter. Due to a conflict in the schedule of the Administrative Law Judge, it is necessary to change the hearing date.

Upon consideration, notice is hereby given that the hearing in the above matter is postponed to July 23, 1974, at 10 a.m. e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14107 Filed 6-19-74;8:45 am]

[Rate Schedule Nos. 5, etc.]

TEXACO INC., ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 639

JUNE 13, 1974.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
May 20, 1974	Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052.	5	Columbia Gas Transmission Corp.	South Louisiana.
May 28, 1974	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	21	Mississippi River Transmission Corp.	Other Southwest.
June 3, 1974	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	360	Texas Eastern Transmission Corp.	Texas Gulf Coast.
June 3, 1974	....do....	506	....do....	Do.

[FR Doc.74-14113 Filed 6-19-74;8:45 am]

[Docket Nos. RP71-130 & RP72-58]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

JUNE 12, 1974.

Public notice is hereby given that Texas Eastern Transmission Corporation (Texas Eastern), on May 28, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, the following sheets:

Ninth Revised Sheet Nos. 13, 13A, 13B, 13C & 13D
Alternate First Revised Sheet Nos. 17 & 24
Alternate Second Revised Sheet No. 92N
Original Sheet No. 92Q

On May 10, 1974, the Commission issued an order rejecting Texas Eastern's proposed changes to § 12.4 of its FPC Gas Tariff, Third Revised Volume No. 1 for failure to comply with §§ 15.38(d) and 154.63(b)(2) of the regulations under the Natural Gas Act. The purpose of this filing is to refile tariff sheets to amend § 12.4 of the general terms and conditions of Texas Eastern's FPC Gas Tariff in accordance with the suggestion made in the Commission's Order issued May 10, 1974. The refiled tariff sheets provide for Texas Eastern to make demand charge adjustments during any month in which the curtailment of deliveries is due to a shortage of gas supply, and further provide for Texas Eastern to recover the amount of such demand charge adjustment by use of a deferred account to adjust demand and commodity charges.

Texas Eastern proposes that the sheets become effective on May 1, 1974.

Texas Eastern states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14108 Filed 6-19-74;8:45 am]

[Project No. 1759]

WISCONSIN MICHIGAN POWER CO.

Issuance of Annual License

JUNE 13, 1974.

On June 26, 1969, Wisconsin Michigan Power Company, Licensee for Twin Falls, Peavy Falls and Way Project No. 1759, located in Iron and Dickinson Counties, Michigan, and Florence County, Wisconsin, on the Michigamme and Menominee Rivers, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1759 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Wisconsin Michigan Power Company for continued operation and maintenance of Project No. 1759.

Take notice that an annual license is issued to Wisconsin Michigan Power Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Twin Falls, Peavy Falls and Way Project No. 1759, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14103 Filed 6-19-74;8:45 am]

FEDERAL RESERVE SYSTEM

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Beach State Bank, Panama City Beach, Florida, and Panama City National Bank, Panama City, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 8, 1974.

Board of Governors of the Federal Reserve System, June 12, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14145 Filed 6-19-74;8:45 am]

GOVERNMENT PRINTING OFFICE

DEPOSITORY LIBRARY CONFERENCE

Meeting

The Depository Library Conference of the Public Printer will meet at 8:30 a.m. to 5 p.m. on July 6, 1974. Meeting place will be the Park-Sheraton Suite of the New York Sheraton Hotel, located on 7th Avenue and 56th Street, New York City.

The purpose of this meeting is to discuss the Depository Library Program.

The meeting will be open to the public. Any member of the public who wishes to attend shall notify Dr. Ralph McCoy, Chairman, 1902 Chautaugua, Carbondale, Illinois 62901.

General participation by members of the public, or questioning of Conference members or other participants shall be permitted with approval of the chairman.

Dated: June 18, 1974.

T. F. MCCORMICK,
Public Printer.

[FR Doc.74-14307 Filed 6-19-74;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

EDUCATION PANEL

Notice of Meeting

JUNE 17, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Education Panel will meet at Washington, D.C., on July 1 and 2, 1974.

The purpose of the meeting is to review Projects applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and person-

nel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74–14154 Filed 6–19–74;8:45 am]

EDUCATION PANEL

Notice of Meeting

JUNE 19, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Education Panel will meet at Washington, D.C., on July 8 and 9, 1974.

The purpose of the meeting is to review Projects applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74–14155 Filed 6–19–74;8:45 am]

OFFICE OF FEDERAL CONTRACT COMPLIANCE

STATE OF ILLINOIS EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS FOR FEDERAL ASSISTED CONSTRUCTION CONTRACTS

Notice of Hearing

A notice of hearing was published in the FEDERAL REGISTER on June 3, 1974 (39 FR 19543) announcing a hearing to commence on June 12, 1974, at 10 a.m., in Conference Room 642, 536 South Clark Street, Chicago, Illinois, to make proposed findings and a recommended decision to the Assistant Secretary of Labor for Employment Standards relevant to the issue of whether the rules and regulations for Public Contracts Prescribed by the Illinois Fair Employment Practices Commission are inconsistent with Executive Order 11246, as amended, or incompatible with the effective implementation of federal minority hiring and/or training plans (either voluntary or imposed) in operation in the State of Illinois. On June 10, 1974, the Illinois Fair Employment Practices Commission, the Building Construction Employers' Association of Chicago and the Office of the Solicitor, U.S. Department of Labor, agreed to postpone the aforementioned hearing until June 27, 1974. The parties also agreed to waive the time limitations prescribed in 41 CFR 60–1.4(b)(2) within which the Assistant Secretary must make a final decision.

Therefore, in accordance with 41 CFR 60–1.4(b)(2), an administrative law judge has been designated to conduct a hearing commencing on June 27, 1974, at 10:00 a.m. in Conference Room 721, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois, to make proposed findings and a recommended decision to the Assistant Secretary of Labor for Employment Standards upon the basis of the record before the administrative law judge. In accordance with 41 CFR 60–1.4(b)(2), evidence may be presented at the hearing relevant to the issue of whether the rules and regulations for Public Contracts Prescribed by the Illinois Fair Employment Practices Commission are inconsistent with Executive Order 11246, as amended, or incompatible with the effective implementation of federal minority hiring and/or training plans (either voluntary or imposed) in operation in the State of Illinois.

We have given the Building Construction Employers' Association of Chicago, and the Illinois Fair Employment Practices Commission notice of their opportunity to participate in the hearing by registered mail, return receipt requested. All other persons, organizations, and other entities affected by the OFCC Director's determination may attend and participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as the administrative law judge may deem appropriate in the circumstances.

Interested persons, organizations, and other entities affected by the OFCC Director's determination wishing to participate in the hearing should so notify Mr. H. Stephen Gordon, Chief Administrative Law Judge, U.S. Department of Labor, 1111 20th Street, NW., Suite 720, Washington, D.C. 20036, by registered mail, return receipt requested, by the close of business, June 24, 1974. The notice of intention to participate (original and two copies) must state the name and address of the person to appear, and the approximate amount of time required for the presentation. In addition, to the extent practicable, the notice should also include, or be accompanied by, a general statement of the position to be taken with regard to the aforementioned Illinois rules and regulations for Public Contracts and of the evidence to be adduced in support of that position. The use of prepared statements by participants, subject to cross-examination, is authorized. All documents intended to be submitted for the record at the hearing should be submitted in duplicate.

Signed at Washington, D.C., this 17th day of June, 1974.

H. STEPHEN GORDON,
Chief Administrative Law Judge, U.S. Department of Labor.

[FR Doc.74–14198 Filed 6–19–74;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 17, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census, Public Assistance Recipients Study (1974), Form PAR–1, Single time, Sunderhauf/Peterson, Households.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:

Predictors of Successful Nursing Performance, Form ____, Single time, Strasser, Schools of nursing & employers of graduates.

An investigation into the Nature, Causes and Implications of the Future Role of Health Administrators, Form ____, Single time, Reese, Professional health services administration.

A study of the Career Development of Baccalaureate Health Administrators, Form ____, Annual, Collins, Graduates of undergraduate health administration programs.

Spanish-Surnamed Physicians Survey Form, Form ____, Single time, Sunderhauf, Spanish-surnamed physicians & medical students.

Relevance of Health Care Administration Curricula, Form ____, Single time, Planchon, Professional health service administration, program faculty.

Health Resources Administration Medical Economic Research Project, Form ____, Occasional, Wann/Planchon/Hulett, Sample of households in two locations.

TENNESSEE VALLEY AUTHORITY

Farmer Questionnaire—Vicinity of Proposed Nuclear Power Plant, Form ____, Single time, Lowry/Weiner, Farm operator within designated area.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Framingham Ophthalmology Study, Form ____, Single time, Lowry, Patients recruited under Framingham Heart Study.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Policy Development and Research, Housing Assistance Supply Experiment, Screening Survey, Form ____, Single time, Sunderhauf, Individuals.

DEPARTMENT OF JUSTICE

Departmental Registration Statement of Foreign Controlled Organizations Engaging in Political or Military Activities, Form OBD 117, Occasional, Lowry, Government agencies.

U.S. CIVIL SERVICE COMMISSION

Qualifications Statement for Management Internship, Form WA 29, Occasional, Evinger, Job applicants.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-14274 Filed 6-19-74;8:45 am]

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 14, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Platinum, Palladium Lead Questionnaire, Form ____, Occasional, Wann/Caywood, Residents near freeways, Factory worker.

Polyvinyl Chloride and Vinyl Chloride Emission Survey Letter, Form ____, Single time, Lowry, Industrial plants manufacture, vinyl chloride and polyvinyl chloride.

FEDERAL ENERGY OFFICE

Project Conserve Questionnaire, Form ____, Single time, Weiner, Individuals.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration, Fiscal Management Controls Diagnostic Questionnaire for CMHC, Form ____, HRD/Lowry, Psychiatric facilities.

The Management of Group Practice Forms of Health Care Delivery, Form HRABHRD 0611, Occasional, Collins, Prepaid Medical groups, fee for service medical groups.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:

Applicant-Student Information System for Schools and Colleges of Optometry, Form HRABHRD 0425, Occasional, Reese, Applicants, students faculty, and administration of Optometry schools.

Analytic Study of Women in the Health Sector Labor Force, Form HRAOD 0610, Single time, Collins/Wann, Registered nurses, licensed practical nurses, dentists, dental hygienists.

Health Oriented Coding and Classification Systems Used in Federal and State Agencies, Form HRANCHS 0610, Single time, Peterson, Federal and State agencies collecting or involved with classification of morbidity.

Long Term Care Reimbursement Experiments-Evaluation of Experiments in Intermediate Care Facility, Home-maker, and Day Care Services, Sec. 222 P.L. 92-603, Form HRABHSR 0503, Occasional, HRD/Sunderhauf, Individuals.

Utilization of Physician's Assistants in Primary Care Mental Health, Form HRABHRD 0610, Occasional, Collins, Staff members and PA students of mental health institutes and clinics.

National Survey of Family Growth, Cycle II; Contract, Form HRANCHS 0606, Single time, Reese/Wann, Ever-married women 15 to 45 years of age.

REVISIONS

ENVIRONMENTAL PROTECTION AGENCY

Pesticide Episode Reporting Form, Forms EPA T31, EPA 8550-5, Occasional, Caywood, All state and Federal agencies involved in Pesticide accident surveillance system.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit:

Mortgagee's Certification and Application for Interest Reduction Payments, Form FHA 3111, Monthly, CVA, Mortgagees.

Substantial Readiness for Occupancy Certification, Form FHA 3195, Occasional, CVA, Mortgagees.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service Regulations: Dairy Indemnity Program Form ____, Occasional, Evinger, Dairy producers.

ENVIRONMENTAL PROTECTION AGENCY

Interim Application for Ocean Disposal Permits, Form ____, Occasional, Evinger, Ocean dumpers.

FEDERAL RESERVE BOARD

Monthly Report on Maturities of Negotiable Time Certificates, Form FR 416b, Monthly, Evinger, Large banks.

Weekly Report of Loans and Securities, Form FR 644, Weekly, Evinger, Smaller member banks.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Lender's Application for Federal Loan Insurance Comprehensive Certificate, Form OE 1156-1, Annual, Evinger, Government agencies.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-14275 Filed 6-19-74;8:45 am]

POSTAL RATE COMMISSION

POSTAL FACILITIES

Notice of Visit

JUNE 18, 1974.

Notice is hereby given that employees of the Postal Rate Commission will be visiting Postal Service facilities at New York, New York, and Washington, D.C., on Monday, June 24, 1974, for the purpose of acquiring general background knowledge of postal operations.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed.

A report of the visit will be on file in the Commission's docket room.

By direction of the Commission.

JOSEPH A. FISHER,
Secretary.

[FR Doc.74-14308 Filed 6-19-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

JUNE 14, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is re-

quired in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from June 17, 1974 through June 26, 1974.

By the Commission.

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

[FR Doc.74-14165 Filed 6-19-74;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

JUNE 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 14, 1974 through June 23, 1974.

By the Commission.

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

[FR Doc.74-14170 Filed 6-19-74;8:45 am]

[File No. 500-1]

FIRST WISCONSIN MORTGAGE TRUST

Suspension of Trading

JUNE 13, 1974.

The shares of beneficial interest of First Wisconsin Mortgage Trust being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of First Wisconsin Mortgage Trust being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 11:15 a.m. (e.d.t.) on June 13, 1974 continuing through June 22, 1974.

By the Commission.

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

[FR Doc.74-14162 Filed 6-19-74;8:45 am]

[File No. 500-1]

FRANKLIN NATIONAL BANK

Suspension of Trading

JUNE 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the preferred stock of Franklin National Bank (New York, N.Y.) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 14, 1974 through June 23, 1974.

By the Commission.

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

[FR Doc.74-14169 Filed 6-19-74;8:45 am]

[File No. 500-1]

FRANKLIN NEW YORK CORP.

Suspension of Trading

JUNE 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock of Franklin New York Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 14, 1974 through June 23, 1974.

By the Commission.

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

[FR Doc.74-14164 Filed 6-19-74;8:45 am]

MIDDLE SOUTH UTILITIES, INC., ET AL.

Post-Effective Amendment Regarding Proposed Sale and Leaseback of Oil Storage Facilities

JUNE 14, 1974.

In the Matter of Middle South Utilities, Inc., 280 Park Avenue, New York, New York 10017; System Fuels, Inc., 225 Baronne Street, New Orleans, Louisiana 70112; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Arkansas Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc.

Notice is hereby given that System Fuels, Inc. ("SFI"), a jointly-owned nonutility subsidiary company of Arkansas Power & Light Company, Louisiana Power & Light Company ("LP&L"), Mississippi Power & Light Company and New Orleans Public Service, Inc., each an electric utility subsidiary company of Middle South Utilities, Inc. ("MSU"), a registered holding company, have jointly filed with this Commission a third post-effective amendment to their previous amended application-declaration in this proceeding, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By Order dated December 17, 1973 (HCAR No. 18221), the Commission, among other things, authorized LP&L to sell to SFI certain oil storage facilities ("Equipment") consisting of two oil storage tanks (380,000 bbl. and 50,000 bbl. capacity, respectively), together with related docking, unloading, auxiliary and control equipment located at LP&L's Waterford Steam Electric Generating Station near Taft, Louisiana (the "Premises"), and to grant to SFI the necessary land rights for the operation and maintenance of the Equipment. It had been there indicated that, in lieu of direct purchase and ownership, SFI was studying the feasibility of leasing oil storage and handling facilities.

It is now proposed (i) that LP&L sell the Equipment and Premises to a non-affiliate and (ii) that SFI lease said properties under a long-term lease. To that end, it is proposed that LP&L, via a Conveyance, will sell, assign or convey the Equipment and Premises to Unilease No. 10, Inc. (herein referred to as "Unilease" or "Lessor"), a single-purpose subsidiary company of Equilease Corporation which in turn is a wholly-owned subsidiary company of ELTRA Corporation. Simultaneously, Unilease will lease the Equipment and Premises (and lease or assign the related land rights) to SFI. During the term of the lease ("Lease"), the Equipment will be operated by LP&L for SFI as heretofore authorized by said Order of December 17, 1973.

Unilease was organized as a Delaware corporation in 1973. It will engage solely in the business of owning and financing the Equipment and Premises. Neither Unilease, Equilease Corporation nor ELTRA Corporation is affiliated with any company in the Middle South Utilities System ("System").

The conveyance and financing. LP&L's book cost of the Equipment upon completion of construction thereof is estimated at $5,300,000, including interest during construction; and its allocated book cost of the Premises is $13,200. Conveyance of the Equipment and Premises to Unilease will be effected at LP&L's total book cost thereof; provided, however, that if said cost plus Unilease' "transaction costs" (estimated at $160,000) exceeds Unilease' "Maximum Commitment," stipulated as $5,267,606, SFI will pay the excess. Said "transaction costs" include counsel fees and expenses of Unilease and of the purchaser of Unilease' Note (see below); a placement fee of ½ of 1 percent of the principal amount of said Note; and a com-

mitment fee of ½ of 1 percent per annum on the principal amount of the Note. Under certain conditions set forth in the Conveyance, LP&L will have the option of repurchasing the property. The property will be conveyed free and clear of all liens, including that of LP&L's Mortgage dated April 1, 1944 and supplements thereto.

Unilease will finance the foregoing acquistion (i) by the use of its own equity funds in the amount of approximately 29 percent of the cost of the Equipment and (ii) the balance by the issuance and sale of a long-term Note to The Philadelphia Saving Fund Society. Based upon a total cost equal to the Maximum Commitment, such Note will be in the principal amount of $3,740,000. The Note will issue upon commencement of the Lease; will bear interest at 8.05 percent per annum; will mature on January 1, 1994, i.e., 19½ years from date of issue, with principal and interest payable in 39 equal consecutive semi-annual installments commencing six months after the start of the Lease; and will be non-callable except under certain circumstances including termination of the Lease. The Note will be secured by an assignment of the Lease and payments thereunder, and by a mortgage ("Mortgage") on the Equipment and Premises. The Mortgage will be subject at all times to the Lease and the Conveyance.

The lease. The lease will be a net lease having a initial 20-year term wherein SFI will be responsible for, among other things, operation, maintenance, risk of loss, insurance and certain specified taxes. The Lease may terminate at any time during its initial term upon any Event of Loss, as defined in the Lease, which includes (a) actual or constructive total loss of the Equipment, (b) theft or destruction of the Equipment or (c) specified governmental actions or regulations of an adverse nature. Upon expiration of the initial term, (1) SFI may extend the Lease on a year-to-year basis at the then fair market rental value of the Equipment and Premises, or (2) LP&L or SFI may purchase the Equipment at its then fair market sales value, and reacquire the Premises for the original cost thereof to Unilease.

Rental payments by SFI under the Lease will be based on Lessor's cost of the Equipment and Premises (not exceeding said Maximum Commitment of $5,267,606). The rentals will be payable semi-annually in equal amounts computed by multiplying the Equipment component of Lessor's cost by a "rental rate" of 4.1190%; said rental rate is understood by SFI as being equivalent to a simple interest cost of 5.74 percent per annum. In addition, the rental payments will include an interest cost of 8.05 percent per annum on the cost ($13,200) of the Premises. The semi-annual rental rate of 4.1190 percent is predicated, among other things, on Lessor's realization of certain assumed tax benefits ("perquisites"). In the event that any of such prequisites are not realized (other than by amendment of the Internal Revenue Code after commencement of the Lease) the rental rate will be adjusted accordingly; provided, that is SFI's annual interest cost would thereby rise to a level exceeding 7 percent per annum, either SFI or LP&L will have the right to terminate the Lease by repurchase of the Equipment and Premises upon payment of a then applicable termination price computed as provided in the Lease, and the Note will be repaid out of such termination price.

Based on the terms of the Lease and the approximate cost of the leased facilities, SFI estimates that its annual rental payments will amount to approximately $437,000. SFI states that rental payments under the Lease are such that SFI will not acquire any equity in the Equipment. Consequently, SFI will account for the Lease as a lease and proposes to charge the Lease payments to rental expense.

In order to effectuate the proposed transactions MSU proposes to guarantee the performance by SFI of its obligations under the Lease without recourse to SFI first being required, and MSU will consent to the Lease assignment.

It is stated that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred directly by SFI, LP&L and MSU in connection with the proposed transactions (as distinct from amounts payable by SFI to cover the excess, if any, of the Lessor's costs over its Maximum Commitment as hereinbefore set forth) are estimated at $57,800 including counsel fees of $35,000, $19,500 and $2,500 for SFI, LP&L and MSU, respectively, and $500 for services rendered at cost by the System service company, Middle South Services, Inc.

Notice is further given that any interested person may, not later than July 11, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration as further amended by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14163 Filed 6-19-74;8:45 am]

[Release No. 34-10851]

REPORTING OF TRANSACTIONS IN LISTED SECURITIES

Exemptions Pursuant to Consolidated Tape Plan

Notice is hereby given that the Commission, acting pursuant to paragraph (h) of Rule 17a-15 (17 CFR 240.17a-15) under the Securities Exchange Act of 1934 (the "Rule"),[1] has exempted from the provisions thereof reporting in *all* listed securities which are not eligible for reporting pursuant to a consolidated tape plan declared effective by the Commission pursuant to the Rule.

Although Rule 17a-15 requires the consolidated reporting of transactions in all listed securities, the consolidated tape plan filed jointly by the New York, American, Midwest, Pacific and PBW Stock Exchanges and the National Association of Securities Dealers, Inc. (the "Joint Plan"), declared effective by the Commission as of May 17, 1974,[2] limits such consolidated reporting to a class of securities defined as "Eligible Securities."[3] The Commission approved this limitation in declaring the Joint Plan effective. In view of various exemption requests the Commission has received from certain national securities exchanges,[4] and in

---

[1] Paragraph (h) of Rule 17a-15 provides that the Commission may "exempt from the provisions of [the] Rule, either unconditionally or on specified terms and conditions, any exchange, association, broker, dealer, vendor or specified type of securities if the Commission determines that it is not necessary in the public interest or for the protection of investors that such exchange, association, broker, dealer, vendor or type of security be subject to the provisions of [the] Rule."

[2] Announced in Securities Exchange Act Release No. 10787 (May 10, 1974).

[3] Initially, Eligible Securities will include all securities presently listed on the New York Stock Exchange (the "NYSE") and the American Stock Exchange (the "Amex") and securities listed or admitted to unlisted trading privileges on other registered national securities exchanges if they substantially meet the listing standards of the NYSE or Amex. After the date "Phase II" commences, the term Eligible Securities will include any security which becomes listed and which, at the time of listing or commencement of trading, substantially meets the listing requirements of the NYSE or Amex, as they may be in effect at that time. Securities shall cease to be Eligible Securities whenever they do not substantially meet the listing criteria from time to time in effect for continued listing on the NYSE or Amex.

[4] Securities Exchange Act Release No. 10135 (May 4, 1973).

view of the unqualified requirement in Rule 17a–15 that transactions in all listed securities be reported on a consolidated basis, the Commission has determined to exempt from the consolidating reporting requirements of the Rule transactions in all listed securities which do not meet the eligibility criteria of Section VI of the Joint Plan declared effective by the Commission.

The Securities and Exchange Commission, having determined that it is not necessary in the public interest or for the protection of investors that listed securities not meeting the eligibility criteria of the consolidated tape plan declared effective by the Commission be subject to the provisions of Rule 17a–15, hereby exempts from the provisions of the Rule, pursuant to paragraph (h) thereof, all listed securities which do not meet the eligibility criteria of Section VI of the consolidated tape plan declared effective by the Commission.[5]

(Secs. 17(a), 23(a), 48 Stat. 897, 901, 49 Stat. 1379, 52 Stat. 1076 (15 U.S.C. 78q, 78w))

By the Commission.

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

JUNE 13, 1974.

[FR Doc.74–14173 Filed 6–19–74;8:45 am]

[File No. 500–1]

ROYAL PROPERTIES INC.

Suspension of Trading

JUNE 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 17, 1974 through June 26, 1974.

By the Commission.

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

[FR Doc.74–14166 Filed 6–19–74;8:45 am]

[File No. 500–1]

SPORTSWORLD PROPERTIES, INC.

Suspension of Trading

JUNE 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Sportsworld Properties, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10 a.m. (e.d.t.) on June 14, 1974 through Midnight (e.d.t.) on June 23, 1974.

By the Commission.

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

[FR Doc.74–14168 Filed 6–19–74;8:45 am]

[File No. 500–1]

STRATTON GROUP, LTD.

Suspension of Trading

JUNE 13, 1974.

The common stock of Stratton Group, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from June 14, 1974 through June 23, 1974.

By the Commission.

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

[FR Doc.74–14171 Filed 6–19–74;8:45 am]

[File No. 500–1]

WINNER INDUSTRIES, INC.

Suspension of Trading

JUNE 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 17, 1974 through June 26, 1974.

By the Commission.

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

[FR Doc.74–14167 Filed 6–19–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1075]

ARKANSAS

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Arkansas as a major disaster area following tornadoes beginning on or about June 6, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from tornado victims in the following County: St. Francis, and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
600 West Capital Avenue
Little Rock, Arkansas 72201

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 9, 1974.

Dated: June 12, 1974.

WILLIAM M. LENDMAN, *Acting Administrator.*

[FR Doc.74–14135 Filed 6–19–74;8:45 am]

[Notice of Disaster Loan Area 1072]

ILLINOIS

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Illinois as a major disaster area following heavy rains and flooding beginning on or about May 17, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from victims in the following Counties: Adams, Brown, Bureau, Carroll, Clark, Coles, Cumberland, Edgar, Hancock, Jo Daviess, La Salle, Lee, Logan, McHenry, Macon, Mercer, Pike, Rock Island, Sangamon, Stephenson, Whiteside, and Winnebago, and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond State lines.

Applications may be filed at the:

Small Business Administration
Regional Office
219 South Dearborn Street
Chicago, Illinois 60604

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 9, 1974.

Dated: June 12, 1974.

WILLIAM M. LENDMAN, *Acting Administrator.*

[FR Doc.74–14132 Filed 6–19–74;8:45 am]

[5] Any future amendment to the eligibility criteria contained in such plan necessarily will effect a corresponding modification in the scope of this exemption.

[License No. 02/02-0273]

INVERNESS CAPITAL CORP.

Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Correction

In FR Doc. 74-13856 appearing on page 21092 in the issue for Tuesday, June 18, 1974, the closing date for receipt of comments was incorrectly stated as July 28, 1974. The correct closing date should read: "June 30, 1974."

[Notice of Disaster Loan Area 1071]

KANSAS

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Kansas as a major disaster area following severe storms and flooding beginning on or about June 7, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following County: Lyon, and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
120 South Market Street
Wichita, Kansas 67202

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 9, 1974.

Dated: June 12, 1974.

WILLIAM M. LENDMAN,
Acting Administrator.

[FR Doc.74-14131 Filed 6-19-74;8:45 am]

[Notice of Disaster Loan Area 1074]

MINNESOTA

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Minnesota as a major disaster area following heavy rains and flooding beginning on or about April 10, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following Counties: Kittson, Marshall, Norman, Red Lake and Roseau Counties, and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond State lines.

Applications may be filed at the:

Small Business Administration
District Office
Plymouth Building
12 South Sixth Street
Minneapolis, Minnesota 55402

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 9, 1974.

Dated: June 12, 1974.

WILLIAM M. LENDMAN,
Acting Administrator.

[FR Doc.74-14134 Filed 6-19-74;8:45 am]

[Notice of Disaster Loan Area 1076]

MISSOURI

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Missouri as a major disaster area following severe storms and flooding beginning on or about May 17, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following Counties: Adair, Andrew, Atchison, Buchanan, Caldwell, Carroll, Clay, Clinton, Holt, Jackson, Lafayette, Nodaway, Platte, and Ray, and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
911 Walnut Street
Kansas City, Missouri 64106

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 9, 1974.

Dated: June 12, 1974.

WILLIAM M. LENDMAN,
Acting Administrator.

[FR Doc.74-14136 Filed 6-19-74;8:45 am]

[Declaration of Disaster Loan Area 1073]

NEW YORK

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1974, because of the effects of a certain disaster, damage resulted to property located in the State of New York;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Monroe and Orleans Counties, and adjacent affected areas (adjacent areas include only counties within the State for which the declaration is made and do not extend beyond state lines), suffered damage or destruction resulting from flooding which occurred during the period May 16-17, 1974.

Office:

Small Business Administration
District Office
Fayette and Salina Streets
Syracuse, New York 13202

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to August 12, 1974.

Dated: June 12, 1974.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.74-14133 Filed 6-19-74;8:45 am]

[Notice of Disaster Loan Area 1070]

OKLAHOMA

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Oklahoma as a major disaster area following severe storms and flooding beginning on or about June 7, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following Counties: Adair, Creek, Lincoln, Logan, Mayes, Oklahoma, Rogers, and Tulsa Counties, and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
50 Penn Place, Suite 1840
Oklahoma City, Oklahoma 73118

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 9, 1974.

Dated: June 12, 1974.

WILLIAM M. LENDMAN,
Acting Administrator.

