

# federal register

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# rules and regulations

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## Title 7—Agriculture

### CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 5]

#### PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS

##### Income Guidelines

Pursuant to Pub. L. 93-326, approved June 30, 1974, the regulations for Determining Eligibility for Free and Reduced Price Meals are hereby amended to authorize State educational agencies to establish, for the fiscal year ending June 30, 1975, and for subsequent fiscal years, income guidelines for reduced price meals at not more than 75 percent above the applicable family-size income levels in the income poverty guidelines as prescribed by the Secretary.

Since this change in the regulations is nondiscretionary, the Department does not believe that the proposed rule making and public participation procedures are necessary. Accordingly, the regulations for Determining Eligibility for Free and Reduced Price Meals are hereby amended as follows:

§ 245.1 is revised to read as follows:

##### § 245.1 General purpose and scope.

(a) Section 9 of the National School Lunch Act, as amended, and section 4 of the Child Nutrition Act of 1966, as amended, require that schools participating in the National School Lunch Program (7 CFR Part 210) and the School Breakfast Program (7 CFR Part 220), and other schools utilizing commodities donated by the Department shall serve free meals to any child who is a member of a household which has an annual income not above the applicable family-size income level set forth in the income poverty guidelines prescribed by the Secretary. Each State educational agency is required to prescribe family-size income guidelines, not more than 25 percent above the Secretary's income poverty guidelines, to be used by schools in the State during each fiscal year in determining which children are eligible for a free meal. Each State educational agency is also required to prescribe family-size income guidelines, not more than 75 percent above the Secretary's income poverty guidelines, for use by schools which elect to serve reduced price meals to children. School food authorities are required to publicly announce their income guidelines and to make determinations with respect to family income on the basis of a statement executed by an adult member of the family. School food

authorities are prohibited from making any physical segregation of or other discrimination against any child eligible for a free or reduced price meal, and no overt identification of any such child may be made.

(b) This part sets forth the responsibilities under these Acts of State educational agencies, the Food and Nutrition Service Regional Offices, and school food authorities with respect to the establishment of income guidelines, determination of eligibility of children for free and reduced price meals, and assurance that there is no physical segregation of, or other discrimination against, or overt identification of children unable to pay the full price for meals.

*Effective date:* This Amendment shall become effective July 1, 1974.

Dated: July 17, 1974.

RICHARD L. FELTNER,  
Assistant Secretary.

[FR Doc. 74-16719 Filed 7-23-74; 8:45 am]

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

[Apricot Reg. 14]

#### PART 922—WASHINGTON APRICOTS

##### Limitation of Shipments; Correction

In the FEDERAL REGISTER issue of July 11, 1974, Apricot Regulation 14 (39 FR 25461) contained an error in the definition of "generally well matured", contained in paragraph (b). Paragraph (b) is corrected to read as follows:

##### § 922.314 Apricot Regulation 14.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and "generally well matured" means that, with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at

least 40 percent of the surface area of the fruit is at least as yellow as Shade 3 on the U.S. Department of Agriculture Standard Ground Color Chart of Apples and Pears in the Western States.

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

Dated: July 18, 1974.

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

[FR Doc. 74-16870 Filed 7-23-74; 8:45 am]

#### PART 946—IRISH POTATOES GROWN IN WASHINGTON

##### Handling Regulation

This regulation, designed to promote orderly marketing of Washington potatoes, imposes minimum quality standards and requires inspection of fresh shipments to keep low quality potatoes from being shipped to consumers.

Notice of rulemaking with respect to a proposed handling regulation to be made effective under Marketing Agreement No. 113 and Order No. 946, both as amended (7 CFR Part 946), regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER July 1, 1974 (39 FR 24234). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded an opportunity to file written data, views, or arguments pertaining thereto not later than July 16, 1974. None was received.

*Findings.* After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice which was recommended by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations of the committee reflect its appraisal of the composition of the 1974 crop of Washington potatoes and of the marketing prospects for this season. The grade, size, cleanliness and maturity requirements provided herein, which are the same as those currently in effect (38 FR 19960) through July 31, 1974, are necessary to prevent potatoes of lesser maturities, low quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments may be made to certain special purpose outlets without regard to minimum grade, size, cleanliness, and maturity requirements provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Seed is so exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed are likewise exempt. Potatoes grown in the production area may be shipped without regard to the aforesaid requirements to specified locations in Morrow and Umatilla Counties, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Export requirements differ materially, on occasion, from domestic market requirements. In commercial prepeeling, operators remove the surface defects from potatoes which would be undesirable for the tablestock market, and smaller sizes are acceptable. For these reasons potatoes for export and prepeeling are provided with different requirements.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipment of 1974 crop potatoes grown in the production area will begin by the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) information regarding the provisions of this regulation which are similar to those currently in effect (38 FR 19960), has been made available to producers and handlers in the production area since June 19, 1974, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

The regulation is as follows:

#### § 946.329 Handling regulation.

During the period August 1, 1974, through July 31, 1975, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), and (g) of this section or unless such potatoes are handled in accordance with paragraphs (d) through (f) of this section.

(a) *Minimum quality requirements.* (1) *Grade: All varieties*—U.S. No. 2, or better grade.

(2) *Size:* (i) *Round varieties:* 1 7/8 inches minimum diameter.

(ii) *Long varieties:* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness:* All varieties: at least "fairly clean."

(b) *Minimum maturity requirements.* (1) *Round and White Rose varieties:* Not more than "moderately skinned."

(2) *Other Long varieties (including but not limited to Russet Burbank and Norgold):* Not more than "slightly skinned."

(c) *Pack.* Potatoes packed in 50 pound cartons shall be U.S. No. 1, or better grade.

(d) *Special purpose shipments.* The minimum grade, size, cleanliness, maturity, and pack requirements set forth in paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes.

(1) Livestock feed;

(2) Charity;

(3) Export;

(4) Seed;

(5) Prepeeling;

(6) Canning, freezing, and "other processing" as hereinafter defined; or

(7) Grading or storing at any specific location in Morrow and Umatilla Counties in the State of Oregon.

Shipments of potatoes for the purposes specified in paragraphs (d) (1), (2), (4), (5), (6), and (7) of this section shall be exempt from inspection requirements specified in paragraph (g) of this section and shipments specified in (1), (2), (4), and (6) shall be exempt from assessment requirements specified in § 946.41. *Provided:* That shipments pursuant to subparagraph (d) (7) shall comply with inspection requirements of (e) (2) of this section.

(e) *Safeguards.* (1) Handlers desiring to make shipments of potatoes for export or prepeeling shall:

(i) Notify the committee of intent to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipments;

(ii) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(iii) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(2) Handlers desiring to make shipments for grading or storing at any specified location in Morrow and Umatilla Counties in the State of Oregon shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment. Upon receiving such application, the committee shall supply to the handler the appropriate certificate after it has determined that adequate facilities exist to accommodate such shipments and that such potatoes will be used only for authorized purposes;

(ii) If reshipment is for any purpose other than as specified in paragraph (d) of this section, each handler desiring to make reshipment of potatoes which have been graded or stored shall, prior to reshipment, cause each such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Such shipments must comply with the minimum grade, size, cleanliness, maturity, and pack requirements specified in paragraphs (a), (b), and (c) of this section.

(iii) If reshipment is for any of the purposes specified in paragraph (d) of this section, each handler making reshipment of potatoes which have been graded or stored shall do so in accordance with the applicable safeguard requirements specified in paragraph (e) of this section.

(3) Each person desiring to transport potatoes for grading or storing to points in District No. 5 or to Spokane County in District No. 1 shall apply to the committee for and obtain a special purpose certificate authorizing such movement.

(4) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (d) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's list of canners, freezers, or other processors of potato products maintained by the committee, or to persons not on the list provided the handler furnishes the committee, prior to such shipment, evidence that the receiver may reasonably be expected to use the potatoes only for canning, freezing, or other processing.

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment.

(v) Bill each shipment directly to the applicable processor.

(5) Each receiver of potatoes for processing pursuant to paragraph (d) of this section shall:

(i) Complete and return an application form for consideration of approval as a canner, freezer, or other processor of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Inspection.* Except when relieved by paragraphs (d) or (f) of this section, no handler may handle any potatoes regulated hereunder unless an appropriate inspection certificate has been issued by an authorized representative of the Federal-State Inspection Service with respect thereto and the certificate is valid at the time of shipment.

(h) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the United States Standards for Grades of Potatoes (§§ 51.1540-51.1566 of this title (37 FR 2745)), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421-52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch and flour. It includes the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." Other terms used in this section have the same meaning as when used in the marketing agreement, as amended, and this part.

(i) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the red skinned round type imported during the months of July and August in the effective period of this section shall meet the minimum grade, size, quality and maturity requirements for round varieties specified in paragraphs (a) and (b) of this section.

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

Dated July 18, 1974, to become effective August 1, 1974.

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

[FR Doc.74-16871 Filed 7-23-74;8:45 am]

Title 14—Aeronautics and Space  
CHAPTER I—FEDERAL AVIATION  
ADMINISTRATION

[Docket No. 74-NE-9; Amdt. 39-1898]

PART 39—AIRWORTHINESS DIRECTIVE

Pratt & Whitney Model JT3D Engines

Correction

In FR Doc. 74-15977 appearing on page 25644 in the issue of Friday, July 12, 1974; the final entry in the third column of the table at the bottom of the second column reading "3,000" should read "8,000".

[Airworthiness Docket No. 74-WE-30-AD;  
Amdt. 39-1903]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TFE731-2-1C and  
-2-2B Engines

Amendment 39-1882 (39 FR 22250), AD 74-13-09, requires an inspection of the fuel pump to determine that the proper fuel heater anti-ice valve configuration is installed on AiResearch Model TFE731-2-1C and -2-1B engines. After issuing Amendment 39-1882, the agency determined that appropriate inspection procedures have been instituted by the manufacturer to assure that the current production versions of the pumps are of the proper configurations. Therefore, the AD is being amended to eliminate the need for field inspection of these replacement pumps prior to installation.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1882 (39 FR 22250), AD 74-13-09, is amended as follows:

(1) Add a new paragraph (b), to read:

(b) The inspection prescribed in paragraph (a), above, need not be accomplished prior to the installation of replacement fuel pumps identified as P/N 3070851-7 and -8, or later dash number designations.

(2) Re-identify paragraphs (b) and (c), as paragraphs (c) and (d) respectively.

This amendment becomes effective July 31, 1974.

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

Issued in Los Angeles, California, on July 16, 1974.

ROBT. O. BLANCHARD,  
Acting Director,  
FAA Western Region.

[FR Doc.74-16838 Filed 7-23-74;8:45 am]

[Airspace Docket No. 74-SO-75]

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

Redesignation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Eglin AF Aux No. 3 (Duke Field), Fla., control zone.

The Eglin AF Aux No. 3 (Duke Field) control zone is described in § 71.171 (39 FR 354). Effective July 15-October 14, 1974, unless changed by the issuance of a NOTAM, the hours of operations of the control tower, base operations and weather facilities will be from 1500 to 2300 hours, local time, daily, Monday through Friday; 0930 to 1700 hours, local time, Saturday and Sunday, excluding Federal legal holidays. Due to runway and ramp construction, it is necessary to temporarily redesignate the control zone accordingly. Since this amendment does not increase the burden on the public and is temporary in nature, notice and public procedure hereon are unnecessary.

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

In § 71.171 (39 FR 354), the Eglin AF Aux No. 3 (Duke Field) control zone is amended as follows:

\* \* \* effective from 0930 to 1730 hours, local time, Monday; 0730 to 2300 hours, local time, Tuesday through Friday \* \* \* is deleted and \* \* \* effective from 1500 to 2300 hours, local time, daily, Monday through Friday, July 15-October 14, 1974 \* \* \* is substituted therefor.

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

Issued in East Point, Ga., on July 15, 1974.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc.74-16839 Filed 7-23-74;8:45 am]

[Airspace Docket No. 74-WE-9]

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

Alteration of Transition Area; Correction

On June 27, 1974 FR Doc. 74-14707 was published in the FEDERAL REGISTER (39 FR 23253) which amended Part 71 of the Federal Aviation regulations by altering the description of the Phoenix, Arizona transition area. A review of the document revealed an error in one set of geographical coordinates. Action is taken herein to correct this error.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In view of the foregoing, FR Doc. 74-14707 (39 FR 23253) is amended by correcting the 700 foot portion of the transition area as follows:

In line 5 of the text delete " \* \* \* longitude 112°55'00" W., \* \* \* " and substitute " \* \* \* longitude 112°25'00" W."

**Effective date.** The effective date as originally established may be retained. (0901 G.m.t., August 15, 1974)

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

Issued in Los Angeles, California, on July 15, 1974.

ROBERT O. BLANCHARD,  
Acting Director,  
Western Region.

[FR Doc.74-16836 Filed 7-23-74;8:45 am]

[Airspace Docket No. 74-WE-13]

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

##### Alteration of Control Zone

On June 5, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 19955) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the San Diego, California (San Diego-Gillespie Field) control zone.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

**Effective date.** This amendment shall be effective 0901 G.m.t., September 12, 1974.

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

Issued in Los Angeles, California, on July 15, 1974.

ROBERT O. BLANCHARD,  
Acting Director,  
Western Region.

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

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

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

[FR Doc.74-16840 Filed 7-23-74;8:45 am]

[Docket No. 13543; Amdt. No. 91-125]

#### PART 91—AIR TRAFFIC AND GENERAL OPERATING RULES

##### Aircraft Speed Beneath Terminal Control Areas

The purpose of this amendment is to clarify the wording of § 91.70 of the Federal Aviation Regulations which limits aircraft airspeed to 200 knots beneath a terminal control area.

On February 20, 1974, a notice of proposed rulemaking (Notice No. 74-6) was published in the FEDERAL REGISTER (39 FR 6538) proposing to amend Part 91 of the Federal Aviation Regulations by clarifying the rule for aircraft speed beneath a terminal control area. The notice proposed to change the wording of § 91.70(c) from " \* \* \* airspace beneath the lateral limits of any terminal control area \* \* \* " to " \* \* \* airspace underlying a terminal control area \* \* \* " and to specifically refer to VFR corridors as being within the scope of the rule.

Five comments were received in response to the notice, all either concurring in the proposal or offering no objection.

**AUTHORITY:** (Sec. 307(a) and 313(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1348(a) and 1354(a); and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, § 91.70(c) of the Federal Aviation Regulations is amended, effective August 23, 1974, to read as follows:

##### § 91.70 Aircraft speed.

(c) No person may operate an aircraft in the airspace underlying a terminal control area, or in a VFR corridor designated through a terminal control area, at an indicated airspeed of more than 200 knots (230 m.p.h.).

Issued in Washington, D.C., on July 16, 1974.

ALEXANDER P. BUTTERFIELD,  
Administrator.

[FR Doc.74-16833 Filed 7-23-74;8:45 am]

[Docket No. 13928; Amdt. No. 926]

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

##### Recent Changes and Additions

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

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

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation

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

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

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

1. Section 97.21 is amended by originating, amending, or canceling the following L/MF SIAP's, effective September 12, 1974:

Northway, Alaska—Northway Arpt., LFR-1, Amdt. 12, canceled.

2. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective September 5, 1974:

Burlington, N.C.—Burlington Municipal Arpt., VOR Rwy 9, Amdt. 3.

Davenport, Iowa—Davenport Municipal Arpt., VOR Rwy 2, Amdt. 2.

Ephrata, Wash.—Ephrata Municipal Arpt., VOR/DME Rwy 2, Amdt. 2.

Ephrata, Wash.—Ephrata Municipal Arpt., VOR Rwy 20, Amdt. 15.

Fairmont, W. Va.—Fairmont Municipal Arpt. VORTAC Rwy 22, Orig.

Kansas City, Mo.—Kansas City Int'l. Arpt., VOR Rwy 27, Amdt. 4.

Sarasota (Bradenton), Fla.—Sarasota-Bradenton Arpt., VOR Rwy 13, Amdt. 11.

Savannah, Ga.—Savannah Municipal Arpt., VOR Rwy 27, Amdt. 9.

\* \* \* effective August 29, 1974:

Riverside, Calif.—Riverside Municipal Arpt., VOR-A, Amdt. 2.

Riverside, Calif.—Riverside Municipal Arpt., VOR Rwy 9, Amdt. 6.

\* \* \* effective August 15, 1974:

Kahului, Hawaii—Kahului Arpt., VOR-B, Amdt. 2, canceled.

\* \* \* effective August 8, 1974:

Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional Arpt., VOR/DME Rwy 23, Amdt. 4.

Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional Arpt., VOR Rwy 5, Amdt. 6.

3. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective September 12, 1974:

Deadhorse, Alaska—Deadhorse Arprt., LOC/DME (BC) Rwy 22, Orig.

\* \* \* effective September 5, 1974:

Covington, Ky.—Greater Cincinnati Arprt., LOC BC Rwy 27L, Orig., canceled.  
Savannah, Ga.—Savannah Municipal Arprt., LOC (BC) Rwy 27, Amdt. 7.

4. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective September 12, 1974:

Northway, Alaska—Northway Arprt., NDB-A, Orig.

\* \* \* effective September 5, 1974:

Covington, Ky.—Greater Cincinnati Arprt., NDB Rwy 9R, Amdt. 5.  
Covington, Ky.—Greater Cincinnati Arprt., NDB Rwy 18, Amdt. 9.  
Covington, Ky.—Greater Cincinnati Arprt., NDB Rwy 27L, Amdt. 1.  
Covington, Ky.—Greater Cincinnati Arprt., NDB Rwy 36, Amdt. 24.  
Davenport, Iowa—Davenport Municipal Arprt., NDB Rwy 2, Amdt. 6.  
Fairmont, W. Va.—Fairmont Municipal Arprt., NDB/A, Orig.

\* \* \* effective August 8, 1974:

Burlington (Mt. Vernon), Wash.—Bay View Arprt., NDB Rwy 10, Orig.  
Greensboro, N.C.—Greensboro-High Point-Winston Salem Regional Arprt., NDB Rwy 14, Amdt. 11.  
Hillsboro, Wis.—Kickapoo Arprt., NDB Rwy 23, Orig.

5. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective September 5, 1974:

Covington, Ky.—Greater Cincinnati Arprt., ILS Rwy 9R, Amdt. 4.  
Covington, Ky.—Greater Cincinnati Arprt., ILS Rwy 18, Amdt. 9.  
Covington, Ky.—Greater Cincinnati Arprt., LOC BC Rwy 36, Amdt. 1, canceled.  
Orlando, Fla.—McCoy AFB, ILS Rwy 36L, Amdt. 2.  
Savannah, Ga.—Savannah Municipal Arprt., ILS Rwy 9, Amdt. 15.

\* \* \* effective August 8, 1974:

Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional Arprt., ILS Rwy 14, Amdt. 13.

6. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAP's, effective September 5, 1974:

Covington, Ky.—Greater Cincinnati Arprt., RADAR-1, Amdt. 15.

\* \* \* effective August 8, 1974:

Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional Arprt., RADAR-1, Amdt. 3.

7. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective August 8, 1974:

Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional Arprt., RNAV Rwy 23, Amdt. 1.

**Correction:** In Docket No. 13886, Amendment 923, to Part 97 of the Federal Aviation regulations, published in the FEDERAL REGISTER dated July 5, 1974, under § 97.27 effective August 15, 1974—

Change effective date of Raleigh, N.C.—Raleigh-Durham Arprt., NDB Rwy 23, Amdt. 8, to September 19, 1974.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (49 U.S.C. 1438, 1354, 1421, 1510), sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

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

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

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

[FR Doc.74-16837 Filed 7-23-74;8:45 am]

Title 21—Food and Drug

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

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

CFR CORRECTION

In Title 21 Code of Federal Regulations (Parts 130-140) revised as of April 1, 1974, § 130.201 was inadvertently omitted. The text of § 130.201 should read as follows:

§ 130.201 Suspension of approval of new-drug applications for certain diethylstilbestrol and diethylstilbestrol-containing drugs.

In the matter of suspension of approval of New-Drug Application Nos. 7175, 7310, 8254, 9105, 9506, 9532, 11121; [Mattox and Moore, Inc., Indianapolis, Ind.; Vineland Poultry Laboratories, Vineland, N.J.; George N. Bell Co., Indianapolis, Ind., respondents (FDC-D-49, 50, and 55)].

Following the public hearing held in the above-identified matter, beginning on April 25, 1960, and finally terminating on June 17, 1960, and issuance of tentative findings of fact, conclusions of law and facts, and tentative order, the Commissioner of Food and Drugs on December 15, 1961, issued final findings of fact, conclusions of law and facts and a final order. This final order concluded that all the products involved were unsafe within the meaning of section 505(e) of the Federal Food, Drug, and Cosmetic Act, in that the drug diethylstilbestrol is capable of producing and has produced cancer in animals and that this drug may be expected to produce, excite or stimulate the growth of certain cancers in human beings.

This final order was appealed to the U.S. District Court for the District of New Jersey, pursuant to the then effective provisions of section 505(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(h)). On August 20, 1964, this Court set aside this final order and remanded the case to the Food and Drug Administration with directions to reconsider the case in conformity with the opinion of the Court. (Goldhaft et al. t/a Vineland Poultry Laboratories v. George P. Larrick, et al.; Civil Action No. 122-62.)

Pursuant to the above-described opinion and order of the Court this case has been reconsidered.

Based on the substantial evidence of record, and pursuant to section 505(e) of the act (21 U.S.C. 355(e)) and Part 130 of Title 21 of the Code of Federal Regulations,

It is ordered, That:

1. New-Drug Application 7175, covering the drug "Tend-A-Wate," filed by Mattox & Moore, Inc., be, and is hereby suspended.

2. New-Drug Application 9532, covering the drugs "Tend-A-Wate 537," "Tend-A-Wate 539," and "Tend-A-Wate 545," filed by Mattox & Moore, Inc., be, and is hereby suspended.

3. New-Drug Application 7310, covering the drug "Tenderettes," filed by Vineland Poultry Laboratories, be, and is hereby suspended.

4. New-Drug Application 9105, covering the drug "Caponade," filed by Vineland Poultry Laboratories, be, and is hereby suspended.

5. New-Drug Application 11121, covering the drug "Stilboserts," filed by George N. Bell, Manufacturing Chemists, be, and is hereby suspended.

6. New-Drug Application 8254, covering the drug "No-Brood," filed by Mattox and Moore, Inc., be, and is hereby suspended.

7. New-Drug Application 9506, covering the drug "Anti-Brood," filed by Vineland Poultry Laboratories, be, and is hereby suspended.

[30 F.R. 2315, Feb. 20, 1965]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Recodification Docket No. 5]

Reorganization and Republication: Correction

In FR Doc. 74-2722 appearing on page 11680 in the FEDERAL REGISTER of March 29, 1974, the conversion table in the preamble is corrected by deleting the line "130.201-314.300".

Dated: July 18, 1974.

SAM D. FINE,  
*Associate Commissioner*  
for Compliance.

[FR Doc.74-16843 Filed 7-23-74;8:45 am]

SUBCHAPTER C—DRUGS

PENICILLIN, DIHYDROSTREPTOMYCIN IN OIL VETERINARY

Safe and Effective Use

The Commissioner of Food and Drugs has evaluated a new animal drug application (55-028V) filed by West Chemical Products, Inc., 42-16 West St., Long Island City, NY 11101, proposing the safe and effective use of penicillin, dihydrostreptomycin in oil veterinary for the treatment of mastitis in dry cows. The application is approved.

To facilitate referencing, the firm is being assigned a code number and added to the list of sponsors of approved new animal drug applications in § 135.501(c) (21 CFR 135.501).