[FR Doc.74-14130 Filed 6-19-74;8:45 am]

TARIFF COMMISSION

[337-36]

DOXYCYCLINE

Notice of Withholding of Proceedings

As a matter of comity, the Tariff Commission is withholding further action in its proceedings in Investigation No. 337-36, Doxycycline, pending the outcome of the appeal now pending before the U.S. Circuit Court of Appeals, 8th Circuit, in the case of Pfizer v. International Rectifier, No. 74-1425. Pfizer is appealing a preliminary injunction of the District Court for the District of Minnesota en-

joining Pfizer from participating in the Commission's investigation and ordering Pfizer to request permission from the Commission to withdraw its complaint. The hearing scheduled for July 9, 1974, and other proceedings in this investigation are, accordingly, postponed until the lapse of a reasonable period after the decision of the appellate court. Notice of the investigation, scope of investigation and hearing was published in the FEDERAL REGISTER on May 29, 1974 (39 FR 18723).

By order of the Commission.

Issued: June 14, 1974.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.74-14094 Filed 6-19-74;8:45 am]

[332-70]

TARIFF NOMENCLATURE

Notice of Hearings

The U.S. Tariff Commission hereby gives notice that preliminary drafts of the following chapters of the Tariff Schedules of the United States (TSUS) converted to the format of the Brussels Tariff Nomenclature (BTN):

Chapter 7: Edible vegetables and certain roots and tubers.
Chapter 8: Edible fruit and nuts.
Chapter 20: Preparations of vegetables, fruit, or other parts of plants; vegetable or fruit juices.
Chapter 88: Aircraft and spacecraft and parts thereof; parachutes; catapults and similar aircraft-launching gear; ground flying trainers.

are being released today and that public hearings thereon will begin at 10 a.m., p.d.t., on July 15, 1974, at the U.S. Court of Claims, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102. The purpose of this hearing is to obtain the comments and views of interested parties on the preliminary draft conversion.

Requests to appear at the hearings on these chapters must be filed in writing with the Secretary of the Commission not later than July 8, 1974. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after July 8, 1974. Any persons who fail to receive such notification by July 11, 1974, should immediately communicate with the Office of the Secretary of the Commission.

In its public notice issued March 8, 1974, regarding hearings on other chapters of the draft converted schedules (39 FR 9719 of March 13, 1974) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of March 8, 1974, applies to the hearings on the chapters being released today to the extent that it is applicable.

As each of the chapters is completed and released, copies thereof are made available for public inspection at the Offices of the Commission in Washington, D.C., and New York; at all field offices of the Department of Commerce; and at the offices of Regional and District Directors of Customs. The locations of these offices are listed in the notice of March 8, 1974.

By order of the Commission.

Issued: June 14, 1974.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.74-14095 Filed 6-19-74;8:45 am]

DEPARTMENT OF LABOR [1]

Occupational Safety and Health Administration

[V-74-33]

GRANITE CITY STEEL CO.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Granite City Steel Company, 20th & State Street, Granite City, Illinois 62040, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.243(b)(1) which concerns guarding of pneumatic powered tools.

The address of the place of employment that will be affected by the application is as follows:

Granite City Steel Company
20th and State Street
Granite City, Illinois 62040

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.243(b)(1) which requires installation of a tool retainer on equipment which may otherwise eject a tool.

The applicant stated that its employees use pneumatic powered chisels using 85 psi to clean ingot molds and occasionally ingot stools. The molds range in size from 32" x 36" x 112" to 32" x 63" x 112" in overall dimensions. The chisels normally used are 48" x 108" in length.

Eighty-five to ninety-five percent of the cleaning work is done on the interiors of the molds with the sides of the molds serving as partitions. While the interiors are being cleaned the molds are arranged in a parallel alignment with the employees working in the same direction. This precludes an employee using a tool in the direction of a co-worker. A minimum of 8-10 feet is maintained between workers.

When the ingot stools and the outside of the molds are cleaned, or when a chisel shorter than 48" is used, the work is done by a single employee working in an area isolated from other employees.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

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
300 South Wacker Drive
Room 1200
Chicago, Illinois 60606

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than July 22, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than July 22, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for a variance and interim order that an interim order is necessary to prevent undue hardship to the applicant pending a decision on the variance. Therefore it is ordered, pursuant to the authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Granite City Steel Company be, and it is hereby, authorized to use its pneumatic powered chisels without tool retainers provided that: (1) the molds are arranged in a parallel alignment while the interiors are being cleaned, and no employee uses the chisel in the direction of a co-worker; (2) work being done on the outside of a mold or a stool is performed by a single employee in an isolated area; and (3) all cleaning of molds and stools shall be done in areas separated from employees not engaged in this work by partitions or by distance adequate to insure safety.

Granite City Steel Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of June 20, 1974, and shall

[1] An Office of Federal Contract Compliance document appears on page 22191 of this issue.

remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 14th day of June 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-14194 Filed 6-19-74;8:45 am]

[V-73-9]

MORRISON-QUIRK GRAIN CORP.

Grant of Variance

I. *Background.* Morrison-Quirk Grain Corporation, Box 609, Hastings, Nebraska 68901 made application pursuant to § 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), and 29 CFR 1905.11 for a variance, and for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1910.68(c)(1)(ii)(b) concerning the belt width of manlifts. The Facility affected by this application is Morrison-Quirk Grain Corporation, Box 609, Hastings, Nebraska 68901. Notice of the application, and of the granting of an interim order, was published in the FEDERAL REGISTER on February 8, 1973 (38 FR 3647). 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 notified of their right 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 has a manlift with a travel of 200 feet 10½ inches, and a belt width of 14 inches, rather than the 16 inch width required for belts with travel exceeding 150 feet, under 29 CFR 1910.68(c)(1)(ii)(b). The applicant has shown, with the results of tests conducted by an independent testing laboratory, that its present 14 inch wide belt has a minimum strength of 2,450 pounds per inch of width, or a total of 34,300 pounds for the entire width.

The applicant has also shown that its belt has a safety factor of over 8 to 1, which is a comparison of the 34,300 pounds minimum strength of the belt to a 4,060 pound weight on the belt. The 4,060 pound weight is derived by adding the total belt weight (1,260 pounds) to the total weight caused by 200 pounds being put on each of the manlifts 14 steps (2,800 pounds).

III. *Decision.* 29 CFR 1910.68(c)(1)(ii)(b) requires that the width of the manlift belt be not less than 16 inches for a travel exceeding 150 feet. This is intended to ensure sufficient belt strength so that there will be no danger of belt breakage.

The applicant's manlift belt travels 200 feet 10½ inches and has a minimum strength of 2,450 pounds per inch of width, equal to that required in Rule 200(c)(3) of ANSI A90.1-1969 for belts traveling in excess of 200 feet. In addition, the belt has a safety factor of over 8, which exceeds the safety factor of 6 required in Rule 206 of ANSI A90.1-1969.

Although the 14 inch belt meets the ANSI strength requirements of 2,450 pounds per square inch for belts traveling over 200 feet, it greatly exceeds the requirements of 1,800 pounds per square inch for those traveling 150-200 feet. This is taken into consideration since the travel on this manlift exceeds 200 feet by only 10½ inches. Additionally, the safety factor of 8 exceeds the ANSI requirement for a safety factor of 6. Therefore, it is decided that the applicant's 14 inch manlift belt results in employment and a place of employment as safe and healthful as would be created by the 16 inch belt required under 29 CFR 1910.68(c)(1)(ii)(b).

IV. *Order.* Pursuant to authority in § 6(d) 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 Morrison-Quirk Grain Corporation be, and it is hereby, authorized to continue the use of the 14 inch wide manlift belt as described in its application, in lieu of complying with 29 CFR 1910.68(c)(1)(ii)(b).

As soon as possible, Morrison-Quirk Grain Corporation 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 become effective on June 20, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 14th day of June 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-14193 Filed 6-19-74;8:45 am]

Wage and Hour Division

LEARNERS

Certificates Authorizing Employment At Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 621 (36 FR 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

C & J Manufacturing Co., Eastman, Ga.; 1-24-74 to 1-23-75 (boys' shirts).

Chester Manufacturing Co., Henderson, Tenn.; 1-31-74 to 1-30-75 (juveniles' pants).

Clarkrange Industries, Inc., Clarkrange, Tenn.; 2-4-74 to 2-3-75 (women's and girls' pants).

Colshire Manufacturing Co., Inc., Morgantown, W. Va.; 2-12-74 to 2-11-75 (men's pajamas).

Connellsville Sportswear Co., Connellsville, Pa.; 2-11-74 to 2-10-75 (men's and boys' pants).

Corbin, Ltd., Huntington, W. Va.; 2-22-74 to 2-21-75 (men's pants).

Crystal Springs Shirt Corp., Crystal Springs, Miss.; 3-4-74 to 3-3-75 (boys' shirts).

Donlin Sportswear, Inc., New Tazewell, Tenn.; 1-27-74 to 1-26-75 (men's shirts).

Eastwill Sportswear Co., Inc., Greenwood, S.C.; 2-2-74 to 2-1-75 (men's and boys' shirts).

Eden Industries, Inc., Manchester, Tenn.; 3-19-74 to 3-18-75 (men's and boys' pajamas).

Edison Textiles, Inc., Edison, Ga.; 2-22-74 to 2-21-75 (infants' and girls' outerwear).

Edison Textiles, Inc., Fort Gaines, Ga.; 3-19-74 to 3-18-75; 10 learners (infants' and girls' slacks, shorts and sun suits).

Elder Manufacturing Co., McLeansboro, Ill.; 2-7-74 to 2-6-75 (men's and boys' shirts).

Eudora Garment Corp., Eudora, Ark.; 2-20-74 to 2-19-75 (washable service apparel).

Flushing Shirt Manufacturing Co., Grantsville, Md.; 1-18-74 to 1-17-75 (men's shirts).

Glamorise Foundations, Inc., Dermott, Ark.; 1-7-74 to 1-6-75 (brassieres).

The Jay Garment Co., Brookville, Ind.; 2-3-74 to 2-2-75 (men's and boys' pants).

The Jay Garment Co., Portland, Ind.; 2-5-74 to 2-4-75 (men's work clothing).

The Jay Garment Co., Clarksville, Tenn.; 2-22-74 to 2-21-75 (men's work clothing).

Princess Kent, Inc., Fort Kent, Maine; 1-15-74 to 1-14-75; 10 learners (children's nightwear).

Rosebud Manufacturing Co., Vidalia, Ga.; 2-1-74 to 1-31-75 (women's lingerie).

Salant & Salant, Lawrenceburg, Tenn.; 1-20-74 to 1-19-75 (men's and boys' shirts and outerwear jackets).

Salant & Salant, Loretto, Tenn.; 1-20-74 to 1-19-75 (men's and boys' pants).

Salant & Salant, Parsons, Tenn.; 1-16-74 to 1-15-75 (men's pants).

Somerville Manufacturing Co., Inc., Somerville, Tenn.; 3-10-74 to 3-9-75 (men's pants).

Soperton Manufacturing Co., Soperton, Ga.; 2-9-74 to 2-8-75 (men's shirts).

Stitchcraft, Inc., Athens, Ga.; 2-15-74 to 2-14-75; 10 learners (women's dresses).

Tennessee Overall Co., Inc., Tullahoma, Tenn.; 1-29-74 to 1-28-75 (men's pants).

Vernon Manufacturing Co., Inc., Vernon, Tex.; 12-31-73 to 12-30-74 (men's and boys' pants and shorts).

W.S.W. Co. of Sharon, Inc., Sharon, Tenn.; 3-19-74 to 3-18-75 (children's pajamas).

Wentworth Manufacturing Co., Lake City, S.C.; 3-5-74 to 3-4-75 (women's dresses).

Wilker Bros. Co., Inc., McKenzie, Tenn.; 1-17-74 to 1-16-15 (men's and boys' pajamas).

The following plant expansion certificate was issued authorizing the number of learners indicated.

Franklin Garment Co., Franklin, Va.; 2–11–74 to 8–10–74; 20 learners (children's dresses).

The following certificate was issued under the glove industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65, as amended).

Mid West Glove Corp., Chillicothe, Mo.; 2–25–74 to 2–24–75; 10 percent of the total number of machine stitchers for normal labor turnover purposes (leather, leather palm and cotton work gloves).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

D & D Fashions, Inc., Las Piedras, P.R.; 2–25–74 to 2–24–75; 12 learners for normal labor turnover purposes in the occupation of sewing machine operating for a learning period of 320 hours at the rate of $1.39 an hour (ladies' underwear and shifts).

Surtex-Division Stretch Wear Manufacturing Co., Inc., Coamo, P.R.; 3–11–74 to 3–10–75; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating for a learning period of 480 hours at the rates of $1.28 an hour for the first 240 hours and $1.41 an hour for the remaining 240 hours (ladies' nylon dress gloves).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before July 5, 1974.

Signed at Washington, D.C., this 12th day of June 1974.

ARTHUR H. KORN,
Authorized Representative of the Administrator.

[FR Doc.74–14195 Filed 6–19–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 533]

ASSIGNMENT OF HEARINGS

JUNE 17, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC–134599 Sub 100, Interstate Contract Carrier Corp., now assigned September 17, 1974, at Washington, D.C., is cancelled and the application is dismissed.

MC–113678 Sub-504, Curtis, Inc., now being assigned September 23, 1974, at Columbus, Ohio, in a hearing room to be later designated.

MC–139343 Sub 2, Mexicoach, Inc., now being assigned hearing September 12, 1974 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC–61592 Sub 312, Jenkins Truck Line, Inc., now being assigned hearing September 10, 1974 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC–113678 Sub 523, Curtis, Inc., now being assigned hearing September 16, 1974 (1 day), at Los Angeles, Calif., in a hearing room to be later designated.

MC–110420 Sub 694, Quality Carriers, Inc., now assigned July 23, 1974, will be held in Room 286 & Room 834, Tax Court, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC–134599 Sub 98, Interstate Contract Carrier Corp., now assigned July 25, 1974, will be held in Room 1743, Tax Court, Everett McKinley Dirksen Bldg, 219 South Dearborn Street, Chicago, Ill.

FF–252 Sub 3, Chi-Can Freight Forwarding, LTD., now assigned July 29, 1974, will be held in Room 1743, Tax Court, Everett McKinley Dirksen Bldg, 219 South Dearborn Street, Chicago, Ill.

Finance Docket No. 27620, Maine Central Railroad Company v. Amoskeag Company, Frederick C. Dumaine and Dumaines; and Finance Docket No. 27620, Amoskeag Company—Control—Maine Central Railroad Company, now assigned July 1, 1974, at Washington, D.C., is postponed to July 22, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–C–8315, Larry A. Penner, dba Penner's Feed and Supply—Investigation of Operations, now being assigned hearing October 1, 1974 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 111231 Sub 183, Jones Truck Lines, Inc., now being assigned hearing October 3, 1974 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 124211 Sub 235, Hilt Truck Lines, Inc., now being assigned hearing October 7, 1974 (3 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 128981 Sub 7, Land-Air Delivery, Inc., now being assigned hearing October 10, 1974 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC–56640 Sub 31, Delta Lines, Inc., now being assigned hearing September 17, 1974 (9 days), at Los Angeles, Calif., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–14188 Filed 6–19–74;8:45 am]

[Rule 19; Ex Parte No. 241, Exemption No. 22]

ATCHISON, TOPEKA, AND SANTA FE RAILWAY COMPANY

Exemption Under Mandatory Car Service Rules

It appearing, That there are substantial movements of grain and grain products moving in plain, forty-foot, narow-door boxcars between points on the following railroads: [1]

The Atchison, Topeka and Santa Fe Railway Company [2]
Burlington Northern Inc.[2]
Chicago, Rock Island and Pacific Railroad Company
Missouri Pacific Railroad Company
St. Louis-San Francisco Railway Company

and that unlimited exchange of such cars among these railroads will increase car utilization by reductions in switching and other movements of empty cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 391, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 ft. 6 in. or less and equipped with doors less than 9 feet wide owned by any of the aforementioned railroads and located empty on such lines, may be loaded with grain or grain products, as defined herein, to stations located on any of the aforementioned railroads. When so loaded, such cars shall be exempt from the provisions of Car Service Rules 1 and 2.

The term *grain and grain products* shall comprise the commodities specifically named in Lists 1, 2, 5, 6, 7, and 8 published in Western Trunk Lines Freight Tariff 330–U, ICC A–4797, issued by Fred Ofcky, supplements thereto, or consecutive issues thereof.

Effective: June 10, 1974.

Expires June 30, 1974.

Issued at Washington, D.C., June 10, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74–14190 Filed 6–19–74;8:45 am]

[Rule 19; Ex Parte No. 241, Exemption No. 12]

ATLANTIC AND WESTERN RAILWAY, ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 391, issued by W. J. Trezise,

[1] Union Pacific Railroad Company eliminated.

[2] The Atchison, Topeka and Santa Fe Railway Company and Burlington Northern Inc., added.

or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway
Minneapolis, Northfield and Southern Railway [1]
Reporting marks: MNS
Pickens Railroad Company
PICK
Roscoe, Snyder and Pacific Railway Company
Reporting marks: PICK
Wellsville, Addison & Galeton Railroad Corporation
Reporting marks: WAG
Wellsville, Addison & Goleton Railroad Corporation
Reporting marks: RSP

Effective June 7, 1974, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., June 7, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-14189 Filed 6-19-74;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 17, 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 5, 1974.

FSA No. 42842—*Clay from Points in Georgia and South Carolina.* Filed by M. B. Hart, Jr., Agent (No. A6338), for interested rail carriers. Rates on clay, processed, in carloads, as described in the application, from Toomsboro, Georgia, also points in Georgia and South Carolina named in the application, to Texarkana, Arkansas, and Plaquemine, Louisiana.

Grounds for relief—Rate relationship.

Tariff—Supplement 17 to Southern Freight Association, Agent, tariff S/SW-921-D, I.C.C. No. S-1095. Rates are published to become effective on July 18, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-14186 Filed 6-19-74;8:45 am]

[1] Addition.

Office of Proceedings

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY APPLICATIONS

JUNE 17, 1974.

The following applications 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(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before July 22, 1974. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding, including a detailed statement of protestant's interest in the proposal.

No. MC-106274 (Sub-No. 22 G), filed May 28, 1974. Applicant: RAEFORD TRUCKING COMPANY, P.O. Box 219, Sanford, N.C. 27330. Applicant's representative: EDWARD G. VILLALON, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave., & 13th Street, NW. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Proposal 1: *Plywood*, from points in Chatham County, N.C., to points in South Carolina west of a line beginning at Interstate Highway 85 and the South Carolina-North Carolina State line to its junction with South Carolina Highway 34, thence along South Carolina Highway 34 to its junction with U.S. Highway 401, thence along U.S. Highway 401 to its junction with U.S. Highway 301, thence along U.S. Highway 301 to the South Carolina-Georgia State line (except Anderson and Greenville). The purpose of this filing is to eliminate the gateway of points in Sampson County, N.C. Proposal 2: *Lumber* (except plywood and veneer) from points in Pennsylvania on and west of a line beginning at the junction of the Pennsylvania-Maryland State line and U.S. Highway 219, thence along U.S. Highway 219 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-Ohio State line, to points in Henry County, Va. The purpose of this filing is to eliminate the gateway points in Caswell County, N.C. Proposal 3: *Lumber*, (except plywood and veneer) from points in Spartanburg County, S.C., to points in Pennsylvania west of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 220 to its junction with Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to its junction with U.S. Highway 219, thence along U.S. Highway 219 to its junction with Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Raeford, N.C.

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-2473 (Sub-No. E2), filed May 13, 1974. Applicant: BILLINGS TRANSFER CORP., INC., Green Needles Road, Lexington, N.C. 27292. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, plywood, and cotton products*, (A) from points in Grayson, Carroll, Patrick, and Henry Counties, Va., points in Forsyth, Guilford, Davison, and Stokes Counties, N.C., and points in those parts of North Carolina, South Carolina, and Tennessee within 100 miles of Forsyth, Guilford, Davidson, and Stokes Counties, N.C. (except those points in North Carolina in and east of the counties of Person, Durham, Wake, Johnson, Sampson, Bladen, and Columbus), to Washington, D.C., Baltimore, Md., Wilmington, Del., points in New Jersey, points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg, and east of the Susquehanna River from Harrisburg to the Pennsylvania-Maryland State line, and New York, N.Y., and points in New York within 20 miles thereof; (B) from points in Person and Durham Counties, N.Y., to Wilmington, Del., points in New Jersey, points in that

part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg, and east of the Susquehanna River from Harrisburg to the Pennsylvania-Maryland State line, and New York, N.Y., and points in New York within 20 miles thereof;

(C) From points in Wake County, N.C., to points in New Jersey, points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg, and east of the Susquehanna River from Harrisburg, to the Pennsylvania-Maryland State line, and New York, N.Y., and points in New York within 20 miles thereof; (D) from points in Pittsylvania County, Va., to Baltimore, Md., Wilmington, Del., points in New Jersey, points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg and east of the Susquehanna River from Harrisburg, to the Pennsylvania-Maryland State line, and New York, N.Y., and points in New York within 20 miles, thereof; (E) from points in those parts of Montgomery, Floyd, Pulaski, Bland, Wythe, Tazewell, Smyth, Washington, Russell, Dickenson, and Buchanan Counties, Va., within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to New York, N.Y., and points in New York within 20 miles thereof, and points in that part of New Jersey in and east of Passaic, Essex, Union, Somerset, Middlesex, Monmouth, and Ocean Counties; (F) from Richmond and Hopewell, Va., and points in that part of Virginia within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in South Carolina; (G) from Norfolk, Va., to points in South Carolina (except points in Horry, Dillon, Marlboro, and Georgetown Counties); (H) from points in that part of Tennessee within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in that part of South Carolina east of Chesterfield, Kershaw, Richland, Calhoun, Orangeburg, Bamberg, and Allendale Counties;

(I) From points in Avery, Watauga, Ashe, Alleghany, Surry, Stokes, Rockingham, Caswell, Orange, Alamance, Guilford, Chatham, Randolph, Montgomery, Stanley, Cabarrus, Iredell, Yadkin, Alexander, and Wilkes Counties, N.C., and points in those parts of Mitchell and Yancey Counties, N.C., within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in South Carolina; (J) from points in Durham, Person, Granville, Franklin, Vance and Warren Counties, N.C., and points in those parts of Halifax and Northampton Counties, N.C., within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in South Carolina (except points in Chesterfield, Marlboro, Darlington, Dillon, Florence, Marion, and Horry Counties); (K) from points in Nash and Johnston Counties, N.C., and points in those parts of Edgecombe, Wilson, and Wayne Counties, N.C., within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in that part of South Carolina, west of Lancaster, Kershaw, Sumter, Clarendon, Berkeley, Dorchester, and Colleton Counties; (L) from points and places in Wake County, N.C., to points in that part of South Carolina in and west of Cherokee, Union, Newberry, Lexington, Orangeburg, Dorchester, and Colleton Counties; (M) from points in Lee, Harnett, Cumberland, Hoke and Moore Counties, N.C., and points in those parts of Sampson and Duplin Counties, N.C., within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in that part of South Carolina in and west of Cherokee, Union, Newberry, Richland, Lexington, and Aiken Counties; (N) from points in Anson, Richmond, Scotland, and Robeson Counties, N.C., and points those parts of Bladen and Columbus Counties, N.C., within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in that part of South Carolina in and west of Cherokee; Spartanburg, Greenville, and Abbeville Counties; (O) from points in Caldwell, Catawba, Lincoln, Burke and McDowell Counties, N.C., and points in that part of Buncombe County, N.C., within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in that part of South Carolina in and east of Chesterfield, Kershaw, Sumter, Calhoun, Orangeburg, Barnwell, Allendale, Hampton, and Jasper Counties; (P) from points in Gaston, Cleveland, and Rutherford Counties, N.C., and points in those parts of Polk and Henderson Counties, N.C., within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in that part of South Carolina in and east of Chesterfield, Lee, Sumter, Clarendon, Berkeley, Dorchester, Colleton, Hampton, and Jasper Counties; and (Q) from points in Union and Mecklenburg Counties, N.C., to points in that part of South Carolina in and east of Marion, Horry, Georgetown, Berkeley, Orangeburg, Barnwell, Allendale, Hampton, and Jasper Counties. The purpose of this filing is to eliminate the gateway of points in Forsyth, Guilford, Davidson, and Stokes Counties, N.C., within 40 miles of Lexington, N.C., including Lexington, N.C.

No. MC–2473 (Sub-No. E3), filed May 13, 1974. Applicant: BILLINGS TRANSFER CORP., INC., Green Needles Road, Lexington, N.C. 27292. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, plywood, and cotton products, from Baltimore, Md., New York, N.Y., and points in New York within 20 miles thereof, points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg, and east of the Susquehanna River from Harrisburg to the Pennsylvania-Maryland State line, and points in New Jersey, to points in South Carolina. The purpose of this filing is to eliminate the gateway of Lexington, N.C., and points within 20 miles thereof.

No. MC–14702 (Sub-No. E34), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment and except in bulk), between points in Trumbull and Mahoning Counties, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Kansas, Louisiana, Oklahoma, Mississippi, Tennessee, Texas, points in Nebraska on and west of U.S. Highway 83, points in North Dakota on and west of North Dakota Highway 3, and points in South Dakota on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateways of (a) Warren, Ohio, and (b) the plantsite and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC–34485 (Sub-No. E1), filed May 16, 1974. Applicant: CLARK & REID COMPANY, INC., P.O. Box 307, Burlington, Mass. 01803. Applicant's representative: Mr. Theodore Polydoroff, Ephraim and Clark, Suite 600, 1250 Conn. Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Indiana, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (b) between points in Indiana, on the one hand, and, on the other, points in Nassau, Hamilton, Schoharie, Sullivan, Putnam Rensselaer, Washington, Saratoga, Fulton, Essex, Rockland, Westchester, Suffolk, Orange, Duchess, Ulster, Warren, Clinton, Columbia Greene, Schenectady, Albany, Montgomery, Delaware, Otsego, Chenango, and Broome Counties, N.Y., and New York, N.Y.; (c) between points in Posey, Vanderburgh, Gibson, Warrick, Pike, Dubois, Spencer, Perry, and Crawford Counties, Ind., on the one hand, and, on the other, points in St. Lawrence, Franklin, Lewis, Herkimer, Oneida, Madison, Onondaga, Tioga, Tomkins, and Cortland Counties, N.Y.; (d) between points in Indiana, on the one hand, and, on the other, points in Philadelphia, Luzerne, Susquehanna, Northampton, Montgomery, Bucks, Delaware, Monroe, Carbon, Columbia, Wyoming, York, Berks, Lancaster, Chester, Lehigh, Schuylkill, Northumberland, Wayne, Pike, Lebanon, and Lackawanna Counties, Pa.; (e) between points in Bradford and Sullivan Counties, Pa., on the one hand, and, on the other, points in Sullivan, Vigo, Crawford, Dubois, Pike, Perry, Spencer, Warrick, Knox, Posey, Vanderburgh, Bigson, Vermillion, Morgan, Owen, Clay, Brown, Bartholomew, Jackson, Washington, Scott, Clark, Floyd, Harrison, Lawrence, Orange, Martin, Daviess, Monroe, Greene, Putnam, Parke, Montgomery, and Fountain Counties, Ind.; and (f) between points in New Jersey, on the one hand, and, on the other, points in Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio,

Illionis, Michigan, Minnesota, Wisconsin, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) points in New Jersey for (a)–(e) above, and (2) points in Pennsylvania for (f) above.

No. MC–73165 (Sub-No. E3), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those requiring special equipment), (1) from points in Mississippi on and south of U.S. Highway 80, points in Alabama, on and northeast of a line beginning at the Tennessee-Alabama State line and thence over Interstate Highway 65 to Birmingham, thence over U.S. Highway 280 to the Alabama-Georgia State line. (2) from points in Mississippi on and north of U.S. Highway 80 and on and south of U.S. Highway 82, and on and west of U.S. Highway 45–A and 45, points in Alabama on and east of U.S. Highway 431. (3) from points in Mississippi on and north of U.S. Highway 82, points in Alabama on and south of U.S. Highway 78, and on and east of a line beginning at the Alabama-Georgia State line, and thence over U.S. Highway 231 to Montgomery, and U.S. Highway 31 to Birmingham. (4) from points in Georgia, points in Alabama on and north of line beginning at the Alabama-Mississippi State line over U.S. Highway 82 to Birmingham and on and south of a line beginning at the Alabama-Mississippi State line over U.S. Highway 78 to Birmingham. (5) from points in Georgia on and north of U.S. Highway 78 and U.S. Highway 378, to points in Alabama on and west of a line beginning at the Alabama-Florida State line, thence over Alabama Highway 41 to Selma, thence over Alabama Highway 22 to Clanton, thence over Interstate Highway 65 to Birmingham, thence over U.S. Highway 78 to Alabama-Mississippi State line. (6) from points in Georgia on and south of U.S. Highway 82 and U.S. Highway 84, to points in Alabama on and north of a line beginning at the Alabama-Georgia State line, thence over U.S. Highway 411 to Birmingham, thence U.S. Highway 11 to Eutaw, thence Alabama Highway 14 to the Alabama-Mississippi State line. (7) from points in Tennessee on and east of Hatchie River and on and west of U.S. Highway 72, to points in Alabama on and south of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC–73165 (Sub-No. E5), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (a) from points in Brooke, Marshall, and Cabell Counties, to points in Florida on, north, or west of a line beginning at St. Petersburg Beach, and extending along Florida Highway 263 to St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 441 to the Florida-Georgia State line, to that part of Mississippi on or south of U.S. Highway 82, and that part of Louisiana east of the Mississippi River. (b) from points in Brooke and Marshall Counties, W. Va. to points in Texas on or south of U.S. Highway 70.