The drug is subject to batch certification under the provisions of section 512 (n) of the Federal Food, Drug, and Cosmetic Act. Accordingly, this order provides for an appropriate amendment to the certification regulations in Part 146a of this chapter.

In the FEDERAL REGISTER of September 14, 1971 (36 FR 18395), as a part of the promulgation of the new animal drug procedural regulations, § 146a.1 Interpretative statements relating to penicillin and penicillin-containing drugs, was

deleted on the basis that the section was to be incorporated in Part 135 of Title 21 of the Code of Federal Regulations; however, the corresponding new section was not established. Section 146a.1 provided that no penicillin or penicillin-containing drugs for use in the prevention or treatment of mastitis in dairy animals by intramammary infusion shall contain in each single dose more than 100,000 units of penicillin. Under current procedures and requirements, the interpretative statement is unnecessary because the current clearance requirements for such drugs is that each such drug approved must be shown to be safe and effective at the recommended dosage, milk-out data are required, and no residues are permitted in milk beyond 96 hours following the latest treatment (21 CFR 135.103). Therefore §146a.1 is deemed to be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n); 82 Stat. 347, 350 (21 U.S.C. 360b (i) and (n)); and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135, 135d, and 146a are amended as follows:

#### PART 135—NEW ANIMAL DRUGS

1. Part 135 is amended in subpart C by adding a new code number and firm name to the list in §135.501(c) as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

(c) \* \* \*

Code No.	Firm name and address
093.....	West Chemical Products, Inc., 42-16 West St., Long Island City, N.Y. 11101.

#### PART 135d—NEW ANIMAL DRUGS FOR INTRAMAMMARY USE

2. Part 135d is amended by adding a new section as follows:

§ 135d.13 Penicillin, dihydrostreptomycin in oil veterinary.

(a) *Specifications.* Each 10 milliliter disposable syringe contains 1,000,000 units of procaine penicillin G and 1 gram of dihydrostreptomycin base, as dihydrostreptomycin sulfate in a peanut oil base with aluminum monostearate and hydrogenated peanut oil as gelling and hardening agents. The product meets the specifications of § 146a.57 of this chapter.

(b) *Sponsor.* See code No. 093 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) For intramammary use to reduce the frequency of existing infection and to prevent new infections with *Staphylococcus aureus* in dry cows.

(2) The drug is administered at the last milking prior to drying off. The drug is infused, 1 syringe into each quarter.

(3) Not to be used within 6 weeks of freshening. Not for use in lactating

cows. Milk taken from animals within 96 hours (8 milkings) after calving must not be used for food. Animals infused with this drug must not be slaughtered for food within 60 days from the time of infusion nor within 96 hours after calving.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

#### PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

3. Part 146a is amended in § 146a.45 (c) (2) (i) as follows:

§ 146a.45 Procaine penicillin G in oil.

(c) \* \* \*

(2) *It is packaged for dispensing and intended solely for veterinary use.* (1) It shall comply with subparagraph (1) of this paragraph, except in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include adequate directions and warnings for the veterinary use of the drug by the laity except that it shall be labeled in accordance with § 1.106(c) of this chapter if specifically required under regulations established pursuant to section 512(l) of the act.

*Effective date.* This order shall be effective July 24, 1974.

(Sec. 512 (i) and (n); 82 Stat. 347, 350 (21 U.S.C. 360b (i) and (n))).

Dated: July 17, 1974.

C. D. VAN HOUWELING,  
Director,  
Bureau of Veterinary Medicine.

[FR Doc.74-16844 Filed 7-23-74; 8:45 am]

#### PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Sterile Benzathine Penicillin G Suspension, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (55-009V) filed by Wyeth Laboratories, Div., American Home Products Corp., P.O. Box 8299, Philadelphia, PA 19101, proposing revised labeling for the safe and effective use of sterile benzathine penicillin G suspension for the treatment of horses and dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding the following new section:

§ 135b.98 Sterile benzathine penicillin G suspension, veterinary.

(a) *Specifications.* Meets the specifications in § 146a.77.

(b) *Sponsor.* See code No. 040 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is used for the treatment of bacterial infections susceptible to penicillin G in horses and dogs.

(2) Inject intramuscularly in horses at 4,000 units per pound of body weight. Inject intramuscularly or subcutaneously in dogs at 12,000 to 24,000 units per pound of body weight. The dosage should be repeated in 48 hours.

(3) Not to be used in animals intended for food purposes.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

*Effective date.* This order shall be effective July 24, 1974.

(Sec. 512(l), 82 Stat. 347; (21 U.S.C. 360b (l)))

Dated: July 16, 1974.

C. L. VAN HOUWELING,  
Director,  
Bureau of Veterinary Medicine.

[FR Doc.74-16845 Filed 7-23-74; 8:45 am]

#### PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 149b—AMPICILLIN FOR VETERINARY USE

Ampicillin Tablets, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (55-042V) filed by Beecham-Massengill Pharmaceuticals, Bristol, TN 37620, proposing safe and effective use of ampicillin tablets in the treatment of dogs. The application is approved.

The drug is subject to batch certification under provisions of section 512(n) of the Federal Food, Drug, and Cosmetic Act. This order provides for appropriate amendments to the antibiotic drug certification regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n)), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135c and 149b are amended as follows:

1. In Part 135c by adding the following new section:

§ 135c.130 Ampicillin tablets, veterinary.

(a) *Specifications.* The drug contains ampicillin as ampicillin trihydrate and conforms to the certification requirements of § 149b.26 of this chapter.

(b) *Sponsor.* See code No. 046 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is administered orally for treatment of infections associated with abscesses, lacerations, and wounds caused by *Staphylococcus spp.* and *Streptococcus spp.* in dogs.

(2) Dosage is recommended at 5 mg per pound of body weight, at 8-hour intervals 1 to 2 hours prior to feeding. Treatment should be continued for 36 to 48 hours after all symptoms have subsided.

(3) It is not for use in animals which have shown hypersensitivity to penicillin or for infections caused by penicillinase-producing organisms.

(4) It is not for use in animals which are raised for food production.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

2. In Part 149b by adding the following new section:

**§ 149b.26 Ampicillin trihydrate tablets, veterinary.**

(a) *Requirements for certification—*  
 (1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate tablets are composed of ampicillin trihydrate with suitable binders, fillers, lubricants, expanders, coloring, and flavoring. Each tablet contains 50 or 100 milligrams of ampicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its loss on drying is not more than 10 percent. The tablets disintegrate within 30 minutes. The ampicillin trihydrate used conforms to the standards prescribed by § 440.7 of this chapter. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* It shall be packaged in accordance with the requirements of § 148.2 of this chapter.

(3) *Labeling.* It shall be labeled in accordance with the requirements of § 135c.130 and § 148.3 of this chapter, and shall, in addition, be labeled "veterinary ampicillin tablets".

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The ampicillin trihydrate used in making the batch for potency, toxicity, moisture, pH, ampicillin content, concordance, crystallinity, and identity.

(b) The batch for potency, loss on drying, and disintegration time.

(ii) Samples required:

(a) The ampicillin trihydrate used in making the batch: 10 containers, each containing not less than 300 milligrams.

(b) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar with sufficient 0.1M potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample solution as follows: Place a representative number of tablets into a high-speed glass blender jar with sufficient distilled water to give a stock solution of convenient concentration. Blend for 3 minutes. Further dilute an aliquot of the stock solution with distilled water to give the prescribed concentration.

(2) *Loss on drying.* Proceed as directed in § 436.200(a) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter using the procedure described in paragraph (e) (1) of that section.

*Effective date.* This order shall be effective July 24, 1974.

(Sec. 512 (i) and (n), 82 Stat. 347, 350-351; (21 U.S.C. 360b (1) and (n)))

Dated: July 16, 1974.

C. D. VAN HOUWELING,  
 Director,

Bureau of Veterinary Medicine.

[FR Doc.74-16846 Filed 7-23-74;8:45 am]

SUBCHAPTER A—GENERAL

SUBCHAPTER C—DRUGS

RECODIFICATION EDITORIAL AMENDMENTS; CORRECTION

In FR Doc. 74-12379 appearing on page 18771 in the issue of Thursday, May 30, 1974, the following paragraphs are corrected to read as follows:

(1) On page 18777, column 1, paragraph 4.a. reads as follows:

§ 141e.417 [Amended]

4. Section 141e.417 is amended as follows:

a. In paragraph (a) (1) the references to "§ 141e.401(a) (1), except § 141e.401 (a) (1) (ii) and (iii)", "in lieu of directions in "§ 141e.401(a) (1) (ii)", "§ 141e.401(a) (1) (iii)" and "§ 141a.49(a) (2) (ii)" are changed to read "§ 448.10a(b) (1) (1) of this chapter, except paragraph (b) (1) (i) (b) and (c) of that section", "in lieu of the directions in § 448.10a(b) (1) (1) of this chapter", "§ 448.10a(b) (1) (1) (c) of this chapter," and "§ 436.505(a) (2) (ii)" respectively.

(2) On page 18777, column 3, after "§ 141e.429 [Amended]", the last two lines of paragraph 11.b. should read "to "§ 141e.410(b) (1)" is changed to read "§ 436.517(b) (1) of this chapter".

(3) On page 18779, column 3, the heading for Part 146a is corrected to read:

**PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS FOR VETERINARY USE**

(4) On page 18780, column 1, after "§146a.26 [Amended]", the penultimate line of paragraph 4a. should read "chapter, § 440.74(a) (1) of this chapter, except paragraphs (a) (1) (i), (ii)".

(5) On page 18785, column 3, paragraph 11.4. after "§ 146b.113 [Amended]" is corrected to read as follows:

(d) In paragraph (d) (3) (ii) and (iii) and (4) (ii) the reference to "§ 146b.101 (b)" is changed to read "§ 444.70a(a) (2) of this chapter".

(6) On page 18785, column 3, paragraph 14.c. after "§ 146b.117 [Amended]" is deleted.

(7) On page 18788, column 2, the heading for Part 146 is corrected to read:

**PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS FOR VETERINARY USE**

(8) On page 18790, column 3, after "§ 151c.16 [Amended]", the penultimate line of paragraph 4.e. is corrected by changing "§ 141.111" to read "§ 141.502".

Dated: July 18, 1974.

SAM D. FINE,  
 Associate Commissioner  
 for Compliance.

[FR Doc.74-16867 Filed 7-23-74;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.703]

**PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED**

**Nonimmigrant Documentary Waivers; Revocation**

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to revoke the waiver of nonimmigrant visa requirements provided by § 41.6(c) to Mexican government officials.

The first sentence in paragraph (c) of § 41.6 is amended to read:

§ 41.6 Nonimmigrants not required to present passports, visas, or border crossing identification cards.

(c) *Mexican nationals.* A visa and a passport shall not be required of a Mexican national who is in possession of a border crossing card on Form I-186 and is applying for admission as a temporary visitor for business or pleasure from contiguous territory or is entering solely for the purpose of applying for a Mexican passport or other official Mexican document at a Mexican consular office on the United States side of the border. \* \* \*

*Effective date.* Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendment to § 41.6(c) is made to conform with an agreement between the United States and Mexico which amends Article I of the bilateral visa agreement and derivatively the provisions contained in § 41.6 (c) by deleting waiver requirements available to certain Mexican government officials. However, in order to relieve

anticipated administrative difficulties this amendment will become effective August 3, 1974.

Dated: July 18, 1974.

For the Secretary of State.

[SEAL] BARBARA M. WATSON,  
Administrator, Bureau of Security and Consular Affairs, Department of State.

L. F. CHAPMAN, JR.,  
Commissioner, Immigration and Naturalization Service, Department of Justice.

[FR Doc. 74-16941 Filed 7-23-74; 8:45 am]

#### Title 40—Protection of Environment

##### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

##### SUBCHAPTER C—AIR PROGRAMS

[FRL-223-4]

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

##### Approval of Plan Revisions; Tennessee

On January 4, 1974 (39 FR 1063), the Administrator announced that Tennessee proposed to revise its implementation plan by making a number of changes in the State air pollution control regulations. These changes had received public hearing and had been formally adopted by the Tennessee Air Pollution Control Board on August 24, 1972, before being submitted to the Agency for its approval.

The most significant features of the proposed revision involve emission limits. For existing sources in three categories—aspalt plants, cotton gins, and kraft mills—specific emission limits are established which differ from those of the existing Tennessee plan. The proposed revision also adds limits substantially identical to those of 40 CFR Part 60, Standards of Performance for New Stationary Sources, for nitrogen oxide emissions from new fossil fuel-fired steam generators and for particulate emissions from new portland cement plants.

Copies of the proposed revision were made available for public inspection at the Agency's regional office in Atlanta, Georgia and at the office of the Tennessee Department of Public Health in Nashville. Written comments were solicited from the public, but none were received.

After careful review of all the changes contained in the proposed revision, the Administrator has determined that its approval will not prevent or interfere with the attainment and maintenance of the national ambient air quality standards in the State of Tennessee. Accordingly, it is hereby approved and made a part of the State implementation plan.

This action is effective August 23, 1974.

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

Dated: July 18, 1974.

JOHN QUARLES,  
Acting Administrator.

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

#### Subpart RR—Tennessee

##### § 52.2220 [Amended]

1. In § 52.2220, paragraph (c) (4) is amended by the insertion, in proper chronological sequence, of the following dates: February 16, April 30, May 25, and June 8, 1973 and paragraph (c) (6) is amended by changing the date "July 30" to "August 13".

[FR Doc. 74-16960 Filed 7-23-74; 8:45 am]

#### SUBCHAPTER E—PESTICIDE PROGRAMS

[239-4]

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

##### 6-Methyl-2,3-Quinoxalinedithiol Cyclic S,S-Dithiocarbonate

A petition (PP 1F1063) was filed by Chemagro Division of Baychem Corp., P.O. Box 4913, Kansas City, MO 64120, 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 fungicide and insecticide 6-methyl-2,3-quinoxalinedithiol cyclic S,S-dithiocarbonate in or on the raw agricultural commodities almond hulls at 10 parts per million; strawberries at 6 parts per million; papayas at 5 parts per million; apricots, nectarines, and peaches from preharvest and postharvest application at 4 parts per million; cherries at 3 parts per million; citrus fruits and grapes at 2.5 parts per million; apples, cantaloups, honeydew melons, muskmelons, pears, and summer squash at 1.5 parts per million; plums at 1 part per million; cucumbers, watermelons, and winter squash at 0.75 part per million; almonds, avocados, macadamia nuts, and walnuts at 0.1 part per million.

Subsequently, the petitioner amended the petitions by withdrawing the request for tolerances in or on all the raw agricultural commodities except citrus fruits at 0.5 per million and macadamia nuts and walnuts at 0.1 part per million (negligible residue) and proposing tolerances for negligible residues in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 part per million and in milk at 0.01 part per million.

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

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

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

3. The proposed tolerances for residues in meat and milk are adequate to cover residues resulting from the proposed uses, and § 180.6(a) (2) applies.

4. 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), Part 180 is amended by adding the following new section:

##### § 180.338 6-Methyl-2,3-quinoxalinedithiol cyclic S,S-dithiocarbonate; tolerances for residues.

Tolerances are established for residues of the fungicide and insecticide 6-methyl-2,3-quinoxalinedithiol cyclic S,S-dithiocarbonate in or on raw agricultural commodities as follows:

0.5 part per million in or on citrus fruits.

0.1 part per million (negligible residue) in or on macadamia nuts and walnuts.

0.05 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

0.01 part per million (negligible residue) in milk.

Any person who will be adversely affected by the foregoing order may at any time by August 23, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objection thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provision 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 July 24, 1974.

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

Dated: July 18, 1974.

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

[FR Doc. 74-16829 Filed 7-23-74; 8:45 am]

[FR 239-5]

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

##### 2-( $\alpha$ -Naphthoxy)-N,N-Diethylpropionamide

A petition (PP 4F1447) was filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, in accordance with provisions of the Federal Food,

Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide 2-( $\alpha$ -naphthoxy)-*N,N*-diethylpropionamide in or on the raw agricultural commodities almond hulls, figs, nuts, and pome fruits at 0.1 per million.

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

1. The herbicide 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 (36 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.328 is revised to read as follows:

§ 180.328 2-( $\alpha$ -Naphthoxy)-*N,N*-diethylpropionamide; tolerances for residues.

Tolerances are established for negligible residues of the herbicide 2-( $\alpha$ -naphthoxy)-*N,N*-diethylpropionamide in or on the raw agricultural commodities almond hulls, citrus fruits, figs, fruiting vegetables, nuts, pome fruits, small fruits, and stone fruits at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time by August 23, 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 July 24, 1974.

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

Dated: July 18, 1974.

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

[FR Doc. 74-16830 Filed 7-23-74; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-1—GENERAL

Subpart 5A-1.10—Publicizing Procurement Actions

PUBLICIZING PROCUREMENT ACTIONS

This change to the General Services Administration Procurement Regulations (GSPR) updates and transfers procedures on publicizing procurement actions, where appropriate, from Chapter 5, GSPR, to Chapter 5A, GSPR.

1. Section 5A-1.1003-1 is revised as follows:

§ 5A-1.1003-1 Department of Commerce Synopses.

All synopsis messages (single and/or consolidated) of proposed procurements shall be forwarded to the appropriate Business Service Center (BSC), regardless of its location. Furthermore, procuring activities shall ensure that internal procedures for forwarding messages to BSC provide for maximum compliance with § 1-1.1003-6, Time for publicizing. Business Service Centers will arrange for prompt submission of information concerning proposed procurements for publication in the Commerce Business Daily. Submission to Commerce Department shall be in accordance with § 1-1.1003-7.

2. Section 5A-1.1003-7 is revised as follows:

§ 5A-1.1003-7 Preparation and transmittal.

(a) Synopsis messages shall be prepared on informal letterhead stationery.

(b) Texts of synopsis messages shall be prepared as prescribed in § 1-1.1003-7(b), except that the name and address of the contracting office (§ 1-1.1003-7(b)(3)) shall be construed to mean the appropriate BSC. The transmittal number required by § 1-1.1003-7(b)(2) is assigned by BSC. This entry shall be shown as "Transmittal number \_\_\_\_\_"

3. Section 5A-1.1007 is revised as follows:

§ 5A-1.1007 Responsibility for conformance with synopsisizing program.

Each Regional Commissioner, FSS; Assistant Commissioner for Procurement (FP); Director, ADP Procurement Division, or Director, Transportation Services Division; shall be responsible, within their respective areas of responsibility, for ensuring full compliance with the provisions of Subparts 1-1.10 and 5A-1.10.

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

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

Dated: July 3, 1974.

M. J. TIMBERS,  
Commissioner, FSS.

[FR Doc. 74-16881 Filed 7-23-74; 8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—GRANTS

PART 56a—GRANTS FOR EMERGENCY MEDICAL SERVICES SYSTEMS

Program Regulations

Correction

In FR Doc. 74-14927 appearing at page 24302 as Part III of the issue of Monday, July 1, 1974, make the following changes in § 56a.103:

1. In the third line of paragraph (a), delete the preposition "in".

2. In paragraph (b)(4)(v), delete the word "basic" in the fifth line.

3. In the fifth line of paragraph (b)(10), "covered" should read "covery".

Title 43—Public Lands: Interior

SUBTITLE B—REGULATIONS RELATING TO PUBLIC LANDS

CHAPTER I—BUREAU OF RECLAMATION

PART 420—OFF-ROAD VEHICLE USE

Criteria and Policy

On February 14, 1973, a document was published in the FEDERAL REGISTER (38 FR 4421), setting forth proposed policy and criteria relating to the use of off-road vehicles on Bureau of Reclamation lands and inviting the comments of interested parties. By notice of March 16, 1973 (38 FR 7132), the period for submission of written comments, suggestions, or objections regarding the proposal was extended to April 16, 1973.

A number of comments have been received both in support and in opposition to the proposed policy and criteria. After consideration of all such relevant matter as was presented, the proposal has been modified to reflect the sense of the comments to the extent possible.

It has been determined that the proposed document, as modified, should be promulgated as regulations of the Bureau of Reclamation. Accordingly, Chapter I, Subtitle B, of Title 43 of the Code of Federal Regulations is amended by adding a new Part 420, as set forth below.

*Effective date.* This part becomes effective on August 23, 1974.

Dated: July 16, 1974.

JACK HORTON,  
Assistant Secretary  
of the Interior

## Sec.

- 420.1 Objectives.  
420.2 General closure.  
420.3 Adjacent lands.  
420.4 Enforcement.  
420.5 Definitions.

## Subpart A—Operating Criteria

- 420.11 Requirements—vehicles.  
420.12 Requirements—operators.

## Subpart B—Designated Areas and Permitted Events

- 420.21 Procedure for designating areas for off-road vehicle use.  
420.22 Criteria for off-road vehicle areas.  
420.23 Public notice and information.  
420.24 Permits for organized events.  
420.25 Reclamation lands administered by other agencies.

**AUTHORITY:** 32 Stat. 388 (43 U.S.C. 391 *et seq.*) and acts amendatory thereof and supplementary thereto; EO 11644 (37 FR 2877).

## 420.1 Objectives.

The provisions of this part establish regulations for off-road vehicle use on reclamation lands to protect the land resources, to promote the safety of all users, to minimize conflicts among the various uses, and to ensure that any permitted use will not result in significant adverse environmental impact or cause irreversible damage to existing ecological balances.

## 420.2 General closure.

Reclamation lands are closed to off-road vehicle use, except for an area or trail specifically opened to use of off-road vehicles in accordance with §420.21.

## 420.3 Adjacent lands.

When administratively feasible, the regulation of off-road vehicle use on Reclamation lands will be compatible with such use as permitted by recreation-managing agencies on adjacent lands (both public and private).

## 420.4 Enforcement.

The provisions of this part will be enforced to the extent of Bureau authority, including entering into cooperative agreements with Federal, State, county, or local law enforcement officials.

## 420.5 Definitions.

As used in this part, the term:

(a) "Off-road vehicle" means any motorized vehicle (including the standard automobile) designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or natural terrain. The term excludes: (1) nonamphibious registered motorboats; (2) military, fire, emergency, or law enforcement vehicles when used for emergency purpose; (3) self-propelled lawnmowers, snowblowers, garden or lawn tractors, and golf carts while being used for their designed purpose; (4) agricultural, timbering, construction, exploratory, and development equipment and vehicles while being used exclusively as authorized by permit, lease, license, agreement, or contract with the Bureau; and (5) "official use" vehicles.

(b) "Bureau" means the Bureau of Reclamation.

(c) "Reclamation lands" mean all lands under the custody and control of the Commissioner, Bureau of Reclamation.

(d) "Off-road vehicle area" means a portion or all of a specifically designated parcel of Reclamation lands opened to off-road vehicle use in accordance with the procedure in section 420.21.

(e) "Off-road vehicle trail" means a specifically delineated path or way varying in width which is designated to be used by and maintained for hikers, horsemen, snow travelers, bicyclists and for motorized vehicles.

(f) "Official use" means use of a vehicle by an employee, agent, or designated representative of the Federal Government who, with special permission from the Bureau of Reclamation, uses a vehicle for an officially authorized purpose.

(g) "Organized Event" means a structured, or consolidated, or scheduled meeting involving 15 or more vehicles for the purpose of recreational use of Reclamation lands involving the use of off-road vehicles. The term does not include family groups participating in informal recreational activities.

## Subpart A—Operating Criteria

## 420.11 Requirements—vehicles.

Each off-road vehicle that is operated on Reclamation lands shall meet the following requirements:

(a) It shall conform to applicable State laws and vehicle registration requirements.

(b) It shall be equipped with a proper muffler and spark arrestor in good working order and in constant operation. The spark arrestor must conform to Forest Service Spark Arrestor Standard 5100-1a, and there shall be no muffler cutout, bypass, or similar device.