(2) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage transmission, and distribution of natural gas and petroleum and their products and byproducts), (a) from points in Wayne, Cabell, Brooke, and Marshall Counties, W. Va., to points in Arkansas on or south of U.S. Highway 64 and that part of Oklahoma on or south of a line beginning the Oklahoma-Arkansas State line near Fort Smith, Ark., and extending along Interstate Highway 40 to Oklahoma City, Okla., thence along U.S. Highway 270 to Elmwood, thence along Oklahoma Highway 3 to Guymon, and thence along U.S. Highway 64 to the Oklahoma-New Mexico State line.

(3) *Iron and steel articles*, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 (except commodities which because of size or weight require the use of special equipment), (a) from points in Brooke and Marshall Counties, W. Va., to points in Mississippi, Arkansas, Florida, and that part of Tennessee on or south of a line beginning at Chattanooga, and extending along U.S. Highway 64 to Winchester, thence along Tennessee Highway 55 to Lynchburg, thence along Tennessee Highway 50 to junction U.S. Highway 64, thence along U.S. Highway 64 to Waynesboro, thence along Tennessee Highway 13 to Linden, thence along Tennessee Highway 20 to the Mississippi River near Heloise, Tennessee.

(4) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except iron and steel buildings, complete, knocked down, or in sections), (a) from points in Brooke and Marshall Counties, W. Va., to points in Louisiana.

(5) *Iron and steel articles*, (a) from points in Wayne and Cabell Counties, W. Va., to points in Alabama; (b) from points in Wayne and Cabell Counties, W. Va., to points in Florida on, north, or west of a line beginning at St. Petersburg Beach, and extending along Florida Highway 263 to St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 441 to the Florida-Georgia State line, and that part of Mississippi on or south of U.S. Highway 82.

(6) *Iron and steel articles* (except commodities which because of size or weight require the use of special equipment), (a) from points in Wayne and Cabell Counties, W. Va., to points in Mississippi, Arkansas, Florida, Georgia, and that part of Tennessee west or south of the Tennessee River except points east of Tennessee Highway 70. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. in proposal number 1a and 1b; Decatur, Ala., in proposal number 2; Florence, Ala. (to Mississippi, Arkansas, and Western Tennessee) and Bridgeport, Ala. (to central Tennessee and points in Florida) in proposal number 3; Birmingham, Ala., and points in Louisiana east of the Mississippi River in proposal number 4; and points in Alabama on the Tennessee River in proposal numbers 5a, 5b, and 6.

No. MC–73165 (Sub-No. E7), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, fittings, valves, hydrants, and gaskets* (except those requiring special equipment), (1) from points in Mississippi to points in North Carolina and South Carolina; (2) from points in Tennessee on and south of the Hatchie River to points in North Carolina and South Carolina; (3) from points in Tennessee on and west of U.S. Highway 45 and 45W, to points in North Carolina on and east of U.S. Highway 21, and points in South Carolina; and (4) from points in Tennessee on and west of a line beginning at the Tennessee-Alabama State line, thence over U.S. Highway 481 to Lewisburg, thence Tennessee Highway 50 to Centerville, thence Tennessee Highway 100 to Tennessee River, thence with Tennessee River, to Tennessee-Kentucky State line to points in North Carolina and South Carolina on and east of U.S. Highway 1. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC–114019 (Sub-No. E155), filed May 6, 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 matters in mixed loads with the above specified commodities, from points in Illinois and Indiana to points in Connecticut, Delaware, Maine (except points in Aroostook, Penobscot, Piscataquis, and Waldo Counties), Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, those points in Virginia on and east of U.S. Highway 15, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC–114019 (Sub-No. E160), filed May 8, 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: *Cocoa, chocolate and compounds thereof, and confectionery*, between Syracuse, Fulton, and Oswego, N.Y., on the one hand, and, on the other, Grand Rapids, Mich. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC–114019 (Sub-No. E161), filed May 8, 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: *Grease and tallows* (animal), in bulk, in tank vehicles equipped with heating coils, (1) from all points in Wisconsin and those points in Iowa on and east of U.S. Highway 69, to all points in New York, Massachusetts, Connecticut, Rhode Island, New Jersey, that part of Pennsylvania, on and south of U.S. Highway 11, from the Ohio-Pennsylvania State line to Nanty Glo, and on and west of U.S. Highway 219 from Nanty Flo to the Pennsylvania-Maryland State line, Philadelphia, Pa., Wilmington, Del., Baltimore, Md., and the District of Columbia, (2) from points in Michigan on and south of Interstate Highway 96 to St. Joseph, Mo., Kansas City, Kans., Des Moines and Sioux City, Iowa, and Omaha, Nebr.

(3) from points in Van Buren, Cass, and Berrien Counties, Mich., to points in New York on and east of U.S. Highway 11, Massachusetts, Connecticut, Rhode Island, Philadelphia, Pa., Wilmington, Del., Baltimore, Md., and the District of Columbia; (4) from points in those Wisconsin counties in and east of Forest, Langlade, Shawano, Outagamie, Winnebago, Fond du Lac, Dodge, Jefferson, and Walworth, to St. Joseph, Mo.; (5) from points in Wisconsin on, north and east of U.S. Highway 51 beginning at the Illinois-Wisconsin State line, thence north along U.S. Highway 51 to junction U.S. Highway 14, thence north along U.S. Highway 14 to its junction with U.S. Highway 12, thence north along U.S. Highway 12 to the Wisconsin-Minnesota State line to St. Louis, Mo.; (6) from points in those countries in Wisconsin in and east of Forest, Langlade, Shawano, Waupaca, Winnebago, Fond du Lac, Dodge, Jefferson, and Walworth to Omaha, Nebr.; (7) from points in those counties in Wisconsin in and east of Forest, Langlade, Menomonee, Shawano, Waupaca, Fond du Lac, Dodge, Jefferson, and Walworth to Des Moines, Iowa; (8) from points in those counties in and east of Walworth, Waukesha, Washington, Sheboygan, Manitowoc, Kewaunee, and Door to Sioux City, Iowa; (9) from points in those counties in and east of Vilas, Oneida, Lincoln, Marathon, Portage, Waushara, Marquette, Columbia, Dane, and Green to Wichita, Kans.; (10) from points in those counties in Wisconsin in and east of Vilas, Oneida, Lincoln, Marathon, Portage, Waushara, Green Lake, Dodge, Jefferson, and Rock to Kansas City, Kans.; (11) from Cincinnati, Ohio, to Sioux City, Iowa, Wichita, Kans., and Des Moines, Iowa, and Omaha, Nebr. The purpose of this filing is to eliminate the gateway of Chicago, Ill., or Cleveland, Ohio.

No. MC–114019 (Sub-No. E163), filed May 7, 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: *Canned foodstuffs and agricultural commodities* (except dairy products, as described in section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in the Lower Peninsula of Michigan (except points in Barrien, Cass, St. Joseph, Branch, Hillsdale, Lanawee, and Monroe Counties) to points in Hardin, Grayson, Edmonson, Barren, and Allen Counties, Ky., and points in Kentucky east thereof. The purpose of this filing is to eliminate the gateway of Decatur or Lawton, Mich.

No. MC–114019 (Sub-No. 166), filed May 6, 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 packinghouse products and by-products*, (1) between Kansas City and Wichita, Kans., Kansas City, St. Joseph, and South St. Joseph, Mo.; Des Moines and Sioux City, Ia.; and Omaha and South Omaha, Nebr., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland (except those on and west of U.S. Highway 15), Massachusetts, New Hampshire, Rhode Island, Vermont, New York; New Jersey, Pennsylvania, the District of Columbia, and that portion of Ohio on and north of U.S. Highway 30; (2) between St. Louis, Mo., on the one hand, and, on the other, points in Delaware, Maine, Maryland (except those on and west of U.S. Highway 15), Massachusetts, New Hampshire, Rhode Island, Vermont, New York, New Jersey, and points in Pennsylvania on and north of Interstate Highway 76 east to its junction with U.S. Highway 220, and U.S. Highway 220 south to the Pennsylvania-Maryland State line, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Chicago, Ill., or Chicago and Youngstown, Ohio, or Pittsburgh, Pa.

No. MC–114019 (Sub-No. E167), filed May 6, 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: *Milk*, fresh and processed, in containers, (1) from New York and Pennsylvania, and points in the New York, N.Y., and Philadelphia, Pa., commercial zone, as defined by the Commission to points in Kentucky and Tennessee; (2) from points in Illinois, Indiana, and that part of Ohio on and west of Ohio Highway 301, beginning at Lake Erie between Sheffield Lake and Avon Lake thence south to U.S. Highway 30, points on and south of U.S. Highway 30 to Canton, Ohio, and Interstate Highway 77, thence on and west of Interstate 77 to Marietta, Ohio, and the West Virginia State line and points in Maryland on and west of U.S. Highway 11, Delaware, Massachusetts, New Jersey, except those in New York, N.Y., and Philadelphia, Pa. commercial zone as defined by the Commission, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Barnesville, Ohio.

No. MC–114019 (Sub-No. E168), filed May 6, 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: *Salt*, in packages or containers, (1) from Cleveland and Toledo, Ohio; Chicago and Peoria, Ill., Detroit and Grand Rapids, Mich.; Ft. Wayne, Ind., and Madison, Wis., to points in Delaware, Maryland, Virginia, and the District of Columbia; (2) from Dayton and Columbus, Ohio, and Indianapolis, Ind., to points in Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Akron, Ohio.

No. MC–114019 (Sub-No. E169), filed May 6, 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 points in New York (except Brockport, Brocton, Buffalo, Freeport, Geneva, LeRoy, Medina, Morton, Ontario, Ontario Center, Rochester, Sodus, Webster, and Westfield), those in Pennsylvania on and east of U.S. Highway 15 and those in New Jersey within 40 miles of City Hall, New York, N.Y., to points in Iowa, Nebraska (except Omaha), and Wisconsin, and to Kansas City, Kans., and Minneapolis and St. Paul, Minn. The purpose of this filing is to eliminate the gateway of Westfield, N.Y.

No. MC–114019 (Sub-No. E174), filed May 6, 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: *Canned goods and agricultural commodities*, between points in Illinois and

Indiana on and north of U.S. Highway 50, the Lower Peninsula of Michigan, those in Wisconsin on and south of Wisconsin Highway 64, St. Louis, Mo., Bellevue and Covington, Ky., on 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 West Virginia and Pennsylvania. The purpose of this filing is to eliminate the gateway points in Ohio.

No. MC–114019 (Sub-No. E175), filed May 6, 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 meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from points in Illinois on and north of U.S. Highway 36 and those in Indiana on and north of Indiana Highway 26 from the Illinois-Indiana State line to its junction with U.S. Highway 31 from said junction to Indiana-Michigan State line, to points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Vermont, New Jersey (except those in the New York, N.Y., and Philadelphia, Pa., commercial zone, as defined by the Commission), to Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway points in Elkhart County, Ind.

No. MC–114019 (Sub-No. E176), filed May 6, 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: *Canned foods, and edible agricultural commodities* (other than frozen), from points in Ohio, Indiana, and those in the Lower Peninsula of Michigan, and those in Wisconsin on and south of Wisconsin Highway 64, and on and east of Wisconsin Highway 51, and those in Illinois on and east of Illinois Highway 26 from the Wisconsin-Illinois State line to its junction with Illinois Highway 29, thence Illinois Highway 29 from said junction of its junction with Illinois Highway 121, thence Illinois Highway 121 from said junction to its junction with U.S. Highway 51, thence U.S. Highway 51 from said junction and its junction with U.S. Highway 50, thence U.S. Highway 50 from said junction to the Illinois-Indiana State line, and Louisville, Bellevue, and Covington, Ky., and Pittsburgh, Pa., 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 Kansas on and east of U.S. Highway 281, and points in Missouri from the Arkansas-Missouri State line to its junction with U.S. Highway 50, thence along U.S. Highway 50, to its junction with Missouri Highway 291, thence along Missouri Highway 291 from said junction to its junction with U.S. Highway 69, thence along U.S. Highway 69 from said junction to the Iowa-Missouri State line, and on and west of U.S. Highway 65, 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. The purpose of this filing is to eliminate the gateway of Morrison, Washington, or Effingham, Ill.

No. MC–114019 (Sub-No. E177), filed May 5, 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 meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Illinois, Indiana, and those in Ohio on, north, and west of Interstate Highway 71 to points in Connecticut, Massachusetts, New Jersey (except those in the New York, N.Y., and Philadelphia, Pa., commercial zones), Rhode Island, Delaware, and the District of Columbia. The purpose of this filing is to eliminate the gateway of West Richfield, Ohio.

No. MC–114019 (Sub-No. E178) filed May 5, 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 animal fats, animal oils, vegetable oils, and products and blends thereof*, in bulk, in tank vehicles, from points in Illinois, on and north of Illinois Highway 16, to points in Virginia, West Virginia, Maryland, and North Carolina. The purpose of this filing is to eliminate the gateway of Champaign, Ill.

No. MC–114019 (Sub-No. E179), filed May 5, 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 points in Illinois and points in Indiana on and west of U.S. Highway 41 to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey (except those in the New York, N.Y., and Philadelphia, Pa., commercial zones, as defined by the Commission), Rhode Island, Vermont, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Lafayette, Ind.

No. MC–114019 (Sub-No. E180), filed May 5, 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 meats, meat products and edible meat by-products and edible articles distributed by meat packinghouses*, as described in the Appendix to the Report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 46 M.C.C. 23, between points in Illinois, Indiana (except Mishawaka), and those in Ohio, on and north of U.S. Highways 30 and 305 and west of U.S. Highway 23, on the one hand, and, on the other, New Jersey, Rhode Island, Connecticut, and Massachusetts. The purpose of this filing is to eliminate the gateway of Youngstown, Ohio.

No. MC–114019 (Sub-No. E181), filed May 5, 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 fish, fish scrap and fish compounds*, between points in Wisconsin (except those in Milwaukee, Kenosha, and Racine Counties), on the one hand, and, on the other, points in Indiana, Ohio, Pennsylvania, New York, West Virginia, those in New Jersey within 40 miles of City Hall, New York, N.Y., those in New Jersey, Delaware, and Maryland, which are within 30 miles of Philadelphia, Pa., and Sparrows Point and Baltimore, Md. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E182), filed May 5, 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, edible meat by-products, and edible 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), (1) from points in Illinois, Indiana, and points in Ohio on, south, and west of U.S. Highway 422 to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and the District of Columbia; (2) from points in Illinois and Indiana, and those in

Ohio, on and north of U.S. Highway 40 to points in Maryland (except points on and west of U.S. Highway 15). The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–114019 (Sub-No. E183), filed May 5, 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: *Foodstuffs* (except dry commodities, animal oils and vegetable oils), in bulk, in tank vehicles, from points in New York and Pennsylvania and points in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones to Grand Rapids, and Battle Creek, Mich. The purpose of this filing is to eliminate the gateway of Orrville, Ohio.

No. MC–114019 (Sub-No. E184), filed May 5, 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: *Foodstuffs*, raw and manufactured, (1) between points in Illinois and Indiana, on the one hand, and, on the other, points in West Virginia, those in Connecticut within 30 miles of New York, N.Y., those in New Jersey within 40 miles of City Hall, New York, N.Y., those in New Jersey, Delaware, and Maryland, which are within 30 miles of Philadelphia, Pa., and Baltimore and Sparrows Point, Md.; (2) between points in New York and those in New Jersey within 40 miles of City Hall, New York, N.Y., on the one hand, and, on the other, points in West Virginia on and north of U.S. Highway 50 and on and west of Interstate Highway 79; (3) between points in Pennsylvania and those in New Jersey within the Philadelphia, Pa., commercial zone as defined by the Commission, on the one hand, and, on the other, points in West Virginia on and north of West Virginia Highway 89 and on and west of Interstate Highway 77 to its junction with U.S. Highway 119 and U.S. Highway 119 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate gateway points in Ohio.

No. MC–114019 (Sub-No. E185), filed May 5, 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 fruits and vegetables, frozen juices and concentrates and canned and preserved foodstuffs*, between Springdale, Ark., on the one hand, and, on the other, points in Pennsylvania (except Erie and N. East), and New York except those on and west of New York Highway 34, from the New York-Pennsylvania State line to junction New York Highway 38, and on and west of New York Highway 38 from said junction to Lake Ontario at or near Sterling, N.Y. The purpose of this filing is to eliminate the gateway of Erie, Pa., or Elmira, N.Y.

No. MC–114019 (Sub-No. E186), filed May 4, 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: *Wine*, in bulk, in tank vehicles, from points in Illinois to Westfield, N.Y. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E190), filed May 17, 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 bakery products*, in vehicles equipped with mechanical refrigeration, from Grand Rapids, and Frankford, Mich., to points in West Virginia on and east of Interstate Highway 77 from the Ohio-West Virginia State line to its junction with U.S. Highway 21, thence on U.S. Highway 21 from said junction to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateways of Glascow, Pa., and East Liverpool, Ohio.

No. MC–114019 (Sub-No. E191), filed May 17, 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: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from (1) points in that part of New York on and west of New York Highway 57 from Oswego to junction U.S. Highway 20, thence on and north of U.S. Highway 20 to Geneva, thence on and east of New York Highway 14 to junction New York Highway 96, and thence on and east and north of New York Highway 96 to Rochester, to points in West Virginia on and west of U.S. Highway 19, (2) from origin points described in (1) above (except Oswego), to points in West Virginia on and west of Interstate Highway 77, and (3) from Oswego, N.Y., to points in West Virginia on and west of U.S. Highway 250, at the Pennsylvania-West Virginia State line south to its junction with U.S. Highway 19 and thence along U.S. Highway 19 south to its junction with Interstate Highway 77 and thence along Interstate 77 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–114019 (Sub-No. E192), filed May 17, 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 vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, from Chicago, Ill., to Nashville, Tenn. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–114019 (Sub-No. E193), filed May 17, 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 Waseca, Minn., to points in Kentucky, the Lower Peninsula of Michigan, Ohio, West Virginia, Pennsylvania, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Darien, Wis.

No. MC–114019 (Sub-No. E194), filed May 17, 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 fruits and frozen fruit juices*, from points in Van Buren, Berrien, Cass, Kalamazoo, and St. Joseph Counties, Mich., to points in New York and Pennsylvania, and those in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC–114019 (Sub-No. E195), filed May 17, 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, 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) from the plantsite of Oscar Mayer and Co., Inc., at Perry, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, New Hampshire, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, the District of Columbia, and those points in Kentucky on and east of Kentucky Highway 61. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC–114019 (Sub-No. E218), filed May 13, 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: *Glassware, glass containers, and accessories therefor, and paper cartons* used in the packing or shipping of glass articles, from points in West Virginia to points in Michigan and Illinois (except glassware and glass containers to Alton and Streator, Ill.). The purpose of this filing is to eliminate the gateway of Lancaster, Ohio.

No. MC–114019 (Sub-No. E219), 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: *Glass containers and accessories therefor, and paper cartons* used in the packing or shipping of glass containers, from points in Ohio on and south of U.S. Highway 250 from the Ohio-West Virginia State line to its junction with Ohio Highway 39, thence on Ohio Highway 39 from said junction to its junction with U.S. Highway 30, thence on U.S. Highways 30 and 30N from said junction to the Indiana-Ohio State line, to points in New York (except points in the New York, N.Y., commercial zone, as defined by the Commission, Long Island of a line beginning at Windsor Beach, and that part of New York on and west 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). The purpose of this filing is to eliminate the gateway of South Connellsville, Pa.

No. MC–114019 (Sub-No. E220), 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:

(1) *Asphalt*, liquid or solid; *Boards*, fibreboard and/or pulpboard, impregnated with asphalt, painted or not painted; *Board*, wall, fibreboard, pulpboard, or strawboard, not impregnated with asphalt; *Caps*, roofing, tin; *Cement*, roofing; *Clamps*, metal; Coating roof, having asbestos, pitch, tar or rosin base; *Creosote; Fasteners*, metal; *Felts*, building or roofing, saturated or unsaturated; *Insulating material*, asbestos or felt paper; *Nails; Paint*, asphaltum; *Paint*, coal tar; *Paper*, building, roofing, or sheathing, saturated, unsaturated; *Pitch*, roofing; *Roofing*, composition or prepared; *Siding*, asphalt; *Shingles*, asphalt, asbestos, or composition; *Sheathing; Straps*, tin, with fasteners; and *Tar*, roofing; from North Judson, Ind., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, and those in New York on and east, and south of U.S. Highway 11 from the Pennsylvania-New York State line to its junction with Interstate Highway 90, thence on Interstate Highway 90 to its junction with New York Highway 5, thence on New York Highway 5 to its junction with New York Highway 7, thence on New York Highway 7 to New York-Vermont State line.

(2) *Used skids, pallets and other materials* used in the packing and transportation of the commodities specified immediately above, from the destination points in the territories specified immediately above, to North Judson, Ind. The purpose of this filing is to eliminate the gateway points in Ohio and Sunbury, Pa.

No. MC–114019 (Sub-No. E221), 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: *Floor tile*, from Hopetown, Ohio, to points in Illinois on and north of U.S. Highway 24 from the Indiana-Illinois State line, to Peoria, thence Illinois Highway 116 from Peoria to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC–114019 (Sub-No. E222), filed May 13, 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: *Paper and paper products*, (1) from Sparrows Point and Baltimore, Md., New York 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. Highways 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 that part of Illinois south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction U.S. Highway 150, and thence along U.S. Highway 150 to the Illinois-Iowa State line, and on and north of U.S. Highway 40, and St. Louis, Mo.; (2) from Sparrows Point and Baltimore, Md., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in West Virginia and those in Pennsylvania on and east of U.S. Highway 119, and on and south of Interstate Highway 80 to that part of Indiana on and north of U.S. Highway 40, and south of U.S. Highway 24, and Milwaukee, Racine, and Beloit, Wis. The purpose of this filing is to eliminate the gateway of Hamilton, Ohio.

No. MC–114019 (Sub-No. E223), 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: *Foodstuffs* (other than frozen), from points in New York and New Jersey within 40 miles of City Hall, New York, N.Y., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Rochester, N.Y.

No. MC–114019 (Sub-No. E224), 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: *Felts and paper insulating materials*, from Alexandria and Richmond, Ind., and Aurora, Ill., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Delaware, 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 and Sunbury, Pa.

No. MC–114019 (Sub-No. E225), 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: *Candy, confectionery, and confectionery products*, from points in New York and New Jersey within 40 miles of City Hall, New York, N.Y., to St. Louis, Mo., and points in Iowa, Kentucky, Michigan, and Wisconsin. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Duryea, Pa.

No. MC–114019 (Sub-No. E226), 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: *Canned goods*, from points in Minnesota on and south of U.S. Highway 14 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 Windsdor Beach, and extend-

ing 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. The purpose of this filing is to eliminate the gateway points in Ohio and Milwaukee, Wis.

No. MC–114019 (Sub-No. E227), 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*, from points in New York and New Jersey within 40 miles of City Hall, New York, N.Y., to Bismarck, N. Dak., Salt Lake City, Utah, and points in Oregon and Washington. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Cleveland, Ohio.

No. MC–114019 (Sub-No. E228), 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: *Insulating materials, asbestos or felt paper*, in forms or shapes other than solid flat blocks, or solid flat sheets, from Alexandria and Richmond, Ind., to points in Nebraska, 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 of Waukegan, Ill.

No. MC–117119 (Sub-No. E35), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except dairy products and commodities in bulk), from the plantsite and storage facilities of Pet, Inc., at or near Neosho, Mo., to points in Washington (except Grandview and Kennewick), Oregon, and Nevada. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E39), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except dairy products and commodities in bulk), from Montezuma, Ga., to points in Idaho, Montana, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E40), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Montezuma, Ga., to points in Colorado. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E41), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except dairy products and commodities in bulk), from Montezuma, Ga., to points in Washington (except Grandview and Kennewick), Nevada, and Oregon. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E70), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs* (except commodities in bulk, in tank vehicles), from points in Ohio to points in Idaho, Kansas, Oregon, Utah, Montana, Washington, Wyoming, and points in that part of Nebraska west of Nebraska Highway 14. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC–117119 (Sub-No. E71), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Indiana to points in Oklahoma and Texas (except points in Bowie, Orange, and Jefferson Counties). The purpose of this filing is to eliminate the gateways of Springdale, Ark., and Westville, Okla.

No. MC–117119 (Sub-No. E72), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration from points in Indiana to points in Arizona, those in Texas on and south of a line beginning at the New Mexico-Texas State line and extending eastward along Texas Highway 116 to Lubbock, thence along U.S. Highway 84 to Post, thence eastward along U.S. Highway 380 to Greenville, thence along U.S. Highway 69 to Mineola, thence along U.S. Highway 80 to the Texas-Louisiana State line, those in California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, those in New Mexico on and south of a line beginning at the Texas-New Mexico state line and extending westward along U.S. Highway 380 to San Antonio, thence along U.S. Highway 85 to Socorro, thence westward along U.S. Highway 60 to the Arizona-New Mexico State line. The purpose of this filing is to eliminate the gateways of Blytheville, Ark. and Jackson, Tenn.

No. MC–117119 (Sub-No. E73), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in the Lower Peninsula of Michigan south of Michigan Highway 55 to points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along Texas Highway 116 to Lubbock, thence along U.S. Highway 84 to Post, thence eastward along U.S. Highway 380 to Greenville, thence along U.S. Highway 69 to Mineola, thence along U.S. Highway 80 to the Texas-Louisiana State line, to points in New Mexico on and south of a line beginning at the Texas-New Mexico State line and extending westward along U.S. Highway 380 to San Antonio, thence U.S. Highway 85 to Socorro, thence along U.S. Highway 60 to the Arizona-New Mexico State line, to points in Arizona on and south of Interstate Highway 40, and points in California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties. The purpose of this filing is to eliminate the gateways of Blytheville, Ark. and Jackson, Tenn.

No. MC–117119 (Sub-No. E74), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Louisville, Ky., to points in Arizona, California, New Mexico, and Texas (except points in Bowie County). The purpose of this filing is to eliminate the gateway of Blytheville, Ark. and Jackson, Tenn.

No. MC–117119 (Sub-No. E75), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in Ohio to points in Arizona, points in that part of California on and south of Interstate Highway 80, points in Texas on and south of Interstate Highway 40, and points in New Mexico on and south of

Interstate Highway 40 (except points in Quay and Guadalupe Counties). The purpose of this filing is to eliminate the gateways of Blytheville, Ark., and Jackson, Tenn.

No. MC–117119 (Sub-No. E76), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk), from points in Indiana on and south of Interstate Highway 74 to points in Washington (except Grandview and Kennewick), Oregon, and Nevada. The purpose of this filing is to eliminate the gateway of Springdale, Ark. (within the Fayetteville, Ark. commercial zone).

No. MC–117119 (Sub-No. E77), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk) from points in Indiana on and south of Interstate Highway 74 to points in Idaho and Utah. The purpose of this filing is to eliminate the gateway of Springdale, Ark. (within the Fayetteville, Ark., commercial zone).

No. MC–117119 (Sub-No. E79), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Ohio to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Van Buren, Ark. (within the Fort Smith, Ark., commercial zone).

No. MC–117119 (Sub-No. E80), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Chicago, Ill., to points in Arizona, California, New Mexico, and Reno, Carson City, and Las Vegas, Nev. The purpose of this filing is to eliminate the gateway of Siloam Springs, Ark.

No. MC–117119 (Sub-No. E82), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs* (except commodities in bulk, in tank vehicles), from Chicago, Ill., to points in Idaho, Oregon, Utah, Washington, and Kansas. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC–117119 (Sub-No. E35), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs* (except commodities in bulk, in tank vehicles), from Louisville, Ky., to points in Idaho, Kansas, Montana, Nebraska, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC–117119 (Sub-No. E84), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved foodstuffs*, in containers, from points in Green County, Mo., to points in Connecticut on and east of a line beginning at Clinton on Long Island Sound and proceeding northward along Connecticut Highway 81 to junction Connecticut Highway 9, thence along Connecticut Highway 9 to junction with Interstate Highway 91, thence northward along Interstate Highway 91 to the Connecticut-Massachusetts State line, to points in Massachusetts on and east of Interstate Highway 91, points in Rhode Island, points in Vermont (except points in Bennington and Windham Counties), points in New Hampshire and Maine. The purpose of this filing is to eliminate the gateway of Russellville, Ark.

No. MC–117119 (Sub-No. E86), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products, and commodities in bulk), from Chicago, Ill., to Reno, Carson City, and Las Vegas, Nev. The purpose of this filing is to eliminate the gateway of Springdale, Ark. (within the Fayetteville, Ark. commercial zone).

No. MC–117119 (Sub-No. E87), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Chicago, Ill., to points in Arizona on and south of a line beginning at the Arizona-New Mexico State line and westward along U.S. Highway 70 to Globe, thence westward along U.S. Highway 60 to the Arizona-California State line, points in California in Monterey, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Riverside, Orange, San Diego, Kings, Kern, and Tulare Counties, and points in Texas on and south of a line beginning at the Texas-Arkansas State line and extending alongside Interstate Highway 30 to Dallas, thence along U.S. Highway 80 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways of Blytheville, Ark. and Jackson, Tenn.

No. MC–117119 (Sub-No. E88), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Green County, Mo., to points in Texas, New Mexico, Arizona, California, and Nevada, to points in Oklahoma on and south of Interstate Highway 40, and points in Louisiana, on, south and west of a line beginning at the Arkansas-Louisiana State line and proceeding southward along U.S. Highway 71 to junction with U.S. Highway 190, thence along U.S. Highway 190 to Baton Rouge, thence along U.S. Highway 61 to New Orleans, thence along Louisiana Highway 45 to the Intracoastal Waterway and Lafitte. The purpose of this filing is to eliminate the gateways of Fort Smith, Ark. and Spiro, Okla.

No. MC–117119 (Sub-No. E89), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Chicago, Ill., to points in Oklahoma and Texas and points in Louisiana on and west of a line beginning at the Arkansas-Louisiana State line and extending southward along U.S. Highway 167 to Abbeville, thence along Louisiana Highway 82 to Esther and thence along Louisiana Highway 333 to the Intracoastal Waterway. The purpose of this filing is to eliminate the gateways of Springdale, Ark. and Westville, Okla.

No. MC–117119 (Sub-No. E93), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in that part of Illinois on and south of a line beginning at the Missouri-Illinois State line at Alton and extending eastward along Illinois Highway 140 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Indiana State line (except Mound City) to points in Arizona, California, Nevada, and New Mexico. The purpose of this filing is to eliminate the gateway of Siloam Springs, Ark.

No. MC–117119 (Sub-No. E96), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's rep-

resentative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk), from points in that part of Illinois on and south of a line beginning at the Missouri-Illinois State line at Alton and extending eastward along Illinois Highway 140 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Indiana State line (except Mound City) to points in Washington (except Grandview and Kennewick), Oregon, and Nevada. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E98), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Green County, Mo., to points in Arizona, California, Nevada, and New Mexico. The purpose of this filing is to eliminate the gateway of Fort Smith, Ark.

No. MC–117119 (Sub-No. E99), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along Interstate Highway 35 to the junction Interstate Highway 35W, thence along Interstate Highway 35W to junction Interstate Highway 35, thence along Interstate Highway 35 to the U.S.-Mexico International Boundary line to points in South Dakota and North Dakota. The purpose of this filing is to eliminate the gateway of St. Joseph, Mo.

No. MC–117119 (Sub-No. E101), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Ohio to points in Arizona, California, New Mexico, and Reno, Carson City, and Las Vegas, Nev. The purpose of this filing is to eliminate the gateway of Siloam Springs, Ark.

No. MC–118959 (Sub-No. E4), filed May 23, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Girardeau, Maine 65701. Applicant's representative: William P. Jackson, 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber* (except commodities in bulk), from Mayfield, Ky., to points in California. The purpose of this filing is to eliminate the gateway of Vicksburg, Miss.

No. MC–119443 (Sub-No. E2), filed May 31, 1974. Applicant: P. E. KRAMME, INC., Main St., Monroeville, N.J. Applicant's representative: Gerald A. Kramme (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coating, liquid chocolate liquor and liquid cocoa butter*, in bulk, in tank vehicles, from Lititz, Pa., to Cairo, Ill., to points in Maine, on and north of a line beginning at U.S.-Canada International Boundary line and U.S. Highway 2, thence west over U.S. Highway 2 to its junction with Maine Highway 212, thence over Maine Highway 212 to its junction with Maine Highway 11, thence north over Maine Highway 11 to the U.S.-Canada International Boundary line, points in Alabama, Florida, Louisiana, Mississippi, and points in those parts of Georgia, Kentucky, South Carolina, and Tennessee, on and south of a line beginning at the Atlantic Ocean on the North Carolina-South Carolina State lines, thence westward along the South Carolina State line to junction South Carolina Highway 410, thence over South Carolina Highway 410 to junction South Carolina Highway 9, thence over South Carolina Highway 9 to junction U.S. Highway 76, thence over U.S. Highway 76 to junction South Carolina Highway 41, thence north over South Carolina Highway 41 to junction South Carolina Highway 917, thence over South Carolina Highway 917 to junction South Carolina Highway 38, thence over South Carolina Highway 38 to junction South Carolina Highway 34, thence over South Carolina Highway 34 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 15, thence south over U.S. Highway 15 to junction South Carolina Highway 151, thence over South Carolina Highway 151 to junction U.S. Highway 1, thence south over U.S. Highway 1 to junction South Carolina Highway 34, thence west over South Carolina 34 to junction U.S. Highway 21, thence south over U.S. Highway 21 to Blythewood, and junction unnumbered South Carolina Highway thence westward over unnumbered South Carolina Highway crossing U.S. 321 to junction South Carolina 215, thence north over South Carolina Highway 215 to junction South Carolina Highway 213, thence over South Carolina Highway 213 to junction U.S. Highway 176, thence over U.S. Highway 176 to junction South Carolina Highway 72, thence over South Carolina Highway 72 to junction Interstate Highway 26, thence over Interstate Highway 26 to junction U.S. Highway 276, thence over U.S. Highway 276 to Greenville, and junction South Carolina Highway 183, thence over South Carolina Highway 183 to junction U.S. Highway 76, thence over U.S. Highway 76 to Blairsville, Ga., and junction Georgia Highway 11, thence over Georgia Highway 11 to the North Carolina State line, thence along the North Carolina State line to the Tennessee State line, thence north along the Tennessee State line to junction U.S. Highway 64, thence over U.S. Highway 64 to junction U.S. Highway 411, thence over U.S. Highway 411 to junction Tennessee Highway 39, thence over Tennessee Highway 39 to junction Tennessee Highway 30, thence over Tennessee Highway 30 through Athens, Ga., to junction U.S. Highway 27, thence north over U.S. Highway 27 to junction Tennessee Highway 68, thence over Tennessee Highway 68 to junction U.S. Highway 127, thence over U.S. Highway 127 to junction Tennessee Highway 62, thence over Tennessee Highway 62 to junction U.S. Highway 70N, thence over U.S. Highway 70N to junction Tennessee Highway 84, thence over Tennessee Highway 84 to junction Tennessee Highway 85, thence over Tennessee Highway 85 to junction Tennessee Highway 80, thence south over Tennessee Highway 80 to junction Tennessee Highway 25, thence over Tennessee Highway 25 to junction Tennessee Highway 49, thence south over Tennessee Highway 49 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Tennessee Highway 76, thence over Tennessee Highway 76 to junction U.S. Highway Alternate 41, thence over U.S. Highway Alternate 41 to junction U.S. Highway 79 at Clarksville, thence over U.S. Highway 79 to junction Tennessee Highway 119, thence over Tennessee Highway 119 to junction Kentucky Highway 121, thence over Kentucky Highway 121 to junction Kentucky Highway 94, thence north over Kentucky Highway 94 to junction Kentucky Highway 80, thence over Kentucky Highway 80 to junction Kentucky Highway 962, thence over Kentucky Highway 962 to junction U.S. Highway 641, thence over U.S. Highway 641 to junction U.S. Highway 68, thence over U.S. Highway 68 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 45, thence over U.S. Highway 45 to the Ohio River. The purpose of this filing is to eliminate the gateways of Camden, N.J., and Dover, Del.

No. MC–123639 (Sub-No. E1), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (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, 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 commodities in bulk, in tank or hopper type vehicles), from Denver, Colorado, to points in that part of Illinois on and south of a line extending from a point on the Missouri-Illinois State line directly west of Springfield, Ill., through Springfield, to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Emporia, Kansas.

No. MC–123639 (Sub-No. E3), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (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, 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. 766, except commodities in bulk, in tank or hopper-type vehicles, from points in Iowa, Nebraska, that part of Colorado, on and east of U.S. Highway 87 from the Wyoming-Colorado State line to junction Colorado Highway 1 at or near Wellington, thence on and east of Colorado Highway 1 to junction U.S. Highway 87 at or near Denver, thence, on and east of U.S. Highway 87 to junction Colorado Highway 94 at or near Colorado Springs, and on and north of Colorado Highway 94 to junction U.S. Highway 40 near Aroya, thence on and north of U.S. Highway 40 to the Colorado-Kansas State line, those in that part of Illinois north of a line extending from a point on the Missouri-Illinois State line directly west of Springfield, Ill., through Springfield to the Illinois-Indiana State line and those in Kansas on and north of U.S. Highway 40 to points in that part of Arizona west of U.S. Highway 89 and south of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC–127196 (Sub-No. E2), filed May 17, 1974. Applicant: KLINE TRUCKING, INC., P.O. Box 355, Millville, Pa. 17846. Applicant's representative: James L. Kline (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts* used in the manufacture and assembly of mobile homes, (1) from points in California to points in New Jersey, New York, Delaware, and Maryland; (2) from points in Idaho to points in New Jersey, Delaware, New York, and Maryland; (3) from points in Texas to points in New Jersey and Delaware; (4) from points in Louisiana to points in New Jersey and Delaware; (5) from points in Arkansas to points in New Jersey and Delaware; (6) from points in Kansas to points in New Jersey and Delaware; (7) from points in Missouri to points in New Jersey and Delaware; and (8) from points in Iowa to points in New Jersey and Delaware. The purpose of this filing is to eliminate the gateway of Millville, Pa.

No. MC–129631 (Sub-No. 43G), filed May 15, 1974. Applicant: PACK TRANSPORT, INC., 3975 South 300 West St., Salt Lake City, Utah 84107. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Roofing and siding materials*, from points in Maricopa County, Ariz., to points in Wyoming. The purpose of this filing is to eliminate the gateways of points in Oneida County, Idaho and Ogden, Utah.

(2) *Roofing, siding, and insulation materials*, from points in Maricopa County, Ariz., to points in Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah. The purpose of this filing is to eliminate the gateway points in Oneida County, Idaho.

(3) *Building materials*, between points in Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake and Weber Counties, Utah, on the one hand, and, on the other, Baker, Oreg. The purpose of this filing is to eliminate the gateways points in Oneida County, Idaho.

(4) *Building materials*, from points in Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, to points in Idaho south of Idaho County. The purpose of this filing is to eliminate the gateway of Baker, Oreg.

(5) *Building materials*, between Teton County, Wyoming, on the one hand, and, on the other, Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah. The purpose of this filing is to eliminate the gateways at Pocatello, Idaho, and Cache County, Utah.

(6) *Lumber and lumber mill products* (restricted to building materials), from points in Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, to points in Idaho. The purpose of this filing is to eliminate the gateways points in Summit County, Utah, and Lincoln County, Wyo.

(7) *Lumber and lumber mill products*, from points in Oregon and Washington to points in Utah. The purpose of this filing is to eliminate the gateway points in Oneida County, Idaho, and Summit County, Utah.

(8) *Lumber and lumber mill products* (restricted to building materials), from points in Washington to points in Bannock, Bear Lake, Caribou, Franklin, and Oneida Counties, Idaho, and Blackfoot, Idaho Falls, Rigby, Rexburg, Spencer, Idaho and those points on Highway 91 within 15 miles of Idaho Falls, Idaho, and Smithfield, Logan, Ogden, and Salt Lake County, Utah. The purpose of this filing is to eliminate the gateway points in Oneida County, Idaho, and Cache County, Utah.

(9) *Lumber and lumber mill products* from points in Oregon and Washington to points in Arizona. The purpose of this filing is to eliminate the gateway points in Oneida County, Idaho.

(10) *Lumber and lumber mill products* from points in Montana to points in Idaho. The purpose of this filing is to eliminate the gateway points in Summit County, Utah, and Lincoln County, Wyo.

(11) *Lumber and lumber mill products* from points in Oregon and Washington to points in Wyoming. The purpose of this filing is to eliminate the gateways at Oneida County, Idaho, and Summit County, Utah.

(12) *Lumber and lumber mill products*, from points in Daggett, Rich, and Summit Counties, Utah, to points in Idaho.

The purpose of this filing is to eliminate the gateway points in Lincoln County, Wyo.

(13) *Lumber and lumber mill products*, from those points in Washington lying in or west of Klickitat, Skamania, Lewis, Pierce, King, Snohomish, Skagit, and Whatcomb Counties to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway points in Utah.

(14) *Lumber and lumber mill products*, from those points in Washington lying in or west of Klickitat, Skamania, Lewis, Pierce, King, Snohomish, Skagit, and Whatcomb Counties to points in Idaho. The purpose of this filing is to eliminate the gateway of Baker, Oreg.

(15) *Lumber and lumber mill products* from points in Montana to points in Utah. The purpose of this filing is to eliminate the gateway points in Summit County, Utah.

(16) *Lumber and lumber mill products* from points in Idaho to points in Utah. The purpose of this filing is to eliminate the gateway points in Summit County, Utah.

(17) *Lumber and lumber mill products* from points in Idaho to points in Wyoming. The purpose of this filing is to eliminate the gateway points in Summit County, Utah.

(18) *Lumber and lumber mill products* (restricted to building materials), from points in Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, to points in Wyoming. The purpose of this filing is to eliminate the gateway points in Summit County, Utah.

(19) *Building materials and machinery* between points in Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, on the one hand, and, on the other, points in Bannock, Bear Lake, Caribou, Franklin, and Oneida Counties, Idaho. The purpose of this filing is to eliminate the gateway points in Cache County, Utah.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14192 Filed 6–19–74;8:45 am]

[Rule 19; Ex Parte No. 241, Exemption No. 77]

LEHIGH VALLEY RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, That there is an emergency movement of military impedimenta from Kendaia, New York, to Leland, North Carolina; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that com-

pliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Lehigh Valley Railroad Company, John F. Nash and Robert C. Haldeman, Trustees, the railroads designated by the Car Service Division are authorized to move to, and the Lehigh Valley Railroad Company, John F. Nash and Robert C. Haldeman, Trustees, is authorized to accept, assemble, and load not to exceed seventy-five (75) empty cars with military impedimenta from Kendaia, New York, to Leland, North Carolina, regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective June 11, 1974.

Expires June 30, 1974.

Issued at Washington, D.C., June 11, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-14185 Filed 6-19-74;8:45 am]

[Notice No. 106]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 21, 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 11, 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-75104. By order of June 12, 1974, the Motor Carrier Board approved the transfer to Action Moving & Storage, Inc., Baltimore County, Md., of the operating rights in Certificate No. MC-133799 issued August 3, 1970, to Metropolitan Moving & Storage, Inc., Baltimore, Md., authorizing the transportation of used household goods, between Washington, D.C., and points in Maryland. Erwin B. Frenkil, 612 Court Square Building, Baltimore, Md. 21202, Attorney for transferee, and B. Marvin Potler, 1201 65th Street, Baltimore, Md. 21237, Representative for transferor.

No. MC-FC-75122. By order of June 11, 1974, the Motor Carrier Board approved the transfer to Robertson Foods Co., Inc., 10061 Redwood Highway, Wilderville, Oreg., of Certificates Nos. MC-133270 and MC-133270 (Sub. No. 2), issued September 17, 1969, and June 1, 1971, respectively, authorizing the transportation of meats, meat products and by-products, and dairy products from Portland and Eugene, Oreg., to points in seven named counties in Oregon, and from Eugene, Oreg., to points in five named counties in Oregon; and meats, meat products and by-products, dairy products, and articles distributed by meat packinghouses, and foodstuffs, other than those described above, from Seattle, Wash., to points in 12 named counties in Oregon, and from Portland, Oreg., to points in 19 named counties in Washington, respectively.

No. MC-FC-75180. By order of June 13, 1974, the Motor Carrier Board approved the transfer to L & L Express, Inc., Bloomfield, Conn., of the Certificate of Registration in No. MC-10501 (Sub-No. 2) issued May 12, 1964, to Krantz Express & Warehouse, Inc., East Hartford, Conn., evidencing the right to engage in transportation in interstate or foreign commerce corresponding in scope to Motor Common Carrier Certificate C-146 dated September 11, 1958, issued by the Public Utilities Commission of Connecticut. Henry D. Marcus, 60 Washington Street, Hartford, Conn. 06106, Representative for applicants.

No. MC-FC-75201. By order of June 13, 1974, the Motor Carrier Board approved the transfer to J. W. Athey, Sr. & J. W. Athey, Jr., a partnership, doing business as Athey Trucking, Stephens City, Va., of the operating rights in Certificate No. MC-35519 issued April 21, 1960, to George Russell Seal, Winchester, Va., authorizing the transportation of malt beverages from Baltimore, Md., to Winchester, Va., Frank B. Hand, Jr., P.O. Box 163, Berryville, Va. 22611, Attorney at Law.

No. MC-FC-75206. By order of June 13, 1974, the Motor Carrier Board approved the transfer to Louisiana-Pacific Trucking Company, Southern Division, a Division of Louisiana-Pacific Corporation, Carthage, Texas, of the operating rights in Permit No. MC-136749 (Sub-No. 1), issued May 9, 1973, to G. P. Bourrous Trucking Company, Inc., Diboll, Texas, authorizing the transportation of lumber from the plant site of Louisiana-Pacific Corporation near DeQuincy, La., to points in Texas.

Mike Cotten, P.O. Box 1148, Austin, Texas, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-14187 Filed 6-19-74;8:45 am]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

[Notice No. 48]

JUNE 14, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 921 (Sub-No. 26), filed May 6, 1974. Applicant: DEAN TRUCK LINES, INC., P.O. Drawer 631, Fulton Drive, Corinth, Miss. 38834. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in 17 M.C.C. 467, livestock, commodities in bulk, and articles which because of size or weight require special qeuipment), (1) Between Memphis, Tenn., and Hattiesburg, Miss.: From Memphis, Tenn., over Interstate Highway 55 to Jackson, Miss., thence over U.S. Highway 49 to Hattiesburg, Miss., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (2) Between Memphis, Tenn., and Meridian, Miss.: From Memphis, Tenn., over Interstate Highwy 55 to its junction with Mississippi Highway 35 near Vaiden, Miss., thence over Mississippi Highway 35 to its junction with Mississippi Highway 19 near Kosciusko, Miss., thence over Mississippi Highway 19 to Meridian, Miss., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations; (3) Between Memphis, Tenn., and Meridian, Miss.: From Memphis, Tenn. over Interstate Highway 55 to its junction with Interstate Highway 20 near Jackson, Miss., thence over Interstate Highway 20 to Meridian, Miss., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (4) Between Memphis, Tenn., and Laurel, Miss.: From Memphis, Tenn. over Interstate Highway 55 to its junction with U.S. Highway 49 near Jackson, Miss., thence over U.S. Highway 49 to its junction with U.S. Highway 84 near Collins, Miss., thence over U.S. Highway 84 to Laurel, Miss., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations;

(5) Between Meridian, Miss. and Nashville, Tenn.: From Meridian, Miss. over U.S. Highways 20 and 59 (and also U.S. Highway 11), to junction Interstate Highway 65 near Birmingham, Ala., thence over Interstate Highway 65, (and also U.S. Highway 31), to Nashville, Tenn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (6) Between Tupelo, Miss., and Nashville, Tenn.: From Tupelo, Miss., over U.S. Highway 78 to its junction with Mississippi Highway 23 near Tremont, Miss., thence over Mississippi Highway 23 to the Mississippi-Alabama State Boundary Line, thence over Alabama Highway 24 to its junction with Interstate Highway 65 near Decatur, Ala., thence over Interstate Highway 65 (and also U.S. Highway 31), to Nashville, Tenn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (7) Between Louisville, Ky., and junction U.S. Highway 31 West and Interstate Highway 65 near Uptown, Ky.: From Louisville, Ky., over U.S. Highway 31 West to its junction with Interstate Highway 65 near Uptown, Ky., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (8) Between Nashville, Tenn., and Memphis, Tenn.: From Nashville, Tenn., over Interstate Highway 40 to Memphis, Tenn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; and (9), Between Nashville, Tenn., and the junction of Tennessee Highways 22 and 100: From Nashville, Tenn., over Interstate Highway 40 to its junction with Tennessee Highway 22, thence over Tennessee Highway 22 to its junction with Tennessee Highway 100 at a point 16.8 miles northeast of Henderson, Tenn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 1756 (Sub-No. 29), filed May 13, 1974. Applicant: PEOPLES EXPRESS CO., a Corporation, 497 Raymond Boulevard, Newark, N.J. 07105. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers and container ends, materials, supplies, and equipment* used in the manufacture, sale and distribution of said commodities (except in bulk), from the plantsite or other facilities of Kaiser Aluminum and Chemical Corporation at Edison Township, N.J., to points in New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 1838 (Sub-No. 10), filed May 13, 1974. Applicant: ALEX C. SMITH, INC., 13557 Bloomingdale Road, Akron, N.Y. 14001. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities which because of their size and weight require the use of special equipment), between points in Connecticut, Delaware, District of Columbia, Chicago, Ill., including the Chicago Commercial Zone as defined by the Commission, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, under contract or contracts with Georgia-Pacific Corporation, restricted to the transportation of traffic originating at, or destined to, plantsites and warehouses of the Georgia-Pacific Corporation and/or subsidiaries thereof.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 2754 (Sub-No. 24), filed May 13, 1974. Applicant: NEUENDORF TRANSPORTATION CO., a Corporation, 121 South Stoughton Road, Madison, Wis. 53701. Applicant's representative: Robert E. Bryant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk), from Plover, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin; and (2), *materials, equipment, and supplies* which are used or useful in the manufacture, sale, production, or distribution, or distribution of the commodities as described in (1) above, from points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin, to Plover, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 6607 (Sub-No. 16) (Amendment), filed April 25, 1974, published in the FEDERAL REGISTER issue of May 31, 1974, and republished as amended this issue. Applicant: J. J. MINNEHAN, INC., P.O. Box 369, Rochingham Road, Bellows Falls, Vt. 05101. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water*, in bulk, in tank vehicles, (1) from Middleborough, Mass., to Goshen, N.Y.; and (2) from Westerly, R.I., to Groton, Conn., (1) and (2) above, under contract with Dairylea Co-Operative, Inc., Natural Spring Water Co., Inc., and General Dynamics Corp.

NOTE.—Common control and dual operations may be involved. The purpose of this republication is to amend the supporting shippers to include General Dynamics Corp. If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn.

No. MC 8535 (Sub-No. 47), filed May 13, 1974. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INC., Interstate 83 at Route 439, Parkton, Md. 21120. Applicant's representative: John Guandolo, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Activated carbon*, in containers, from Columbus, Ohio, to points in Washtenaw County, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 11220 (Sub-No. 139), filed May 13, 1974. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, P.O. Box 59, Memphis, Tenn. 38101. Applicant's representative: W. F. Goodwin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except automobiles set up on wheels, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between St. Louis, Mo., and Nashville, Tenn.: (1) From St. Louis over Interstate Highway 70 to East St. Louis, Ill., thence over Interstate Highway 64 to junction with U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 41 and/or Alternate U.S. Highway 41 to Nashville and return over the same route; (2) from St. Louis over U.S. Highway 460 to Crossville, Ill., thence over Illinois Highway 1 to junction with Interstate Highway 64 near Calvin, Ill., thence over Interstate Highway 64 to junction with U.S. Highway 41 thence over U.S. Highway 41 to Henderson, Ky., thence over the Pennyril Parkway to Hopkinsville, Ky., thence over Alternate U.S. Highway 41 and/or U.S. Highway 41 to Nashville and return over the same route; (3) (a) from St. Louis over Interstate Highway 70 to East St. Louis, Ill., thence over Interstate Highway 64 to Mt. Vernon, Ill., thence over Interstate Highway 57 to junction with Illinois Highway 148, thence over Illinois Highway 148 to junction with Illinois Highway 37, thence over Illinois Highway 37 to its junction with Illinois Highway 146 at West Vienna, Ill., thence over Illinois Highway 146 to junction with Interstate Highway 24 east of Vienna, Ill., thence over Interstate Highway 24 to junction with U.S. Highway 60 west of Paducah, Ky., thence over U.S. Highway 60 to Paducah, thence over U.S. Highway 68 to Hopkinsville, Ky., thence over Alternate U.S. Highway 41 and/or U.S. Highway 41 to Nashville, and return over the same route; and (b) from St. Louis over U.S. Highway 460 to Mt. Vernon, Ill., thence over the same route as (3)(a) above; and (4) from St. Louis to Mt. Vernon, Ill., as described in (3) (a) and (b) above, thence over Interstate Highway 57 to junction with Interstate Highway 24, thence over Interstate Highway 24 to Nashville and return over the same route; (1) through (4) above, serving no intermediate points and serving Nashville for purposes of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., St. Louis, Mo., or Memphis, Tenn.

No. MC 28088 (Sub-No. 10), filed May 16, 1974. Applicant: NORTH & SOUTH LINES, INC., 1610 S. Main Street, Harrisonburg, Va. 22801. Applicant's representative: John R. Sims, Jr., Suite 600, 1707 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Crozet, Va., to points in Connecticut, Delaware, Kentucky, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Vermont, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Harrisonburg, Va.

No. MC–33641 (Sub-No. 115) (Correction), filed April 18, 1974, published in the FEDERAL REGISTER issue of May 23, 1974, and republished as corrected this issue. Applicant: IML FREIGHT, INC., 2175 South 3270 West, Salt Lake City, Utah 84110. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Denver, Colo., and Flagstaff, Ariz.: From Denver, Colo., over U.S. Highway 285, to Monte Vista, Colo., thence over U.S. Highway 160 to junction U.S. Highway 550 near Durango, Colo., thence over U.S. Highway 550 to Shiprock, N. Mex., thence over New Mexico and Arizona, Highway 504 to junction U.S. Highway 164, thence over U.S. Highway 164 to junction U.S. Highway 89, thence over U.S. Highway 89 to Flagstaff, Ariz., and return over the same route; (2) between Kansas City, Mo., and Flagstaff, Ariz.: From Kansas City, Mo., over U.S. Highway 50 (I–35) to junction Kansas Turnpike near Emporia, Kansas, thence over Kansas Turnpike (I–35) to junction U.S. Highway 54 near Wichita, Kansas, thence over U.S. Highway 54 to Tucumcari, N. Mex., thence over U.S. Highway 66 (I–40) to Flagstaff, Ariz., and return over the same route, (1) and (2) as alternate routes for operating conveniences only in connection with the carrier's regular route operations.

NOTE.—The purpose of this republication is to correct the territorial description in Route (2), which was previously published in error. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Kansas City, Mo.

No. MC 39395 (Sub-No. 6) (Correction), filed April 18, 1974, published in FEDERAL REGISTER issue of May 31, 1974, and republished as corrected this issue. Applicant: NEHALEM VALLEY MOTOR FREIGHT, INC., 3641 NW. St. Helens Rd., Portland, Oreg. 97210. Applicant's representative: G. G. Gerdes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Rainier, Oreg., on the one hand, and, on the other, Longview and Kelso, Wash., restricted against shipments originating at Reyonlds Metals Company located at or near Longview, Wash.

NOTE.—The purpose of this republication is to indicate the correct restriction sought in this proceeding. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 44639 (Sub-No. 80), filed May 13, 1974. Applicant: L & M EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, One Woodbridge Center, Woodbridge, N.J. 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Farmville and Amelia, Va., on the one hand, and, on the other, the New York, N.Y., Commercial Zone.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 46267 (Sub-No. 9), filed May 10, 1974. Applicant: SCOTT FREIGHT SERVICE CORP., 4740 Industrial Road, Fort Wayne, Ind. 46825. Applicant's representative: Walter F. Jones, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Wayne, Ind., and Saint Joe, Ind.: From Fort Wayne over Indiana Highway 327 to junction Indiana Highway 4, thence over Indiana Highway 4 to junction County Highway 800, thence over County Highway 800 south to junction Indiana Highway 1, thence over Indiana Highway 1 to St. Joe, Ind., serving all intermediate points and the off-route points of Helmer and South Milford, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 52752 (Sub-No. 22), filed May 10, 1974. Applicant: WESTERN TRANSPORTATION COMPANY, a Corpora-

tion, 1300 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) between Elgin, Ill., and Independence, Iowa; from Elgin, Ill., over U.S. Highway 20 to Independence, Iowa, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; and (2) between the junction of Iowa Highway 92 and U.S. Highway 218 and the junction of Iowa Highway 92 and U.S. Highway 63 at Oskaloosa, Iowa: From the junction of Iowa Highway 92 and U.S. Highway 218 over Iowa Highway 92 to the junction of Iowa Highway 92 and U.S. Highway 63 at Oskaloosa, Iowa, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 59806 (Sub-No. 4), filed May 10, 1974. Applicant: GROSS & HECHT TRUCKING, INC., Box 514, 35 Brunswick Avenue, Edison, N.J. 08817. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. 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, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, (1) between points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren Counties, N.J., Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., in nonradial movements; (2) between points in the above territory, on the one hand, and, on the other, Florence (Burlington County), N.J., Philadelphia, Dunmore and Scranton, Pa.; and (3) between points in the territorial description of (1) above, and Florence (Burlington), N.J., on the one hand, and, on the other, Albany, N.Y.; (1), (2), and (3) above, under a continuing contract or contracts with the Great Atlantic & Pacific Tea Company, Inc., of New York, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 67450 (Sub-No. 48), filed May 6, 1974. Applicant: PETERLIN CARTAGE CO., a Corporation, 9651 South Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn and products of soybeans and blends thereof*, in bulk, in tank trailer, from the plantsites and warehouse facilities of Archer Daniels Midland Company at or near Decatur, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 72243 (Sub-No. 38), filed May 13, 1974. Applicant: AETNA FREIGHT LINES, INC., 2507 Youngstown Road, P.O. Box 350, Warren, Ohio 44482. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the plantsite and storage facilities of Connors Steel Company, located at or near Birmingham, Ala., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, Kentucky, Arkansas, Louisiana, Missouri, Illinois, Indiana, Ohio, Oklahoma, Texas, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 74321 (Sub-No. 98), filed May 10, 1974. Applicant: B. F. WALKER, INC., P.O. Box 17–B, Denver, Colo. 80217. Applicant's representative: J. Marshall Forsyth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fibre pipe or conduit drain or sewer, and accessories thereto*, from the plant site of McGraw-Edison Company, located at or near Newark, Calif., to points in Nevada, Arizona, New Mexico, Utah, Colorado, Oregon, Washington, Idaho, Montana, Nebraska, Kansas, nd Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Denver, Colo.