(c) It shall have adequate brakes and, for operation from dusk to dawn, working headlights and taillights.

## 420.12 Requirements—operators.

(a) In addition to the regulation of Part 420, operators shall comply with any applicable State laws pertaining to off-road vehicles; if State laws are lacking or less stringent than the regulations established in this part, then the regulations in Part 420 are minimum standards and are controlling.

(b) Each operator of an off-road vehicle operated on Reclamation lands shall possess a valid motor vehicle operator's permit or license; or, if no permit or license is held, he/she shall be accompanied by or under the immediate supervision of a person holding a valid permit or license.

(c) During the operation of snowmobiles, trail bikes, and any other off-road vehicle the operator shall wear safety equipment, generally accepted or prescribed by applicable State law or local ordinance for use of the particular activity in which he/she is participating.

(d) No person may operate an off-road vehicle:

(1) In a reckless, careless or negligent manner;

(2) In excess of established speed limits;

(3) While under the influence of alcohol or drugs;

(4) In a manner likely to cause irreparable damage or disturbance of the land, wildlife, vegetative resources, or archeological and historic values of resources; or

(5) In a manner likely to become an unreasonable nuisance to other users of Reclamation or adjacent lands.

## Subpart B—Designated Areas and Permitted Events

## 420.21 Procedure for designating areas for off-road vehicle use.

The Regional Director shall, to the extent practicable, hold public hearings to obtain interested user groups, local populace, and affected Federal, State, and county agencies' opinions for opening or closing an area or trail in a manner that provides an opportunity for the public to express themselves and have their views taken into account. The Regional Director may act independently if he/she deems emergency action to open or close or restrict areas and trails is necessary to attain the objectives of the regulations of this part.

(a) Regional Directors shall designate and publicize those areas and trails which are open to off-road vehicle use in accordance with § 420.23.

(b) Before any area or trail is opened to off-road vehicle use, the Regional Director will establish specific regulations which are consistent with the criteria in these regulations.

(c) The Regional Director will inspect designated areas and trails periodically to determine conditions resulting from off-road vehicle use. If substantial damage to the land, water, wildlife, archeological, historic, or vegetative resources is found, areas and trails shall be closed or appropriate controls established to prevent further deterioration of the environment. The public shall be notified of restrictions or closure in accordance with § 420.23.

## 420.22 Criteria for off-road vehicle areas.

(a) Areas and trails to be opened to off-road vehicle use shall be located:

(1) To minimize the potential hazards to public health and safety, other than the normal risks involved in off-road vehicle use.

(2) To minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(3) To minimize harassment of wildlife or significant disruption of wildlife habitats.

(4) To minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure compatibility of uses with existing conditions in populated areas, taking into account noise and other factors.

(5) In furtherance of the purposes and policy of the National Environmental Policy Act of 1969 (Pub. L. 91-190, 89 Stat. 852).

(b) Areas and trails shall not be located in areas possessing unique natural, wildlife, historic, cultural, archeological, or recreational values unless the Commissioner determines that these unique values will not be adversely affected.

#### 420.23 Public notice and information.

Areas and trails may be marked with appropriate signs to permit, control or prohibit off-road vehicle use on Reclamation lands. All notices concerning the regulation of off-road vehicles shall be posted in a manner that will reasonably bring them to the attention of the public. A copy of any notice shall be made available to the public in the regional office and field offices where appropriate. Such notice, and the reasons therefore, shall be published in the FEDERAL REGISTER together with such other forms of public notice or news release as may be appropriate and necessary to adequately describe the conditions of use and the time periods when the areas involved in an action under these regulations are to be (a) opened to off-road vehicle use, (b) restricted to certain types of off-road vehicle use and (c) closed to off-road vehicle use.

#### 420.24 Permits for organized events.

Regional Directors may issue permits for the operation of off-road vehicles in organized races, rallies, meets, endurance contests, and other events on areas designed for each event. The application for such an event shall:

- (a) Be received by the Regional Director at least 60 days before the event;
- (b) Provide a plan for restoration and rehabilitation of trails and areas used, and demonstrate that the prospective permittee can be bonded for or deposit the amount that may be required to cover the cost;
- (c) Demonstrate that special precautions will be taken to:
  - (1) Protect the health, safety, and welfare of the public; and
  - (2) Minimize damage to the land and related resources.
- (d) Application fees (in amounts to be determined) as authorized by section 2 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, shall accompany all applications.

#### 420.25 Reclamation lands administered by other agencies.

(a) Off-road vehicle use will be administered in accordance with Executive Order 11644, by those Federal and non-Federal agencies which have assumed responsibility for management of Reclamation lands for recreation purposes.

Specifically:

(1) Reclamation lands managed by the National Park Service, the Bureau of Sport Fisheries and Wildlife, the Bureau of Land Management, the Forest Service, and other Federal agencies will be administered in accordance with regulations of those agencies.

(2) Reclamation lands managed by non-Federal entities will be administered in a manner consistent with both Part

420 and applicable non-Federal laws and regulations.

(b) Public lands withdrawn, but not yet utilized for Reclamation purposes, will be administered by the Forest Service or by the Bureau of Land Management in accordance with regulations of those agencies, but consistent with Reclamation requirements for retaining the land.

[FR Doc.74-16849 Filed 7-23-74; 8:45 am]

### Title 8—Aliens and Nationality

#### CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

[File No. CO 845-P]

#### PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

##### Nonimmigrant Documentary Waiver

In conformity with an agreement between the United States and Mexico amending Article I of the Reciprocal Visa Agreement of 1953, and which, in effect, eliminates the waiver of nonimmigrant visa and passport requirements for Mexican government officials and employees, the Administrator of the Bureau of Security and Consular Affairs, Department of State, in an order dated July 10, 1974, with the concurrence of the Commissioner, amended 22 CFR 41.6(c) to eliminate the waiver of nonimmigrant visa and passport requirements currently available to Mexican government officials and employees under that section. In the light of the aforementioned agreement between the United States and Mexico, and the conforming order of the Department of State, a similar amendment to the corresponding provisions of 8 CFR 212.1(c) is hereby prescribed:

In § 212.1(c), the first sentence is amended to eliminate the waiver of nonimmigrant visa and passport requirements currently provided for Mexican government officials and employees. As amended, § 212.1(c) reads as follows:

##### § 212.1 Documentary requirements for nonimmigrants.

(c) *Mexican nationals.* A visa and a passport are not required of a Mexican national who is in possession of a border crossing card on Form I-186 and is applying for admission as a temporary visitor for business or pleasure from contiguous territory; or is entering solely for the purpose of applying for a Mexican passport or other official Mexican document at a Mexican consular office on the United States side of the border. A visa is not required of a Mexican national who is in possession of a border crossing card and is applying for admission to the United States as a temporary visitor for business or pleasure from other than contiguous territory. A visa is not required of a Mexican national who is a crewman employed on an aircraft belonging to a Mexican company author-

ized to engage in commercial transportation into the United States.

(Sec. 103, 66 Stat. 173; (8 U.S.C. 1103))

*Effective date.* The amendment to the regulations contained in this order shall become effective August 5, 1974.

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 212.1(c) is made to conform with the bilateral agreement between the United States and Mexico, and conforms Service regulations with corresponding regulations promulgated by the Department of State. However, in order to relieve administrative difficulties, the amendment will not become effective until August 3, 1974.

Dated: July 18, 1974.

L. F. CHAPMAN, JR.,

Commissioner of  
Immigration and Naturalization.

[FR Doc.74-16942 Filed 7-23-74; 8:45 am]

### Title 24—Housing and Urban Development

#### CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### SUBCHAPTER A—GENERAL

[Docket No. R-74-278]

#### PART 200—INTRODUCTION

##### Subpart S—Minimum Property Standards

##### INTERIM RULE

The Department of Housing and Urban Development is amending Title 24 of the Code of Federal Regulations to establish a new Subpart S, entitled "Minimum Property Standards" within Part 200. The Minimum Property Standards define the minimum level of acceptability of design and construction standards for housing built under HUD mortgage insurance and low rent public housing programs. The Minimum Property Standards are a single unified set of technical and environmental standards relating to those characteristics in a property which will provide present and continuing utility, durability, desirability, economy of maintenance, and a safe and healthful environment.

Environmental quality is addressed as it relates to specific subjects in the Minimum Property Standards. As a general policy, development of all properties must be consistent with the national program for conservation of energy and other natural resources, and care must be exercised to avoid air, water, land, and noise pollution and other hazards to the environment.

The standards are oriented to types of building rather than to programs or types of occupancy. Where practicable,

## RULES AND REGULATIONS

requirements have been stated in performance terms to permit flexibility. Dependence has been placed upon nationally recognized building industry standards and reference to them has been employed in the several appendices to each volume of the standards.

The Minimum Property Standards consist of three volumes of mandatory standards: (1) One and Two Family Dwellings; (2) Multifamily Housing; and (3) Care-Type Housing. Variations and exceptions for seasonal homes intended for other than year-round occupancy are found in volume 1. Exceptions for elderly housing are listed in volumes 1 and 2. (There is a volume 4, "Manual of Acceptable Practices," which contains illustrative material for the first three volumes of mandatory standards but which is not mandatory itself nor is it incorporated by reference into the Code of Federal Regulations.)

Each of the volumes contains approximately 250 pages of text and several appendices. Because the Minimum Property Standards are so voluminous, their publication in the FEDERAL REGISTER would be impractical. Accordingly, the Department is incorporating them by reference in its regulations, in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51.

On November 29, 1972, a notice of publication and availability of the Minimum Property Standards was published in the FEDERAL REGISTER (37 FR 25251). The Minimum Property Standards were available, for public examination in the various HUD offices. Over 200 sets of comments were received and reviewed by HUD, and the Minimum Property Standards were revised to reflect many of the suggestions in those comments.

Because it is necessary to make these standards effective as soon as possible for adoption in the current building season, the new Subpart S shall be effective on August 1, 1974. Postponement of the effective date pursuant to 5 U.S.C. 553 (d) is also being waived inasmuch as these standards generally reflect specifications already recognized and in use by the building industry for other than mortgage insurance purposes. However, because a considerable amount of time has elapsed since HUD received comments under its notice of proposed rule-making, it is desirable to provide further opportunity for public participation in the making of this rule.

Comments received on or before September 9, 1974, will be considered before adoption of a final rule. Communications should be filed in triplicate, referring to the above docket number and title, with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Copies of comments submitted will be available during business hours at the above address for examination by interested persons.

Accordingly, 24 CFR Part 200 is amended as follows:

1. The table of contents of Part 200 is amended to read:

Subpart S—Minimum Property Standards	
Sec.	
200.925	Applicability of minimum property standards.
200.927	Incorporation by reference of minimum property standards.
200.929	Description and identification of minimum property standards.
200.931	Statement of availability.
200.933	Changes in minimum property standards.

2. A new Subpart S is added to read as follows:

**Subpart S—Minimum Property Standards**  
**§ 200.925 Applicability of minimum property standards.**

All housing constructed under HUD mortgage insurance and low-rent public housing programs shall meet or exceed HUD Minimum Property Standards.

**§ 200.927 Incorporation by reference of minimum property standards.**

The Minimum Property Standards as identified in § 200.929(b) are hereby incorporated by reference into this section as though set forth in full herein, pursuant to 5 U.S.C. 552(a).

**§ 200.929 Description and identification of minimum property standards.**

(a) *Description.* The Minimum Property Standards describe physical standards for housing. They are intended to provide a sound basis for determining the acceptability of housing built under the HUD mortgage insurance and low-rent public housing programs. The Minimum Property Standards refer to material standards developed by industry and accepted by HUD. In addition, under section 521 of the National Housing Act, HUD adopts its own technical suitability standards for materials and products for which there are no industry standards acceptable to HUD. These standards are contained in Use of Materials Bulletins that apply to products and methods and Materials Releases that apply to specific materials. Use of Materials Bulletins and Materials Releases are addenda to the Minimum Property Standards. (See the Appendix to this subpart for a list of the various documents which are referred to in the Minimum Property Standards. Unless otherwise stated, the current edition, issue, or version of each of these documents, as available from its source, is applicable to this Subpart S. In addition, the documents referred to in the Appendix are available for reading by the public during regular business hours at the Department of Housing and Urban Development, Office of Technical and Credit Standards, Room 6156, 451 Seventh Street, SW., Washington, D.C., and each Regional and Area Office.)

(b) *Identification.* The Minimum Property Standards have been published in three volumes:

(1) Minimum Property Standards, 1973 Edition, Volume 1—One and Two Family Dwellings, No. 4900.1. This volume applies to buildings containing one or two living units and to the sites upon which they are located.

(2) Minimum Property Standards, 1973 Edition, Volume 2—Multifamily Housing, No. 4910.1. This volume applies to buildings and sites designed and used for normal multifamily occupancy, including both unsubsidized and subsidized insured housing, as well as low-rent public housing.

(3) Minimum Property Standards, 1973 Edition, Volume 3—Care-Type Housing, No. 4920.1. This volume applies to properties and sites designed for, and used by, occupants requiring varying degrees of care, or assistance in day-to-day living.

**§ 200.931 Statement of availability.**

An updated copy of the Minimum Property Standards is available for public examination in (1) the Information Center, Room 1202, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C., and in each HUD Regional, Area, and Insuring Office; and (2) the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. In addition, copies of volumes 1, 2, and 3 of the Minimum Property Standards may be purchased from the United States Government Printing Office, Washington, D.C. 20402.

**§ 200.933 Changes in minimum property standards.**

Changes in the Minimum Property Standards will generally be made every three months. Changes will be made in accordance with HUD policy for the adoption of rules and regulations set forth in Part 10 of this Title. Notice of such changes will be published in the FEDERAL REGISTER. As the changes are made, they will be incorporated into the volumes of the Minimum Property Standards to which they apply. The volumes available for public examination and for purchase will contain all changes up to the date of examination or purchase. An official, historic file of such changes will be available in the office of the Rules Docket Clerk in the HUD Central Office in Washington, D.C., and in each HUD Regional, Area, and Insuring Office. A similar copy of the standards will also be maintained in the Office of the Federal Register, Washington, D.C.

(Sec. 7(d) of the Department of Housing and Urban Development Act of 1965, 79 Stat. 670; 42 U.S.C. 3535(d); Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b and 81 Stat. 54; 5 U.S.C. 552(a))

*Effective date.* This amendment is effective as of August 1, 1974.

SHELDON B. LUBAR,  
 Assistant Secretary-Commissioner.

NOTE.—Incorporation by reference of Minimum Property Standards referenced in 24 CFR 200.929(b) is approved by the Director of the Federal Register July 17, 1974.

APPENDIX

MATERIAL STANDARDS

Site

Site improvements.....	F.S. RR-E-10709.
Roads and walks:	
Concrete work.	
Bituminous work—asphalt institute standards.	
Drainage—Culvert and pipes:	
Clay drain tile.....	ASTM C-4.
Clay pipe extra strength.	ASTM C-200.
Clay pipe, standard and extra strength perforated.	ASTM C-211.
Clay sewer pipe, standard strength.	ASTM C-13.
Concrete culvert, storm drain and sewer pipe.	ASTM C-76.
Concrete drain tile....	ASTM C-412.
Concrete sewer, storm drain and culvert pipe.	ASTM C-14.
Homogenized bituminous fiber drain and sewer pipe.	ASTM D-1861.
Perforated concrete pipe.	ASTM C-444.
Porous concrete pipe...	ASTM C-654.
Reinforced concrete D-load culvert storm drain and sewer pipe.	ASTM C-655.
Joint filler:	
Premolded joint filler (nonextruding).	ASTM D-544.
Poured joint filler....	FS SS-F-336a.
Miscellaneous: Chain link fence, type A.	FS RR-F-191a.

Concrete

Materials chapters of:	
Building code requirements for reinforced concrete.	ACI 318.
Specifications for structural concrete in buildings.	ACI 301.
Cementitious materials:	
Portland cement, type I, II, III, or V.	ASTM C-150.
Blended hydraulic cements.	ASTM C-595.
Gypsum plasters, calcined gypsum.	ASTM C-28.
Aggregate:	
Normal weight.....	ASTM C-33.
Light weight.....	ASTM C-330.
Gypsum plaster.....	ASTM C-35.
Reinforcement:	
Cold-drawn steel wire...	ASTM A-82.
Deformed billet steel...	ASTM A-615.
Rail-steel deformed bars.	ASTM A-616.
Axle-steel deformed bars.	ASTM A-617.
Bar and rod mats.....	ASTM A-184.
Prestressed steel strand.	ASTM A-416.
Prestressed steel wire...	ASTM A-421.
Admixtures:	
Air entraining.....	ASTM C-260.
Fly ash.....	ASTM C-618.
Pozzolan (raw or calcined).	ASTM C-618.
Chemical.....	ASTM C-494.
Ready-mixed concrete...	ASTM C-94.
Gypsum concrete.....	ASTM C-317.
Precast reinforced gypsum concrete slabs.	ASTM C-377.
Expansion joint materials.	FS HH-F-341E, ASTM D-994, D-1751, D-1752.

Masonry

Brick masonry: SCPI, Building Code Requirements for Engineered Brick Masonry (sec. 2).	
Concrete masonry: NCMA, Specifications for the Design and Construction of Load Bearing Concrete Masonry (ch. 2).	
Cementitious materials:	
Portland cement.....	ASTM C-150.
Portland cement, air entraining.	ASTM C-175.
Portland blast furnace shlab cement.	ASTM C-205.
Hydrated lime, type S...	ASTM C-207.
Quick lime.....	ASTM C-5.
Gypsum.....	ASTM C-22.
Masonry cement.....	ASTM C-91.
Aggregate.....	ASTM C-144.
Mortar and grout:	
Reinforced masonry...	ASTM C-476.
Nonreinforced masonry mortar types M, S, N, or O.	ASTM C-270.
Other mortars.....	ASTM E-72.
Building brick:	
Clay brick.....	ASTM C-62.
Facing brick.....	ASTM C-216.
Sand lime brick.....	ASTM C-73.
Fire brick.....	FS HH-R-191 or ASTM C-106.
Structural clay tile:	
Load bearing.....	FS SS-T-341 or ASTM C-34.
Non-load-bearing....	FS SS-T-351 or ASTM C-56.
Structural clay (facing).	ASTM C-212.
Hollow brick: Hollow masonry units made from clay or shale.	ASTM C-652.
Concrete masonry:	
Hollow units.....	ASTM C-90.
Hollow non-load-bearing.	ASTM C-129.
Solid units.....	ASTM C-145.
Concrete brick.....	ASTM C-55.
Solid core split block...	ASTM C-55.
Cast stone.....	ACI 704.
Miscellaneous masonry:	
Clay tile flue lining...	ASTM C-315.
Ceramic glazed facing, tile or brick.	ASTM C-126.
Structural clay floor tile.	FS SS-T-321 or ASTM C-57.
Sewer brick.....	FS SS-B-391 or ASTM C-32.
Ceramic tile.....	ANSI A137.1.
Concrete masonry catch basins, manholes.	ASTM C-139.
Precast concrete culvert, storm drain, sewer pipe.	ASTM C-76.
Drain tile.....	ASTM C-4, or ASTM C-412.
Cold-drawn steel wire...	ASTM A-82.
Screen tile.....	ASTM C-530.
Gypsum tile or block...	FS SS-T-316 or ASTM C-52.

Metals

Aluminum:	
AA, Aluminum Construction Manual.	
See chemical composition in standards.	
Alloy steel forgings.....	ASTM A-237.
Carbon steel forgings...	ASTM A-235.
Corrosion-resisting, chromium-nickel steel.	ASTM A-167.
Cold rolled steel sheet carbon structural.	ASTM A-611.
Cold-formed welded and seamless steel tubing.	ASTM A-500.
High strength bolts, nuts, washers.	ASTM A-225.

High strength, low alloy steel.	ASTM A-441.
Do.....	ASTM A-572.
Do.....	ASTM A-242.
Do.....	ASTM A-588.
Do.....	ASTM A-440.
High strength structural steel.	
High strength steel castings.	ASTM A-148.
High yield strength quenched and tempered alloy steel plate.	ASTM A-514.
Hot-formed welded and seamless steel tubing.	ASTM A-501.
Hot rolled carbon steel sheets and strip.	ASTM A-570.
Light gauge tubular columns.	FHA UM-24b.
Low carbon steel fasteners.	ASTM A-307.
Metal curtain walls.....	NAAMM Specification Manual.
Quenched and Tempered Steel Bolts.	ASTM A-449.
Do.....	ASTM A-490.
Stainless and heat resisting steel.	ASTM A-412.
Steel hot-rolled and cold-rolled sheet and strip.	ASTM A-606.
Steel sheet and strip hot-rolled and cold-rolled.	ASTM A-607.
Steel structural rivets....	ASTM A-502.
Steel welding — AWS structural welding code.	AWS D1.1.
Structural steel.....	ASTM A-36.
Structural steel, 42,000 lb/in <sup>2</sup> .	ASTM A-529.
Welded and seamless steel pipe.	ASTM A-53.

Carpentry

Dimension, board lumber and timbers.	PS-20.
Softwood plywood.....	PS-1.
Pressure treated lumber and plywood:	
Above ground use:	
Water borne preservatives.	AWPB LP-2.
Light petroleum solvent-penta solution.	AWPB LP-3.
Volatile petroleum solvent-penta solution.	AWPB LP-4.
Ground contact use:	
Water borne preservatives.	AWPB LP-22.
Light petroleum solvent-penta solution.	AWPB LP-33.
Volatile petroleum solvent-penta solution.	AWPB LP-44.
Hardboard.....	AHA-IS-1.
Hardboard siding.....	PS-60.
Vacuum treated exterior softwood millwork.	CS 262 or NWMA IS 4.
Nonpressure treated millwork.	CS 262 or NWMA IS 4.
Fire retardant pressure treatment:	
Lumber.....	AWPA C-20.
Plywood.....	AWPA C-27.
Gypsum sheathing.....	FS SS-L-30 or ASTM C-79.
Fiberboard sheathing....	FS LLL-I-535 or Class E, ASTM C-208.
Nail base sheathing...	AIMA IB spec. No. 2.
Intermediate density sheathing.	AIMA IB spec. No. 3.
Fiberboard insulating roof deck.	AIMA IB spec. No. 1.
Sheathing paper.....	FS UUB-790, Grade D or ASTM D-226.