No. MC 76449 (Sub-No. 20), filed May 8, 1974. Applicant: NELSON'S EXPRESS, INC., 675 North Market Street, P.O. Box 312, Millersburg, Pa. 17061. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, high explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk): (1) Between Camp Hill, Pa., and the junction of Interstate Highway 81 and U.S. Highway 11, in Middlesex Township, Pa., serving all intermediate points: From Camp Hill, Pa., over U.S. Highway 11 to its junction with Interstate Highway 81, and return over the same route; and (2) Between Mechanicsburg, Pa., and Hogestown, Pa.; From Mechanicsburg over Pennsylvania Highway 114 to Hogestown and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 94201 (Sub-No. 123), filed May 10, 1974. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601–9 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooking oils* (except in bulk), from the plantsite, warehouse and storage facilities of The Clorox Company at or near Atlanta, Ga., to points in Alabama, Florida, Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC–99780 (Sub-No. 37) (Correction), filed April 5, 1974, published in FEDERAL REGISTER issue of May 23, 1974, and republished as corrected this issue. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods, frozen prepared foods, frozen juices, frozen fruits and vegetables, frozen meats, fish, and poultry*, from the plantsite and facilities of Continental Freezers of Illinois, a division of F. H. Prince and Company, Inc., at Chicago, Ill., to points in Indiana, Illinois, Michigan, and Ohio, and to that portion of Iowa bounded by U.S. Route 63 on the west, and the State Boundary lines on the north, east and south including all of Waterloo, Cedar Falls, and Ottumwa, Iowa, and Louisville, Ky., restricted to the transportation of traffic originating at the above named origin and destined to the above named destinations.

NOTE.—The purpose of this republication is to indicate correct title assigned to the proceeding is MC–99780 (Sub-No. 37). If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC–100666 (Sub-No. 280) (Correction), filed April 15, 1974, published as MC 100667 (Sub-No. 280) in the FEDERAL REGISTER issue of May 31, 1974, and republished as corrected this issue. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels;* (3) *parts and accessories* used in the installation thereof; and (4) *metal prefabricated structural components and panels*, from

Portland, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to indicate the correct docket no. in MC 100666 (Sub-No. 280) assigned to this proceeding. If a hearing is deemed necessary, applicant requests it be held at (1) Nashville, Tenn.; (2) Memphis, Tenn.; (3) Washington, D.C.

No. MC–103051 (Sub-No. 312), filed May 6, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Belle Glade, Fla., to Atlanta, Ga.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC–106603 (Sub-No. 133), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and building and construction materials* between Kokomo and Fort Wayne, Ind.; Joliet and Blue Island, Ill.; Columbus and Toledo, Ohio; and Detroit, Grand Rapids, and Lansing, Mich.; (2) *iron and steel articles and building and construction materials*, from Kokomo and Fort Wayne, Ill., Joliet and Blue Island, Ill.; Columbus and Toledo, Ohio; and Detroit, Grand Rapids, and Lansing, Mich., to points in Alabama, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin; and (3) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles and building and construction materials from points in Alabama, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin to Kokomo and Fort Wayne, Ind.; Joliet and Blue Island, Ill.; Columbus and Toledo, Ohio; and Detroit, Grand Rapids, and Lansing, Mich., restricted to shipments either orginating at or destined to the Continental Steel Corporation and/or its wholly-owned subsidiaries, Phoenix Manufacturing Co., Enterprise Wire Co., and the Hausman Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107403 (Sub-No. 898), filed May 13, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum fuels, oils, and waxes*, in bulk, (1) from Baytown, Tex., to points in the United States (except Alaska and Hawaii); and (2) from the plant site of Exxon Company, U.S.A., located at or near Baton Rouge, La., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107403 (Sub-No. 899), filed May 6, 1974. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products*, in bulk, in tank vehicles, (1) from points in Chambers and Harris Counties, Tex., to points in the United States (except Alaska and Hawaii); and (2) from points in Cameron County, Tex., to points in the United States (except Alaska and Hawaii), restricted in (2) above to traffic originating in the Republic of Mexico.

NOTE.—Common control was approved in MC–F–10612. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 109449 (Sub-No. 18), filed May 13, 1974. Applicant: KUJAK BROS. TRANSFER, Inc., 352 Junction Street, Winona, Minn. 55987. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grains, grain products, animal and poultry feeds, and feed ingredients*, between Cochrane, Wis., on the one hand, and, on the other, points in Minnesota, Iowa, Missouri, Illinois, Indiana, Michigan, Ohio, Kentucky and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., St. Paul, Minn., or Winona, Minn.

No. MC 110012 (Sub-No. 29), filed May 6, 1974. Applicant: G. B. C. INC., 707 North Liberty Hill Road, Morristown, Tenn. 37814. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyfoam, foam rubber, kapok, cotton waste, and batting, and vinyl cover*, from Morristown, Tenn., to points in the United States (except Tennessee, Alaska, and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Knoxville, Tenn., or Washington, D.C.

No. MC 110325 (Sub-No. 60) (Correction), filed April 15, 1974, published in the FEDERAL REGISTER issue of May 23, 1974, and republished as corrected this issue. Applicant: TRANSCON LINES, a Corporation, P.O. Box 92220, Los Angeles, Calif. 90009. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the warehouse site of Western Electric, located at or near Goddard, Kans., as an off-route point in connection with carrier's authorized regular-route operations at Wichita, Kans.

NOTE.—The purposes of this republication are to indicate the correct authority sought in this proceeding and delete the previous reference to common control. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 110563 (Sub-No. 139), filed May 13, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marysville, Pa., to points in Colorado, Illinois, Indiana, Iowa, Missouri, Kansas, Michigan, Nebraska, Oklahoma and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC–112304 (Sub-No. 80) (Correction), filed April 22, 1974, published in the FEDERAL REGISTER issue of May 31, 1974, and republished as corrected this issue. Applicant: ACE DORAN HAULING & RIGGIN CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: T. Collins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), *and trailer converter dollies*, (2) *waste and refuse handling equipment and systems*, (3) *motor vehicle bodies, containers, and motor vehicle body equipment and accessories*, and (4) *materials, supplies and parts* (except commodities in bulk) used in the manufacture, assembly, and servicing of commodities described in (1), (2), and (3) above, when moving in mixed shipments and in the same load with such commodities, (a) between Galion, Lima, Mount Vernon, and Winesburg, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (b) between Macon, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (c) between Durant, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (d) between Vineland, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. The purpose of this republication is to indicate that the commodities described in (1) through (4) above will be moved inclusively

as described in (a) through (d) above. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 112713 (Sub-No. 169), filed May 9, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, Kans. 66207. Applicant's representative: Axelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the junction of California Highways 99 and 152 and Sacramento, Calif., serving the junction of California Highway 99 and 152 for purposes of joinder only, and serving all intermediate and off-route points in Merced, Stanislaus, San Joaquin, and Sacramento Counties, Calif., and all points in Butte, Contra Costa, Solano, Sutter, Yolo, and Yuba Counties, Calif., as off-route points in connection with said regular route: From junction California Highways 99 and 152 over California Highway 99 (also now known as Temporary Interstate Highway 5, between Stockton and Sacramento), to Sacramento, and return over the same route.

NOTE.—Applicant is presently authorized to transport general commodities, with exceptions, over irregular routes, between points in Merced, Stanislaus, San Joaquin, Sacramento, Butte, Contra Costa, Solano, Sutter, Yolo, and Yuba Counties, Calif. The purpose of this application is to convert said irregular-route authority to regular-route authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 112713 (Sub-No. 170), filed May 13, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies*, from the plant site and warehouse facilities of Johnston's Pie Company, Division of Ward Foods, Inc., located at Torrance and Vernon, Calif., to Scott City and St. Louis, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 113828 (Sub-No. 219), filed April 29, 1974. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles, from the plantsites and facilities of Skyline Terminals, Inc., located at or near Baltimore, Md., to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, North Carolina, Virginia, West Virginia, and the District of Columbia, restricted to shipments having a prior movement by rail, water, or motor carrier, and destined to the above-named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113861 (Sub-No. 58), filed May 3, 1974. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Ave., Memphis, Tenn. 38106. Applicant's representative: James N. Clay, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 114273 (Sub-No. 184), filed May 6, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel paving joint roadway*, from Maquoketa, Iowa, to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Texas, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114533 (Sub-No. 299), filed May 3, 1974. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 S. Jefferson St., Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Wheeling, Ill., on the one hand, and, on the other, Maryland Heights, Mo., and Warren, Livonia, Riverview, and Saginaw, Mich.

NOTE.—Applicant holds contract carrier authority in MC-128616 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 114604 (Sub-No. 25), filed May 15, 1974. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market, Forest Park, Ga. 30050. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Chattanooga, Tenn., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chattanooga, Tenn.

No. MC 115311 (Sub-No. 167), filed May 13, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising material* from Jacksonville, Fla., to points in Georgia, Alabama, Mississippi, Tennessee, South Carolina, and North Carolina; and (2) *materials and supplies* (except commodities in bulk) used in the production, manufacture, sale, and distribution of malt beverages, from points in Georgia, Alabama, Mississippi, Tennessee, South Carolina, and North Carolina, to Jacksonville, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 115557 (Sub-No. 11), filed May 9, 1974. Applicant: CHARLES A. McCAULEY, 308 Leisure Way, New Bethlehem, Pa. 16242. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dynamic loud speakers and component parts, and magnetic materials, and magnets* for loud speakers between Punxsutawney and Du Bois, Pa., on the one hand, and, on the other, points in California; and (2) *dynamic loud speakers and component parts, and iron and steel stampings* used in the manufacture of loud speakers from Chicago, Ill., to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 115695 (Sub-No. 6), filed May 14, 1974. Applicant: SOUTHEAST TRANSPORT CORP., P.O. Box 13662, Savannah, Ga. 31406. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and warehouse facilities of Valiant Steel and Equipment, Inc., located in Chatham County, Ga., to points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Savannah, Ga., or Atlanta, Ga.

No. MC 116077 (Sub-No. 353), filed May 13, 1974. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, 500 West 16th Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum fuels, oils, and waxes*, in bulk, (1) from Baytown, Tex.,

to points in the United States (except Alaska and Hawaii); and (2) from the plantsite of Exxon Company, U.S.A., located at or near Baton Rouge, La., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Dallas, Tex.

No. MC 117647 (Sub-No. 6), filed May 10, 1974. Applicant: BILL J. ELKINS, Rural Route No. 4, Box 124, West Terre Haute, Ind. 47885. Applicant's representative: Mark Bell, 8403 North Michigan Road, Indianapolis, Ind. 46268. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, (1) from the plant site of Western Tar Products Corp., located at or near Terre Haute, Ind., to points in Kentucky, Illinois, Iowa, Michigan, Missouri, Ohio, Tennessee, and Wisconsin; (2) from Cincinnati, Ohio; Granite City, and Chicago, Ill., to the plantsite of Western Tar Products Corp., located at or near Terre Haute, Ind.; (3), from Memphis, Tenn., to points in Indiana; and (4) from Jeffersonville, Ind., to points in Illinois, (1) through (4) above, inclusive, under a continuing contract or contracts with Western Tar Products.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 117940 (Sub-No. 129), filed May 9, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and materials, supplies, equipment, and ingredients* used in the manufacturing, packaging, and distribution of frozen foods (except in bulk), between the plantsite and warehouse facilities of the Quaker Oats Company in or near Jackson, Tenn., on the one hand, and, on the other points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at or destined to the plant or warehouse facilities of the Quaker Oats Company in or near Jackson, Tenn.

NOTE.—Applicant holds contract carrier authority in MC-114789 Sub-No. 1 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 118089 (Sub-No. 16), filed May 8, 1974. Applicant: ROBERT HEATH TRUCKING, INC., 2909 Avenue C, P.O. Box 2501, Lubbock, Tex. 79408. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles* distributed by meat packinghouses, 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 (Moore County), Tex., to points in Alabama, Arkansas, Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Kansas, Louisiana, Maryland, Massachusetts, Montana, Nevada, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Virginia, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119099 (Sub-No. 15), filed May 9, 1974. Applicant: BJORKLUND TRUCKING, INC., 1st Ave. NE. and 8th Street, Buffalo, Minn. 55313. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel wire and steel rod* (except commodities which because of size or weight require the use of special equipment or special handling), from the plantsite of Wire Sales Co., at Chicago, Ill., to points in Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC-119099 (Sub-No. 16), filed April 25, 1974. Applicant: BJORKLUND TRUCKING, INC., First Avenue NE. and 8th Street, Buffalo, Minn. 55313. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk in tank vehicles), not for human consumption, from points in Minnesota, to points in Wisconsin and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119641 (Sub-No. 123), filed May 7, 1974. Applicant RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278, Colee Station, Ft. Lauderdale, Fla. 33303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts* thereof (other than hand), from Griswold, Iowa, to points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 119726 (Sub-No. 42), filed May 16, 1974. Applicant: N. A. B. TRUCKING CO., INC., 2502 West Howard Street, Indianapolis, Ind. 46221. Applicant's representative: James L. Beattey, 130 East Washington St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lawnmowers*, from Indianola, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Tennessee, North Carolina, South Carolina, Indiana, Illinois, Ohio, Michigan, Wisconsin, Iowa, Missouri, Texas, Oklahoma, Pennsylvania, Virginia, West Virginia, and Minnesota, and from Lawrenceburg, Tennessee, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Indiana, Illinois, Ohio, Michigan, Wisconsin, Iowa, Missouri, Texas, Oklahoma, Pennsylvania, Virginia, West Virginia, and Minnesota, and (2) *lawn and garden tools*, from Statesville, N.C., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Tennessee, Mississippi, South Carolina, Indiana, Illinois, Michigan, Wisconsin, Iowa, Missouri, Texas, Oklahoma, Pennsylvania, Virginia, West Viriginia, and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requires it be held at Kansas City, Mo.

No. MC 119988 (Sub-No. 63), filed April 29, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from the plantsite and storage facilities of Bama Food Products in Birmingham, Ala., to points in New Mexico, Colorado, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Mississippi, Tennessee, Illinois, Wisconsin, Indiana, Michigan, Ohio, Kentucky, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, New Jersey, New York, and Delaware; and (2) *materials, equipment and supplies* utilized in the manufacture and distribution of foodstuffs, from points in the destination states named in (1) above, to the plantsite and storage facilities of Bama Food Products in Birmingham, Ala., restricted to the transportation of traffic originating at or destined to the plantsite and/or storage facilities of Bama Food Products in Birmingham, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 120727 (Sub-No. 4), filed May 10, 1974. Applicant: GALLATIN-

PORTLAND FREIGHT LINES, INC., P.O. Box 888, Gallatin, Tenn. 37066. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *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): (a) Between Nashville, Tenn. and the Tennessee-Kentucky State Boundary line: From Nashville, Tenn. over U.S. Highway 31–W to the Tennessee-Kentucky State Boundary line, serving all intermediate points; (b) Between Mitchell, Tenn. and Portland, Tenn.: From Mitchell, Tenn. over Tennessee Highway 109 to Portland, Tenn., serving all intermediate points; (c) Between Nashville, Tenn. and Westmoreland, Tenn.: From Nashville, Tenn. over U.S. Highway 31–E to Westmoreland, Tenn., serving all intermediate points; (d) Between Westmoreland, Tenn. and the junction of Tennessee Highway 25 and U.S. Highway 31–W: From Westmoreland, Tenn. over Tennessee Highway 52 to its junction with Tennessee Highway 25, thence over Tennessee Highway 25 to its junction with U.S. Highway 31–W, and return over the same route, serving all intermediate points; (e) Between Gallatin, Tenn. and Portland, Tenn.: From Gallatin, Tenn. over Tennessee Highway 109 to Portland, Tenn., as an alternate route for operating convenience only;

(f) Between Gallatin, Tenn. and Nashville, Tenn.: From Gallatin, Tenn. over Tennessee Highway 109 to its junction with Interstate Highway 40, thence over Interstate Highway 40 to Nashville, Tenn., and return over the same route, as an alternate route for operating convenience only; (g) Between Gallatin, Tenn. and Castillian Springs, Tenn.: From Gallatin, Tenn. over Tennessee Highway 25 to Castillian Springs, Tenn., and return over the same route, serving all intermediate points, but performing no service at Castillian Springs; (h) Between Castillian Springs, Tenn., and Dixon Springs, Tenn.: From Castillian Springs, Tenn. over Tennessee Highway 25 to Dixon Springs, Tenn., serving all intermediate points, and serving Cato, Tenn., as an off-route point; (i) Between the junction of Tennessee Highway 25 and U.S. Highway 231 and Nashville, Tenn.: From junction of Tennessee Highway 25 and U.S. Highway 231 over U.S. Highway 231 to its junction with Interstate Highway 40, thence over Interstate Highway 40 to Nashville, Tenn., and return over the same route, as an alternate route for operating convenience only; and (2) *Printed matter and materials, supplies and equipment used in the maintenance and operation of printing plants* (except commodities in bulk, in tank vehicles), Between the plantsite of R. R. Donnelley & Son Company at Gallatin, Tenn. and the plantsite of R. R. Donnelley & Son Company at Glasgow, Ky.: From the plantsite of R. R. Donnelley & Son at Gallatin, Tenn. over U.S. Highway 31–E to the plantsite of R. R. Donnelley & Son Company at Glasgow, Ky.

NOTE.—Common control was approved in Docket No. MC–F–11212. Applicant states that the routes contained in (1) herein involve conversion of applicant's registered authority, and are included in MC–120727 (Sub-No. 3) pending before the Commission. If MC–120727 (Sub-No. 3) is granted, applicant states that said routes will be withdrawn from this application. Applicant seeks no duplicating authority. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 123061 (Sub-No. 72), filed May 9, 1974. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 315 East 2nd South (4th Floor), Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* in containers, from Silsbee, Utah (near Wendover, Utah), to points in and north of San Benito, Monterey, Fresno and Inyo Counties, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 123294 (Sub-No. 31) (AMENDMENT), filed April 29, 1974, published in the FR issue of June 6, 1974, and republished as amended this issue. Applicant: WARSAW TRUCKING CO., INC., 1102 W. Winona Avenue, Warsaw, Ind. 46580. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feeds, dry animal and poultry mineral mixtures, animal and poultry tonics, animal and poultry medicines, animal and poultry insecticides, livestock and poultry feeders and equipment, and advertising matter and premiums* related to such commodities, from Quincy and Alpha, Ill., to points in Virginia, West Virginia, Georgia, Florida, Kentucky, Tennessee, Alabama, New York, New Jersey, Delaware, Maryland, and the District of Columbia; and (2) *materials, equipment and supplies* used in the manufacturing, sales and distribution of the above named commodities, from points in Virginia, West Virginia, Georgia, Florida, Kentucky, Tennessee, Alabama, New York, New Jersey, Delaware, Maryland, North Carolina, South Carolina, Pennsylvania, Michigan, Ohio, Indiana, and the District of Columbia, to Quincy and Alpha, Ill.

NOTE.—The purpose of this republication is to include North Carolina, South Carolina, Pennsylvania, Michigan, Ohio, and Indiana in the origin territory in (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 124306 (Sub-No. 15), filed May 6, 1974. Applicant: KENAN TRANSPORT COMPANY, a Corporation, P.O. Box No. 2934, Durham, N.C. 27705. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank trucks, from Augusta, Ga., to points in North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Charleston, S.C.

No. MC 124774 (Sub-No. 91), filed May 13, 1974. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, Nebr. 68117. Applicant's representative: Clifford J. Foltz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat 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 (Moore County), Tex., to points in Nebraska, Iowa, Illinois, Indiana, Michigan, Ohio, Kentucky, Maryland, District of Columbia, New Jersey, New York, Pennsylvania, Connecticut, Massachusetts, and Rhode Island, restricted to traffic originating at, and destined to, the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124796 (Sub-No. 115), filed May 13, 1974. Applicant: CONTINENTAL CONTRACT CARRIER, CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: William J. Monheim (same address as applicant) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts and accessories, automotive jacks, cranes (not self-propelled), hand, electric and pneumatic tools and advertising materials, premiums, racks, display cases and signs*, from Salt Lake City, Utah, to points in California, Idaho, Nevada, Oregon, and Washington; and *returned shipments* of the commodities described above, from points in California, Idaho, Nevada, Oregon, and Washington, to Salt Lake City, Utah, restricted to a transportation service to be performed under a continuing contract with Tenneco, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 124813 (Sub-No. 116), filed May 16, 1974. Applicant: UMTHUN TRUCKING CO., a Corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite, bentonite products, and*

foundry molding sand treating compound (except in bulk), from the plantsite American Colloid Company, at Belle Fourche, S. Dak., to points in Iowa.

NOTE.—Applicant holds contract carrier authority in MC-118468 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128030 (Sub-No. 67), filed May 2, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Rural Route #1, Urbana, Ill. 61801. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Louvers, dampers, enclosures, penthouses, unit housing panels, screening grilles, and drapery packets* used in heating, air conditioning, and environmental control systems, from points in Champaign, Ill., to points in Arkansas, Connecticut, Delaware, Idaho, Iowa, Kansas, Maine, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Vermont, Virginia, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC-5352, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 128356 (Sub-No. 6), filed April 29, 1974. Applicant: DOWNINGTOWN TRAILER CARRIERS, INC., 640 West Boot Road, West Chester, Pa. 19380. Applicant's representative: Arnold Machles, Suite 1315, Two Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New trailers* (except housetrailers and trailers designed to be drawn by passenger autos) *and parts thereof*, in truckaway service, in initial movements, from plants of Gindy Mfg. Corp., in Downingtown, Eagle, Honeybrook, and Lebanon, Pa., and Florence, N.J., to points in the United States including Alaska and Hawaii (except from Downingtown, Lebanon, Honeybrook, and Eagle, Pa., to points in New York, Ohio, West Virginia, North Carolina, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and Illinois); and (2) *used trailers* (except housetrailers and trailers designed to be drawn by passenger autos) *and parts thereof*, in secondary movements, from points in the United States including Alaska and Hawaii, to the plants of Gindy Mfg. Corp. (except from those states specified in the exception in (1) above, to said plantsites of Gindy Mfg. Corp.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 128608 (Sub-No. 7), filed May 7, 1974. Applicant: M. D. I. TRUCKING CORP., 307 Oliver Building, Pittsburgh, Pa. 15222. Applicant's representative: S. E. Wilmot, P.O. Box 328, Washington, Pa. 15301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metering, measuring, recording, and controlling devices and materials, supplies, and equipment used in the manufacture, repair, and distribution thereof*, between the plants of Rockwell International located at DuBois, Pa. and Uniontown, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) *returned scrap devices*, from points in the United States (except Alaska and Hawaii), to recycling plants of Vulcan Detinning Co., Neville Island, Pa., and Roessing Bronze Co., Mars, Pa., under a continuing contract or contracts with Rockwell International of Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary applicant requests it be hedl at Pittsburgh, Pa. or Washington, D.C.

No. MC 129526 (Sub-No. 3), filed May 13, 1974. Applicant: FACTOR TRUCK SERVICE, INC., 2607 Old Rogers Road, Bristol, Pa. 19007. Applicant's representative: Robert B. Einhorn, 1540-PSFS Bldg., 12 S. 12th St., Philadelphia, Pa. 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fluorescent lighting fixtures*, from Saddle Brook, N.J., to points in Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Michigan, Indiana, Alabama, Ohio, West Virginia, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, and Florida; (2) *Fluorescent lighting fixtures*, from Bristol, Pa., to points in Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Arizona, Colorado, New Mexico, North Dakota, and South Dakota; (3) *Parts and accessories* of fluorescent lighting fixtures from Bristol, Pa., to points in the United States (except Alaska and Hawaii); (4) *Electrical transformers*, from Mendenhall, Miss., and Chicago, Ill., to Saddle Brook, N.J.; (5) *Electrical transformers*, from Madisonville, Ky., to Bristol, Pa.; and (6) *Plastic sheets and extrusions*, from Columbia, S.C., and Falsington, Pa., to Saddle Brook, N.J.; (1) through (6) above, under a continuing contract or contracts with Keystone Lighting Corp. and Robert Manufacturing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 129635 (Sub-No. 3), filed May 10, 1974. Applicant: ROYAL'S MOTOR SERVICE, INC., 3316 East Jefferson, P.O. Box 1124, Grand Prairie, Tex. 75050. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel reinforcing bars, smooth rounds and grinding balls*, from the plantsite and storage facilities of Border Steel Rolling Mills, Inc., located at El Paso, Tex., to points in Colorado, California, Arizona, New Mexico, Utah, Kansas, Oklahoma, Arkansas, Montana, Wyoming, and Nebraska, and (2) *materials, equipment and supplies* used in the manufacture of iron and steel reinforcing bars, smooth rounds, and grinding balls, from points in Colorado, California, Arizona, New Mexico, Utah, Kansas, Oklahoma, Arkansas, Montana, Wyoming, and Nebraska, to the plant and storage facilities of Border Steel Rolling Mills, Inc. at El Paso, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex., or Dallas, Tex.

No. MC 134400 (Sub-No. 10), filed April 19, 1974. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 2760 Muscatine St., Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and accompanying advertising material*, (a) from Dubuque, Iowa, to points in Wisconsin, under contract with the Pickett Brewing Co., Dubuque, Iowa; (b) from Minneapolis and St. Paul, Minn. and St. Louis, Mo., to Dubuque, Iowa, under contract with Kirchoff Distributing Co., Dubuque, Iowa; (c) from Milwaukee, Wis., to Dubuque, Iowa, under contracts with Dubuque Holiday Sales, Inc. and Quality Beverages Inc., both of Dubuque, Iowa; (d) from points in Minneapolis, Minn., Milwaukee and Monroe, Wis., to Dubuque, Iowa, under contract with the Hunt Beverage Company, Dubuque, Iowa; (2) *metal cans and lids*, (a) from Rockford, Ill. to Dubuque, Iowa, under contract with the Pickett Brewing Co., Dubuque, Iowa and (b) from Mattoon, Ill., to Decorah and Dubuque, Iowa, under contract with the Coca-Cola Bottling Co., Dubuque, Iowa; and (3) *glass bottles*, from Sapulpa, Okla., to Dubuque, Iowa, under contract with the Coca-Cola Bottling Co., Dubuque, Iowa.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Dubuque or Des Moines, Iowa.

No. MC 134548 (Sub-No. 5), filed May 13, 1974. Applicant: ZENITH TRANSPORT, LTD., 2040 Alpha Avenue, Burnaby 2 British Columbia, Canada. Applicant's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pulp*, in bales, from ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Lynden, or Sumas, Wash., to Pomona, Calif., restricted to traffic having an immediately prior movement in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134922 (Sub-No. 81), filed May 6, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative:

L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and parts*, as defined by the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 283, and *materials* used in the manufacture thereof (except commodities in bulk and those requiring special equipment), between Americus, Ga., on the one hand, and, on the other, points in Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisina, Michigan, Indiana, Kentucky, Ohio, West Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and Delaware.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Little Rock, Ark.

No. MC–135152 (Sub-No. 14), filed May 13, 1974. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, West Harrison, Ind. 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, caskets displays, funeral supplies, and crated caskets in mixed loads with crated caskets*, (1) from points in Randolph County, Ind., Los Angeles, Calif., Indianapolis, Ind., Prophetstown, Ill., Toledo, Ohio, Wythe County, Va., and Boyertown, Pa., to points in the United States (except Alaska and Hawaii); and (2) from Columbus, Ohio, to points in the United States (except Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska, and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC–135874 (Sub-No. 45), filed May 10, 1974. Applicant: LTL PERISHABLES, INC., 9949 J. Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 730 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from the plantsite and/or warehouse facilities of the Kitchens of Sara Lee, located at Chicago, and Deerfield, Ill., to points in Kansas, Missouri, Nebraska, Iowa, and South Dakota; and (2) from the plantsite and warehouse facilities of the Kitchens of Sara Lee, located at New Hampton, Iowa, to Deerfield, and Chicago, Ill., (1) and (2) above, restricted to traffic destined to the above named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC–136828 (Sub-No. 3), filed May 1, 1974. Applicant: COX & SHAY, INC., 301 E. Main Street, P.O. Box 352, Kilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage including the stringing and picking up of pipe, (a) between points in Missouri, Texas, Oklahoma, Kansas, Iowa, Illinois, Indiana, and Ohio; (b) between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Wisconsin, West Virginia, Wyoming, and the District of Columbia; (c) between points in Arizona, Idaho, Nevada, Oregon, and Washington; and (d) between points in Arizona, Idaho, Nevada, Oregon, and Washington, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia; (2) *steel and metal pipe, pipe fittings, paint, and tar*, to be used in the construction of pipe lines (except gas, gasoline and oil pipelines), from rail heads in New York, Pennsylvania, and Tennessee, to points in New York, Pennsylvania, and Tennessee; and

(3) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, (a) between points in Missouri, Texas, Oklahoma, Kansas, Iowa, Illinois, Indiana, and Ohio; (b) between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Wisconsin, West Virginia, Wyoming, and the District of Columbia; (c) between points in Arizona, Idaho, Nevada, Oregon, and Washington, on the one hand, and, on the other points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia, and (d) between points in Arizona, Idaho, Nevada, Oregon, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Fort Worth, Tex.

No. MC 138741 (Sub-No. 9), filed May 9, 1974. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, Suite 910 Fairfax Bldg., 101 W. Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and brick related masonry construction materials* (except commodities in bulk), (a) from Chattanooga, Johnson City, Kingsport, and Knoxville, Tenn., to points in Illinois, Indiana, Kentucky, and Wisconsin, (b) from Coral Ridge, Ky., to points in Illinois, Indiana, and Wisconsin, (c) from Mooresville, Ind., to points in Illinois, Kentucky, and Wisconsin, restricted to traffic originating at or destined to the plantsites and production and storage facilities of General Shale Products Corporation at or near the above named origin points.

NOTE.—Applicant holds contract carrier authority in MC–136340, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or Memphis, Tenn.

No. MC 139297 (Sub-No. 1) (CORRECTION), filed April 5, 1974, published in the FEDERAL REGISTER issue of May 16, 1974, and republished, as corrected this issue. Applicant: HAPPY HOUSE TRANSPORT, INC., 2703 West Dudley Street, Fresno, Calif. 93728. Applicant's representative: Michael J. Stecher, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home decorations and accessories*, (1) from San Diego County, Calif., to points in San Diego County, Calif.; (2) from Sacramento, Calif., to points in Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Sonoma, Yolo, Solano, San Francisco, San Joaquin, Sacramento, Placer, Sutter, El Dorado, Yuba, Butte, Colusa, Stanislaus, Humboldt, Shasta, Mendocino, Tehama, and Nevada Counties, Calif.; (3) from Los Angeles, Calif., to points in Los Angeles, Orange, and Ventura Counties, Calif.; (4) from Fresno, Calif., to points in Fresno, Stanislaus, Merced, Mariposa, Madera, Kings, Tulare, and Kern Counties, Calif.; (5) from Ben Lomond, Calif., to points in Monterey, Santa Cruz, and San Benito Counties, Calif.; and (6) from Ontario, Calif., to points in San Bernardino and Riverside Counties, Calif.; (1) through (6) above, inclusive, under contract with Home Interiors and Gifts, Inc.

NOTE.—The purpose of this republication is to correct the destination points named in (2) above, which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, or Fresno, Calif.

No. MC 139320 (Sub-No. 1), filed May 7, 1974. Applicant: SOUTHERN TOWING SERVICE, INC., doing business as, SOUTHERN TOWING SERVICE, 4325 West Wood Park Drive, P.O. Box 9189, Shreveport, La. 71109. Applicant's representative: Vernie N. Rollo (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, abandoned, surrendered or repossessed vehicles* (except mobile homes & house-trailers designed to be drawn by passenger automobile) in truckaway service, by use of wrecker equipment, between points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., Baton Rouge, La., New Orleans, La., or Austin, Tex.

No. MC 139557 (Sub-No. 2), filed May 13, 1974. Applicant: ROBERT S. BROWN, doing business as BROWN TRUCKING, R.R. No. 6, Olney, Ill. 62450. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, buttermilk, flavored milk, cottage cheese, cheese, dips, butter, cream, ice cream mix, fruit, juices, sour cream, and dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in containers, in mechanically refrigerated vehicles, from Olney, Ill., to points in Indiana on and west of U.S. Highway No. 31, under contract or contracts with Prairie Farms Dairy, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC–139725 (Sub-No. 1) (CORRECTION), filed April 22, 1974, published in the FR issue of May 23, 1974, and republished as corrected this issue. Applicant: DYOLL DELIVERY SERVICE, INC., P.O. Box 66, Netcong, N.J. 07857. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Components parts of special ordnance equipment, component parts of radar and underwater sound devices, component parts of missile, and missile handling equipment* for aircraft carriers, and *component parts of special machinery* manufactured to customer's specification, *pile hammers and parts, air and steam core drills and parts, and rough steel and iron castings* for such hammers and drills, between points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, under continuing contract with MKT Division.

NOTE.—The purpose of this republication is to correct the territorial description. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or Washington, D.C.

No. MC 139739 filed April 15, 1974. Applicant: JOHN G. DICKMAN AND WILLIAM D. CABRAL, a Partnership, doing business as DIAMOND FREIGHT LINES, Highway 99 and Woodward Road, Manteca, Calif. 95336. Applicant's representative: Dallas Mooney (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, automobile, cut to shape, from Lathrop, Calif., to Phoenix and Tucson, Ariz., under a continuing contract, or contracts, with Libbey-Owens-Ford Company of Lathrop, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 139743 (Sub-No. 2), filed May 10, 1974. Applicant: GEORGIA CARPET EXPRESS, INC., Tibbs Road, P.O. Box 1680, Dalton, Ga. 30720. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting and yarn*, from points in Walker, Whitfield, Bartow, Gordon, Murray, Pickens, Chattooga, Hall, Gilmer, and Colquitt Counties, Ga., to points in Washington, Oregon, Nevada, California, Idaho, Wyoming, Utah, Arizona, Montana, and points in Colorado, New Mexico, North Dakota and those in South Dakota on and west of U.S. Highway 85, under a continuing contract or contracts with E. T. Barwick Industries, Inc., Coronet Industries, Inc., Galaxy Carpet Mills, Inc., and Talston Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 139759 (Sub-No. 2) (AMENDMENT), filed May 1, 1974, published in the FR issue of June 13, 1974, and republished, as amended this issue. Applicant: BENJAMIN FERNADEZ, doing business as, DIRECT COURIER, 2780 Jefferson Davis Highway, Arlington, Va. 22202. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sera, cell and tissue cultures, biological research products and equipment, chemicals, laboratory equipment and apparatus, medical reagents, plasma and live laboratory animals*, between points in the District of Columbia, and those in Frederick, Montgomery, and Howard Counties, Md., on the one hand, and, on the other, points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, restricted to shipments weighing not in excess of 150 pounds from one consignor to one consignee in a given day.

NOTE.—The purpose of this republication is to indicate applicant's additional request to include Montgomery County, Md. in its radial territory request. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139790 filed May 9, 1974. Applicant: D & T TRUCKING CO., INC., P.O. Box 2611, New Brighton, Minn. 55112. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned foodstuffs*, from Chicago, Ill., to points in North Dakota, South Dakota, points in Minnesota, on and west of a line beginning at the Minnesota-Iowa State Boundary line and extending northerly along Minnesota Highway 15 to St. Cloud, Minn., thence along Minnesota Highway 23 to Lake Superior at or near Duluth, Minn., those in Iowa on and west of U.S. Highway 69 and on and north of U.S. Highway 30, and those in that part of Nebraska on and north of U.S. Highway 30; and (2) *such commodities* as are used by producers of foods, from Chicago, Ill., to Worthington, Minn.

NOTE.—Applicant holds contract carrier authority in MC–117644 Sub-No. 8 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 139822 filed May 1, 1974. Applicant: FOOD CARRIER, INC., P.O. Box 4131, Savannah, Ga. 31407. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and such other commodities* as are dealt in by wholesale and retail chain and grocery houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between the facilities of Savannah Foods and Industries, Inc., and its subsidiary TranSales Corporation, located in Chatham County, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia, restricted against the transportation of shipments in vehicles equipped with mechanical refrigeration between points in Mobile County, Ala., on the one hand, and, on the other, points in Chatham County, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139841 filed May 13, 1974. Applicant: DENVER TRANS-CORP., 801 East Seventeenth Avenue, Denver, Colo. 80218. Applicant's representative: Chester A. Zyblut, 1522 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and materials, supplies, equipment and ingredients* used in the manufacture, packaging and distribution of frozen foods, (a) between Denver, Colo., on the one hand, and, on the

other, points in the United States (except Alaska and Hawaii); and (b) 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 Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, under continuing contracts with Aunt Martha's Foods, Inc., and The Quaker Oats Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 139855 filed May 3, 1974. Applicant: JOHN Q. HITE, JR., doing business as HITELAND FARMS, P.O. Box 196, Olmstead, Ky. 42265. Applicant's representative: Robert L. Baker, 618 Hamilton Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and related items*, (1) between Guthrie, Ky., on the one hand, and, on the other, points in Tennessee, Alabama, Ohio, Georgia, Arkansas, Mississippi, Indiana, Illinois, and Missouri; (2) between points in Randolph and Effingham Counties, Ill., on the one hand, and, on the other, points in Indiana and Ohio; and (3) between points in McCracken and Hancock Counties, Ky., on the one hand, and, on the other, points in Perry County, Ark., under continuing contracts with A–1 Corrugated Sheets, Inc., and Federal Paper Stock Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 139857, filed May 14, 1974. Applicant: T–W TRANSPORT, INC., 2124 Waterworks Way, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and malt beveages*, from points in Los Angeles, Orange, San Mateo, Santa Clara, Fresno, Madera, Alameda, Stanislaus, and Napa Counties, Calif., to points in Washington in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, Wash. and points in Nez Perce, Latah, Benewah, Kootenai, Bonner, Boundary, Shoshone, Clearwater, Lewis, and Idaho Counties, Idaho.

NOTE.—Common control may be involved. Applicant seeks no duplicating authority. If a hearing is deemed necessary, the applicant requests it be held at Spokane, Wash., Seattle, Wash., or Portland, Oreg.

MOTOR CARRIER OF PASSENGER(S)

No. MC 98713 (Sub-No. 6), filed May 9, 1974. Applicant: ORANGE BELT STAGES, a Corporation, 525 E. Acequia Street, Visalia, Calif. 93277. Applicant's representative: F. S. Bayley, Chickering & Gregory, Suite 1200, 111 Sutter Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and groups of passengers and their baggage*, in charter operations, beginning and ending at points in Tulane, Kings, San Luis Obispo, Kern, and Fresno Counties, Calif., and extending to points in Washington, Oregon, Nevada, Utah, Arizona, and New Mexico.

NOTE.—By the instant application, applicant, seeks to convert its Certificate of Registration No. MC 98713 (Sub-No. 5) to a certificate of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at Visalia, Calif., or Bakersfield, Calif.

No. MC 109802 (Sub-No. 33), filed March 25, 1974. Applicant: LAKELAND BUS LINES, INC., East Blackwell Street, Dover, N.J. 07801. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express*, in the same vehicle with passengers, between Netcong, N.J., and Hanover Township, N.J., serving all intermediate points: From Netcong over U.S. Highway 206 to its junction with New Jersey Highway 24, in the Borough of Chester, N.J., thence over New Jersey Highway 24 to Morristown, N.J., thence over city streets and access roads in Morristown, N.J., to its junction with Interstate Highway 287 in Morristown, N.J., thence over Interstate Highway 287 to its junction with New Jersey Highway 10 in Hanover Township, N.J., and return over the same route.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 129969 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 118044 (Sub-No. 2), filed May 10, 1974. Applicant: KEESHIN CHARTER SERVICE, INC., 705 South Jefferson, Chicago, Ill. 60607. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, from points in Cook and Will Counties, Ill. and Lake County, Ind., to points in Mississippi, Alabama, Georgia, North Carolina, South Carolina, Florida, Maine, Vermont, Massachusetts, New Hampshire, Washington, Oregon, Idaho, California, Nevada, Utah, Arizona, Wyoming, Colorado, and New Mexico, and return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 125115 (Sub-No. 5), filed May 10, 1974. Applicant: EL PASO LOS ANGELES LIMOUSINE EXPRESS, INC., 720 S. Oregon Street, El Paso, Tex. 79947. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, limited to the transportation of no more than 33 passengers in any one vehicle, not including the driver thereof, in limousine service, Between El Paso, Tex. and Los Angeles, Calif.: From El Paso over Interstate Highway 10 to the junction of Interstate Highway 8, thence over Interstate Highway 8 to the junction of California Highway 98, thence over California Highway 98 to Calexico, Calif., thence over California Highway 86 to Indio, Calif., thence over Interstate Highway 10 to Los Angeles, and return over the same route, serving no intermediate points.

NOTE.—Applicant holds similar authority in Sub-4 transporting not more than 17 passengers; applicant merely seeks to extend the number of pasengers to 33, not including the driver. If a hearing is deemed necessary, the applicant requests it be held at El Paso, Tex.

No. MC 139807 filed May 6, 1974. Applicant: NAPA TRANSIT COMPANY, a Corporation, 1851 Soscol Avenue, Napa, Calif. 94558. Applciant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in round-trip sightseeing or pleasure tours, beginning and ending at points in the counties of Marin, Napa, Solano, and Sonoma; points on State Highway 4 in Contra Costa County and points north of said Highway; and Walnut Creek, Calif.; and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Napa or San Francisco, Calif.

FREIGHT FORWARDER APPLICATION(S)

No. FF–452 filed May 13, 1974. Applicant: SNAPPY DELIVERY INC., 1823 East Dakota, Pierre, S. Dak. 57501. Applicant's representative: Robert D. Hofer, 319 S. Coteau, Pierre, S. Dak. 57501. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by *motor vehicle*, in the transportation of *Used household goods*, between points in that part of South Dakota east of the Missouri River and Indian Reservations in South Dakota, including Cheyenne, Rosebud, Pine Ridge, Lower Brule, Crow Creek, and Standing Rock, restricted to the transportation of shipments having a prior or subsequent movements, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pierre, S. Dak.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14076 Filed 6–19–74;8:45 am]

[Rule 19; Ex Parte No. 241, Exemption No. 76]

WESTERN MARYLAND RAILWAY COMPANY

Exemption Under Mandatory Car Service Rules

It appearing, That there is an emergency movement of military impedimenta from Culbertson, Pennsylvania, to Leland, North Carolina; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Western Maryland Railway Company, the railroads designated by the Car Service Division are authorized to move to, and the Western Maryland Railway Company is authorized to accept, assemble, and load not to exceed two hundred (200) empty cars with military impedimenta from Culbertson, Pennsylvania, to Leland, North Carolina, regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective June 3, 1974.

Expires July 31, 1974.

Issued at Washington, D.C., June 3, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-14191 Filed 6-19-74;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

Page

PROCLAMATION:

4295 ... 19767
4296 ... 20051
4297 ... 20471

EXECUTIVE ORDERS:

9835 (See EO 11785) ... 20053
10450 (amended by E.O. 11785) ... 20053
10987 (revoked by E.O. 11787) ... 20675
11588 (Revoked by EO 11788) ... 22113
11605 (Revoked by EO 11785) ... 20053
11615 (See EO 11788) ... 22113
11627 (Revoked by EO 11788) ... 22113
11640 (Revoked by EO 11788) ... 22113
11695 (Revoked by EO 11788) ... 22113
11723 (Recoked by EO 11788) ... 22113
11730 (Revoked by EO 11788) ... 22113
11748 (See EO 11788) ... 22113
11758 (amended by E.O. 11784) ... 19443
11781 (Revoked by EO 11788) ... 22113
11784 ... 19443
11785 ... 20053
11786 ... 20473
11787 ... 20675
11788 ... 22113

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Memorandum of May 13, 1974 ... 20583
Memorandum of May 16, 1974 ... 19769

4 CFR

PROPOSED RULES:

409 ... 20505

5 CFR

213 ... 19445, 19446, 20055, 20185, 20783, 20957, 21037, 21117
733 ... 20185
890 ... 20055
891 ... 20055
930 ... 20185

6 CFR

Ch. I ... 20186

7 CFR

2 ... 20208, 22127
54 ... 20363
55 ... 20363
56 ... 20363
70 ... 20364
250 ... 20957
301 ... 21037, 21117
331 ... 19939
401 ... 19446, 19447, 21118
411 ... 19447
631 ... 20475
650 ... 19645
724 ... 20208
760 ... 20063

7 CFR—Continued

Page

905 ... 21040
908 ... 19448, 20065, 20364, 20800, 22127
910 ... 19773, 20208, 20799
911 ... 19939, 20209, 20800
915 ... 19773, 20801
917 ... 21118
918 ... 20957
923 ... 21119
928 ... 20677
944 ... 20957, 22127
1121 ... 20959
1421 ... 20803, 22128
1427 ... 19448, 20364, 20585
1464 ... 20066
1807 ... 20367
1822 ... 20803
1823 ... 20475
1832 ... 20677
1861 ... 20070
2620 ... 20070

PROPOSED RULES:

799 ... 20490
915 ... 19784
916 ... 20978
917 ... 21151
921 ... 20978
922 ... 20979
924 ... 20210, 21056
944 ... 19484
945 ... 21151
948 ... 21056
981 ... 19485
984 ... 19486
989 ... 19946
1040 ... 21153
1049 ... 21154
1131 ... 20212
1464 ... 20071
1701 ... 19947, 21154

8 CFR

242 ... 20959

PROPOSED RULES:

242 ... 19783, 20367
287 ... 20805

9 CFR

73 ... 19773, 20783
76 ... 19939
82 ... 20186, 20585
97 ... 19940
112 ... 20783
113 ... 20368, 20783, 21041
151 ... 21120
317 ... 20369
318 ... 20186
325 ... 20186
381 ... 20369

PROPOSED RULES:

102 ... 19946
112 ... 21057
113 ... 20980, 21057
312 ... 22152
317 ... 22152
320 ... 22152
381 ... 22152

10 CFR

32 ... 22129
71 ... 20960, 22131

10 CFR—Continued

Page

Ch. II:

210 ... 22131
211 ... 20187, 21042
Rulings ... 20056, 21042, 21043, 22133, 22134

12 CFR

213 ... 20056
220 ... 20960
225 ... 19774, 21120
303 ... 21044
545 ... 20678, 22134
563 ... 20586, 22137
564 ... 22137
615 ... 20960

PROPOSED RULES:

23 ... 22150
748 ... 21061

13 CFR

108 ... 20477

PROPOSED RULES:

107 ... 19662
121 ... 22163

14 CFR

39 ... 19448, 19449, 19775, 19940, 19941, 20189, 20190, 20477, 20479, 20680, 20784, 20961, 21120, 21121
61 ... 20056
71 ... 19449, 19450, 19775, 19942, 20057, 20191–20193, 20369, 20479, 20586, 20785, 20786, 20961, 21121
75 ... 19776, 20193, 20586
95 ... 20587
97 ... 20057, 20479
121 ... 20590
141 ... 20146
152 ... 20590
288 ... 19942, 20961, 20962
298 ... 21121
373 ... 21124
378 ... 21124
385 ... 20058, 21044, 21125
399 ... 20963

PROPOSED RULES:

Ch. I ... 20612
39 ... 19503, 20784, 20785, 20994
71 ... 19504, 19955, 20082, 20214, 20500, 20501, 20615, 20702, 20785, 20786, 20995
75 ... 20214
91 ... 20382
201 ... 20083
211 ... 20083
221 ... 20083
239 ... 20400
243 ... 20603
261 ... 20083
288 ... 20995
293 ... 20503
298 ... 20504
302 ... 20083
312 ... 20083
399 ... 20083, 21057

38 CFR—Continued Page

PROPOSED RULES:

3 ..... 20086, 20214
21 ..... 20087, 20996

39 CFR

111 20595
144 ..... 20788, 20970
154 20970
158 20970
159 20970
161 20971
162 20971
163 20971
165 20971
168 20973
232 20973
257 20973
263 20974
281 20974
3002 20376

PROPOSED RULES:

123 19958
124 19958

40 CFR

39 20788
51 20061
52 ..... 19779, 20061, 20484, 20596, 21049, 21053
60 20790
130 19634
131 19639
180 ..... 19942, 20376, 20596, 22145, 22146
227 20206
414 20597
415 20376

PROPOSED RULES:

52 ..... 19957, 20511, 21058, 22159
115 20769
120 ..... 20513, 20703
180 21058

41 CFR

3–7 20598
5A–2 20598
Ch. 7 21126
15–1 20794
15–26 20794

41 CFR—Continued Page

60–5 19943
101–26 ..... 20598, 20683
101–32 21054
101–35 19943
101–43 20061

PROPOSED RULES:

3–50 20602

42 CFR

PROPOSED RULES:

55a 20079

43 CFR

PUBLIC LAND ORDERS:

5174 (amended by PLO 5411) 19944
5411 19944
5422 20376

45 CFR

25 19478
151 22147
250 21135
801 19780

PROPOSED RULES:

86 22228
249 20042
1303 20071

46 CFR

2 19481
26 19481
160 20684
252 20383
294 19481

PROPOSED RULES:

73 19954
78 19954

47 CFR

0 20376
21 20600
73 ..... 20377, 20378, 20485
76 20380
78 20380
97 21054

47 CFR—Continued Page

PROPOSED RULES:

2 ..... 20401, 21166
15 21166
73 ..... 29787, 20083, 20401–20403, 20608, 20704, 22160
20083, 20401–20403, 20608, 20704
76 ..... 20813, 21058
81 ..... 20813, 21166
83 21166
91 20401
97 20704

49 CFR

Ch. III 20795
195 19780
391 20795
570 19781
571 ..... 19481, 19782, 20063, 20380
574 ..... 19482, 20206
1033 ..... 20207, 20684, 20685, 20799, 21054

PROPOSED RULES:

172 21166
173 ..... 20805, 21166
177 21166
178 ..... 20805, 21166
179 21166
566 19955
567 ..... 19505, 19955
568 19955
571 ..... 19505, 19955
575 20808
590 20501
1125 20215

50 CFR

Ch. I 21055
28 ..... 20380, 22149
255 19954
295 20381
Ch. IV 21055

PROPOSED RULES:

33 22152
216 19500
259 21161

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*
19437–19759	June 3
19761–19927	4
19929–20044	5
20045–20177	6
20179–20355	June 7
20357–20463	10
20465–20571	11
20573–20668	12
20669–20775	June 13
20777–20950	14
20951–21030	17
21031–21106	18
21107–22106	19
22107–22240	20

federal register

THURSDAY, JUNE 20, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 120

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Nondiscrimination on the Basis of Sex

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 86]

EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Nondiscrimination on the Basis of Sex

The Office of Civil Rights of the Department of Health, Education, and Welfare proposes to add Part 86 to the Departmental Regulation to effectuate Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 *et seq.*), except sections 904 and 906 thereof (20 U.S.C. 1684 and 1686), with regard to Federal financial assistance administered by the Department. Title IX provides that "no person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance," with certain exceptions. Title IX is similar to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) except that Title IX applies to discrimination based on sex, is limited to educational programs and activities, and includes employment.

Subpart A of these proposed regulations (§§ 86.1 through 86.9) includes definitions and provisions concerning: remedial and affirmative actions, required assurances, dissemination of information policies, and other general matters related to discrimination on the basis of sex. The Subpart also explains the effect of state or local laws and other requirements.

Subpart B (§§ 86.11 through 81.16) describes the educational institutions and other entities, whether public or private, which are covered in whole or in part by the proposed regulations. It also includes exemptions as to admissions for certain educational institutions, as set forth in the statute, but it should be noted that these exemptions are limited to admissions. This Subpart defines "admissions," and describes certain educational institutions which are eligible to submit transition plans designed to convert their single-sex admissions processes to nondiscriminatory processes over a stated period of time not to exceed seven years from the date of enactment of Title IX (i.e. by June 24, 1979).

Subpart C (§§ 86.21 through 86.23) sets forth the general and particular prohibitions with respect to nondiscrimination based on sex in admissions policies and admission preferences, including requirements concerning recruitment of students. The regulatory requirements regarding treatment of students and employment (Subparts D and E) are applicable to all educational institutions receiving Federal financial assistance, including those whose admissions are exempt under Subpart C.

Subpart D (§§ 86.31 through 86.38) sets forth the general rules with respect to prohibited discrimination in educational programs and activities. The specific subject matter covered in Subpart D includes discrimination on the basis of sex in academic research, extracurricular and other offerings, housing, facilities, access to programs and activities, financial and employment assistance to students, health and insurance benefits for students, physical education and instruction, athletics, and discrimination based on the marital or parental status of students.

Subpart E (§§ 86.41 through 86.51) sets forth the general rules with respect to employment in educational programs and activities. The specific subject matters covered are discrimination on the basis of sex in hiring and employment criteria, recruitment, compensation, job classification and structure, promotions and termination, fringe benefits and leave, advertising, pre-employment inquiries, and discrimination with respect to marital or parental status. It also includes provisions for exemptions where sex is a *bona fide* occupational qualification.

Subpart F (§§ 86.61 through 86.66) sets forth the procedures which would govern the implementation of the proposed regulations, including procedures for effecting compliance, conducting hearings, rendering decisions and issuing notices. It also includes provisions concerning the applicability of administrative and judicial review. Section 86.11, in Subpart A, provides that the regulations apply "to each education program or activity which receives or benefits from Federal financial assistance" administered by the Department. Under analogous cases involving constitutional prohibitions against racial discrimination, the courts have held that a school district's or college's education functions include any service, facility, activity or program which it operates or sponsors, including athletics and other extracurricular activities. These precedents have been followed with regard to sex discrimination; see Brenden v. Independent School District 742, 477 F. 2d 1292 (8th Cir. 1973).

Section 86.63(c), in Subpart F, provides, as Title IX requires in 20 U.S.C. 1682, that termination or refusal to grant or continue such assistance "shall be limited in its effect to the particular education program or activity" in which noncompliance has been found. The Secretary proposes to interpret section 86.63 (c) consistently with the interpretation of similar language contained in Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1). He proposes, therefore, that an education program or activity or part thereof operated by a recipient of Federal financial assistance administered by the Department will be subject to the requirements of this regulation if it receives or benefits from such assistance. This interpretation is consistent with the leading case interpreting the language contained in Title VI, which holds that Federal funds may be terminated under Title VI only upon a finding they "are administered in a discriminatory manner, or if they support a program which is infected by a discriminatory environment * * *" Board of Public Instruction of Taylor County, Florida v. Finch, 414 F. 2d 1068, 1078–79 (5th Cir. 1969).

A more detailed discussion of various sections in each of the Subparts of the proposed Title IX regulations is set forth in the following paragraphs. In certain cases, major issues and the reasons for the proposed decision are discussed.

Subpart A. Section 86.2 generally provides definitions. Of particular note is § 86.2(o) which provides that where an educational institution is composed of more than one school, department or college, admission to which is independent of admission to any other component, each such school, department or college is considered as a separate unit for the purposes of determining whether its admissions are covered by the regulation. Thus, if a private institution is composed of an undergraduate and a graduate college, admissions to the undergraduate college are exempt (see discussion under Subpart B below) but admissions to the graduate school are not.

Section 86.3(a) requires remedial action to overcome the effects of previous discrimination based on sex in a Federally assisted educational program or activity. Remedial action pursuant to § 86.3(a) is restricted to areas of a recipient's educational program or activity which are not exempt from coverage. Section 86.3(b) permits, but does not require, affirmative action to overcome the effects of conditions which have resulted in limited participation by members of either sex. The Department will not require imposition of quotas under either of these sections.

Section 86.4 requires each recipient of Federal financial assistance to submit to the Director an assurance that each of its educational programs and activities receiving or benefiting from such assistance will be conducted in compliance with the regulations.

Subpart B. Section 86.13 of the regulation provides that all public and private military schools that are recipients of Federal financial assistance, whether secondary or post-secondary, are exempt from coverage. Neither the statute nor the regulation applies to U.S. military and merchant marine academies since these schools are Federal entities rather than recipients of Federal assistance.

Section 86.12 provides that the regulation does not apply to religiously controlled institutions to the extent that such application would be inconsistent with the religious tenets of the controlling organization. An educational institution wishing to claim an exemption on the ground of religion must do so in writing to the Director when it files its assurance of compliance pursuant to § 86.4. The institution would be required to set forth the manner and extent to which application of the regulation would not be consistent with the religious tenets of its controlling organization.

The statute covers admissions only in certain institutions: vocational, professional, graduate, and public undergraduate institutions, except such of the latter as from their founding have been

traditionally and continually single-sex. The admissions policies of private undergraduate institutions are exempt. Under the statute and § 86.14, the admissions requirements do not apply, in general, to admissions to public or private preschool, elementary and second schools. Because the statute mandates such coverage as to vocational schools, however, admission to public or private vocational schools, whether at the junior high school, high school or post-secondary level, are covered by § 86.14(c) and must be nondiscriminatory. With respect to coverage of admissions to institutions of professional and vocational education, the Secretary has interpreted the statute as excluding admissions coverage of professional and vocational programs offered at private undergraduate schools. Thus, admission to programs leading to first degrees in fields such as teaching, engineering, and architecture at such private colleges will be exempt under § 86.14(d). While the admissions section of the statute might be read as including professional degrees wherever they are offered, the statute can also be read as stating, and the legislative history indicates, that admissions to private undergraduate schools were to be totally exempt.