Nails -----	FS FF-N-103, FF-N-105, or FF-S-606.	Galvanized steel or iron.	FS QQ-S-775, ASTM A-361, or ASTM A- 525.	Screening, insect, non- metallic.	FS L-S-125.
Staples -----	FHA UM-25.	High strength low al- loy steel.	ASTM A-606.	Hardware cloth -----	CS-133 (amend. 1954).
Screws -----	FS FF-S-111.	Sheet lead -----	FS QQ-I-775.	Glass and other glazing panels:	
Bolts -----	FS FF-B-561, or FF-B-571.	Stainless steel -----	Type 302 or 304, ASTM A-167.	Glass -----	FS DD-G-451.
<i>Thermal and moisture protection</i>					
Waterproofing and dampproofing:					
Asphalt -----	FS SS-A-666 or ASTM D-449.	Terne plate -----	FS QQ-T-191, QQ-T-201.	Safety glass and other safety glazing panel materials.	ANSI Z-97.1.
Felt, asphalt-saturated.	ASTM D-226.	Zinc copper alloy -----	FS QQ-Z-100.	Acrylic plastic sheets for glazing panels.	FHA UM-58.
Felt, coal-tar-satu- rated.	ASTM D-227.	Caulking and sealants:		Tempered glass -----	FS DD-G-1403.
Coal-tar pitch -----	FS R-P-381 or ASTM D-450.	Elastomeric type; mul- ti-compound.	FS TT-S-227E.	<i>Finish materials</i>	
Roll roofing, 55 lb smooth surface.	FS SS-R-501 or ASTM D-224.	Elastomeric type; single compound.	FS TT-S-230C.	Exterior wall finishes:	
Clay drain tile -----	ASTM C-4.	Oil and resin base type.	FS TT-C-599C.	Aluminum -----	AAMA 1402.2.
Perforated clay drain pipe.	ASTM C-211.	Silicone rubber base.	FS TT-S-1543A.	Asbestos-cement -----	FS SS-S-346, ASTM C-220.
Concrete drain tile ----	ASTM C-412.	Butyl rubber base; single- compound.	FS TT-S-1657.	Building paper, grade D.	FS UU-B-790a.
Perforated clay drain drain pipe.	ASTM C-444.	NAAMM specification for nonskinning bulk compounds.		Fiberboard shingle backer.	ASTM C-208, class C.
Perforated asbestos-ce- ment drain pipe.	FS SS-P-340 or ASTM C-508.	NAAMM specifications for nonskinning nonre- siliant preformed com- pounds.		Hardboard siding -----	PS-60.
Perforated corrugated iron and steel drain pipe.	FS WW-P-405.	NAAMM specifications for nonskinning resilient preformed compounds.		Machine-grooved wood shakes.	CS-199.
Bituminous fiber drain pipe.	FS SS-P-1540, ASTM D-1861, ASTM D-1862, ASTM D-2311, ASTM D-2316, ASTM D-2417.	Cellular neoprene -----	ASTM C-509.	Particle board -----	FHA UM-32, type 2, B2, CS- 236.
Acrylonitrile - butadi- ene-styrene plastic drain pipe.	ASTM D-2661, ASTM D-2751.	NAAMM specifications for rubber-like gasket ma- terials.		Plywood -----	PS-1 or PS-51.
Styrene-rubber plastic drain pipe.	ASTM D-2852.	NAAMM specifications for plastic gasket mate- rials.		Rebutted - rejoined wood shingles.	CS-199.
Poly (vinyl chloride) plastic drain pipe.	ASTM D-2665, ASTM D-2729.	<i>Doors, windows, glazing panels</i>		Textured plywood pan- el siding.	UM-64.
Filled poly (vinyl chloride) drain pipe.	ASTM D-2836.	Metal doors and frames:		Wood shingles -----	CS-31.
Corrugated polyethyl- ene plastic tubing.	SCS-606.	Interior steel doors and frames (flush).	PS-4.	Stucco (exterior plas- ter).	ANSI A42.2.
Vapor barriers:					
Vapor barriers -----	ASTM E-154.	1 1/4 in thick steel doors and frames.	CS-242.	Roof coverings:	
Polyethylene plastic sheets.	FS L-P-512, ASTM D-2103.	Aluminum storm doors.	ANSI A134.4.	Asbestos-cement shingles.	ASTM C-222, or FS SS-S-291.
Building insulation:		Wood doors and frames:		Asphalt shingles -----	ASTM D-225, PS SS-S-1534, class C, UL, No. 55b.
Cork board -----	FS HH-I-561.	Hardwood, hardboard and plastic faced flush doors.	NWMA IS-1.	Building paper (un- derlayment).	FS UU-B-790.
Cellular glass -----	FS HH-I-551.	Hinged interior wood door units.	PS-32.	Concrete roofing tile --	FHA UM-17c.
Duct insulation -----	FS HH-I-558b.	Ponderosa pine doors --	NWMA IS-5.	Builtup roofing:	
Expanded polystyrene insulation board.	FS HH-I-524.	Douglas fir, Sitka spruce, and western hemlock doors.	FHDA-4.	Aggregate -----	ASTM D-1863.
Fiberboard -----	FS LLL-I-535 or ASTM C-208 Class C.	Hardwood veneered doors.	CS-171.	Asphalt -----	ASTM D-1863, FS SS-A-666.
Insulation board (ure- thane).	FS HH-I-530.	Exterior wood window and door frames.	CS-208.	Asphalt - saturated asbestos felt.	ASTM D-250, ASTM D-655, or FS HH-R- 590.
Mineral fiber, pneu- matic or poured.	FS HH-I-1030.	Wood storm or screen doors.	NWMA IS-5.	Asphalt - saturated felt.	ASTM D-226 or FS HH-R-595.
Mineral fiber, insula- tion blanket.	FS HH-I-521.	Special doors:		Bituminous - satu- rated cotton.	ASTM D-173 or FS SS-C-450.
Perimeter insulation --	FS HH-I-524a Type II FS HH-I-558a, Form A, Class 1 or 2.	Aluminum sliding glass doors.	ANSI A134.2.	Coal - tar - saturated felt.	ASTM D-277 or FS HH-R-595.
Reflective, thermal ----	FS HH-I-1552.	Wood sliding patio doors.	NWMA IS-3.	Coal-tar-pitch -----	Type A, ASTM D- 450 Type 1, FS-R-P-381.
Structural fiberboard insulating roof deck.	AIMA IB spec. No. 1.	Metal windows and frames:		Fibrous glass roll roofing.	FS SS-R-630D.
Vegetable or wood fiber.	FS HH-I-515.	Aluminum prime win- dows.	ANSI A134.1.	Fibrous glass roofing	FS SS-R-620B.
Vermiculite -----	ASTM C-516.	Aluminum combina- tion storm windows.	ANSI A134.3.	Wide salvage roll roofing.	ASTM D-371.
Perlite -----	FS HH-I-574a.	Wood windows and frames:		Concrete roofing tile --	FHA UM-17c.
Sheet metal:					
Aluminum—Aluminum Sheet metal in build- ing construction (the Aluminum Associa- tion).		Wood window units ---	AWMA IS-2 Class A or B.	Elastomeric CSPE sheets.	FHA UM-62.
Copper -----	FS QQ-C-576, ASTM B-370.	Lockset -----	FS FF-H-106.	Wood shingles -----	CS-31.
		Metallic wire insect screen.	CS-138 (amend. 1961).	Interior wall and ceiling finish:	
		Wire fabric (insect screening).	FS RR-W-365 (amend. 1967).	Acoustic tile -----	FS SS-S-118a.
		Glass fiber insect screening.	CS-248.	Ceramic wall tile -----	ANSI A137.1.
				Portland cement ----	ASTM C-150, Type 1.
				Hydrated lime -----	ASTM C-206, C- 207, Type S.
				Sand -----	ASTM C-144.

Metal lath.....	ANSI A42.
Organic adhesives...	ANSI A136.1.
Dry-set Portland cement mortar.	ANSI A118.1.
Fiberboard .....	ASTM C-208, Class D FS-LLL - I - 535, Class D.
Gypsum wallboard....	ASTM C-36 or FS SS-L-30.
Water-resistant backing board.	ASTM C-630.
Nails .....	ASTM C-380 or C-514.
Laminating adhesives.	ASTM C-475.
Hardwood and decorative plywood.	PS-51.
High pressure laminated plastic panel.	NEMA LD-1.
Prefinished hardboard paneling.	PS-59.
Lath and plaster:	
Metal Lath.....	ANSI A-42.4.
Gypsum lath.....	ASTM C-37 or FS SS-L-30.
Gypsum plaster....	ASTM C-28 or FS SS-P-402.
Inorganic aggregates.	ASTM C-35.
Lime .....	ASTM C-6 or C-206.
Keene's cement....	ASTM C-61 or FS SS-C-161.
Plastic wall tile and adhesives.	CS-168.
Porcelain enamel steel tile.	FS RR-T-421.
Finish flooring—rigid:	
Ceramic tile.....	ANSI A137.1.
Adhesive (organic)...	ANSI A136.1.
Dry-set Portland cement mortar.	ANSI A118.1.
Epoxy adhesive and grout.	ANSI A118.3.
Terrazzo (NTMA specs and technical data).	PS-27.
Wood:	
Block, slat.....	HPMA-LF-71.
Block, laminated...	PS-56.
Strip oak flooring...	FS SS-T-312A.
Resilient flooring:	
Asphalt tile (type I)...	FS SS-T-312A.
Vinyl tile (type III)...	FS LLL-F-1238A.
Linoleum .....	1238A.
Rotovinyls (unfilled vinyl sheet).	FS L-F-001641.
Rubber tile (type II)...	FS SS-T-312A.
Seamless coating system.	FS TT-C-001685.
Vinyl-asbestos tile (type IV).	FS SS-T-312A.
Backed vinyl plastic sheet or tile (grade C).	FS L-F-475a.
Homogeneous vinyl sheet.	FS L-F-0045a.
Underlayment:	
Basic hardboard....	PS-58.
Particle board (type I-B1).	CS-236.
Plywood .....	PS-1.
Wall coverings: Vinyl-coated wall covering.	FS CCC-W-408.
Other finishes:	
Carpeting and cushioning.	FHA UM-44.
Bonded urethane carpet cushion.	FHA UM-47.

*Equipment*

Minimum construction performance standards for kitchen cabinets.	ANSI A161.1.
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*Furnishings*

Shades: Shades, rollers, slots, and accessories.	FS DDD-S-251.
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*Mechanical*

Mechanical ventilation:	
Ventilation: .....	HVI-Air Flow Test AMCA-210.
Fan noise rating....	HVI-Sound Test, AMCA-300.
Heating:	
Furnaces:	
Oil .....	UL-727 and 730.
Gas .....	AGA listed.
Electric .....	UL-573, NFPA-70.
Boilers (steam and hot water):	
Oil .....	MCA, SBI, IBR, UL-726 and 296.
Gas .....	MCA, SBI, AGA, IBR.
Electric .....	SBI, UL-174.
Radiation:	
Baseboard .....	IBR rated.
Finned Tube.....	IBR rated.
Electric .....	UL-1042, NEMA.
Fuel tanks.....	UL-58.
Humidifiers .....	ARI-610.
Cooling:	
A/C central.....	ARI-210, UL-465.
Heat pumps.....	ARI-240, UL-559.
Room units.....	UL-484, AHAM rated.
Sound rating.....	ARI-270.
Plumbing:	
ABS DWV.....	UM-54.
ABS pipe.....	UM-43.
Cast iron soil pipe....	ANSI A112.5, ASTM A-74, CS-188.
Cast iron water pipe..	AWWA 106, AWWA 108.
Clay pipe.....	ASTM C-13, ASTM C-200, ASTM C-564, CISPI HSN-68, FS SS-P-361.
Copper drainage tube..	ANSI H23.6, ASTM B-306.
Copper pipe K, L, and M.	ANSI H23.1, ASTM B-306.
Welded brass tube....	ASTM B-587.
CPVC pipe.....	FHA UM-61.
Galvanized steel solder pipe.	FHA UM-56.
Galvanized steel threaded pipe.	FS WW-P-406.
No-HUB C.I. pipe.....	CISPI 301.
Plumbing fixtures:	
General .....	FS WW-P-541.
Enameled cast iron..	ANSI A112-19.1.
Vitreous china.....	ANSI A112-19.2.
PE DWV.....	FHA UM-56.
PE pipe.....	FHA UM 31.
PVC DWV.....	FHA UM 53.
PVC pipe.....	FHA UM 41.
PVC thin wall.....	ASTM D-2949.
Stainless steel—grade TP-409.	ASTM A-268.
Vitrified clay.....	ASTM C-700.
Domestic water heaters:	
Oil .....	UL-732.
Gas .....	AGA listed.
Electric .....	UL-174.
Special piping systems:	
Gas piping.....	NFPA-54 and 58.
Water supply system:	
Water softeners.....	WCF—Standard S-100.
Water filters.....	WCF—Standard S-200.
Community water systems: Minimum design standards for community water supply systems.	FHA-4517.1.
Sewage disposal system: Community sewage systems: Minimum design standards for community sewerage systems.	FHA-G-4518.1.

*Electrical*

Materials: All electrical NEC and UL and equipment (wiring, AULI Stand-lighting, appliances, ards, etc.).

ACCEPTED ENGINEERING PRACTICE STANDARDS

*General structural requirements*

*Subsurface soil exploration*  
ANSI A56.1 Building Code Requirements for Excavation and Foundations.  
ASTM—Special Procedures for Testing Soil and Rock for Engineering Purposes—ASTM—STP 479.  
Soil Sampling and Testing for Residential Development—HUD-TS-8, June 1972.  
Foundations for Residential-Structures in Seismic Areas—BARB Report—National Academy of Sciences, National Research Council—1969.

*Structural design*

FHA Study of Seismic Design Criteria for High Rise Buildings, Section 5, Recommended Earthquake Regulations.  
Seismic Design for Buildings, Department of the Army Technical Manual TM 5-809-10.  
ANSI A58.1, Building Code Requirements for Minimum Design Loads in Buildings and Other Structures. For Seismic Zone 3 the provisions of: Recommended Lateral Force Requirements and Commentary (1973) of the Structural Engineers Association of California shall apply.

*Foundation design*

Pressure Treated Timber Piles for Permanent Structures—AWPI.  
Pile Foundations Know-How—AWPI.  
Soil Bearing Capacity—Load Testing ASTM D-1194.  
Load Settlement Relationship for Individual Vertical Piles Under Static Axial Load—ASTM D-1143.  
ANSI A56.1—Building Code Requirements for Excavation and Foundations  
New York City Building Code—1970.  
Foundations for Residential Structures in Seismic Areas—BRAB Report—National Academy of Sciences, National Research Council—1969.  
Criteria for Selection and Design of Residential Slabs-on-Ground—BRAB—National Academy of Sciences No. 1571—1968.  
Method of Laboratory Determination of Moisture Content of Soil—ASTM D-2216.  
Grain Size Analysis of Soil—ASTM D-423.  
Test for Liquid Limit of Soil—ATSM D-423.  
Test for Plastic Limit and Plasticity Index of Soils—ASTM D-424.  
Test for Shrinkage Factors of Soil—ASTM D-427.  
Expansion and Shrinkage of Soils—FHA Bulletin 595 and 701, Soil PVC Meter.  
Bearing Capacity of Soil for Static Load on Spread Footings—ASTM 1194.  
Penetration Test and Split-Barrell Sampling of Rock—ASTM D-1586.  
Diamond Core Drilling for Site Investigation for Rock—ASTM 2113.  
Soil Investigation and Sampling by Auger Borings for Soils and Soft Rock—ASTM D-1452.  
Thin Walled Tube Sampling of Soils—ASTM D-1587.  
All Weather Wood Foundations—NFPA Technical Report No. 7.

*SITE*

Asphalt Pavement Structures for Streets and Highways by the Asphalt Institute.  
Recommended Practice for Installing Vitrified Clay Sewer Pipe—ASTM C-12.  
Slope Protection for Residential Developments—BRAB—National Academy of Sciences—Study for FHA—1969.

Criteria for Compacted Fills—HUD Handbook No. 4075.6.		Control of Quality of Ready-Mixed Concrete. Code for Welding in Building Construction.	NRMCA Bulletin No. 44. AWS D1.0.	Plywood Design Specification Supplement No. 2, Design of Plywood Beams—APA 1968.
Test for Moisture—Density Relation of Soil—ASTM D-1557.		Recommended Practices for Welding Reinforcing Steel, Metal Inserts and Connection in Reinforced Concrete Construction.	AWS D12.1.	Plywood Design Specification Supplement No. 3, Design of Flat Plywood Stressed-skin Panels—APA 1970.
Installing Bituminized Fiber Drain and Sewer Pipe—ASTM D-2316.		Testing Gypsum and Gypsum Products.	UBC-24-26.	Plywood Design Specification Supplement No. 4, Design of Flat Plywood Sandwich Panels—APA 1970.
	<i>Concrete</i>	Veneer Application. Recommended Standards of the International Conference of Building Officials.	UBC-30-1.	Plywood Fabrication Specification, CP-8, Plywood Curved Panels—APA 1971.
Recommended Practice for Selecting Proportions for Concrete.	ACI-211.1.			Plywood Fabrication Specification, BE-8, Plywood Beams—APA 1971.
Recommended Practice for Selecting Proportions for Structural Lightweight Concrete.	ACI-211.2.			Plywood Fabrication Specification, SS-8, Plywood Stressed-skin Panels—APA 1971.
Guide for Structural Lightweight Concrete.	ACI-213.			Plywood Fabrication Specification SP-61, Flat Plywood Sandwich Panels—APA 1961.
Recommended Practice for Evaluation of Compression Test Results of Field Concrete.	ACI-214.			Plywood Fabrication Specification, PW-61, Preframed Plywood Wall Units—APA 1969.
Specifications for Structural Concrete for Buildings.	ACI-301.			Plywood Construction Guide for Residential Building—APA 1971.
Recommended Practice for Concrete Floor and Slab Construction.	ACI-302.			Plywood Construction Systems for Commercial and Industrial Buildings—APA 1971.
Guide to Joint Sealants for Concrete Structures.	ACI-304.			Plywood Sheathing for Walls and Roofs—APA 1972.
Recommended Practice for Concrete Inspection.	ACI-311.			Plywood Siding—APA 1972.
Manual of Standard Practice for Detailing Reinforced Concrete Structures.	ACI-315.			Home and Garden Bulletin No. 73; Wood Decay in Houses—How to Prevent and Control It. (USDA).
Building Code Requirements for Reinforced Concrete.	ACI-318.			Wood Handbook (USDA).
Structural Plain Concrete.	ACI-322.			
Recommended Practice for Design of Concrete Pavements.	ACI-325.			<i>Thermal and moisture protection</i>
Recommended Practice for Concrete Formwork.	ACI-347.			Recommended Reference Guide—NAHB Installation Manual for Homes and Apartments.
Recommended Practice for Shotcreting.	ACI-506.			<i>Finish materials</i>
Suggested Design of Joints and Connections in Precast Structural Concrete—Report.	ACI-512.			Specification Manual, National Oak Flooring Manufacturers' Association.
Recommended Practice for the Application of Portland Cement Paint to Concrete Surfaces.	ACI-515.			Wood Floors for Dwellings, Handbook No. 204 (USDA).
Minimum Requirements for Thin Section Precast Concrete Construction.	ACI-525.			Recommended Installation Specification for Vinyl Asbestos Tile Flooring, Asphalt and Vinyl Asbestos Tile Institute.
Fabrication, Handling and Erection of Precast Concrete Wall Panels.	ACI-533.			<i>Specialties</i>
Quality Standards and Tests for Precast Concrete Wall Panels.	ACI-533.			Standard for Chimneys, NFPA 211.
Selection and Use of Materials for Precast Concrete Wall Panels.	ACI-533.			Fireplaces and Venting Systems.
Recommended Practice for Hot Weather Concreting.	ACI-605.			<i>Equipment</i>
Recommended Practice for Cold Weather Concreting.	ACI-606.			Kitchen cabinets:
Recommended Practice for Measuring, Mixing and Placing Concrete.	ACI-614.			Recommended Minimum Construction and Performance Standards for Kitchen and Vanity Cabinets.
Manual for Quality Control for Plants and Production of Precast Prestressed Concrete Products.	ACI MNL-116.			Certified Construction Standards and Specifications.
Manual of Quality Control for Plants and Production of Architectural Precast Concrete Products.	ACI MNL-117.			<i>Mechanical</i>
				Mechanical Ventilating:
				Ventilation ----- HVI-AMCA-261.
				Fan Noise Rating ----- HVI-Noise Test.
				Combustion Air Intake ----- NFPA No. 31, 54 NFPA No. 50.
				Electrical Work ----- NFPA No. 70, National Electrical Code (NEC).
				Test Procedures ----- Air Flow and Sound Test Procedures of the Home Ventilating Institute.
				<i>Heating</i>
				Design practices:
				ASHRAE Guide and Data Books.
				ASHRAE Handbook of Fundamental.
				NESCA Manual J and IBR-H71.
				Liquid Petroleum Gases NFPA 58.
				Installation:
				NFPA No. 31—Standard for the Installation of Oil Burning Equipment.
				NFPA No. 54—Standard for the Installation of Gas Appliances and Gas Piping.

NFPA No. 90B—Standard for the Installation of Residence Type Warm Air Heating Systems.  
 NFPA No. 70—National Electrical Code (electrical heating).  
 NFPA No. 211—Standard for Chimneys, Fireplaces, and Venting Systems.

**Furnaces:**  
 Oil ----- UL 727 and 730.  
 Gas ----- AGA listed.  
 Electric ----- UL 573, NFPA-70.

**Boilers (steam and hot water):**  
 Oil ----- MCA, SBI, IBR, UL-726 and 296.  
 Gas ----- MCA, SBI, AGA, IBR.  
 Electric ----- SBI, UL-174.

**Radiation:**  
 Baseboard ----- IBR rated.  
 Fanned Tube ----- IBR rated.  
 Electric ----- UL NEMA.

**Fuel tanks** ----- UL-58.

**Boiler ratings:**  
 Net ratings of boilers shall conform to their listing in:  
 (1) "IBR Ratings for Boilers" (Cast Iron), published by the Hydronics Institute.  
 (2) "Net Load Recommendations for Heating Boiler", published by the Mechanical Contractors Association of America.  
 (3) "Directory of Approved Appliances and Listed Accessories", published by the American Gas Association.  
 (4) "Boiler Ratings" published by the Steel Boiler Institute.  
 Boiler construction: ASME—Code for Low Pressure Heating Boilers.  
 Warm air furnaces: One and Two Family Dwelling Code (Under Nationally Recognized Model Codes) Chapters 11, 12, 13, 15 and 16.

**Hot water and steam systems:**  
 ASHRAE Guide and Data Books.  
 ASHRAE Handbook of Fundamentals.  
 IBR Installation Guides.

**Duct and duct insulation:** Chapter 15 Ducts, Self-contained heating units: Chapter 14, Vented Decorative Appliances, Floor Furnaces, Vented Wall Furnaces and Vented Room Heaters.

**Gas vents:** Chapter 15, Venting of Appliances.

**Heat Output of Radiator, Baseboard and Convector Systems:**  
 IBR Test.  
 Product Standard (PS).  
 Commercial Standard (CS).

**Refrigeration Systems—Test for Compliance.**  
**Humidification:**  
 Chapter V, ASHRAE Equipment Guide Book 1969.  
 ARI—630.

**Mechanical cooling**  
 Summer air conditioning—central design:  
 ASHRAE GUIDE.  
 ASHRAE Handbook of Fundamentals.  
 ARI Standard 230, UL-465,  
 NESCA Manual J.  
 NFPA Standard 90-B.  
 IBRC-30.

**Refrigeration Systems:**  
 ANSI B9.1.  
 ANSI Z21.40.1 Gas Fired Units.  
 ANSI Z21.40.2 Gas Fired Units.

**Gas Piping and Systems: NFPA No. 54.**  
**Oil Systems: NFPA No. 31.**  
**Safety: ANSI B15.1.**

**Electrical:**  
 NEC.  
 UL—No. 564.

**Mechanical Cooling—Room Units UL 485,**  
 AHAM rated.  
**Heat Pump—ARI 240, UL 551.**

**Special piping systems**  
 NFPA Standards 54 and 58.

**Water supply**  
 Drinking Water Standards: U.S. Public Health Service Drinking Water Standards.

**Sewage disposal system**  
 Soil classification:  
 4940.3.  
 Unified Soil Classification System.

**Electrical**  
**Materials and installation**  
 National Electrical Code (NEC).  
 UL.

**Plumbing**  
 Joints and Connections: ASTM-564; CISPI-HSN.  
 Pipe protection: AWWA—C—204.  
 Water Softening: Water conditioning, Foundation Standard S-100.  
 Plumbing fixtures: FS-WW-P-541.  
 Plumbing, drainage and venting systems: Chapter 22—One and Two Family Dwelling Code (BOCA, NBC, SSBC and UBC).

**Domestic water heating systems and storage**  
 Electric Hot Water Heater Standards: EEL.  
 Federal Specification, UL-174.  
 Gas Hot Water Heaters: AGA-Listed.  
 Oil Hot Water Heaters: UL-732.  
 Water Heater Controls: ANSI Z21.22.  
 Pressure Relief Valves—Water Heaters: National Board of Boiler and Pressure Vessel Inspectors.  
 American Gas Association.  
 Hot Water Tank Construction: ANSI Z21.10.

**USE OF MATERIALS BULLETINS**

**Metals**

	<i>No.</i>
Light Gauge Tubular Columns (Standard for "Adjustable Length Columns" Only).	UM-24b.
Application and Fastening Schedule Power, Mechanically and Manually Driven Fasteners.	UM-25c.

**Carpentry**

Mat-Formed Wood Particleboard for Floor Underlayment.	UM-28a.
Mat-Formed Particleboard for Exterior Use.	UM-32.
Grade Marking of Lumber.	UM-38a.
Grade Marking of Plywood.	UM-40a.
Labels of Independent Programs for Certifying Pressure Treated Lumber and Plywood.	UM-48.
Supplement 1	UM-48.
Supplement 2	UM-48.
Supplement 3	UM-48.
Supplement 4	UM-48.
Combination Subfloor/Underlayment Particleboard for Factory Built Modular Housing Units.	UM-57.

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Concrete Roofing Tile	UM-17c.
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Galvanized Steel Solder Solderpipe and Fittings.	UM-55.
Polyethylene Plastic Drainage Waste and Vent Pipe and Fittings.	UM-56.
CPVC Hot and Cold Water Distribution.	UM-61.

Issued by	No.	Title or subject
<b>Tests</b>		
ANSI	Z26.1	Safety Code for Safety Glazing Materials.
ASTM	E72	Strength Tests.
ASTM	E283	Air Leakage Tests.
ASTM	E330	Physical Load Tests.
ASTM	E331	Water Infiltration Tests.

## Miscellaneous

HUD	4940.4	Rehabilitation Handbook for Residential Properties.
HUD	1890.2	Noise Abatement and Control.
HUD		Technical Study Slope Protection for Residential Developments.
HUD	FT/TS-24	A Guide to Airborne, Impact, and Structure Borne Noise-Control in Multi-family Dwellings.
HUD	HM, G7482.1	HUD-Assisted Housing Maintenance Guide on Seamless Coating System.
HUD	4960.1	Technical Suitability of Products.
CFR	Title 49, part 192	Transportation of Natural or Other Gas By Pipeline.
CFR	Title 49, part 195	Transportation of Liquid Petroleum By Pipeline.
		Clean Air Act of 1967.
ICBO		Uniform Building Code.
USDA	Home and Garden Bulletin No. 64.	Subterranean Termites.
DCPA	Technical Memorandum 69-1.	Technical Standards for Fallout Shelters.
EPA		Manual of Individual Water Supply Systems.
ANSI	A108.1	Installation of Glazed Ceramic Wall Tile With Portland Cement Mortar.
ANSI	A108.2	Installation of Ceramic Mosaic Tile With Portland Cement Mortar.
ANSI	A108.3	Installation of Quarry Tile and Paver Tile With Portland Cement Mortar.
ANSI	A108.4	Installation of Ceramic Tile With Water-Resistant Organic Adhesives.
ANSI	A108.5	Installation of Ceramic Tile With Dry-Set Portland Cement Mortar.
ANSI	A108.6	Installation of Ceramic Tile With Chemical Resistant, Water Cleanable Tile-Setting Epoxy.
ANSI	A117.1	Specifications for Making Buildings and Facilities Accessible to and Usable By the Physically Handicapped.
ANSI	B9.1	Safety Code for Mechanical Refrigeration.
ANSI	Z21.10	Gas Water Heaters.
ANSI	Z21.22	Relief Valves and Automatic Gas Shutoff Devices.
ANSI	Z34.1	Independent Inspection Agency.
ANSI	Z124.1	Plastic Bathtubs.
ANSI	Z124.2	Plastic Shower Stalls and Shower Receptors.
ASTM	C14	Specifications for Concrete Sewer, Storm Drain and Culvert Pipe.
ASTM	C88	Test for Soundness of Aggregates.
ASTM	C143	Slump Test for Portland Cement Concrete.
ASTM	C157	Test for Cement Mortar and Concrete.
ASTM	C428	Specifications for Asbestos-Cement Nonpressure Sewer Pipe.
ASTM	C666	Test for Concrete Resistance to Freezing and Thawing.
ASTM	D1037	Wood-Base Fiber and Particle Panel Materials.
ASTM	D8110	Specification for Adhesives Used in Nonstructural Glued Lumber Products.
ASTM	E84	Test for Surface Burning Characteristics of Building Materials.
ASTM	E96	Tests for Water Vapor Transmission of Materials.
ASTM	E108	Fire Tests of Roof Coverings.
ASTM	E119	Fire Tests of Building Construction and Materials.
ASTM	E162	Test for Surface Flammability of Materials.
F.S.	RR-H-1070a	Racks for Storage of Refuse Cans.
F.S.	HH-I-545B	Acoustical Duct Liners.
AA		Aluminum Sheet Metal Work in Building Construction.
AIPC		Timber Construction Manual.
ARI		ARI Manual.
AWS		Standard Code for Arc and Gas Welding in Building Construction.
AWWA	C208	Coal-tar Enamel Protective Coatings for Steel Water Pipe.
CTI	Re 103	Standard Specifications for Installation of Tile Lined Receptors.
FGMA		Glazing Manual.
FGMA		Glazing Sealing Systems Manual.
MFPB		Manual of Application Methods for Flat Asbestos-Cement Sheets.
NECA		NESCA Manual.
NESCA		NESCA Manual.
NFPA	No. 82	Rubbish Incinerators.
NFPA	No. 90-A	Air Conditioning Systems.
NTMAI		Terrazzo Specifications, Details, Technical Data.
SPMA		Domestic Sump Pump Standards.
TCA		Handbook for Ceramic Tile Installation.

[FR Doc.74-16593 Filed 7-23-74;8:45 am]

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

[Docket No. FI-312]

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
Alabama	Jackson	Bridgeport, city of	July 18, 1974. Emergency	Mar. 8, 1974		
Georgia	Worth	Sylvester, city of	do	May 10, 1974		
Kansas	Clay	Clay Center, city of	do	Mar. 29, 1974		
Do	Rice	Little River, city of	do			
Idaho	Clearwater	Unincorporated areas	do			
Illinois	Cook	Chicago, city of	do			
Do	Kane	Valley View, village of	do	Apr. 5, 1974		
Do	Pulaski	Karnaak, village of	do	Apr. 12, 1974		
Iowa	Benton	Vinton, city of	do	Apr. 5, 1974		
Do	Kossuth	Algona, city of	do	May 3, 1974		
Michigan	Leelanau	Cleveland, township of	do			
Missouri	Ray	Orrick, city of	do	Apr. 5, 1974		
New York	Cayuga	Union Springs, village of	do			
Do	Orange	Cornwall, village of	do	Mar. 8, 1974		
Pennsylvania	Fayette	Menallen, township of	do			
Do	Wayne	Hawley, borough of	do	Feb. 1, 1974		
Tennessee	Morgan	Oakdale, city of	do	do		
Washington	Yakima	Selah, town of	do	Jan. 16, 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: July 12, 1974.

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GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[Docket No. FI-313]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

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§ 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	Weld	La Salle, town of	July 19, 1974. Emergency	May 17, 1974		
Florida	Polk	Mulberry, city of	do	Jan. 9, 1974		
Do	Volusia	Port Orange, city of	do			
Illinois	Cook	Riverside, village of	do	Feb. 1, 1974		
Do	do	Robbinson, village of	do	Apr. 12, 1974		
Kentucky	Kenton	Lakeview, city of	do			
Minnesota	Lake of the Woods	Unincorporated areas	do			
Missouri	St. Louis	Dellwood, city of	do			
Do	do	St. Ann, city of	do	Feb. 1, 1974		
Montana	Fergus	Lewistown, city of	do	Mar. 22, 1974		
Nevada	Pine	Ely, city of	do			
New Hampshire	Hillsborough	Pelham, town of	do	Feb. 22, 1974		
Pennsylvania	Delaware	Sharon Hill, borough of	do	Dec. 28, 1973		
Do	Fayette	Belle Vernon, borough of	do	Jan. 10, 1974		
Do	do	South Union, township of	do			
South Carolina	York	Newberry, township of	do			
Texas	Richland	Forest Acres, city of	do			
Virginia	Collin	Plano, city of	do	May 10, 1974		
Do	Franklin	Franklin, city of	do			
Do	Patrick	Unincorporated areas	July 19, 1974. Emergency			
Do	Prince William	Manassas, town of	do	May 31, 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)

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GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[Docket Nos. R-74-262, 263]

**FLOOD DISASTER PROTECTION****Implementation Provisions**

Notice was given on April 2, 1974, at 39 FR 12030 and 12031 that the Department of Housing and Urban Development was proposing to amend Title 24 of the Code of Federal Regulations by adding new Parts 1916, 1917, and 1918 to Chapter X.

The purpose of these new parts is to establish procedures necessary to implement the provisions of the Flood Disaster Protection Act of 1973, Pub. L. 93-234. Part 1916 establishes a procedure through which local officials are to be consulted regarding flood studies of their community conducted for the Federal Insurance Administration. Part 1917 establishes procedures for administrative and judicial review of proposed flood elevation determinations. Part 1918 establishes procedures for administrative hearings on appeals of proposed flood elevation determinations.

The Department has received twelve responses to the April 2, 1974, publication. The Department has considered these comments and has incorporated some of them into these regulations. Principal changes and the Department's response to significant comments are set forth below.

The subject of the greatest number of comments was the role of state governments in these new procedures. These pointed out that involvement of state coordinating agencies for flood insurance was not contemplated in the proposed procedures. Accordingly, §§ 1916.3, 1916.4, 1916.5, 1916.6, 1916.7, 1916.8, and 1917.10 have been changed to include the state coordinating agency in the consultation and appeals procedures.

One comment suggested that §§ 1916.8 and 1917.4(c) requiring notice by newspaper publication could be made more effective by increasing the number of days of publication. Section 1916.8 was changed in response to this comment. However, the newspaper publication requirement of § 1917.4(c) was not changed since the standard set in that section is required by the Flood Disaster Protection Act of 1973.

Two comments suggested that Part 1916 require the inclusion of local flood control organizations in any consultation with local communities. This suggestion was rejected for two reasons: First, the Department feels that local elected officials, rather than the Federal Government, should determine which local agencies can contribute most to the consultation; and second, the notice provisions of the procedures will give any local flood control organization which is inadvertently overlooked by local elected officials ample opportunity to contribute to federal flood studies.

Several comments suggested that the amount of time allowed the chief executive officer of a community to submit appeals to the Federal Insurance Administrator be extended. This time limit, however, is set by the Flood Disaster Protection Act of 1973 and cannot be changed by regulation.

Two comments suggested that communities which entered the regular flood insurance program prior to the passage of the Flood Disaster Protection Act of 1973 be allowed to file appeals of the flood elevations determined for their communities under the procedures set forth in Part 1917. This suggestion was rejected for two reasons: First, the appeals provisions of the Flood Disaster Protection Act of 1973 speak only to flood elevation determinations made after the date of the Act's passage; and second, an attempt to include such regular flood insurance program communities in this new appeals procedure could curtail the right of judicial review available to them under the National Flood Insurance Act of 1968 and Title 5 of the United States Code.

Accordingly, Title 24 is amended by adding new Parts 1916, 1917, and 1918, as follows:

**PART 1916—CONSULTATION WITH LOCAL OFFICIALS**

- Sec.
- 1916.1 Purpose of part.
- 1916.2 Definitions.
- 1916.3 Establishment of docket.
- 1916.4 Appointment of consultation coordination officers.
- 1916.5 General responsibilities of CCO.
- 1916.6 Duties of CCO prior to commencement of study.
- 1916.7 Duties of CCO during the study.
- 1916.8 Notice of citizens.

AUTHORITY: Sec. 1304(a), 82 Stat. 574 (42 U.S.C. 4012).

**§ 1916.1 Purpose of part.**

The purpose of this part is to establish procedures implementing the provisions of section 206 of Flood Disaster Protection Act of 1973, which envisions that the Federal Insurance Administration will:

(a) Specifically request that the community submit pertinent data concerning flood hazards, flooding experience, plans to avoid potential hazards, estimates of economic impact on the community, both historical and prospective, and such other data as shall be deemed appropriate;

(b) Notify local officials of the progress of surveys, studies, and investigations, and of proposed findings, along with information concerning data and methods employed in reaching such conclusions; and

(c) Encourage local dissemination of information concerning surveys, studies, and investigations so that interested persons will have an opportunity to bring relevant data to the attention of the community and to the Administrator.

**§ 1916.2 Definitions.**

The definitions set forth in § 1909.1 of this subchapter are applicable to this part.

**§ 1916.3 Establishment of docket.**

A flood elevation study consultation docket shall be established for each community at the time the contract is awarded for a flood elevation study. The docket shall include copies of all correspondence between the Federal Insurance Administration and the community con-

cerning the study; reports of any meetings between the Federal Insurance Administration representatives and officials, residents of the community, the state coordinating agency, study contractors, or other interested persons; correspondence from interested persons; relevant publications and a copy of the completed flood elevation study.

**§ 1916.4 Appointment of consultation coordination officers.**

The Administrator shall appoint an employee of the Department of Housing and Urban Development as the Consultation Coordination Officer (CCO) for each community in which a contract for a flood elevation study is awarded on behalf of the Administrator and shall so advise each community and the state coordinating agency for the state in which the community is located in writing.

**§ 1916.5 General responsibilities of CCO.**

The CCO shall be responsible for arranging consultation between appropriate elected officials of the general purpose local government of a community in which a flood elevation study is being undertaken, the state coordinating agency, and the organization undertaking the study. The CCO shall also be responsible for encouraging local officials to disseminate information concerning the study widely within the community.

**§ 1916.6 Duties of CCO prior to commencement of study.**

Prior to the commencement of the flood elevation study of any community undertaken on behalf of the Administrator, the CCO for the community in which the study is to be conducted together with a representative of the organization undertaking the study shall meet with officials of the general purpose local government of the community. The state coordinating agency shall be notified of this meeting, and representatives of this agency may attend the meeting. At this meeting the CCO shall inform the local officials of the date on which the study will commence, the nature and purpose of the study, the areas involved, the manner in which the study is to be undertaken, the general principles to be applied, and the use to be made of the data obtained.

**§ 1916.7 Duties of CCO during study.**

After a flood elevation study has commenced in any community, the CCO for that community shall serve as a liaison between the local officials, the state coordinating agency and the organization undertaking the study. The CCO shall keep the local officials and the state coordinating agency informed as to the progress of the study and shall relay communication from the local officials and the state coordinating agency to the organization undertaking the study.

**§ 1916.8 Notice to citizens.**

The Federal Insurance Administrator shall advertise once a week for three

consecutive weeks in one or more newspapers of general circulation in the community notifying the residents that a study is to be conducted and advising them that they may forward any information concerning the study to the chief executive officer of the community.

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

- Sec. 1917.1 Purpose of this part.
- 1917.2 Special definitions.
- 1917.3 Establishment and maintenance of a flood elevation determination docket (FEDD).
- 1917.4 Proposed flood elevation determination.
- 1917.5 Right of appeal.
- 1917.6 Basis of appeal.
- 1917.7 Collection of appeal data.
- 1917.8 Final determination in the absence of an appeal by the community.
- 1917.9 Procedure in cases of appeal by the community.
- 1917.10 Notice of final determination.
- 1917.11 Rates during pendency of final determination.
- 1917.12 Appeal to district court.

**AUTHORITY:** Sec. 1304(a), 82 Stat. 574 (42 U.S.C. 4012).

**§ 1917.1 Purpose of this part.**

The purpose of this part is to establish procedures implementing the provisions of section 110 of Flood Disaster Protection Act of 1973.

**§ 1917.2 Special definitions.**

The definitions set forth in § 1909.1 of this subchapter are applicable to this part. In addition to those definitions, the following special definitions are applicable to this part:

(a) "Chief Executive Officer of the community" ("CEO") means the official of the community charged with the authority to implement and administer laws, ordinances and regulations for that community, or such local agency as he shall publicly designate.

(b) "Independent scientific body" means a non-federal technical or scientific organization involved in the study of land use planning, flood plain management, hydrology, geology, geography, or any other related field of study concerned with flooding.

(c) "Flood elevation determination" means a determination by the Administrator of the level of the 100-year flood; that is, the level of flooding that has a one percent chance of occurring during any given year.

(d) "General Counsel" means the General Counsel of the U.S. Department of Housing and Urban Development.

**§ 1917.3 Establishment and maintenance of a flood elevation determination docket (FEDD).**

The Administrator shall establish a docket of all matters pertaining to flood elevation determinations. The docket files shall contain the following information:

(a) The name of the community which is subject to the flood elevation determination;

(b) A copy of the notice of the proposed flood elevation determination to the chief executive officer to the community;

(c) A copy of the notice of the proposed flood elevation determination published in a prominent local newspaper of the community involved;

(d) A copy of the notice of the proposed flood elevation determination published in the FEDERAL REGISTER;

(e) Copies of all appeals by private persons received by the Administrator from the CEO;

(f) Copies of all comments received by the Administrator on the notice of the proposed flood elevation determination published in the FEDERAL REGISTER;

(g) A copy of the community's appeal or a copy of its decision not to appeal the proposed flood elevation determination;

(h) A copy of the flood insurance study for the community;

(i) A copy of the flood insurance rate map for the community;

(j) Copies of any land use and control laws in effect in the community at the time of the proposed flood elevation determination;

(k) Copies of any and all materials maintained in the flood elevation study consultation docket; and

(l) A copy of the final determination and supporting documents.

**§ 1917.4 Proposed flood elevation determination.**

The Administrator shall propose flood elevation determinations in the following manner:

(a) Publication of the proposed flood elevation determination for comment in the FEDERAL REGISTER;

(b) Notification by certified mail, return receipt requested, of the proposed flood elevation determination to the CEO; and

(c) Publication of the proposed flood elevation determination in a prominent local newspaper at least twice during the ten day period immediately following the notification of the CEO.

**§ 1917.5 Right of appeal.**

(a) Any owner or lessee of real property, within a community where a proposed flood elevation determination has been made pursuant to section 1361 of the National Flood Insurance Act of 1968, as amended, who believes his property rights to be adversely affected by the Administrator's proposed determination may file a written appeal of such determination with the CEO, or such agency as he shall publicly designate, within ninety days of the second newspaper publication of the Administrator's proposed determination.

(b) A community, through the CEO, may file a written appeal of a proposed flood elevation determination on behalf of itself or its citizens, or both, within ninety days after the date of the second newspaper publication of the Administrator's proposed determination.

**§ 1917.6 Basis of appeal.**

The sole basis of an appeal shall be the possession of knowledge or informa-

tion indicating that the elevations being proposed by the Administrator with respect to an identified area having special flood hazards are scientifically or technically incorrect.

**§ 1917.7 Collection of appeal data.**

(a) Appeals by private persons to the CEO.

(1) All appeals by private persons shall be submitted within ninety (90) days following the second publication of the Administrator's proposed flood elevation determination to the CEO or to such agency as he may publicly designate.

(2) Each appeal shall set forth scientific or technical data that tend to negate or contradict the Administrator's finding.

(3) The CEO may specify the form in which appeals by private persons shall be made.

(b) Filing appeals with the Administrator.

(1) Copies of all individual appeals received by the CEO shall be forwarded, as soon as they are received, to the Administrator for information and placement in the Flood Elevation Determination Docket.

(2) The CEO shall review and consolidate all appeals by private persons and issue a written opinion stating whether the evidence presented is sufficient to justify an appeal on behalf of such persons by the community in its own name.

(3) The decision issued by the CEO on the basis of his review and consolidation of the appeals by private persons shall be filed with the Administrator not later than ninety days after the date of the second newspaper publication of the Administrator's proposed flood elevation determination and shall be placed in the FEDD.

**§ 1917.8 Final determination in the absence of an appeal by the community.**

(a) If the Administrator does not receive an appeal from the community within the ninety days provided, he shall consolidate and review on their own merits, in accordance with the procedures set forth in § 1917.9, the appeals filed within the community and shall make such modifications of his proposed determinations as may be appropriate, taking into account the written opinion, if any, issued by the community in not supporting such appeals.

(b) The Administrator's final determination shall be in written form, and copies thereof shall be sent both to the chief executive officer of the community, to each individual appellant, and to the state coordinating agency.

**§ 1917.9 Procedure in cases of appeal by the community.**

(a) If a community appeals the proposed flood elevation determination, the Administrator shall first attempt to resolve the appeal by consultation with local officials of the community or by seeking the advice of an independent scientific body or an appropriate Federal agency, or both.

(b) If the Administrator determines that the appeal cannot be resolved without an administrative hearing, he shall send the FEDD file to the General Counsel and request that the General Counsel arrange for a hearing under the procedures set forth in part 1918 of this subchapter.

(c) The final determination by the Administrator in cases in which an appeal is filed shall be made within a reasonable time.

#### § 1917.10 Notice of final determination.

Notice of the final flood elevation determination for a community shall be sent to the CEO, all individual appellants and the state coordinating agency and shall be published in the FEDERAL REGISTER.

#### § 1917.11 Rates during pendency of final determination.

Until such time as a final determination is made and proper notice is given, no person within an eligible community shall be denied the right to purchase flood insurance at the subsidized rate. After the final determination of December 31, 1974, whichever is later, actuarial rates will be charged for new construction.

#### § 1917.12 Appeal to district court.

(a) An appellant aggrieved by the final determination of the Administrator may appeal such determination to the United States District Court for the District within which the community is located within sixty days after receipt of notice of determination.

(b) During the pendency of any such litigation, all final determinations of the Secretary shall be effective for the purposes of this title unless stayed by the court for good cause shown.

(c) The scope of review of the appellate court shall be in accordance with the provisions of 5 U.S.C. 706.

### PART 1918—APPEALS OF THE ADMINISTRATOR'S PROPOSED FLOOD ELEVATION DETERMINATIONS BY ADMINISTRATIVE HEARINGS

#### Sec.

1918.1	Purpose of this part.
1918.2	Right to administrative hearings.
1918.3	Administrative law judge.
1918.4	Establishment of docket.
1918.5	Time and place of hearing.
1918.6	Conduct of hearings.
1918.7	Scope of review.
1918.8	Admissible evidence.
1918.9	Burden of proof.
1918.10	Right of administrative law judge to obtain scientific or technical advice.
1918.11	Determination.
1918.12	Relief.

Authority: Sec. 1304(a), 82 Stat. 574 (42 U.S.C. 4012).

#### § 1918.1 Purpose of this part.

The purpose of this part is to establish procedures for appeals of the Administrator's proposed flood elevation determinations by administrative hearings pursuant to section 1363(e) of the Act.

#### § 1918.2 Right to administrative hearings.

Administrative hearings under this part shall only be held in appeals referred to the General Counsel by the Administrator in accordance with the provisions of § 1917.9 of this subchapter.

#### § 1918.3 Administrative law judge.

Each hearing shall be conducted by an administrative law judge (hereinafter "judge") certified by the Civil Service Commission.

#### § 1918.4 Establishment of docket.

The General Counsel shall establish a docket for appeals referred to him by the Administrator for administrative hearings. This docket shall include, for each appeal, copies of all materials contained in FEDD file on the matter, copies of all correspondence in connection with the appeal, all motions, orders, statements and other legal documents, a transcript of the hearing, and the judge's final determination.