The exemption in § 86.14(d) for admissions to public traditionally and continually single-sex undergraduate institutions will affect only a few institutions. Likewise, section 86.15 of the regulation, concerning transition by single-sex institutions whose admissions are covered by the statute into institutions with nondiscriminatory admissions practices, will affect relatively few institutions.

Subpart C. Subpart C prescribes (subject to the appropriate admissions exemptions) requirements for nondiscrimination in recruitment and admission of students to educational programs and activities. In addition to a general prohibition of discrimination in § 86.21(a), the regulations delineate, in § 86.21(b), specific prohibitions based on sex relating to such practices as ranking of applicants, application of quotas, and administration of tests or selection criteria. Use of tests for admission which are shown to have an adverse impact on members of one sex must be shown to predict validly the successful completion of the educational program or activity in question (§ 86.21(b)(2)). Further, in connection with this prohibition, § 86.22 of the regulation forbids a recipient from giving preference to applicants on the basis of their attendance at particular institutions if the preference results in discrimination on the basis of sex. Such preferences may be permissible under that section, however, if the granting institution can show that the pool of applicants eligible for such a preference includes roughly equivalent numbers of males and females, or if it can show that the total number of applicants eligible to receive the preference is insignificant in comparison to its total applicant pool.

Specific prohibitions in Subpart C also forbid applying rules concerning such matters as marital or parental status in a manner which discriminates in admissions on the basis of sex (§ 86.21(c)(1)). Section 86.21(c)(2) prohibits discrimination on the basis of pregnancy and related conditions, and § 86.21(c)(3) provides that recipients shall treat disabilities related to such conditions in the same manner and under the same policies as any other temporary disability or physical condition is treated.

The last section of Subpart C, § 86.23, requires generally that comparable efforts be made by educational institutions to recruit members of each sex. Additional recruitment efforts directed primarily toward members of one sex must be undertaken to remedy past discrimination (pursuant to § 86.3(a) in Subpart A), and such additional efforts may also be taken absent past discrimination in order to correct the effects of conditions which have had the effect of limiting the admissions of members of one sex, to the recipient's educational program or activity (pursuant to § 86.3(b)). Finally, a recipient may not, under § 86.23(b), recruit primarily or exclusively at institutions whose student bodies are exclusively or predominantly single-sex if the effect of such recruitment efforts is to discriminate on the basis of sex.

Subpart D. Subpart D concerns the prohibition of discrimination in treatment of students in educational programs and activities. Generally, § 86.31(a) states that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other educational program or activity operated by a recipient and which receives or benefits from Federal financial assistance. This provision is followed by specific prohibitions in § 86.31(b) which include: discriminating on the basis of sex in the application of any rules of appearance, or in the application of rules of domicile and residency (as discussed below), and aiding or perpetuating sex discrimination by assisting any agency, organization or person which discriminates on the basis of sex in providing any aid, benefits, or services to students or employees. Section 86.31(a) does permit an institution to assist its students in seeking admission to an education program which discriminates, if that admissions discrimination would be permissible under Subpart C. For example, a public undergraduate institution may administer an exchange program with a private undergraduate institution which admits only students of one sex because Subpart C permits the private institution to have such an admissions policy.

Section 86.31(b)(6) forbids application by recipients of residency and domicile rules in a manner which discriminates on the basis of sex. For example, many educational institutions base their determinations of eligibility for in-state tuition on domicile; applicable state law may require a married woman to take the domicile of her husband as of the date of marriage, or further require a year of residency to demonstrate domicile. If a male student domiciled in State A marries a female student domiciled in State B, and they then move to State B where the woman continues in school and the man begins school, he may not be entitled to in-state tuition in State B until he has lived there for a year. Additionally, as the wife must take her husband's domicile, she will lose her in-state tuition eligibility. If, instead, the woman were from State A and the man from State B, both would have been entitled immediately to in-state tuition in State B. Application of such rules would be prohibited under § 86.31(b)(6). See Samuel v. University of Pittsburgh, et al., F. Supp. (W.D. Pa., No. 71–1202, April 10, 1974).

Section 86.31(b)(7) prohibits a recipient from assisting another party which discriminates on the basis of sex in serving students or employees of that recipient. This section might apply, for example, to financial support by the recipient to a community recreational group or to official institutional sanction of a professional or social organization. Among the criteria to be considered in each case are the substantiality of the relationship between the recipient subject to the regulation and the other party involved, including the financial support by the recipient, and whether the other party's activities relate so closely to the recipient's educational program or activity, or to students or employees in that program, that they fairly should be considered as activities of the recipient itself. (Under § 86.6(c), a recipient's obligations are not changed by membership in any league or other organization whose rules require or permit discrimination on the basis of sex.)

A recipient is required to develop and implement a procedure to ensure that the operator or sponsor of an educational program or activity not operated wholly by such recipient, in which the recipient assists participation by its students and employees, takes no action which the regulation would prohibit the recipient from taking. This requirement would apply, for example, to a college's responsibility to ensure nondiscrimination in teaching assignments of student teachers from its education school in schools not operated by the college. If the recipient finds that such discrimination is taking place and is unable to secure its prompt correction, it is required to end its connection with the operating or sponsoring entity (§ 86.31(c)).

With respect to housing, § 86.32 provides that a recipient may not discriminate in any aspect of the provision of housing except that, as provided in the statute, housing may be separate on the basis of sex. Thus, all rules, fees, and other requirements must not discriminate on the basis of sex, and the housing provided or otherwise made available (*e.g.* through listing) must be proportionate in quantity to the number of applicants for housing of each sex and comparable in quality and cost to the student. Moreover, a recipient must administer rules concerning off-campus housing (*e.g.* rules concerning which students

may live off campus) without discrimination. To the extent that it approves, or assists students in obtaining, off-campus housing, it must take whatever steps it believes necessary to assure that the off-campus housing available to members of one sex, when compared to that available to members of the other sex, is proportionate in quantity to the numbers of applicants of each sex as well as comparable in quality and cost.

Separate toilet, locker room and shower facilities on the basis of sex may be provided, but such facilities as are provided must be comparable in quality and number for men and women (§ 86.33).

Section 86.34(a) covers access to course offerings and other aspects of a recipient's educational program or activity. No course offerings may be conducted separately on the basis of sex including health, physical education, industrial arts, business, vocational, technical, home economics, music, and adult education, and no student may be required to participate or be refused participation in any course offering on the basis of sex. Section 86.34(b) provides that local educational agencies, in which admission to individual schools are exempt, nevertheless may not discriminate in admissions to the vocational institutions (see Subpart B). In addition, they may not discriminate in admissions to any other school or educational unit which they operate (*e.g.* a special high school operated for boys) unless they otherwise make available to students of the sex excluded, pursuant to the same policies and criteria of admission, comparable courses, services and facilities. Section 86.34(d) requires use of nondiscriminatory appraisal and counseling materials.

The Department recognizes that sex stereotyping in curricula and educational materials is a serious problem to which Title IX could well apply, but the Department has concluded that specific regulatory provisions in this area would raise grave constitutional problems concerning the right of free speech under the First Amendment to the Constitution, and for that reason the Secretary has not covered this subject matter in the proposed regulation. The Department assumes that recipients will deal with this problem in the exercise of their general authority and control over curricula and course content. For its part, the Department will increase its efforts, through the Office of Education, to provide research, assistance and guidance to local education agencies in eliminating sex bias from curricula and educational materials.

Section 86.35 requires that provision of financial aid, assistance in making outside employment available to students, and employment of students by a recipient must be undertaken in a nondiscriminatory manner.

Section 86.35(a) prohibits different amounts and types of all forms of student financial aid to members of one sex. Section 86.35(a) prohibits a college or university subject to Title IX from assisting private fellowship or scholarship programs which are limited to members of one sex or for which members of each sex are selected separately. There may be appropriate remedial action in this area, including temporarily considering a student's sex in awarding financial aid. This section does not apply to a recipient's assisting in the administration of a scholarship or fellowship program established under a foreign will, trust or similar legal instrument, or by a foreign government, which differentiates between the sexes. The Secretary believes that the statute was not intended to cover such programs. The Secretary is aware of the problems raised by financial aid limited to members of one sex by a domestic bequest, deed of trust, or other instruments and invites comment in this area.

Under § 86.36, recipients may not discriminate in the provision of medical, hospital, accident, or life insurance benefits, services, policies or plans to any of their students, and recipients may not provide such benefits, service, policies or plans or otherwise discriminate, in any manner which would violate the employment sections of the regulation (Subpart E) if the action were to be taken with respect to employees. The section does not, however, prohibit recipients from providing any benefits or services which may be used by a different proportion of students of one sex than of the other, including but not limited to family planning services.

Section 86.37 provides generally that recipients may not apply rules concerning a student's actual or potential parental, family, or marital status in a discriminatory manner, and it provides specific prohibitions regarding discrimination against students on account of pregnancy, childbirth, or pregnancy-related disabilities. A student may not be excluded from regular classes because of pregnancy or related conditions unless she so requests or unless her physician certifies that a different arrangement is necessary. The regulation reflects the principle that disabilities related to pregnancy should be treated like any other disability.

Section 86.38 imposes requirements concerning physical education and athletic programs, which are integral parts of the educational processes of schools and colleges and are fully subject to the requirements of Title IX. See Brenden v. Independent School District 742, 477 F. 2d 1292, 1292–96 (8th Cir. 1973); compare Bucha v. Illinois High School Association, 351 F. Supp. 69 (N.D. Ill. 1972).

Section 86.38(a) provides that physical education classes and athletic programs must be operated without discrimination on the basis of sex. Such activities for which participation or selection is premised on factors other than skill may not be conducted separately on the basis of sex. Athletics for which selection is based on competitive skill may be provided through separate teams for males and females to the extent such teams comply with the requirements of §§ 86.38 (b) through (e), which are summarized below. (The award of scholarships for participation on a single sex team will not be interpreted as a single sex scholarship prohibited by § 86.35(a) so long as the recipient complies with the requirements of § 86.38, providing for equal opportunity in athletics.)

Recipients must determine in what sports students of both sexes desire to participate (§ 86.38(b)). Where athletic opportunities for students of one sex have previously been limited, a recipient must make affirmative efforts to inform students of that sex of the availability of equal opportunities for them, and to provide support and training to enable them to participate in those opportunities (§ 86.38(c)).

Section 86.38(d) requires that a recipient make affirmative efforts to provide athletic opportunities in such sports and through such teams as will most effectively equalize opportunities for members of both sexes, and in so doing consider the determinations of student interest made pursuant to § 86.38(b). The regulation does not require equal aggregate expenditures for athletics for members of each sex nor equal expenditures for each team (§ 86.38(e)).

Subpart E. Subpart E proposes requirements concerning employment which generally follow those of the Equal Employment Opportunity Commission (29 CFR Part 1604), and the Department of Labor's Office of Federal Contract Compliance (41 CFR Part 60). The EEOC administers Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination, and the OFCC is responsible for the coordination of implementation of Executive Order 11246, as amended, which prohibits employment discrimination by Federal contractors. This Department is responsible for administration, pursuant to the OFCC regulations, of the Executive Order as to Federal contractors which are educational institutions. Virtually all recipients subject to Part 86 are also subject to Title VII, and many are also subject to the Executive Order. Where Subpart E of Title IX differs from either the Title VII regulations or those under Executive Order 11246, an employer who complies with this proposed regulation would also be complying with both Title VII and Executive Order, even where the latter provisions differ from each other, with the exception of fringe benefits as discussed in the following paragraph.

Section 86.46(b)(2) of Subpart E follows the Executive Order regulations in requiring that fringe benefit plans provide for either equal periodic benefits to members of each sex, or equal contributions by the employer for members of each sex (§ 86.36 imposes identical requirements for student benefit plans).

The Title VII regulation differs in that it prohibits payment of unequal periodic benefits on the basis of sex, and precludes employers from justifying unequal periodic benefits on the basis of differences in cost for males and for females. Assuming different life spans at particular ages between the sexes, and assuming equal contributions by all employees, Title VII implicitly requires payment of higher employer contributions for, and

the possibility of higher total benefits received by, women. (The Department of Labor is currently considering changes in the Executive Order regulations. One of the proposed changes would result in conforming the fringe benefit requirements with those in effect under Title VII. (See 38 FR 35336–28, December 27, 1973.)

The Secretary has considered a third alternative for possible adoption by the Department. That proposal would mandate the use of premium or rate tables which do not differentiate on the basis of sex, and would thus require both equal contributions and equal periodic benefits. The Secretary invites comment specifically on whether § 86.46(b)(2) should adopt the Executive Order approach, as it does presently, that of Title VII, or the third alternative as set forth above.

The regulation applies to part-time employees § 86.41(a)(2)). The Secretary will interpret the section concerning fringe benefits (§ 86.46) to require, where an institution's female permanent employees are disproportionately part-time or its permanent part-time employees are disproportionately female, and the institution does not provide its permanent part-time employees fringe benefits proportionate to those provided full-time employees, that the institution demonstrate that such a manner of providing fringe benefits does not discriminate on the basis of sex. "Permanent" would refer to any employee who is expected to work or has in fact worked at least one academic semester at half-time or half-time equivalent. The Secretary seeks comment on the implications of requiring all institutions to provide permanent part-time employees fringe benefits proportionate to those offered full-time employees, regardless of the relative composition of a particular institution's part-time and full-time work forces or of the ratio of part-time and full-time employment among its female employees.

The Secretary sees no reason for treating disabilities relating to pregnancy differently from other temporary disabilities in the context of educational institutions. Accordingly, § 86.47(b) reflects the more detailed Title VII regulation rather than the Executive Order regulation. Section 86.47(c) also follows the Title VII regulation in requiring not only that disabilities related to pregnancy must be considered a justification for leave, but that where an employer provides for temporary disabilities under its fringe benefit or leave plan, disabilities related to pregnancy must be treated in the same manner as any other temporary disability.

Section 86.47(e) provides that an employee may not be required to commence leave related to pregnancy so long as her physician certifies that she is capable of performing her duties, and that she must be allowed to resume work after such a leave no more than two weeks after her physician certifies that she is capable of doing so, or in the case of an employee who is a teacher, at the beginning of the first academic term after such certification is made. These rules are consistent with the recent holding of the Supreme Court in Cleveland Board of Education v. LaFleur, 94 S.Ct. 791 (1974).

Although LaFleur apparently permits an employer to require that every pregnant teacher commence leave "at some firm date during the last few weeks of pregnancy," *Id.* at 799, n. 13, there is no clear medical evidence as to what such date might be generally appropriate, and the Secretary believes individualized determinations based on the employee's own capacities should be required instead.

Section 86.50(a) departs from both the Title VII and the Executive Order regulations in prohibiting pre-employment inquiries as to an applicant's marital status, as such inquiries are frequently the predicate for discrimination against married women. Section 86.21(c)(4) contains a similar prohibition with regard to pre-admission inquiries. Section 86.51 follows the Title VII and Executive Order regulations in providing for consideration of sex in making employment decisions where sex is a "*bona fide* occupational qualification." (The Title VII exemption is provided for by the statute; the Executive Order exemption is intended simply to be consistent with that legislation.) Section 86.51 is included only for consistency with those regulations.

Subpart F. As noted above, Subpart F sets forth the procedures which would govern implementation of the proposed regulations. These procedures are in most respects similar to those contained in the Department's regulation implementing Title VI of the Civil Rights Act of 1964, 45 CFR Parts 80 and 81. Several of the provisions, however, are particularly noteworthy.

The provision for amicus participation under Title VI is contained in the procedural rather than the substantive regulation and may be found at 45 CFR 81.22. Amicus participation under Title IX will be included when procedural regulations are issued.

The Office for Civil Rights has previously distributed a Memorandum to Presidents of Institutions of Higher Education Participating in Federal Assistance Programs (August 1972), a Memorandum for Directors of Institutions of Vocational Education Participating in Federal Assistance Programs (May 1973), and a Memorandum for Chief State School Officers and Local School Superintendents (February 1973), all of which describe the basic applicability of Title IX, and the Office for Civil Rights and the Office of Education have jointly distributed a Memorandum for Presidents of Selected Institutions of Higher Education Participating in Federal Assistance Programs (May 1973), which describes the criteria and procedures under which certain formerly single-sex institutions may operate pursuant to a plan for transition to nondiscriminatory admissions. These documents are consistent, with certain minor exceptions, with the provisions of proposed Part 86 (the requirements of Part 86 which correspond to those of the Memorandum for Presidents of Selected Institutions are contained in §§ 86.15 and 86.16).

Persons who wish to submit comments, suggestions, or objections pertaining to these regulations may present their views, in writing, to the Director of the Office of Civil Rights of the Department of Health, Education, and Welfare, P.O. Box 2974, Washington, D.C. 20013. The Secretary believes that the comment period should extend for at least thirty days into the autumn academic semester, to enable academic institutions and student and faculty groups to formulate comments, and comments may therefore be submitted through October 15, 1974. Comments received in response to this notice will be available for public inspection in Room 3256, 330 Independence Avenue, SW., Washington, D.C. 20201, between 9 a.m. and 5:30 p.m., Monday through Friday (except Federal holidays) both before and after October 15, 1974, until the regulation is published in final form. Copies of representative comments received by the Director will also be made available for public inspection in the office of each Regional Director of the Office for Civil Rights during normal business hours before and after October 15, 1974. The Regional Directors and their offices are located as follows:

Region I—Mr. John G. Bynoe, RKO General Bldg., 5th Floor, Bulfinch Place, Boston, Massachusetts 02114.

Region II—Mr. Joel Barkan, 26 Federal Plaza, Rm. 3908, New York, New York 10007.

Region III—Mr. Dewey Dodds, Gateway Bldg., 3535 Market Street, Philadelphia, Pennsylvania 19101.

Region IV—Mr. William Thomas, 50 Seventh Street, NE, Rm. 404, Atlanta, Georgia 30323.

Region V—Mr. Kenneth A. Mines, 309 W. Jackson Blvd., 10th Floor, Chicago, Illinois 60606.

Region VI—Ms. Dorothy D. Stuck, 1114 Commerce Street, Dallas, Texas 75202.

Region VII—Mr. Taylor D. August, 12 Grand Bldg., 12th and Grand Avenue, Kansas City, Missouri 64106.

Region VIII—Mr. Gilbert D. Roman, Rm. 11037 Federal Bldg., 1961 Stout Street, Denver, Colorado 80202.

Region IX—Mr. Floyd L. Pierce, 760 Market Street, Rm. 700, San Francisco, California 94102.

Region X—Ms. Mariaina Kiner, 6101, Arcade Plaza Bldg., 1321 Second Avenue, Seattle, Washington 98101.

Comments received before October 15, 1974, will be considered before final action is taken on this proposal. Comments received after that date will be considered until the regulation is prepared in final form. The proposal may be changed in the light of the comments received. In the next several weeks, the Department will hold public forums in various cities to brief the public and media and to enter into a question and answer dialogue with the public about the proposed regulation. It is hoped that these forums will increase public awareness of the issues and assist interested citizens in developing formal comments, to be later submitted to the Department.

This Part 86 is proposed under the authority of section 902 of the Education Amendments of 1972 (20 U.S.C. 1682).

In consideration of the foregoing, it is proposed to add Part 86 to Title 45 of the Code of Federal Regulations to read as set forth below.

Dated: June 14, 1974.

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

PART 86—NONDISCRIMINATION ON THE BASIS OF SEX UNDER FEDERALLY ASSISTED EDUCATION PROGRAMS AND ACTIVITIES

Subpart A—Introduction

Subpart B—Coverage

Subpart C—Discrimination on the Basis of Sex in Admission and Recruitment Prohibited

Subpart D—Discrimination on the Basis of Sex in Education Programs and Activities Prohibited

Subpart E—Discrimination on the Basis of Sex in Employment in Education Programs and Activities Prohibited

Subpart F—Procedures

AUTHORITY: Section 902 of the Education Amendments of 1972, 86 Stat. 374; 20 U.S.C. 1682.

Subpart A—Introduction

§ 86.1 Purpose.

The purpose of this part is to effectuate title IX of the Education Amendments of 1972 (except sections 904 and 906 of those Amendments) which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.2 Definitions.

As used in this part, the term—

(a) *"Title IX"* means title IX of the Education Amendments of 1972, Pub. L. 92–318, 20 U.S.C. 1681 *et seq.*

(b) *"Department"* means the Department of Health, Education, and Welfare.

(c) *"Secretary"* means the Secretary of Health, Education, and Welfare.

(d) *"Director"* means the Director of the Office for Civil Rights of the Department.

(e) *"Reviewing Authority"* means that component of the Department delegated authority by the Secretary to appoint, and to review the decisions of, administrative law judges in cases arising under this part.

(f) *"Administrative law judge"* means a person appointed by the reviewing authority to preside over a hearing held under this part.

(g) *"Federal financial assistance"* means any of the following, when authorized or extended under a law administered by the Department:

(1) A grant or loan of Federal funds, including funds made available for:

(i) The acquisition, construction, renovation, restoration, or repair of a building or facility or any portion thereof; and

(ii) Scholarships, loans, grants, wages or other funds extended to any entity for payment to or on behalf of students admitted to that entity, or extended directly to such students for payment to that entity.

(2) A grant of Federal real or personal property or any interest therein, including surplus property, and the proceeds of the sale or transfer of such property, if the Federal share of the fair market value of the property is not, upon such sale or transfer, properly accounted for to the Federal Government.

(3) Provision of the services of Federal personnel.

(4) Sale or lease of Federal property or any interest therein at nominal consideration, or at consideration reduced for the purpose of assisting the recipient or in recognition of public interest to be served thereby, or permission to use Federal property or any interest therein without consideration.

(5) Any other contract, agreement, or arrangement which has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty.

(h) *"Recipient"* means any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives or benefits from such assistance, including any subunit, successor, assignee, or transferee thereof.

(i) *"Applicant"* means one who submits an application, request, or plan required to be approved by a Department official, or by a recipient, as a condition to becoming a recipient.

(j) *"Educational institution"* means a local educational agency as defined by section 801(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 881), a preschool, a private elementary or secondary school, or an applicant or recipient of the type defined by paragraph (k), (l), (m), or (n).

(k) *"Institution of graduate higher education"* means an institution which:

(1) Offers academic study beyond the bachelor of arts or bachelor of science degree, whether or not leading to a certificate of any higher degree in the liberal arts and sciences; or

(2) Awards any degree in a professional field beyond the first professional degree (regardless of whether the first professional degree in such field is awarded by an institution of undergraduate higher education or professional education); or

(3) Awards no degree and offers no further academic study, but operates ordinarily for the purpose of facilitating research by persons who have received the highest graduate degree in any field of study.

(l) *"Institution of undergraduate higher education"* means:

(1) An institution offering at least two but less than four years of college level study beyond the high school level, leading to a diploma or an associate degree, or wholly or principally creditable toward a baccalaureate degree; or

(2) An institution offering academic study leading to a baccalaureate degree; or

(3) an agency or body which certifies credentials or offers degrees, but which may or may not offer academic study.

(m) *"Institution of professional education"* means an institution (except an institution of undergraduate higher education) which offers a program of academic study that leads to a first professional degree in a field for which there is a national specialized accrediting agency recognized by the United States Commissioner of Education.

(n) *"Institution of vocational education"* means a school or institution (except an institution of professional or graduate or undergraduate higher education) which has as its primary purpose preparation of students to pursue a technical, skilled, or semi-skilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers full-time study.

(o) *"Administratively separate unit"* means a school, department or college of an educational institution (other than a local educational agency) admission to which is independent of admission to any other component of such institution.

(p) *"Admission"* means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by a recipient.

(q) *"Student"* means a person who has gained admission.

(r) *"Transition plan"* means a plan subject to the approval of the United States Commissioner of Education pursuant to section 901(a)(2) of the Education Amendments of 1972, under which an educational institution operates in making the transition from being an educational institution which admits only students of one sex to being one which admits students of both sexes without discrimination.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.3 Remedial and affirmative actions.

(a) *Remedial action.* A recipient which has previously discriminated against persons on the basis of sex in an education program or activity shall take such remedial action as is necessary to overcome the effects of such previous discrimination.

(b) *Affirmative action.* In the absence of prior discrimination on the basis of sex in an education program or activity, a recipient may take affirmative action to overcome the effects of conditions which resulted in limited participation therein by persons of a particular sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.4 Assurances required.

(a) *General.* Every application for Federal financial assistance for any education program or activity shall as condition of its approval contain or be accompanied by an assurance from the recipient, satisfactory to the Director, that each education program or activity operated by the recipient and to which this part applies will be operated in compliance with this part.

(b) *Duration of obligation.* (1) In the case of Federal financial assistance extended to provide real property or structures thereon, such assurance shall obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used to provide an education program or activity.

(2) In the case of Federal financial assistance extended to provide personal property, such assurance shall obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases such assurance shall obligate the recipient for the period during which Federal financial assistance is extended.

(c) *Form.* The Director will specify the form of the assurances required by paragraph (a) of this section and the extent to which such assurances will be required of the applicant's or recipient's subgrantees, contractors, subcontractors, transferees, or successors in interest.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.5 Transfers of property.

If a recipient sells or otherwise transfers property financed in whole or in part with Federal financial assistance to a transferee which operates any education program or activity, and the Federal share of the fair market value of the property is not upon such sale or transfer properly accounted for to the Federal Government ,both the transferor and the transferee shall be deemed to be recipients, subject to the provisions of subpart B.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.6 Effect of other requirements.

(a) *Effect of other Federal provisions.* The obligations imposed by this part are independent of obligations not to discriminate on the basis of sex imposed by Executive Order 11246, as amended; sections 799A and 845 of the Public Health Service Act (42 U.S.C. 295h–9 and 298b–2); title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e *et seq.*); the Equal Pay Act (29 U.S.C. 206 and 206(d)); and any other Act of Congress or Federal regulation.

(Secs. 901, 902, 905, Education Amendments of 1972, 86 Stat. 373, 374, 375; 20 U.S.C. 1681, 1682, 1685)

(b) *Effect of State or local law or other requirements.* The obligation to comply with this part is not obviated or alleviated by any State or local law or other requirement which would render any applicant or student ineligible, or limit the eligibility of any applicant or student, on the basis of sex, to practice any occupation or profession.

(c) *Effect of rules or regulations of private organizations.* The obligation to comply with this part is not obviated or alleviated by any rule or regulation of any organization, club, athletic or other league, or association which would render any applicant or student ineligible to participate, or limit the eligibility or participation of any applicant or student, on the basis of sex, in any education program or activity operated by a recipient and which receives or benefits from Federal financial assistance.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.7 Effect of employment opportunities.

The obligation to comply with this part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for members of one sex than for members of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.8 Designation of responsible employee.

Each recipient shall designate an employee to coordinate its efforts to comply with this part, including any investigation of any complaint communicated to such recipient alleging its noncompliance with this part or alleging any actions which would be prohibited by this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.9 Dissemination of policy.

(a) *Notification of policy.* (1) Each recipient shall implement specific and continuing steps to notify applicants for admission or employment, students, employees, counselors of applicants for admission or employment, and other participants, beneficiaries, and other interested persons, that it does not discriminate on the basis of sex in the education programs or activities which it operates, and that it is required by title IX and this part not to discriminate in such manner. Such notification shall contain such information, and be made in such manner, as the Director finds necessary to apprise such persons of the protections against discrimination assured them by title IX and this part, but shall state at least that the requirement not to discriminate in education programs and activities extends to employment therein, and to admission thereto unless subpart C does not apply to the recipient, and that inquiries concerning the application of title IX and this part to such recipient may be referred to the employee designated pursuant to § 86.9, or to the Director.

(2) Each recipient shall make the initial notification required by paragraph (a)(1) within 90 days of the effective date of this part or of the date this part first applies to such recipient, whichever comes later, which notification shall include publication in: (i) local newspapers; (ii) newspapers and magazines operated by such recipient or by student, alumnae, or alumni groups for or in connection with such recipient; and (iii) memoranda or other written communications distributed to every student and employee of such recipient.

(b) *Publications.* (1) Each recipient shall prominently include a statement of the policy described in paragraph (a) of this section in each announcement, bulletin, catalog, or application form which it makes available to any person of a type described in paragraph (a) of this section, or which is otherwise used in connection with the recruitment of students or employees.

(2) A recipient shall not use or distribute a publication of the type described in this paragraph which suggests, by text or illustration, that such recipient treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by this part.

(c) *Distribution.* Each recipient shall distribute without discrimination on the basis of sex each publication described in paragraph (b) of this section, and shall apprise each of its admission and employment recruitment representatives of

the policy of nondiscrimination described in paragraph (a) of this section, and require such representatives to adhere to such policy.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Subpart B—Coverage

§ 86.11 Application.

Except as provided in this subpart, this Part 86 applies to every recipient and to each education program or activity operated by such recipient which receives or benefits from Federal financial assistance.

§ 86.12 Educational institutions controlled by religious organizations.