#### § 1918.5 Time and place of hearing.

(a) The time and place of each hearing shall be designated by the judge for that hearing. He shall promptly advise the Administrator and the General Counsel of such designation.

(b) The judge's notice of the time and place of hearing shall be sent by the General Counsel's Flood Insurance Docket Clerk by registered or certified mail, return receipt requested, to all appellants. Such notice shall include a statement indicating the nature of the proceedings and their purpose and all appellants' entitlement to counsel. Notice of the hearing must be sent no less than 30 days before the date of hearing unless such period is waived by all appellants.

#### § 1918.6 Conduct of hearings.

(a) The judge shall be responsible for the fair and expeditious conduct of proceedings.

(b) The Administrator shall be represented by the General Counsel or his designee.

(c) All appeals made by appellants in each community shall be consolidated and one administrative hearing shall be held for any one community.

(d) If the appeal is brought by the community, the CEO or his designee shall represent all appellants from that community; provided that any appellant may petition the judge to allow such appellant to enter an appearance on his own behalf. Such a petition shall be granted only upon a showing of good cause.

(e) The Administrator shall assure that a record is made of the proceeding which shall be available for inspection by any appellant. An appellant may order copies of the record directly from the reporter and shall be responsible for payments therefor.

#### § 1918.7 Scope of review.

Review at administrative hearings shall be limited to an examination of

knowledge or information presented by each appellant indicating that elevations being proposed by the Administrator with respect to an identified area having special flood hazards are scientifically or technically incorrect.

#### § 1918.8 Admissible evidence.

(a) Legal rules of evidence shall not be in effect at administrative hearings. However, all evidence shall be relevant to issues within the scope of review under § 1918.7.

(b) The community's FEDD file shall be admissible.

(c) Documentary and testimonial evidence shall be admissible.

(d) Admissibility of non-expert testimony shall be within the discretion of the judge.

(e) Where the appeal is by other than a community, the community's statement of reasons for not appealing shall be admissible.

(f) All testimony shall be under oath.

#### § 1918.9 Burden of proof.

The burden shall be on appellants to prove that the flood elevation determination is not scientifically or technically correct.

#### § 1918.10 Right of administrative law judge to obtain scientific or technical advice.

The judge may submit conflicting technical or scientific data to an independent scientific body or appropriate Federal agency for advice.

#### § 1918.11 Determination.

The judge shall make a written determination on the evidence presented at the hearing within 30 days after the conclusion of the hearing.

#### § 1918.12 Relief.

The sole relief which shall be granted under this part is a modification of the Administrator's proposed determination by the judge in accordance with his determination under § 1918.11. This modification shall be binding on the Administrator.

*Effective date.* These parts shall become effective on August 23, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc. 74-16706 Filed 7-23-74; 8:45 am]

### Title 49—Transportation

#### CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

##### SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-53; Notice No. 74-12]

#### PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

##### Automatic Devices for Reducing Front Wheel Braking Effort on Commercial Motor Vehicles

The Director of the Bureau of Motor Carrier Safety is revising § 393.48 of the

Federal Motor Carrier Safety regulations (49 CFR 393.48) to make lawful the operation in interstate or foreign commerce of a motor vehicle having an air brake system equipped with an automatic device which reduces front wheel braking effort. This reduction is accomplished under certain circumstances even when the vehicle is not operating under adverse road conditions.

This rule making proceeding stems initially from a petition for rule making filed by Mack Trucks, Inc., a manufacturer of commercial motor vehicles. The filing of this petition prompted the Director to issue on September 6, 1973 a notice of proposed rule making on the subject (38 FR 25452), since it was concluded that the petitioner's justifications for the proposed changes to § 393.48 were meritorious and deserved public consideration.

In response to the Notice, the Director received comments from 7 manufacturers of heavy duty trucks and truck tractors, 5 manufacturers of heavy duty truck and bus brake systems and components, 1 motor carrier, and 1 organization representing the interests of the trucking industry.

In general, all respondents agreed with the intent of the proposed regulation, and many stated that the device would be necessary to insure acceptable front brake life on many vehicles soon to be equipped with braking systems meeting the requirements of FMVSS No. 121. Several technical objections were raised, however, to certain aspects of the revised regulation as proposed in the Notice. Several respondents objected to the requirement proposed in § 393.48(b)(1)(ii) that the automatic device must not " \* \* \* reduce the braking force when the air pressure that transmits brake control application forces exceeds 70 psi \* \* \* ." They variously stated that the 70 psi limit was design-restrictive, and, that if a brake system air pressure was to be specified, it should be a higher value. 80 and 90 psi limits were suggested as possible alternative values.

The Director finds merit in these objections, and has therefore revised the proposed requirements of § 393.48(b)(1)(ii) to read that the automatic device must not reduce braking force when the air pressure that transmits brake control application forces exceeds the vehicle's air compressor cut-in pressure.

Four respondents indicated that inclusion of these types of automatic devices in the brake systems of vehicles manufactured prior to the originally proposed September 1, 1974, effective date of the Notice would be desirable. They stated that such devices would probably be included in the brake systems of vehicles manufactured to comply with FMVSS 121. Brake systems designed to comply with FMVSS 121 are permitted to be installed on vehicles manufactured prior to the original September 1, 1974, mandatory effective date of that rule. NHTSA has recently changed that effective date to March 1, 1975, for buses, trucks and truck tractors.

The Director concurs with this viewpoint in that permitting the automatic devices to be installed on vehicles manufactured prior to March 1, 1975, will allow for an orderly phasing-in period for these advanced braking systems and their component parts. The Director also finds no reason why retrofit installation of these devices should not be permitted on motor vehicles having air brake systems which are not built in accordance with FMVSS No. 121. Accordingly, § 393.48 has been revised to permit installation of these devices on vehicles manufactured prior to March 1, 1975.

Additional technical objections were raised to the brake application time requirement specified in § 393.48(b)(1)(iii) of the proposed regulation. Since this aspect of brake system performance is addressed by FMVSS 121, the Director has concluded that inclusion of any requirement of this type in § 393.48 would be redundant and has therefore deleted the proposed requirement from the final rule.

Several respondents requested that this type of automatic device be allowed on hydraulic, vacuum, and hydraulic brake systems utilizing compressed air (air over hydraulic) as well as air mechanical systems. The Director has concluded that inclusion of these types of devices in air over hydraulic brake systems is feasible under the requirements of the § 393.48 since the application forces in the air portion of an air over hydraulic system parallel those of a straight air mechanical system. Both types of systems are compatible with the crossover point between reduced braking force and full braking force specified in § 393.48(c)(2) of the final rule. The specified crossover point would not be relevant, however, to brake systems which do not utilize compressed air. The Director has therefore not expanded the applicability of this final rule.

Should such an inclusion prove desirable in the future, the Director would welcome suggestions as to what type of performance criteria would be best suited for brake systems which do not utilize compressed air.

In consideration of the foregoing, § 393.48 of the Federal Motor Carrier Safety Regulations (Subchapter B of Chapter III in title 49, CFR) is revised to read as follows:

#### § 393.48 Brakes to be operational.

(a) *General rule.* Except as provided in paragraph (b) and (c), all brakes with which a motor vehicle is equipped must at all times be capable of operating.

(b) *Devices to reduce or remove front-wheel braking effort.* A motor vehicle may be equipped with a device to reduce the braking effort upon its front wheels or, in the case of a three-axle truck or truck tractor manufactured before March 1, 1975, to remove the braking effort upon its front wheels, if that device conforms to, and is used in compliance with, the rules in subparagraph (1) or (2) of this paragraph.

(1) *Manually-operated devices.* A manually operated device to reduce or remove the front-wheel braking effort must not—

(i) be installed in a motor vehicle other than a bus, truck, or truck tractor;

(ii) be installed and be operable in a bus, truck, or truck tractor manufactured on or after March 1, 1975; or

(iii) be used except when the vehicle is operating under adverse road conditions such as wet, snowy, or icy roads.

(2) *Automatic devices.* An automatic device to reduce the front-wheel braking effort must not—

(i) be installed in a motor vehicle unless that vehicle is equipped with an air-mechanical brake system or a hydraulic brake system utilizing compressed air;

(ii) be operable by the driver except upon application of the control that activates the braking system; or

(iii) reduce the braking force when the air pressure that transmits brake control application forces exceeds the vehicle's air compressor cut-in pressure.

(c) *Towed vehicles.* Paragraph (a) of this section does not apply to—

(1) a disabled vehicle being towed; or

(2) a vehicle being towed in a drive-away-towaway operation which is exempt from the general rule of § 393.42 of this Part under paragraph (b) of that section.

*Effective date.* This revision is effective on October 1, 1974.

(Section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act, (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively)

Issued on July 15, 1974.

ROBERT A. KAYE,  
Director, Bureau of  
Motor Carrier Safety.

[FR Doc.74-16850 Filed 7-23-74;8:45 am]

[Docket No. MC-51; Notice No. 74-11]

### PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

#### Lights and Reflectors on Trucks and Buses

The Director of the Bureau of Motor Carrier Safety is revising § 393.22 of the Federal Motor Carrier Safety Regulations (49 CFR 393.22) to clarify the circumstances in which a clearance lamp and tail lamp or identification lamp may be combined in the same shell or housing. The revision makes clear that the present prohibition against combining a clearance lamp with a tail lamp or identification lamp on a commercial motor vehicle operated in interstate or foreign commerce applies only to optical combinations in which two lamps use the same lens, not to configurations that merely locate both lamps in the same module.

This revision was prompted by a petition for rule making submitted by the Truck Safety Equipment Institute

(TSEL), an association of manufacturers of motor vehicle equipment. They stated that § 393.22, as presently written, could be construed to be in conflict with S. 4.4.1 of Motor Vehicle Safety Standard No. 108 (49 CFR 571.108) which permits, under certain conditions, combination of these lamps. As a result of that petition, the Director, on August 29, 1973, issued a notice of proposed rulemaking on the subject (38 FR 24223).

Six respondents filed comments with the Director on this subject. One of the respondents, the R. F. Dietz Co. (Dietz), a manufacturer of motor vehicle lighting equipment, requested that the proposed wording of § 393.22(b) (1) be revised to drop the words " \* \* \* or combination of lighting devices, \* \* \*". The stated reason for the request was that the language could be misinterpreted to preclude the combination of a distinctly separate turn signal lamp and a headlamp or other lighting device, into one modular component. Dietz inquired, for example, whether the regulation prohibited the use of a free standing, fender mounted headlight pod with an attached turn signal light, where a sealed beam headlamp unit and optically separate turn signal bulb were used.

It should be noted that the regulation as proposed addresses the question of optically combining several lamps. The regulation does not prohibit the combining of separate and distinct units into one component part by means of support brackets or the like. For this reason, the Director does not concur that the language in question should be dropped. § 393.22(b) (1) has been modified, however, to further clarify its intent and meaning.

The California Highway Patrol interpreted the proposed language of § 393.22 to permit the installation of nonrequired reflex reflectors, when combined with clearance lamps, at a height greater than 60 inches above the road. They stated that California State requirements prohibited the mounting of nonrequired reflectors at heights of 60 inches or greater above the road, and requested that additional language be added to the regulation to make it clear that the several States still had the prerogative to set standards on nonrequired vehicle equipment and accessories.

As has always been the case, the Federal Motor Carrier Safety Regulations set minimum safety requirements. The States have always had the right to issue more stringent requirements for vehicle equipment or accessories, and are free to set any standards for nonrequired items they deem necessary, as long as they are not inconsistent with the Federal Motor Carrier Safety Regulations. For this reason, and because § 393.26 adequately states the Bureau's position on required reflex reflectors, namely that they must be mounted at a height between 15 and 60 inches above the ground, the Director has not felt it necessary to add additional language to § 393.22.

The California Highway Patrol also commented that § 393.22(b) as proposed

would seem to permit the combination of turn signal lamps with other lamps as long as the intensity of the turn signal lamp was greater than the intensity of the other lamp in the combination. They stated that their regulations and current SAE practice permit such combinations only when the intensity of the turn signal lamp, when measured at certain test points, is 5 times greater than the intensity of the other lamp in the combination unit and 3 times greater when measured at other test points.

Federal regulations already require that the intensity differential mentioned above be maintained in the combination lighting devices of vehicles. Newly manufactured vehicles and replacement equipment lamps are required to meet the lighting requirements of FMVSS 108 which specifies the intensity differentials in question. It is not contended that there exists any substantial stock of replacement combination lights manufactured prior to the effective date of FMVSS 108, and not conforming thereto, which as a practical matter would be fitted to vehicles subject to FMVSS 108 and degrade their safety performance. On the other hand, where older vehicles not subject to FMVSS 108 are concerned, field measurement of the intensity differentials would pose an enforcement problem if retrofit were to be required of all the carriers operating the older vehicles. Accordingly, the Director believes it would be unproductive to specify this requirement in the Federal Motor Carrier Safety Regulations, and for this reason has not done so.

The Signal-Stat Corporation requested that additional definitions be added to § 393.22 to clarify the meaning of the terms "optically combined lamps" and "nonrequired lighting devices." "Optically combined lamps" are defined in both FMVSS 108 and current SAE Standards, and can therefore be assumed to be adequately defined. The term "nonrequired lighting devices" appears self-explanatory, and heretofore has not needed explanation. Simply stated, a nonrequired lighting device is any lighting device which is not required by the regulations. These could include for example, additional side marker lamps, other than those specified as being mandatory in §§ 393.12, 393.14, 393.16, 393.17, or 393.18.

In consideration of the foregoing, § 393.22 of the Federal Motor Carrier Safety Regulations (Subchapter B of Chapter III in title 49, CFR) is revised to read as follows:

**§ 393.22 Combination of lighting devices and reflectors.**

(a) *Permitted combinations.* Except as provided in paragraph (b) of this section, two or more lighting devices and reflectors (whether or not required by the rules in this part) may be combined optically if—

(1) Each required lighting device and reflector conforms to the applicable rules in this Part; and

(2) Neither the mounting nor the use of a nonrequired lighting device or reflector impairs the effectiveness of a required lighting device or reflector or causes that device or reflector to be inconsistent with the applicable rules in this Part.

(b) *Prohibited combinations.* (1) A turn signal lamp must not be combined optically with either a head lamp or other lighting device or combination of lighting devices that produces a greater intensity of light than the turn signal lamp.

(2) A turn signal lamp must not be combined optically with a stop lamp unless the stop lamp function is always deactivated when the turn signal function is activated.

(3) A clearance lamp must not be combined optically with a tail lamp or identification lamp.

*Effective date.* This revision is effective on October 1, 1974.

(Section 204 of Interstate Commerce Act, as amended (49 U.S.C. 304) section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.)

Issued on July 15, 1974.

ROBERT A. KAY,  
Director, Bureau of  
Motor Carrier Safety.

[FR Doc. 74-16851 Filed 7-23-74; 8:45 am]

**CHAPTER IX—UNITED STATES RAILWAY ASSOCIATION**  
**PART 921—PROCEDURES FOR LOAN APPLICATIONS**

Section 211 of the Regional Rail Reorganization Act of 1973 authorizes the United States Railway Association to make loans, under such rules and regulations as it may prescribe, (1) to the Consolidated Rail Corporation, the National Railroad Passenger Corporation, and other railroads (including a railroad in reorganization that has been found to be reorganizable under section 77 of the Bankruptcy Act) for purposes of assisting in the implementation of the final system plan described in the Act; (2) to a State or local or regional transportation authority pursuant to section 403 of the Act; and (3) to provide assistance to any railroad that connects with a railroad in reorganization and which needs financial assistance to avoid reorganization proceeding, under section 77 of the Bankruptcy Act.

The purpose of this part is to prescribe general provisions applicable to loans under section 211 of the Act and to prescribe specific procedures and provisions for loans under item (3) in the preceding paragraph. Specific procedures and provisions for loans under items (1) and (2) of the preceding paragraph will be added at a later date as circumstances warrant.

Provision has been made in the new part for publication in the FEDERAL REGISTER of a notice of each application for a loan. Interested persons will be afforded a reasonable opportunity to comment thereon.

In general the procedures require each application to be signed by the applicant's chief officer, with a certificate by the applicant's chief accounting officer as to the financial information contained therein. Provision is made for the filing of adequate financial information in the form of specific exhibits.

Pursuant to the authority vested in the United States Railway Association by sections 202 and 211 of the Regional Rail Reorganization Act of 1973 (Public Law 93-236, 87 Stat. 988, 1001), a new "Chapter IX—United States Railway Association" is hereby established in "Title 49—Transportation" of the Code of Federal Regulations and a new "Part 921—Procedures for Loan Applications" is added thereto, effective July 24, 1974, as set forth below.

Since this amendment is a matter relating to loans, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

Issued in Washington, D.C. on July 22, 1974.

EDWARD G. JORDAN,  
President,

United States Railway Association.

Subpart A—General

- Sec.
- 921.1 Purpose and scope.
- 921.2 Definitions.
- 921.3 Publication of notice of application.
- 921.4 Additional requirements.
- Subpart B—Loans for Implementation of Final Rail System Plan [ Reserved ]
- Subpart C—Loans to State, Local, or Regional Transportation Authorities [ Reserved ]
- Subpart D—Loans to Railroads Connecting With A Railroad in Reorganization
- 921.301 Execution and filing of applications.
- 921.302 Form and content of applications.
- 921.303 Exhibits to be filed with application.

AUTHORITY: 87 Stat. 988 and 1001.

Subpart A—General

§ 921.1 Purpose and scope.

(a) Sections 202 (a) (2) and 211 of the Act authorize the Association to make loans—

(1) To the Consolidated Rail Corporation, the National Railroad Passenger Corporation, and other railroads, for the purposes of assisting in implementing the final system plan envisaged by the Act;

(2) To a State, local, or regional transportation authority, for the purposes of acquiring or modernizing rail properties that authority has offered to purchase, pursuant to § 403 of the Act; and

(3) To provide assistance to any railroad that connects with a railroad in reorganization and that is in need of financial assistance to avoid reorganization proceedings under section 77 of the Bankruptcy Act (11 U.S.C. 205).

(b) This part sets forth the procedures for applications for the loans described in paragraph (a) of this section.

§ 921.2 Definitions.

Unless otherwise required by the context, the following definitions apply in this part:

"Act" means the Regional Rail Reorganization Act of 1973, Pub. L. 93-236, 87 Stat. 985.

"Association" means the United States Railway Association.

"Commission" means the Interstate Commerce Commission.

"Railroad in reorganization" means a railroad that is subject to a bankruptcy proceeding and that has not been determined by a court to be reorganizable or not subject to the Act as prescribed in section 207(b) of the Act. For the purposes of this definition, a "bankruptcy proceeding" includes a proceeding pursuant to section 77 of the Bankruptcy Act (11 U.S.C. 205) and an equity receivership or equivalent proceeding.

§ 921.3 Publication of notice of application.

Within 15 days after receiving a completed application for a loan under this part, the Association will publish, in the FEDERAL REGISTER, a notice of the receipt of that application and will afford interested persons an opportunity to comment thereon.

§ 921.4 Additional requirements.

Additional requirements for applications for each of the three kinds of loans described in § 921.1 are set forth in Subparts B, C, and D of this part.

Subpart B—Loans for Implementation of Final Rail System Plan [ Reserved ]

Subpart C—Loans to State, Local, or Regional Transportation Authorities [ Reserved ]

Subpart D—Loans to Railroads Connecting With a Railroad in Reorganization

§ 921.301 Execution and filing of applications.

(a) The original copy of each application for a loan under this Part must be signed by the chief officer of the applicant, or another officer specifically designated by the applicant for that purpose, and must be dated as of the date of that signature. Each person signing an application shall execute and attach to the application a certificate in the following form:

----- certifies that he is  
(name of officer)  
the ----- of the -----  
(title of officer)  
-----; that he is authorized on  
(name of applicant)  
behalf of the applicant to sign the attached application and file with the United States Railway Association; that he has examined all of the statements in the application and exhibits; and that he has knowledge of the statements and matters set forth in the application and exhibits and that they are true

and correct to the best of his knowledge, information, and belief.

(date) (signature)

(b) There must be attached to each application for a loan under this part a certificate in the following form signed by the chief accounting officer of the applicant:

----- certifies that he is  
(name of officer)  
the ----- of the -----  
(title of officer)

----- that he has supervision over the books of account and the other financial records of the applicant named in the attached application and has control over the manner in which they are kept; that those accounts and records are maintained in good faith in accordance with generally accepted accounting procedures consistently applied; that he has examined the financial statements and supporting schedule included in that application and that to the best of his knowledge, information, and belief those statements and schedules accurately reflect the accounts of the applicant as stated in its books of account; and that other than the matters specifically set forth as exceptions, those statements and schedules represent a true and complete statement of the applicant's financial position, and that there are no undisclosed assets, liabilities, commitments of any kind, litigation, contingent agreements, or other contingent transactions that might materially affect the applicant's financial position.

(date) (signature)

(c) The applicant shall file the original and ----- copies of each application, certificate, and exhibit required by this part, by mail, or in person, with the Association at its office in room ----- Building, Washington, D.C. ----- Signatures on copies may be stamped or typed thereon.

§ 921.302 Form and content of application.

Each application for a loan under this subpart must contain—

(a) The full name and legal address of the applicant;

(b) The date and place of applicant's incorporation, or if not incorporated, the date and place of its organization and a full description of its organization;

(c) The name, title, and address of the person to whom correspondence regarding the application should be sent;

(d) A description of the loan requested and its purposes, including a statement of—

- (1) The total amount of the loan;
- (2) The maturity date;

(3) A description of the security proposed for the loan, including the applicant's opinion of the value of the collateral and the basis for that opinion;

(4) The date or dates on which the applicant wants the proceeds of the loan to become available;

(5) The applicant's estimated total expenses in connection with the loan, including details as to expenses estimated

for legal, accounting, and engineering services; printing and engraving; State, local, and Federal taxes; and commissions and discounts;

(6) A summary statement as to how the loan would enable the applicant to avoid reorganization proceedings under section 77 of the Bankruptcy Act; and

(7) Any other information that the Association may request at the time of the application or during the course of processing the application.

(e) A statement by the applicant that it has attempted to obtain a loan for the purposes stated in paragraph (d) of this section, but has not been able to obtain a loan for those purposes upon reasonable terms;

(f) A description of the applicant's efforts to obtain the needed financing from other sources and the results of those efforts; and

(g) A summary statement of the applicant's financial obligations to, and claims against, the United States, if any, as of the date of the application, or latest available date, listed as to—

(1) Balance remaining on any direct loans;

(2) Balance remaining on each loan under which the United States is a guarantor;

(3) The status of each claim in litigation; and

(4) Each other debit or credit existing between the applicant and the United States, and the department or agency of the United States involved therein.

**§ 921.303 Exhibits to be filed with application.**

Each applicant for a loan under this subpart shall file a copy of each of the following exhibits with its original application and each copy thereof, except as otherwise specifically provided.

(a) *Exhibit 1.* To be filed only with the original application. A copy of the applicant's charter or articles of incorporation, as amended to the date of the application, certified by the appropriate public officer, and a copy of its by-laws as amended to the date of application. If the applicant is not a corporation, it must furnish a copy of its articles of agreement or association, or other appropriate document.

(b) *Exhibit 2.* A copy of—

(1) The resolution of the applicant's board of directors authorizing the proposed loan;

(2) If the applicant's charter or articles of incorporation requires approval of the proposed loan by its stockholders, a copy of the resolution of the stockholders authorizing the loan and a transcript of the stockholders' meeting at which the resolution was adopted showing the number of shares voted for and against the resolution;

(3) A copy of the resolution of the stockholders or directors, or authorized committee thereof, authenticated by the appropriate officer of the applicant, designating by name and for that purpose the executive officer by whom the appli-

cation is signed, verified, and filed on behalf of the applicant; and

(4) If the applicant is not a corporation, documentary evidence showing authorization for the proposed loan and designation of the person signing, verifying, and filing the application on behalf of the applicant.