(a) *Application.* This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) *Exemption.* An education institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so in writing to the Director when filing the assurance required by § 86.4, setting forth the extent of the requested exemption and enclosing a statement of the religious tenets under which the exemption is claimed and any other information which might aid the Director in determining whether the institution qualifies for such exemption.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.13 Military and merchant marine educational institutions.

This part does not apply to an educational institution whose primary purpose is the training of individuals for a military service of the United States or for the merchant marine.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.14 Admissions.

(a) *Administratively separate units.* For the purposes only of this section, §§ 86.15 and 86.16, and subpart C, each administratively separate unit shall be deemed to be an educational institution.

(b) *Application of subpart C.* Except as provided in paragraphs (c) and (d) of this section, subpart C applies to each recipient. A recipient to which subpart C applies shall not discriminate on the basis of sex in admission or recruitment in violation of that subpart.

(c) *Educational institutions.* Except as provided in paragraph (d) of this section as to recipients which are educational institutions, subpart C applies only to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education.

(d) *Public institutions of undergraduate higher education.* Subpart C does not apply to any public institution of undergraduate higher education which traditionally and continually from its establishment has had a policy of admitting only students of one sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.15 Educational institutions eligible to submit transition plans.

(a) *Application.* This section applies to each educational institution to which subpart C applies which:

(1) Admitted only students of one sex as regular students as of June 23, 1972; or

(2) Admitted only students of one sex as regular students as of June 23, 1965, but thereafter admitted as regular students, students of the sex not admitted prior to June 23, 1965.

(b) *Provision for transition plans.* An educational institution to which this section applies shall not discriminate on the basis of sex in admission or recruitment in violation of subpart C unless it is carrying out a transition plan approved by the United States Commissioner of Education as described in § 86.16, which plan provides for the elimination of such discrimination by the earliest practicable date but in no event later than June 23, 1979.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.16 Transition plans.

(a) *Submission of plans.* An institution to which § 86.15 applies and which is composed of more than one administratively separate unit may submit either a single transition plan applicable to all such units, or a separate transition plan applicable to each such unit.

(b) *Content of plans.* In order to be approved by the United States Commissioner of Education, a transition plan shall:

(1) State the name, address, and Federal Interagency Committee on Education (FICE) Code of the educational institution submitting such plan, the administratively separate units to which the plan is applicable, and the name, address, and telephone number of the person to whom questions concerning the plan may be addressed. The person who submits the plan shall be the chief administrator or president of the institution, or another individual legally authorized to bind the institution to all actions set forth in the plan.

(2) State whether the educational institution or administratively separate unit admits students of both sexes, as regular students, and if so, when it began to do so.

(3) Identify and describe with respect to the educational institution or administratively separate unit any obstacles to admitting students without discrimination on the basis of sex.

(4) Describe in detail the steps necessary to eliminate as soon as practicable each obstacle so identified and indicate the schedule for taking these steps and the individual directly responsible for their implementation.

(5) Include estimates of the number of students; by sex, expected to apply for, be admitted to, and enter each class during the period covered by the plan.

(c) *Nondiscrimination.* No policy or practice of a recipient to which § 86.15 applies shall result in treatment of applicants to or students of such recipient in violation of subpart C unless such treatment is necessitated by an obstacle identified in paragraph (b)(3) of this section and a schedule for eliminating that obstacle has been provided as required by paragraph (b)(4) of this section.

(d) *Effects of past exclusion.* To overcome the effects of past exclusion of students on the basis of sex, each educational institution to which § 86.15 applies shall include in its transition plan, and shall implement, specific steps designed to encourage individuals of the previously excluded sex to apply for admission to such institution. Such steps shall include instituting recruitment programs which emphasize the institution's commitment to enrolling students of the sex previously excluded.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§§ 86.17–86.20 [Reserved]

Subpart C—Discrimination on the Basis of Sex in Admission and Recruitment Prohibited

§ 86.21 Admission.

(a) *General.* No person shall, on the basis of sex, be denied admission, or be subjected to discrimination in admission, by any recipient to which this subpart applies, except as provided in §§ 86.15 and 86.16.

(b) *Specific prohibitions.* (1) In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this subpart applies shall not:

(i) give preference to one person over another on the basis of sex, by ranking applicants separately on such basis, or otherwise;

(ii) apply numerical limitations upon the number or proportion of persons of either sex who may be admitted; or

(iii) otherwise treat one individual differently from another on the basis of sex.

(2) A recipient shall not administer or operate any test or other criterion for admission which adversely affects any person on the basis of sex unless use of such test or criterion is shown to predict validly successful completion of the education program or activity in question.

(c) *Prohibitions relating to marital or parental status.* In determining whether a person satisfies any policy or criterion for admmission, or in making any offer of admission, a recipient to which this subpart applies:

(1) shall not apply any rule concerning the actual or potential parental, family, or marital status of a student or applicant which treats persons differently on the basis of sex;

(2) shall not discriminate against or exclude any person on the basis of preg-

nancy, childbirth, miscarriage, abortion, or recovery therefrom, or establish or follow any rule or practice which so discriminates or excludes;

(3) shall treat disabilities related to pregnancy, childbirth, miscarriage, abortion, or recovery therefrom in the same manner and under the same policies as any other temporary disability or physical condition; and

(4) shall not make pre-admission inquiry as to the martial status of an applicant for admission, including whether such applicant is "Ms.," "Miss," or "Mrs." A recipient may make pre-admission inquiry as to the sex of an applicant for admission, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.22 Preference in admission.

A recipient to which this subpart applies shall not give preference to applicants for admission, on the basis of attendance at any educational institution or other school or entity which admits as students only or predominantly members of one sex, if the giving of such preference has the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.23 Recruitment.

(a) *Comparable recruitment.* A recipient to which this subpart applies shall make comparable efforts to recruit members of each sex, except that such recipient may be required to undertake additional recruitment efforts as remedial action pursuant to § 86.3(a), and may choose to undertake such efforts as affirmative action pursuant to § 86.3(b).

(b) *Recruitment at certain institutions.* A recipient to which this subpart applies shall not recruit primarily or exclusively at educational institutions, schools or entities which admit as students only or predominantly members of one sex, if such actions have the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§§ 86.24–86.30 [Reserved].

Subpart D—Discrimination on the Basis of Sex in Education Programs and Activities Prohibited

§ 86.31 Education programs and activities.

(a) *General.* Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives or benefits from Federal financial assistance. This supbart does not apply to actions of a recipient in connection with admission of its students to an education program or activity of (1) a recipient to which subpart C does not apply, or (2) an entity, not a recipient, to which subpart C would not apply if the entity were a recipient.

(b) *Specific prohibitions.* Except as provided in this subpart, in providing any aid, benefit, or service to a student a recipient shall not, on the basis of sex:

(1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

(2) Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;

(3) Deny any person any such aid, benefit, or service;

(4) Subject any person to separate or different rules of behavior or other treatment;

(5) Discriminate against any person in the application of any rules of appearance;

(6) Apply any rule concerning the domicile or residence of a student or applicant;

(7) Aid or perpetuate discrimination against any person by assisting any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees; or

(8) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

(c) *Programs not operated by recipient.* (1) This paragraph applies to any recipient which requires participation by any applicant, student, or employee in any education program or activity not operated wholly by such recipient, or which facilitates, permits, or considers such participation as part of or equivalent to an education program or activity operated by such recipient, including participation in educational consortia and cooperative employment and student-teaching assignments.

(2) Such recipient:

(i) Shall develop and implement a procedure designed to ensure that the operator or sponsor of such other education program or activity takes no action affecting any applicant, student, or employee of such recipient which this part would prohibit such recipient from taking; and

(ii) Shall not facilitate, require, permit, or consider such participation if such action occurs.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.32 Housing.

(a) *Generally.* A recipient shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing, except as provided in this section (including housing provided only to married students).

(b) *Housing provided by recipient.*

(1) A recipient may provide separate housing on the basis of sex.

(2) Housing provided by a recipient to students of one sex, when compared to that provided to students of the other sex, shall be as a whole:

(i) Proportionate in quantity to the number of students of that sex applying for such housing; and

(ii) Comparable in quality and cost to the student.

(c) *Other housing.* (1) A recipient shall not, on the basis of sex, administer different policies or practices concerning occupancy by its students of housing other than provided by such recipient.

(2) A recipient which, through solicition, listing, approval of housing, or otherwise, assists any agency, organization, or person in making housing available to any of its students, shall take such action as may be necessary to ensure that such housing as is provided to students of one sex, when compared to that provided to students of the other sex, is as a whole: (i) proportionate in quantity and (ii) comparable in quality and cost to the student. A recipient may render such assistance to any agency, organization, or person which provides all or part of such housing to students only of one sex.

(Secs. 901, 902, 907, Education Amendments of 1972, 86 Stat. 373, 374, 375; 20 U.S.C. 1681, 1682, 1686)

§ 86.33 Comparable facilities.

A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374)

§ 86.34 Access to education program or activity.

(a) *Course offerings.* A recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

(b) *Local educational agencies.* A recipient which is a local educational agency shall not, on the basis of sex, exclude any person from admission to:

(1) any institution of vocational education operated by such recipient; or

(2) any other school or educational unit operated by such recipient, unless such recipient otherwise make available to such person, pursuant to the same policies and criteria of admission, courses, services, and facilities comparable to each course, service, and facility offered in or through such schools.

(c) *Appraisal and counseling materials.* A recipient which uses testing or other materials for appraising or counseling students shall not use different materials for different students on the basis of their sex or use materials which permit or require different treatment of students on such basis.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.35 Financial and employment assistance to students.

(a) *Provision of financial assistance.* (1) In providing financial assistance to any of its students a recipient shall not:

(i) On the basis of sex provide different amounts or types of such assistance, limit eligibility for such assistance which is of any particular type or source, apply different criteria, or otherwise discriminate; or

(ii) through solicitation, listing, approval, provision of facilities, or other services assist any foundation, trust, agency, organization, or person which provides assistance to any of such recipient's students in a manner which discriminates on the basis of sex.

(2) This paragraph does not apply to assistance by a recipient in the administration of a scholarship, fellowship, or other financial assistance program which discriminates on the basis of sex and is established under a foreign will, trust, bequest, or similar legal instrument, or by a foreign government.

(b) *Assistance in making available employment.* A recipient which assists any agency, organization, or person in making employment available to any of its students:

(1) shall take such action as may be necessary to assure that such employment is made available without discrimination on the basis of sex; and

(2) shall not render such services to any agency, organization, or person which discriminates on the basis of sex in so making available such employment.

(c) *Employment of students.* A recipient which employs any of its students shall not do so in a manner which violates subpart E.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

(d) *Assistance related to athletics.* Notwithstanding the provisions of this section, separate financial assistance for members of each sex may be provided as part of separate athletic teams for members of each sex to the extent consistent with § 86.38.

§ 86.36 Health and insurance benefits and services.

In providing a medical, hospital, accident, or life insurance benefit, service, policy, or plan to any of its students, a recipient shall not discriminate on the basis of sex, or provide such benefit, service, policy, or plan in a manner which would violate subpart E if it were provided to employees of the recipient. This section shall not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of the other, including family planning services.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.37 Marital or parental status.

(a) *Status generally.* A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

(b) *Pregnancy and related conditions.* (1) A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extra-curricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, miscarriage, abortion, or recovery therefrom, unless:

(i) The student requests voluntarily to participate in a different such program or activity; or

(ii) The student's physician certifies to the recipient that such different participation is necessary for her physical, mental, or emotional well being.

(2) A recipient shall treat disabilities related to pregnancy, childbirth, false pregnancy, miscarriage, abortion, or recovery therefrom in the same manner and under the same policies as any temporary disability in any medical or hospital benefit, service, plan, or policy which such recipient administers, operates, offers, or participates in with regard to students admitted to the entity.

(3) In the case of a recipient which does not maintain a temporary disability policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy as a justification for a leave of absence for a reasonable period of time, the conclusion of which the student shall be reinstated to her original status.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.38 Athletics.

(a) *General.* No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any physical education or athletic program operated by a recipient, and no recipient shall provide any physical education or athletic program separately on such basis; provided, however, that a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill.

(b) *Determination of student interest.* A recipient which operates or sponsors athletics shall determine at least annually, using a method to be selected by the recipient which is acceptable to the Director, in what sports members of each sex would desire to compete.

(c) *Affirmative efforts.* A recipient which operates or sponsors athletic activities shall, with regard to members of a sex for which athletic opportunities previously have been limited, make affirmative efforts to:

(1) Inform members of such sex of the availability for them of athletic opportunities equal to those available for members of the other sex and of the nature of those opportunities, and

(2) Provide support and training activities for members of such sex designed to improve and expand their capabilities and interests to participate in such opportunities.

(d) *Equal opportunity.* A recipient which operates or sponsors athletics shall make affirmative efforts to provide athletic opportunities in such sports and through such teams as will most effectively equalize such opportunities for members of both sexes, taking into consideration the determination made pursuant to paragraph (b) of this section.

(e) *Separate teams.* A recipient which operates or sponsors separate teams for members of each sex shall not discriminate on the basis of sex therein in the provision of necessary equipment or supplies for each team, or in any other manner.

(f) *Expenditures.* Nothing in this section shall be interpreted to require equal aggregate expenditures for athletics for members of each sex.

§§ 86.39–86.40 [Reserved]

Subpart E—Discrimination on the Basis of Sex in Employment in Education Programs and Activities Prohibited

§ 86.41 Employment.

(a) *General.* (1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity operated by a recipient which receives or benefits from Federal financial assistance.

(2) A recipient shall make all employment decisions in any education program or activity operated by such recipient in a manner which furthers equal employment opportunity regardless of sex, and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.

(3) A recipient shall not enter into any contractual or other relationship which directly or indirectly has the effect of subjecting individuals to discrimination prohibited by this subpart, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the recipient.

(b) *Application.* The provisions of this subpart apply to:

(1) Recruitment, advertising, and the process of application for employment;

(2) Hiring, upgrading, promotion, consideration for and award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation, and changes in compensation;

(4) Job assignments, classifications and structure, including position descriptions, lines of progression, and seniority lists;

(5) The terms of any collective bargaining agreement;

(6) Granting and return from leaves of absence, pregnancy leave, leave for persons of either sex to care for children or dependents, or any other leave;

(7) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(8) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, selection for tuition assistance, selection for sabbaticals and leaves of absence to pursue training;

(9) Employer-sponsored activities, including social or recreational programs; and

(10) Any other term, condition, or privilege of employment.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.42 Employment criteria.

A recipient shall not administer or operate any test or other criterion for any employment opportunity which adversely affects any person on the basis of sex unless:

(a) Use of such test or other criterion is shown to predict validly successful performance in the position in question; and

(b) Alternative tests or criteria for such purpose, which do not have such adverse effect, are shown to be unavailable.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.43 Recruitment.

(a) *Comparable and affirmative recruiting.* If a recipient recruits applicants for employment, either generally or for particular positions, it shall make comparable efforts to recruit members of each sex in all such recruiting, except that a recipient shall make such affirmative attempts to recruit members of a sex which previously had limited employment participation as are necessary to overcome the effects of such limited participation.

(b) *Recruitment patterns.* A recipient shall not recruit primarily or exclusively at entities which furnish as applicants only or predominantly members of one sex if such actions have the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.44 Compensation.

A recipient shall not make or enforce any policy or practice which, on the basis of sex:

(a) Makes distinctions in rates of pay or other compensation;

(b) Requires any person to perform duties for which compensation is lower than that for performance in a different position:

(1) Entailing similar duties or,

(2) The position description for which is limited to similar duties; or

(c) Makes any person subject to a position description under which compensation is lower than that for performance:

(1) Under a different position description which is limited to similar duties, or

(2) In a different position entailing duties similar to those set forth in such position description.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.45 Job classification and structure.

A recipient shall not:

(a) Classify a job as being for males or for females;

(b) Maintain or establish separate lines of progression, seniority lists, career ladders, or tenure systems based on sex; or

(c) Maintain or establish separate lines of progression, seniority systems, career ladders, or tenure systems for similar jobs, position descriptions, or job requirements which operate to classify persons on the basis of sex, unless sex is a bona-fide occupational qualification for the positions in question as set forth in § 86.51.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.46 Fringe benefits.

(a) *"Fringe benefits" defined.* For purposes of this part, "fringe benefits" means any medical, hospital, accident, life insurance or retirement benefit, service, policy or plan, any profit-sharing or bonus plan, leave, and any other benefit or service of employment not subject to the provisions of § 86.44.

(b) *Prohibitions.* A recipient shall not:

(1) discriminate on the basis of sex with regard to making fringe benefits available to employees or make fringe benefits available to spouses, families, or dependents of employees differently upon the basis of the employee's sex;

(2) Administer, operate, offer, or participate in a fringe benefit plan which does not provide either for equal periodic benefits for members of each sex, or for equal contributions to the plan by such recipient for members of each sex; and

(3) administer, operate, offer, or participate in a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex or which otherwise discriminates in benefits on the basis of sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.47 Marital or parental status.

(a) *General.* A recipient shall not apply any policy or take any employment action:

(1) concerning the potential marital, parental, or family status of an employee or applicant for employment which treats persons differently on the basis of sex; or

(2) which is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

(b) *Pregnancy.* A recipient shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, or establish or follow any policy or practice which so discriminates or excludes. For the purpose of this subpart, "pregnancy" means the entire process of pregnancy, childbirth, and recovery therefrom, and includes false pregnancy, miscarriage, and abortion.

(c) *Pregnancy as a temporary disability.* A recipient shall treat disabilities caused or contributed to by pregnancy as temporary disabilities for all job-related purposes, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment.

(d) *Pregnancy leave.* In the case of a recipient which does not maintain a temporary disability policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, a recipient shall treat pregnancy as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to her original job or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

(e) *Inception of and return from pregnancy leave.* In complying with this section, a recipient shall not require any employee to:

(1) Begin leave related to pregnancy so long as the employee's physician certifies in writing that she is physically capable of performing her duties, provided that a pregnant employee shall notify her employer in writing of her expected date of delivery, at least 120 days prior to such date; or

(2) Return to her employment after a leave related to pregnancy later than two weeks after the employee's physician certifies in writing that she is physically capable of performing her duties, or in the case of any employee in a teaching position, later than the beginning of the first full academic term commencing after such certification is made.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.48 Effect of State or local law or other requirements.

(a) *Prohibitory requirements.* The obligation to comply with this subpart is not obviated or alleviated by the existence of any State or local law or other requirement which imposes prohibitions or limits upon employment of members of one sex which are not imposed upon members of the other sex.

(b) *Benefits.* A recipient which provides any compensation, service, or benefit to members of one sex pursuant to a State or local law or other requirement shall provide the same compensation, service, or benefit to members of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.49 Advertising.

A recipient shall not in any advertising related to employment indicate preference, limitation, specification, or discrimination based on sex unless sex is a bona-fide occupational qualification for the particular job in question.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.50 Pre-employment inquiries.

(a) *Marital status.* A recipient shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Ms., Miss, or Mrs."

(b) *Sex.* A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

§ 86.51 Sex as a bona-fide occupational qualification.

A recipient may take action otherwise prohibited by this subpart provided it is shown that sex is a bona-fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section which is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from considering an employee's sex in relation to employment in a locker room, or toilet facility used only be members of one sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§§ 86.52–86.60 [Reserved]

Subpart F—Procedures

§ 86.61 Compliance information.

(a) *Cooperation and assistance.* The Director will to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and will provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the Director timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the Director may determine to be necessary to enable him or her to ascertain whether the recipient has complied or is complying with this part. For example, recipients shall have available for the Department data showing the extent to which members of the different sexes are students, employees or other beneficiaries of or participants in federally-assisted education programs and activities. In the case of any such program or activity under which one recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the Director during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, and shall permit the Director to make copies of any such written information, as may be pertinent to ascertain compliance with this part. Where any informaiton required of a recipient is in the exclusive possession of any other agency, institution or person and such agency, institution or person fails or refuses to furnish such information the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information. Asserted considerations of privacy or confidentiality may not operate to bar the Department from evaluating or seeking to enforce compliance with this part. Information of a confidential nature obtained in connection with compliance evaluation or enforcement will not be disclosed by the Department except where necessary in formal enforcement proceedings or where otherwise required by law.

(Sec. 902, Education Amendments of 1972, 86 Stat. 374; 20 U.S.C. 1682)

§ 86.62 Conduct of investigations.

(a) *Periodic compliance reviews.* The Director will from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or herself or any specific class of individuals to be subjected to discrimination prohibited by this part may be himself or herself or by a representative file with the Director a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Director, or unless the alleged discrimination took place after June 30, 1972, but prior to the effective date of this part. The Director shall notify each complainant promptly, in writing, that the complaint has been received.

(c) *Investigations.* The Director will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Director will so inform the recipient and the complainant, if any, and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 86.63.

(2) If, after an investigation pursuant to paragraph (c) of this section, it appears that action pursuant to paragraph (d) (1) of this section is not warranted, the Director will so inform each complainant, in writing, and will give each complainant the opportunity to submit additional information, orally or in writing. Such information will be reviewed promptly and the Director will notify the complainant, in writing, of what action appears to be warranted in light of the information.

(3) If after an investigation pursuant to paragraph (c) of this section or after action required by paragraph (d) (2) of this section, it appears that action pursuant to paragraph (d) (1) of this section is not warranted, the Director will so inform the recipient and each complainant, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* Each recipient shall permit the Director to interview any of its students or employees without a representative of such recipient being present. No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 901 of the Education Amendments of 1972 or this part, or because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants will be kept confidential by the Department except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder, or where otherwise required by law.

(Sec. 902, Education Amendments of 1972, 86 Stat. 374, 20 U.S.C. 1682)

§ 86.63 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to award or continue Federal financial assistance in accordance with the procedures of paragraph (c) of this section or by any other means authorized by law. Such other means may include, but are not limited to, (1) a referral to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States, or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 86.4.* If an applicant or recipient fails or refuses to furnish an assurance required under § 86.4 or otherwise fails or refuses to

comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Department will not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph except that the Department will continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating or refusing to award or continue Federal financial assistance will become effective until (1) the Director has advised the applicant or recipient of its failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been a finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, and (3) 30 days have expired after the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to award or continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular education program or activity or part thereof in which such noncompliance has been so found.

(d) *Other means authorized by law* No action to effect compliance by any other means authorized by law will be taken until (1) the Director has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person and the complainant, if any, has been notified of the recipient's failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts will be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

(Secs. 902, Education Amendments of 1972, 86 Stat. 374; 20 U.S.C. 1682)

§ 86.64 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 86.63(c), responsible notice will be given by registered or certified mail, return receipt requested, to each affected applicant or recipient. This notice will advise such applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request, by certified or registered mail addressed to the Director, that the matter be scheduled for hearing or (2) advise such applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed will be subject to change for cause. A copy of this notice will be mailed by certified mail, return receipt requested, to each individual complainant, and to each organization or group which has filed a complaint on behalf of one or more individuals pursuant to § 86.62(b), and each such complainant, organization, or group will be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 902 of the Education Amendments of 1972 and § 86.63 (c) of this regulation and consent to the making of a decision on the basis of such information as may be filed as the record.

(b) *Time and place of hearing.* Hearings will be held before an administrative law judge designated in accordance with 5 U.S.C. 3105 and 3344. Hearings will be held at the offices of the Department in Washington, D.C., at a time fixed by the Director unless the administrative law judge determines that the convenience of the applicant or recipient or of the Department requires that another place be selected.

(c) *Participation as amicus curiae.* Each individual complainant, and each organization or group which has filed a complaint on behalf of one or more individuals, may petition the administrative law judge for leave to participate as *amicus curiae*, by giving testimony, by filing a brief, or both, in a hearing held pursuant to paragraph (a) of this section in any matter concerning which such complainant, organization, or group, has filed a complaint pursuant to § 86.62(b). Such petition shall be made no more than 20 days after the date of the notice prescribed by paragraph (a) of this section. Leave to participate as *amicus curiae* shall be liberally granted.

(d) *Right to counsel.* In all proceedings under this section, the recipient shall have the right to be represented by counsel.

(e) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing. Any person (other than a Government employee on official business) who, having been invited or requested to appear and testify as a witness on the Government's behalf, attends at a time and place scheduled for a hearing provided by this part, may be reimbursed for his or her travel and actual expenses of attendance in an amount not to exceed the amount payable under the standardized travel regulations to a Government employee traveling on official business.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(f) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under title IX, the Director may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 86.65.

(Sec. 902, Education Amendments of 1972, 86 Stat. 374; 20 U.S.C. 1682)

§ 86.65 Decisions and notices.

(a) *Decisions by administrative law judges.* Within 30 days after a hearing is held by an administrative law judge such administrative law judge shall either make an initial decision, if so authorized, or certify the entire record including his or her recommended findings and proposed decision to the reviewing authority for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient and to the complainant, if any. Where the initial decision referred to in this paragraph or in paragraph (c) of this section is made by the administrative law judge, the applicant or recipient or the Department may within 20 days after is-

suance of the initial decision, file with the reviewing authority exceptions to the initial decision, with his or her reasons therefor. Upon the filing of such exceptions the reviewing authority shall review the initial decision and issue its own decision including the reasons therefor. In the absence of exceptions the initial tions the reviewing authority shall recision, subject to the provisions of paragraph (c) of this section.

(b) *Decisions on record or review by the reviewing authority.* Whenever a record is certified to the reviewing authority for decision or it reviews the decision of an administrative law judge pursuant to paragraph (a) or (c) of this section, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of its contentions, and a copy of the final decision of the reviewing authority shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 86.64(a) the reviewing authority shall make its final decision on the record or refer the matter to an administrative law judge for an initial decision to be made on the record. A copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of an administrative law judge or reviewing authority shall set forth a ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Review in certain cases by the Secretary.* If the Secretary has not personally made the final decision referred to in paragraph (a), (b), or (c) of this section, a recipient or applicant or the Department may, within 30 days after issuance of the final decision by the reviewing authority, request the Secretary to review such decision. Such review is not a matter of right and will be granted only where the Secretary determines there are special and important reasons therefor. The Secretary's decision to undertake or not to undertake review will be communicated in writing, within 30 days after such request, to each party, including *amicus curiae*, if any. The Secretary may grant or deny such request, in whole or in part. He or she may also review such a decision upon his or her own motion in accordance with rules of procedure issued by the Director. The Secretary's decision to undertake such review will be communicated in writing within 30 days after the issuance of the reviewing authority's decision, to each party, including *amicus curiae*. Failure of an applicant or recipient to file an exception with the reviewing authority or to request review under this paragraph shall not be deemed a failure to exhaust administrative remedies for the purpose of obtaining judicial review.

(f) *Final agency action for purposes of judicial review.* (1) Except as provided in paragraph (f)(2) of this section, a decision under this section will become the final decision of the Department and will constitute final agency action within the meaning of section 704 of title 5 of the United States Code in the following manner:

(i) A decision by an administrative law judge pursuant to paragraph (a) will become final on the 21st day after such decision is made, unless prior to such day review by the reviewing authority has been requested.

(ii) A decision by the reviewing authority pursuant to paragraph (b) of this section will become final on the 31st day following its issuance unless review by the Secretary is requested prior to such day under paragraph (e) of this section, or unless the Secretary undertakes review on his or her own motion prior to such day under paragraph (e) of this section; or on the 31st day following a request that the Secretary review such decision under paragraph (e) of this section, unless the Secretary prior to such day grants such review.

(iii) A decision of the Secretary under paragraph (c) of this section will become final on the day following its issuance.

(2) A decision to terminate or to refuse to grant or continue Federal financial assistance, which would otherwise constitute the final decision of the Department and final agency action pursuant to paragraph (f)(1) of this section, shall not constitute such action until the Secretary transmits it as such to the appropriate Congressional committees with the report required under section 902 of the Education Amendments of 1972.

(g) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, to which this part applies, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of title IX and this part, including provisions designed to assure that no Federal financial assistance to which this part applies will thereafter be extended to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part unless and until it corrects its noncompliance and satisfies the Director that it will fully comply with this part.

(h) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (g) of this section may at any time request the Director to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (h)(1) of this section. If the Director determines that those requirements have been satisfied, he or she will restore such eligibility.

(3) If the Director denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the Director. The applicant or recipient will be restored to such eligibility if it proves at such hearing that it satisfied the requirements of paragraph (h)(1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

(4) The pendency of any proceeding under this paragraph shall not lift or stay the sanctions imposed by the order issued under paragraph (g) of this section.

(Sec. 902, Education Amendments of 1972, 86 Stat. 374; 20 U.S.C. 1682)

§ 86.66 Judicial review.

Action taken pursuant to section 902 of the Education Amendments of 1972 is subject to judicial review is provided in section 903 of the Amendments.

(Sec. 902, Education Amendments of 1972, 86 Stat. 374; 20 U.S.C. 1682)

[FR Doc.74-14197 Filed 6-19-74;8:45 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of April 1, 1974)

Title 20—Employees' Benefits (Parts 01–399)	$1.95
Title 26—Internal Revenue Part 1 (§§ 1.301–1.400)	2.35
Title 26—Internal Revenue (Parts 170–299)	5.90
Title 26—Internal Revenue (Parts 500–599)	3.15

[*A Cumulative checklist of CFR issuances for 1974 appears in the first issue of the Federal Register each month under Title 1*]

**Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402**