(c) *Exhibit 3.* A preliminary opinion of counsel that he is familiar with the corporate or other organization authority of the applicant; that the applicant is authorized to make the application; that proper corporate or other organizational action has been taken and the obligation executed; that the obligation will constitute the valid and subsisting obligation of the applicant; and that the collateral offered is valid and will constitute a lien.

(d) *Exhibit 4.* A map of the applicant's existing railroad, and a map and profile of any line or lines to be constructed with the proceeds of the loan.

(e) *Exhibit 5.* A statement of—

(1) The total miles of line owned by the applicant;

(2) The total miles of line operated by the applicant;

(3) The number of units of locomotives, freight cars, and passenger cars owned or leased by the applicant;

(4) The principal commodities carried by the applicant; and

(5) The 10 most important industries served by the applicant.

(f) *Exhibit 6.* A statement as to whether any railroad affiliated with the applicant has applied for or received a loan under this part, and full details concerning any loan so received.

(g) *Exhibit 7.* A statement of total dividends declared and paid for each of the 10 years preceding the year in which the application is filed, and for each month of the year in which it is filed.

(h) *Exhibit 8.* A copy of the applicant's general balance sheet as of the latest available date, but not earlier than the end of the second month preceding the month in which the application is filed, in the form and detail required by schedules 200A and 200L of the Commission's annual report Forms R-1 or C, as appropriate, together with the following additional supporting schedules:

(1) The particulars of loans and notes receivable, in the form and detail required by the Commission's annual report Form R-1, for Class I railroads, and similar detail for each item of that kind in excess of \$25,000 for a Class II railroad.

(2) The particulars of investments in other companies, in the form and detail required by schedules 205 and 206 of the Commission's annual report Form R-1, or schedules 1001 and 1002 of annual report Form C, as appropriate.

(3) The particulars of the balance in account 743, Other Deferred Charges, in the form and detail required by the Commission's annual report, Form R-1, schedule 217, or schedule 1703 of annual report Form C, as appropriate.

(4) The particulars of loans and notes payable, in the form and detail required by schedule 223 of the Commission's annual report Form R-1, or schedule 1701 of annual report Form C, as appropriate, and full information as to bank loans, including the name of the bank, the date and amount of the original loan, the current balance, the maturity dates, the rates of interest, and the security, if any.

(5) The particulars of long-term debt, in the form and detail required in schedules 218 and 219 of the Commission's annual report Form R-1, or schedules 670, 695, 901, 902 and 1702 of annual report Form C, as appropriate, together with a list of mortgages, pledges, and other liens, including a brief statement concerning each of them showing the property or securities, that are encumbered, the mortgage limit per mile, if any, priorities, and type of debt such as "open", "closed", or "open end".

(6) The particulars of the balance in account 784, Other Deferred Credits, in the form and detail required in schedule 225 of the Commission's annual report Form R-1, or schedule 1704 of annual report Form C, as appropriate.

(7) The particulars as to contingent assets and liabilities, in the form and detail required in schedule 233 of the Commission's annual report Form R-1 for Class I railroads, and similar information, in the same form and detail, for a Class II railroad.

(8) The particulars as to any long-term leases of equipment or other property, and as to any other items of indebtedness, that are not specifically set out on the applicant's general balance sheet, for the same time periods as are covered by the general balance sheet required to be in this exhibit.

(9) The particulars as to guaranties and suretyships, in the form and detail required in schedule 110 of the Commission's annual report Form R-1 for Class I railroads, and similar information, in the same form and detail, for a Class II railroad.

(10) The particulars as to capital stock, in the same form and detail required in schedules 228, 229, and 230 of the Commission's annual report Form R-1, or schedule 690 in annual report Form C, as appropriate.

(i) *Exhibit 9.* A statement showing the applicant's comparative balance sheet as of December 31 for each of the five years preceding the year in which the application is filed, in the form and detail required by the Commission's annual report Form R-1 or C, as appropriate, schedules 200A and 200L. If the applicant's reports to its stockholders include a consolidated balance sheet for more than one railroad that differs from the returns in the balance sheet schedules of its annual reports to the Commission, there must be a reference to the sections of the stockholders' reports that include the consolidated balance sheets.

(j) *Exhibit 10.* To be filed only with the original copy of the application. A

copy of the applicant's report to its stockholders for each of the three years preceding the year in which the application is filed.

(k) *Exhibit 11.* A comparative income statement for each month of the year in which the application is filed, with cumulative data to the latest month shown, which may not be earlier than the second month preceding the month in which the application is filed, compared with the same month of each of the two years preceding the year in which the application is filed. The statement must be in account form the same as or similar to that required in column (a) of Schedule 300 of the Commission's annual report Form R-1, or columns (a) and (c) of schedule 1801 of annual report Form C, as appropriate.

(l) *Exhibit 12.* A comparative income statement showing data for each of the five years preceding the year in which the application is filed, in account form and detail the same as or similar to the statement required for Exhibit 11.

(m) *Exhibit 13.* A pro forma income statement for each of the three years following the year in which the application is filed, both before and after giving effect to the proceeds of the proposed loan, in account form and detail the same as or similar to the statement required for Exhibit 11, together with a statement setting forth the basis for the estimates.

(n) *Exhibit 14.* A statement showing the actual cash balance at the beginning of each month, and the actual cash receipts as disbursements for each month, of the year in which the application is made to the date of the latest balance sheet furnished in Exhibit 8, together with a monthly forecast, both before and after giving effect to the use of the proceeds from the proposed loan, for the remaining months of that year and the following year.

(o) *Exhibit 15.* A statement showing for each month, to the latest available month, of the year in which the application is filed, compared with the same month of each of the two preceding years—

- (1) The number of tons of revenue freight carried;
- (2) The number of revenue ton miles;
- (3) The amount of freight revenues (account 101);
- (4) The number of passengers carried;
- (5) The number of passenger miles;
- (6) The amount of passenger revenues (account 102); and
- (7) Information, on an estimated basis, as to the matters covered by subparagraphs (1) through (6) of this paragraph, for each of the remaining months in the year in which the application is filed and for the following year, both before and after giving effect to the use of proceeds from the proposed loan.

(p) *Exhibit 16.* A statement of sources and applications of funds, in the form and detail required by the Commission's annual report Form R-1, schedule 397, for each of the three years preceding the year in which the application is filed, and on an estimated basis for the year in

which it is filed and the following three years (both before and after giving effect to the use of the proceeds from the proposed loan).

(q) *Exhibit 17.* A general statement setting forth the information as to estimated prospective earnings and other funds that applicant will rely on to repay the loan.

(r) *Exhibit 18.* Specimens, or forms if specimens are not available, of all securities to be pledged or otherwise issued in connection with the proposed loan. In the case of an issue of bonds, a copy of the mortgage or indenture by which the bonds would be secured.

(s) *Exhibit 19.* A full and detailed statement, accompanied by appropriate financial data, as to—

(1) The purposes for which the proceeds of the loan will be used, such as the purchase of equipment or other property; the construction or improvement of facilities; the refinancing of existing obligations; general working capital; etc.;

(2) How the uses to which the proceeds will be put would assist the applicant to avoid reorganization proceedings under section 77 of the Bankruptcy Act; and

(3) Any other matters pertaining to the use of the proceeds of the loans not covered by subparagraph (1) or (2) of this paragraph.

(t) *Exhibit 20.* Copies of correspondence from each, but not less than three, lending institution or security underwriter to which the applicant has applied for financing the subjects covered by the loan application being made under this subpart, showing that they have declined to furnish that financing.

[FR. Doc. 74-17064 Filed 7-23-74; 10:14 am]

**CHAPTER X—INTERSTATE COMMERCE COMMISSION**

**SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

[Rev. S.O. No. 1186]

**PART 1033—CAR SERVICE**

**Distribution of Privately Owned Coal Cars**

At a session of the Interstate Commerce Commission, held in Washington, D.C., on the 17th day of July, 1974.

It appearing, that an acute shortage of hopper cars exists in certain sections of the country; that shippers are being deprived of hopper cars required for loading coal to electric utility generating stations and steel plants; that coal stockpiles of several utility generating stations and steel plants are being depleted; and that certain car distribution regulations prescribed by the Commission in Docket 12530 (80 ICC 520 and 93 ICC 701) limit the use of privately-owned freight cars used for the transportation of coal; and that fuller utilization of shipper-owned or receiver-owned coal cars in unit train service will substantially assist in relieving the existing emergency and advance the public interest by contributing to a steady and ample supply of fuel to electric utility generating stations and steel plants.

It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

**§ 1033.1186 Service Order No. 1186.**

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

(1) Place promptly in a position for loading coal for transportation in unit train service to an electric utility generating station or steel plant, without regard to the provisions of the Commission's order in Docket 12530 (80 ICC 520 and 93 ICC 701), all coal cars owned by the shipper or consignee which are available for placement for loading and which are ordered placed by the car owner.

(2) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any privately owned coal cars furnished under the provisions of paragraph (1) herein, unless loaded in unit train service for ultimate delivery to an electric utility generating station or steel plant within the United States.

(b) The term "Unit Train Service" used in this order means the movement of a single shipment of coal of not less than 2,500 tons, tendered to one carrier, on one bill-of-lading, at one origin, on one day and destined to one consignee, at one plant, at one destination, via one route.

(c) The term "Privately Owned Coal Cars" used in this order means any open top freight car listed in the Official Railway Equipment Register, ICC R.E.R. No. 392, issued by W. J. Trezise, or successive issues thereof, as having a mechanical designation "GA," "GB," "GD," "GH," "GS," "GT," "HM," "HK," or "HT," and which are owned or leased by either the coal shipper or the electric utility company named as the consignee.

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

(e) *Effective date.* This order shall become effective at 12:01 a.m., July 29, 1974.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

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

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of

all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-16899 Filed 7-23-74;8:45 am]

#### Title 45—Public Welfare

#### CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

##### General Provisions

Notice of proposed regulations was published in the FEDERAL REGISTER on May 8, 1974 (39 FR 16362), pertaining to the extent of State discretion in establishing coverage and conditions of eligibility for financial assistance under title I, IV-A, X, XIV or XVI of the Social Security Act.

Nineteen responses were received: 2 from ACIR, 8 State welfare agencies, 2 county welfare agencies, 2 legal organizations and 4 other organizations. Four responses were fully supportive of the proposal. The most frequently expressed comments were:

1. The language is too imprecise to help States in complying with the Social Security Act and regulations and avoiding litigation.
2. The regulation should be broader to permit the States to limit coverage as well as impose additional eligibility conditions.
3. Granting more discretion to States decreases protection afforded to public assistance recipients by Federal mandates and dis-

courages individuals from applying for assistance.

Our response to these comments is as follows:

1. The regulation is designed to provide maximum State flexibility within the requirements of the law. Conditions that States wish to impose must be reflected in their State plans, giving SRS an opportunity to determine whether they are in compliance with the regulation.
2. The current state of the law as interpreted by the United States Supreme Court does not permit a broader regulation.
3. There is no evidence that an efficient and equitable program discourages needy individuals from applying for and receiving public assistance. Federal review of State plan amendments under this regulation will assure that arbitrary or capricious conditions will not be imposed.

After consideration of all comments, the proposed amendments are adopted.

Section 233.10(a)(1) of 45 CFR Part 233 is amended to read as set forth below:

##### § 233.10 General provisions regarding coverage and eligibility.

(a) *State plan requirements.* A State plan under title I, IV-A, X, XIV, or XVI, of the Social Security Act must:

(1) Specify the groups of individuals, based on reasonable classifications, that will be included in the program, and all the conditions of eligibility that must be met by the individuals in the groups. The groups selected for inclusion in the plan and the eligibility conditions imposed must not exclude individuals or groups on an arbitrary or unreasonable basis, and must not result in inequitable treatment of individuals or groups in the light of the provisions and purposes of the public assistance titles of the Social Security Act. Under this requirement:

(i) A State shall impose each condition of eligibility required by the Social Security Act; and

(ii) A State may:

(A) Provide more limited public assistance coverage than that provided by the Act only where the Social Security

Act or its legislative history authorizes more limited coverage;

(B) Impose conditions upon applicants for and recipients of public assistance which, if not satisfied, result in the denial or termination of public assistance, if such conditions assist the State in the efficient administration of its public assistance programs, or further an independent State welfare policy, and are not inconsistent with the provisions and purposes of the Social Security Act.

(iii) There must be clarity as to what groups are included in the plan, and which are within, and which are outside, the scope of Federal financial participation.

(iv) Eligibility conditions must be applied on a consistent and equitable basis throughout the State.

(v) A plan under title XVI must have the same eligibility conditions and other requirements for the aged, blind, and disabled, except as otherwise specifically required or permitted by the Act.

(vi) Eligibility conditions or agency procedures or methods must not preclude the opportunity for an individual to apply and obtain a determination of eligibility or ineligibility.

(vii) Methods of determining eligibility must be consistent with the objective of assisting all eligible persons to qualify.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

*Effective date:* The regulations in this section shall be effective July 24, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.761 Public Assistance Maintenance Assistance (State Aid.))

Dated: July 5, 1974.

JOHN A. SVAHN,  
Acting Administrator,  
Social and Rehabilitation Service.

Approved: July 17, 1974.

FRANK CARLUCCI,  
Acting Secretary.

[FR Doc.74-16866 Filed 7-23-74;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 STATE

Bureau of Security and Consular Affairs

[ 22 CFR Part 42 ]

[Docket No. SD-107]

### DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

#### Application for Immigrant Visa

Notice is hereby given that the Department of State proposes to amend 22 CFR 42.111(b) (5) which sets forth the nature of "other records or documents" which an alien applying for an immigrant visa shall be required to furnish to the consular officer with his application. Experience has shown that a principal applicant's alien spouse and children not immigrating with him will in all probability apply for an immigrant visa at some time in the future to join the principal immigrant in the United States. The processing of such derivative applications is expedited if the claimed relationship to the principal immigrant is already established through civil documents or records previously furnished by the principal immigrant and retained in his immigrant file. It is therefore beneficial to the principal immigrant to establish his relationship to his spouse and children, if such there be, by furnishing the requisite civil documents or other records at the time his immigrant visa is being processed. The proposed amendment to 22 CFR 42.111(b) (5) provides for the production by the immigrant visa applicant of civil documents or other records necessary to establish his relationship to his spouse and children, if any. This amendment will also permit consular officers to make a meaningful separate record of a spouse or child entitled to immigrant status derivatively in compliance with 22 CFR 42.61(b) (3) when it is determined that the principal alien intends to precede his family.

Interested persons may submit to the Director of the Visa Office, Department of State, Room 800, 515 22nd Street, NW., Washington, D.C. 20520, written data, comments, views or arguments, in duplicate, relative to this proposed rule. Submission of such material may not be made orally. All relevant written material received on or before August 2, 1974, will be considered.

Paragraph (b) (5) of § 42.111 is amended to read:

#### § 42.111 Supporting documents.

(b) *Documents required.* \* \* \*

(5) "Other records or documents" shall include any records or documents establishing the applicant's relationship to a spouse or children, if the applicant has a spouse or children, and any records or documents which are pertinent to a determination of the applicant's identity, classification or any other matter relating to his eligibility to receive a visa.

Dated: July 17, 1974.

For the Secretary of State.

[SEAL] BARBARA M. WATSON,  
Administrator, Bureau of Security and Consular Affairs,  
Department of State.

[FR Doc.74-16943 Filed 7-23-74;8:45 am]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Part 993 ]

### DRIED PRUNES PRODUCED IN CALIFORNIA

#### Salable and Reserve Percentages, Handler Reserve Obligation, and Undersized Prune Regulation for the 1974-75 Crop Year

Notice is hereby given of proposals recommended by the Prune Administrative Committee to establish for the 1974-75 crop year (1) salable and reserve percentages for California dried prunes of 75 and 25 percent, respectively, and in connection therewith, the required composition of each handler's reserve obligation, and (2) an undersized prune regulation for prunes received by handlers from producers and dehydrators. The proposals are in accordance with the provisions of the marketing agreement, as amended, and Order No. 993; as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The percentages would apply to all prunes, excluding undersized prunes, received by handlers from producers and dehydrators during the 1974-75 crop year. Each handler's reserve obligation would reflect the average marketable content of his receipts, consistent with field pricing size categories, and the ob-

ligation would be the weighted average count per pound of all lots within each such category, as computed from inspection analysis.

As indicated in the accompanying table, the Committee estimated California's 1974 production of prunes at 155,000 tons.<sup>1</sup> The Committee also estimated the carryover of 1973 crop prunes on July 31, 1974, to be about 53,000 tons. The total of about 208,000 tons would exceed 1974-75 trade requirements of about 177,000 tons, including a desirable carryout of about 29,000 tons, by about 31,000 tons. The Committee therefore recommended establishment of an undersized prune regulation for the 1974-75 crop year pursuant to § 993.49(c). Under this regulation, French variety prunes of a diameter of  $\frac{2\frac{3}{32}}$  inch or less, and non-French prunes of a diameter of  $\frac{2\frac{3}{32}}$  inch or less, would be undersized prunes. Undersized prunes could not be marketed by handlers for human consumption, but could be disposed of by them for nonhuman consumption purposes such as livestock feed. As indicated previously, undersized prunes received by handlers would not be subject to volume regulation. In addition, undersized prunes would not be inspected for the determination of grade defects. The Committee estimated that the 1974 production of California prunes would contain about 3,100 tons of undersized prunes. In order to establish an undersized regulation for the 1974-75 crop year, it is proposed that a new subpart be included in Part 993 (7 CFR Part 993) entitled Subpart—Undersized Prune Regulations, and the undersized prune regulation for that year included in a § 993.401 entitled Undersized prune regulation for the 1974-75 crop year.

Consideration will be given to any written data, views, or arguments pertaining to the proposals which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than August 19, 1974. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

<sup>1</sup>All data in natural condition weight.

The proposed percentages are based on the following estimates:

Item	Natural condition tons	Processed tons	Percent
1 Domestic trade demand.....	107,500		
2 Export trade demand.....	45,000		
3 Desirable carryout— July 31, 1975.....		30,000	
4 Total trade requirements.....	182,500		
5 Carryout July 31, 1974.....		54,338	
6 Trade demand for 1974 crop (item 4 minus item 5).....	124,429	128,162	
7 1974 production.....	155,000		
8 Less undersized.....		3,400	
9 Marketable content, new crop.....	151,900		
10 Apparent reserve.....	27,471		
11 Salable percentage (item 6 divided by item 9).....			82
12 Reserve percentage (100 percent minus item 11).....			18
13 Adjustment for possible errors in estimation.			
(a) Salable percentage (82 percent minus 7 percent).....			76
(b) Reserve percentage (18 percent plus 7 percent).....			25

The proposals follow:

1. The proposed percentages and handler reserve obligation are as follows:

§ 993.210 Salable and reserve percentages for prunes and handler reserve obligation for the 1974-75 crop year.

(a) Percentages. The salable and reserve percentages for the 1974-75 crop year shall be 75 percent and 25 percent, respectively.

(b) Reserve obligation. The reserve obligation of each handler shall, in accordance with § 993.56, be a weight of natural condition prunes equal to the sum of the results of applying the reserve percentages to the natural condition weight of each lot of prunes received by him from producers and dehydrators, excluding the quantity of undersized prunes determined pursuant to § 993.49(c). The reserve obligation shall be comprised of natural condition prunes by variety and standard and substandard grade, and shall be consistent with the receipt by field pricing size categories: *Provided*, That a handler's reserve obligation with respect to all prunes received from producers and dehydrators shall be the weighted average size count of prunes exclusive of undersized prunes in all such lots within each such category, as computed from inspection analysis.

(c) Field pricing size categories. The field pricing size categories by variety and grade expressed in minimum and maximum numbers of prunes per pound for each are as follows:

Standard French prunes—33 or less, 34/50, 51/60, 61/70, 71/80, 81/101, 102/121, and 122 or more;

Substandard French prunes—70 or less, 71/101, and 102 or more;

Standard non-French prunes—24 or less, 25/29, 30/33, 34/40; and

Substandard non-French prunes—70 or larger, 71/101 and 102 or more.

2. Add a new subpart, Subpart—Undersized Prune Regulation, to Part 993 (7 CFR Part 993) and include a § 993.401 in that subpart as follows:

**Subpart—Undersized Prune Regulation**  
§ 993.401 Undersized prune regulation for the 1974-75 crop year.

Pursuant to § 993.49(c), an undersized prune regulation for the 1974-75 crop year is hereby established. Undersized prunes are prunes which pass freely through a round opening as follows: for French prunes, 23/32 inch in diameter; for non-French prunes, 28-32 inch in diameter.

Dated: July 18, 1974.

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

[FR Doc. 74-16959 Filed 7-23-74; 8:45 am]

#### Farmers Home Administration

[7 CFR Part 1842]

[FmHA Instruction 449.1]

#### BUSINESS AND INDUSTRIAL LOANS

##### Eligibility Criteria

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendment to § 1842.12 of Part 1842, Chapter XVIII, Title 7, Code of Federal Regulations (38 FR 29047.) It is proposed that § 1842.12 be amended to provide for investigative procedures for establishing eligibility for guaranteed or insured loans.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before August 23, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours: (8:15 a.m.-4:45 p.m.).

As proposed § 1842.12 is amended to read as follows:

##### § 1842.12 Eligibility.

B&I loans may be guaranteed if they are made by approved lenders to eligible applicants for purposes of improving, developing, or financing business, industry, agribusiness, and employment, and improving the economic and environmental climate in rural areas. The applicant (including transferees), each partner, officer, director, key employee, or stockholder holding 20 percent or more interest in the applicant will submit 4 completed and executed copies of Form FmHA 449-4, "Statement of Personal History" to be used for investigative purposes in establishing eligibility for a guaranteed or insured loan.

((7 U.S.C. 1989); delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of au-

thority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

Dated: July 15, 1974.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc. 74-16869 Filed 7-23-74; 8:45 am]

#### DEPARTMENT OF LABOR

##### Occupational Safety and Health Administration

[29 CFR Parts 1903, 1952, and 1954]

[Docket No. SP-3]

#### STATE POSTERS

##### Requirements for Approval

Notice is hereby given that under the authority of sections 8(c)(1), 8(g)(2), and 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(c), 657(g), and 667) (hereinafter called the Act), it is proposed to amend 29 CFR Part 1952, "Approved State Plans for Enforcement of State Standards", by adding to Subpart A, "General Provisions and Conditions", a new § 1952.10 providing for coordination of the requirements for informing employees of certain protections and obligations under both State and Federal law in States with approved plans.

Under section 8(c)(1) of the Act, as implemented by § 1903.2 of this chapter, employers are required to post and keep posted a notice, furnished by the Occupational Safety and Health Administration, U.S. Department of Labor, stating the protections and obligations provided for in the Act and where assistance and further information may be obtained. Violations of these provisions are subject to civil penalties under section 17(i) of the Act.

Under approved plans, States are likewise required to provide that employees be informed of their protections and obligations under State law by such means as posting notices. Violations of these requirements must be subject to "at least as effective" enforcement provisions (§ 1902.4(c)(2)(iv) and (xi) of this chapter). In addition, under regulations dealing with evaluation and monitoring of approved State plans, 29 CFR Part 1954, States must provide a means for informing employees, employers and members of the public of their right to complain to the Occupational Safety and Health Administration about State program administration (§ 1954.22 of this chapter).

In order to assure continuity of the employees' right to information, including specificity of information on rights and obligations during the period of Federal-State authority under section 18(e) of the Act, to implement Federal monitoring responsibilities under section 18(f) of the Act, and to eliminate duplication of posting requirements on employers so far as practicable, it is proposed that in States with approved plans, posters developed under State law will be considered, under certain conditions,

to fulfill the Federal posting requirements with regard to issues covered under the State plan. This requirement for a State poster is consistent with the provisions in approved State plans since all of the State plans approved to date provide for meeting these obligations through the provision of posting requirements as under the Federal program. If in the future a State presents an "at least as effective" alternative to posting, the requirements for that State will be considered on an individual basis.

Under this proposal, States with plans approved under section 18(c) of the Act, would develop a poster informing employees of (1) their protections and obligations under applicable State law; (2) the issues not covered by the State plan; and (3) the continuing availability of Federal monitoring under section 18(f) of the Act.

It is proposed that in developing its poster, the State would address but not be limited to, the following items: responsibilities of the State, the employers and employees; the right of employees to request workplace inspections; the right of employees making such requests to remain anonymous; the right of employees to participate in inspections; provisions for prompt notice to employers and employees when alleged violations occur; protections for employees against discharge or discrimination under Federal and State law; sanctions; a means of obtaining further information on State law and standards and the address of the State agency; the right to file complaints with the Occupational Safety and Health Administration about State program administration; a list of the issues as defined in § 1902.2(c) of this chapter which will not be covered by State law and which will therefore be covered by Federal law; the address of the Regional Office of the Occupational Safety and Health Administration; and any additional employee protections or obligations under State law beyond those provided by the Act and regulations thereunder. Examples of the latter item would include, Alaska's provision for payment to employees for time spent accompanying an inspector [Alaska decision § 1952.240(b) (3), 38 FR 21630], and Iowa's provision for limited employee sanctions [Iowa decision § 1952.160(a) (2), 38 FR 19368].

The requirements set out above are based on the language of the Federal poster required under § 1903.2 of this chapter, and regulations in §§ 1954.3 and 1954.22 of this chapter dealing with monitoring of approved State plans. An approved State poster would satisfy the requirements of § 1954.22 of this chapter to the extent that it relates to employers and employees. Notice to the public of the opportunity to file complaints about State program administration must still be provided under § 1954.22 of this chapter.

Because section 18(a) of the Act requires Federal jurisdiction in areas not covered by State plans, these posting requirements include a provision for listing

issues exempted from State coverage. Those employers whose operations are within these issues will be required to continue to post the Federal poster as stated in § 1903.2(a)(1) of this chapter.

Conforming amendments to 29 CFR Part 1903, "Inspections, Citations and Proposed Penalties", and 29 CFR Part 1954, "Procedures for the Evaluation and Monitoring of Approved State Plans", are also proposed to assure a uniform policy for informing employees of their protections and obligations. The proposed amendment to § 1903.2 of this chapter also includes a provision for the minimum size of the poster and the printing so that the use of reproductions or facsimiles may constitute compliance with these regulations.

A State poster meets the posting requirements of section 8(c)(1) of the Act if it has been approved by the Assistant Secretary in accordance with the procedures for approval of developmental steps to State plans in Subpart B of Part 1953. A State may also request an advisory opinion from the Assistant Regional Director for the Occupational Safety and Health Administration in accordance with Subpart F of Part 1953. An affirmative advisory opinion on the State poster will, in accordance with § 1953.51(b)(2), permit recognition of the State poster under section 8(c)(1) of the Act. An advisory opinion request must, of course, be followed by submission of the State poster in accordance with Subpart B of Part 1953 on procedures for approval of developmental steps. Such Federal recognition of State action is consistent with the Assistant Secretary's discretion under section 18(e) of the Act.

Interested persons are given until August 23, 1974, to submit to the Associate Assistant Secretary for Regional Programs, [Docket No. SP-3], Room 850, 1726 M Street N.W., Washington, D.C. 20210, written comments, suggestions, or objections, regarding the proposed new § 1952.10 and conforming amendments to 29 CFR 1903.2 and 29 CFR 1954.3 as set out below. Comments received will be available for public inspection and copying during normal business hours at the above address. The proposed rules may be revised prior to final publication to reflect suggestions made by the comments.

In consideration of the foregoing, it is proposed to amend Chapter XVII of Title 29, Code of Federal Regulations as follows:

1. A new § 1952.10 in Subpart A of Part 1952 would be added to read as follows:

**§ 1952.10 Requirements for approval of State posters.**

(a)(1) In order to inform employees of their protections and obligations under applicable State law, of the issues not covered by State law, and of the continuing availability of Federal monitoring under section 18(f) of the Act, States with approved plans shall develop a State poster meeting the requirements set out in paragraph (3) below.

(2) Such poster may be substituted for the Federal poster under section 8(c)(1) of the Act and § 1903.2 of this chapter where the State attains operational status for the enforcement of State standards as defined in § 1954.3 of this chapter.

(3) In developing the poster, the State shall address but not be limited to the following items:

- (i) responsibilities of the State, employers and employees;
- (ii) the right of employees to request workplace inspections;
- (iii) the right of employees making such requests to remain anonymous;
- (iv) the right of employees to participate in inspections;
- (v) provisions for prompt notice to employers and employees when alleged violations occur;
- (vi) protection for employees against discharge or discrimination under Federal and State law;
- (vii) sanctions;
- (viii) a means of obtaining further information on State law and standards and the address of the State agency;
- (ix) the right to file complaints with the Occupational Safety and Health Administration about State program administration;

(x) a list of the issues as defined in § 1902.2(c) of this chapter which will not be covered by the State plan;

(xi) the address of the Regional Office of the Occupational Safety and Health Administration; and

(xii) such additional employee protection provisions and obligations under State law as may have been included in the approved State plan.

(b) Posting of the State poster shall be recognized as compliance with the posting requirements in section 8(c)(1) of the Act and § 1903.2 of this chapter, provided that the poster has been approved in accordance with Subpart B of Part 1953. Interim approval may be obtained by requesting an advisory opinion under Subpart F of Part 1953. Continued Federal recognition of the State poster is also subject to pertinent findings of effectiveness with regard to the State program under 29 CFR Part 1954.

2. Section 1903.2(a) would be renumbered to read (a)(1) and a new (a)(2) and (3) would be added to read as follows:

**§ 1903.2 Posting of notice; availability of the Act, regulations and applicable standards.**

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

(2) Where a State has an approved poster informing employees of their protections and obligations as defined in § 1952.10 of this chapter, such poster, when posted by employers covered by the State plan, shall constitute compliance with the posting requirements of section 8(c)(1) of the Act. Employers whose operations are not within the issues covered by the State plan must comply with paragraph (a)(1) of this section.

(3) Reproductions or facsimiles of such posters shall constitute compliance

with the posting requirements of section 8(c) (1) of the Act where such reproductions or facsimiles are at least 10½ inches by 15¾ inches, and the printing size is at least 10 pt. Where the size of the poster increases, the size of the print shall also increase accordingly.

3. Section 1954.3 formerly "[Reserved]" is amended by adding a new paragraph (d) (1) (ii) as follows:

§ 1954.3 Concurrent authority.

(d) (1) \* \* \*

(ii) Subject to pertinent findings of effectiveness under this part, and approval under Subparts B and F of Part 1953, Federal enforcement proceedings will not be initiated where an employer has posted the approved State poster in accordance with the applicable provisions of an approved State plan and § 1952.10 of this chapter.

(Secs. 8, 18; Pub. L. 91-506, 84 Stat. 1598, 1608; (29 U.S.C. 657, 667))

Signed at Washington, D.C., this 16th day of July 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc.74-16865 Filed 7-23-74;8:45 am]

DEPARTMENT OF  
TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 74-CE-12]

TRANSITION AREA

Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to designate a transition area at Clarinda, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 23, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A public use instrument approach procedure (NDB) has been developed for the Clarinda, Iowa, Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this approach procedure by designating a transition area at Clarinda, Iowa.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation regulations as hereinafter set forth:

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

CLARINDA, IOWA

That airspace extending upward from 700 feet above the surface within a five mile radius of Clarinda Municipal Airport (latitude 40°43'30" N, longitude 95°01'30" W); within three miles each side of the 169° bearing from the Clarinda Municipal Airport extending from the five mile radius to eight miles south of the airport; and that airspace extending upward from 1200 feet above the surface within 4½ miles west and 9½ east of the 169° bearing of the Clarinda Municipal Airport to 18½ miles south of the airport.

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

Issued in Kansas City, Missouri, on July 5, 1974.

A. L. COULTER,  
Director, Central Region.

[FR Doc.74-16850 Filed 7-23-74;8:45 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 74-CE-15]

TRANSITION AREA

Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to designate a transition area at Belleville, Kansas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 23, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Build-

ing, 601 East 12th Street, Kansas City, Mo. 64106.

Public-use instrument approach procedures are being developed for the Belleville, Kansas, Municipal Airport utilizing the Mankato, Kansas, VORTAC and a non-directional radio beacon (NDB) located at the Belleville Municipal Airport. Accordingly, it is necessary to designate a transition area at Belleville, Kansas, to provide airspace protection for aircraft executing these approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation regulations as hereinafter set forth:

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

BELLEVILLE, KANSAS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Belleville Municipal Airport (latitude 39°49'00" N, longitude 97°39'00" W); within 3 miles each side of the 356° bearing from the Belleville Municipal Airport, extending from the 5-mile radius to 8 miles north of the airport and within 5 miles each side of the 269° bearing from the Belleville Municipal Airport, extending from the 5-mile radius to 17 miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles west and 9.5 miles east of the 356° bearing of the Belleville Municipal Airport extending from the airport to 18.5 miles north of the airport; and within 5 miles north and 9.5 miles south of the 269° bearing extending from the Belleville Municipal Airport to 22 miles west of the airport; and within 5 miles each side of the 269° bearing of the Belleville Municipal Airport from the 22-mile extension to the Mankato VOR.

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

Issued in Kansas City, Missouri, on July 8, 1974.

A. L. COULTER,  
Director, Central Region.

[FR Doc.74-16651 Filed 7-23-74;8:45 am]

ENVIRONMENTAL PROTECTION  
AGENCY

[ 40 CFR Part 52 ]

[FRL 232-6]

STATE IMPLEMENTATION PLANS

West Virginia: Proposed Compliance  
Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for attainment, maintenance, and enforcement of the national ambient air quality standards throughout the State. Each plan is to contain legally enforceable compliance schedules setting forth the dates by which all stationary and mobile sources must be in compliance with any applicable requirement of the plan.

On May 31, 1972 (37 FR 10899), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator

approved West Virginia's State Implementation Plan. This implementation plan was required to contain compliance schedules meeting the requirements of 40 CFR 51.15.

West Virginia Regulation X "To Prevent and Control Air Pollution from the Emission of Sulfur Oxides" is a future effective regulation which extends the time for compliance until June 30, 1975. Therefore, pursuant to 40 CFR 51.15(a) (2), West Virginia was required to submit compliance schedules including increments of progress no later than February 15, 1973.

West Virginia did not submit the required compliance schedules by February 15, 1974. Therefore, on June 20, 1973, at 38 FR 16171, the Administrator, while encouraging the State to submit approvable schedules, proposed compliance schedules, categorical in nature, for certain sources subject to the requirements of Regulation X. A public hearing on the proposal was held in Charleston, West Virginia on July 17, 1973. After due consideration of the hearing record, categorical compliance schedules were promulgated on August 23, 1973, at 38 FR 22736 and amended on September 7, 1973, at 38 FR 24333.

On July 13, 1973, prior to the promulgation of the categorical schedule, West Virginia submitted compliance schedules, as part of its plan, pursuant to 40 CFR 51.15(a) (2). In addition, West Virginia submitted compliance schedules subsequent to the promulgation of the categorical schedule, as revisions to the implementation plan, pursuant to 40 CFR 51.6. This publication proposes that certain of the schedules be approved. Others in both categories are still undergoing review and cannot be proposed for approval at this time. Each proposed schedule establishes a date by which an individual air pollution source must attain compliance with an emission limitation of the State Implementation Plan. This date is indicated in the attached table under the heading "Final Compliance Date." In all cases, the schedule includes incremental steps toward compliance with interim dates for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. All of the compliance schedules listed here are available for public inspection at the following locations:

Environmental Protection Agency  
Region III  
Curtis Building  
Sixth and Walnut Streets  
Philadelphia, Pennsylvania 19106  
West Virginia Air Pollution Control Commission  
1558 Washington Street, East  
Charleston, West Virginia 25311  
Freedom of Information Center  
Environmental Protection Agency  
401 M Street, SW  
Washington, D.C. 20460

Each compliance schedule has been adopted by the West Virginia Air Pollution Control Commission and submitted to EPA after notice and public hearing

in accordance with the procedural requirements of 40 CFR Part 51. Each also satisfies the substantive requirements of 40 CFR Part 51 pertaining to compliance schedules, and has been determined to be consistent with the approved control strategies for the State of West Virginia.

Upon promulgation of the approval of these compliance schedules in the FEDERAL REGISTER, said schedules shall supersede and revoke the Federally promulgated categorical compliance schedule for the affected sources.

This notice is issued to advise the public that comments may be submitted on whether the proposed revisions to the West Virginia State Implementation Plan should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received within thirty days from publication of this notice will be considered. The Administrator's decision to approve or disapprove the proposed revisions is based upon the

requirements of section 110(a) (2) (A-H) of the Clean Air Act and Environmental Protection Agency regulations published in 40 CFR, Part 51. Comments should be directed to Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attention: Marc E. Gold.

(42 USC § 1857c-5)

Dated: June 20, 1974.

DANIEL SNYDER,  
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart XX—West Virginia

Section 52.2524(c) is amended by revising the table as follows:

§ 52.2524 Compliance schedules.

(c) \* \* \*

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Allied Chemical Co.	Moundsville	X	Oct. 26, 1972	Immediately	June 1, 1975
American Cyanamid	Willow Island	X	Dec. 7, 1972	do	Feb. 1, 1975
E.I. du Pont de Nemours & Co., Inc.	Belle	X <sup>1</sup>	July 2, 1973	do	June 30, 1974
FMC Corp.	South Charleston	X <sup>1</sup>	July 6, 1973	do	Do.
Monsanto	Nitro	X <sup>1</sup>	July 11, 1973	do	Do.
PPG Industries, Inc.	New Martinsville	X	July 6, 1973	do	July 1, 1975
Weirton Steel Division National Steel Corp.	Weirton	X	July 18, 1973	do	Apr. 15, 1975
Do	do	X <sup>1</sup>	Oct. 26, 1972	do	Dec. 31, 1974
Wheeling-Pittsburgh Steel Corp.	Follansbee	X <sup>1</sup>	June 27, 1973	do	June 30, 1975
Do	do	X	Sept. 20, 1973	do	Sept. 30, 1974
Union Carbide Corp.	Sistersville	X	Dec. 14, 1972	do	Dec. 30, 1974
PPG Industries	Natrium	X	Dec. 7, 1972	do	July 1, 1975

<sup>1</sup> Process.

[FR Doc.74-16708 Filed 7-23-74; 8:45 am]

[ 40 CFR Part 180 ]

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

Thiabendazole; Proposed Tolerance

Dr. C. C. Compton, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee, the U.S. Department of Agriculture, the Agricultural Experiment Station of Maine, the Maine Department of Agriculture, and the Maine Potato Commission submitted a petition (PP 4E1478) proposing establishment of a tolerance for negligible residues of the fungicide thiabendazole (2-(4-thiazolyl)benzimidazole) in or on the raw agricultural commodity potatoes, which have been grown from seed potatoes treated with the fungicide, at 0.1 part per million.

Based on consideration given 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 proposed.
2. There is no reasonable expectation of residues in eggs, meat, and poultry, and § 180.6(a) (3) applies.

3. The existing tolerance for residues in milk is adequate to cover residues resulting from the proposed and established uses, and § 180.6(a) (2) applies.

4. The proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e))), it is proposed that § 180.242 be amended by inserting the new paragraph "0.1 part per million (negligible residue) \* \* \*" after the paragraph "0.1 part per million for combined residues \* \* \*", as follows:

§ 180.242 Thiabendazole; tolerances for residues.

\* \* \*  
0.1 part per million (negligible residue) in or on potatoes which have been grown from seed potatoes treated with thiabendazole.  
\* \* \*

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, by August 23, 1974, that this proposal be referred to

an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room B-1, East Tower, 401 M Street, SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received by August 23, 1974 and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: July 18, 1974.

JOHN B. RITCH, Jr.,  
Director, Registration Division.

[FR Doc.74-16961 Filed 7-23-74; 8:45 am]

[ 40 CFR Part 180 ]

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

**Perchloroethylene; Proposed Exemption From Tolerance**

On the initiative of the Administrator, it is proposed that perchloroethylene, when used as a solvent or cosolvent, be exempted from the requirement of a tolerance when used in accordance with good agricultural practice as an inert (or occasionally active) ingredient in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest. The maximum percentage in the formulation is to be limited to 0.6 percent.

Based on available data it is concluded that:

1. The pesticide is useful for the purpose for which the exemption is proposed.
2. The proposed exemption will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e))), it is proposed that § 180.1001 be amended by alphabetically inserting a new item in the table in paragraph (c), as follows:

**§ 180.1001 Exemptions from the requirement of a tolerance.**

(c) \* \* \*

Inert Ingredients	Limits	Uses
Perchloroethylene.	Not more than 0.6 percent of pesticide formulation.	Solvent, cosolvent.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, by August 23, 1974 that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room B-1, East Tower, 401 M Street, SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received by August 23, 1974 and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: July 18, 1974.

JOHN B. RITCH, Jr.,  
Director, Registration Division.

[FR Doc.74-16962 Filed 7-23-74; 8:45 am]

**FEDERAL COMMUNICATIONS COMMISSION**

[ 47 CFR Part 73 ]

[Docket No. 19622]

**PRIME TIME ACCESS RULE**

**Further Notice Inviting Comments**

In the matter of consideration of the operation of, and possible changes in, the prime time access rule, § 73.658(k) of the Commission's rules.

1. In this Further Notice, the Commission invites comments on various matters mentioned in the recent decision of the United States Court of Appeals for the Second Circuit, reversing in part the Commission's decision of January 1974 (Docket 19622) which made changes in the prime time access rule, § 73.658(k) of the Commission's rules.<sup>1</sup>

2. The Docket 19622 proceeding was an investigation of the rule and its operation, looking toward any necessary modification, whether the rule should be retained in its existing form, or abolished. In January of this year, the Commission decided the matter in favor of a number of modifications,<sup>2</sup> and this decision was appealed to the U.S. Court of Appeals for the Second Circuit. The Court reached its

decision in June,<sup>3</sup> and enjoined the changes made by the Commission from becoming effective before September 1975. All petitions<sup>4</sup> were otherwise dismissed without prejudice to their being brought again in light of any subsequent Commission decision. The Court did not remand the case to the Commission for further proceedings (except as to setting a new effective date) and did not give any specific instructions, but did say that it would be helpful for the Commission to reconsider what it had done, and mentioned a number of specific areas where the Court believed the Commission could have given greater or more precise consideration.<sup>5</sup>

3. Docket No. 19622 was a lengthy and complicated proceeding, with participation by some 63 different interested organizations and individuals, who filed extensive comments, and, in some instances, participated in an oral argument which lasted two days.<sup>6</sup> The Commission does not wish to burden these participants or other parties with redoing what they have already done; therefore, where matters raised in this Further Notice have already received discussion, and conditions remain substantially unchanged, interested parties are encouraged to state their positions, and where possible, to refer the Commission to previous presentations. Where new issues or conditions have arisen, or where previously filed material requires amendment or updating, interested parties may file whatever materials they believe necessary for the Commission to deal with the questions raised in this Further Notice. Also, as discussed below, we welcome comments from groups and in-

<sup>1</sup> National Association of Independent Television Producers and Distributors (NAITPD), et al. v. FCC, Case Nos. 74-1168, 74-1283 and 74-1348, decided June 18, 1974. Reconsideration of the Court's decision has been sought by appellants Warner Bros., et al., which automatically stays the Court's mandate until it is disposed of. However, in view of the need for expedition in this matter, we are proceeding with the issuance of this Further Notice. Further action herein is, of course, subject to any further Court action which may be taken.

<sup>2</sup> Petitions for review were filed on behalf of National Association of Independent Television Producers and Distributors (NAITPD); Westinghouse Broadcasting Company, Inc. (Westinghouse); Warner Bros., Inc. and Columbia Pictures Industries, Inc. (Warner and Columbia). Intervenor in the case were: American Broadcasting Companies, Inc. (ABC); CBS Inc. (CBS); National Broadcasting Company, Inc. (NBC); Time-Life Films, Inc. (Time-Life); MCA, Inc. (MCA); National Committee of Independent Television Producers (NCITP); and Samuel Goldwyn Productions (Goldwyn). Sandy Frank Co. (Sandy Frank) filed as Amicus Curiae and the Department of Justice filed on behalf of the Respondent United States of America.

<sup>3</sup> These recommendations for further inquiry from the court are considered in greater detail in paragraphs 5-13, infra. The matter of the effective date of the rules is discussed in paragraph 4.

<sup>4</sup> A compilation of participants is contained in Appendix B of the Report and Order, 44 FCC 2d at 1150-1152.

<sup>1</sup> Report and Order in Docket No. 19622, 44 FCC 2d 1081 (1974).

<sup>2</sup> 44 FCC 2d at 1131.

dividuals of the character mentioned by the Court, such as minority groups and consumer groups.

4. Essentially, the purpose of this Further Notice is to invite comments—hopefully more than repetition—on the specific matters mentioned by the Court and also from the kinds of groups and individuals who the Court appeared to believe had not been sufficiently heard from in this proceeding. In light of these comments, we will carefully review our decision. But the material filed in response to this Further Notice (or filed earlier and referred to by parties now) will be thoroughly considered and our decision reviewed in light of it. As a result of this inquiry, our decision could remain essentially unchanged, the original rule could be retained, some resolution between these alternatives could be reached, further modifications could be made resulting in less "cleared" time, or conceivably the rule could be repealed.<sup>7</sup> Whatever the Commission decides regarding the substance of the rule, the question of the effective date must also be considered, and therefore, comment is also invited as to the date each of the possible alternatives should become effective.

#### MATTERS MENTIONED BY THE COURT'S OPINION

5. The Court stated that the Commission may wish to take advantage of the additional year to reconsider its changes in the rule,<sup>8</sup> and mentioned certain particular matters as to which it suggested further consideration or exploration. Three of these are economic matters (the network-dominance argument mentioned in footnote 7, the effect of the rule on competition, and the "impact on Hollywood"); and the Court suggested also that we seek the views of groups who had not previously participated to a great extent, mentioning in this connection three other matters: Television advertising, as to which consumer groups might be helpful; the character of program-

<sup>7</sup> Of the six specific points as to which the Court expressed the view that further exploration would be helpful, three are matters primarily urged in the proceeding by Warner Bros. and similar opponents of the rule as reason for its repeal (some of whom were appellants before the Court). The three points are: Network dominance has been increased by the rule; the lessened production activity resulting from the rule has had an adverse "impact on Hollywood;" and the rule has resulted in more commercial advertising during the access period.

<sup>8</sup> The changes made in the January 1974 decision were: (1) removal of all restrictions from Sunday (the networks planned to program four hours of prime time starting this fall); (2) removal of all restrictions from the first half-hour of prime time (7-7:30 p.m. e.t., etc.); (3) tying "cleared" access time specifically to the 7:30-8 p.m. e.t. period Monday-Saturday; (4) providing that one of these six "cleared" half-hours may be used for network and off-network children's "specials," documentary or public affairs programming (the networks had planned to make considerable use of the Saturday half-hour for these kinds of programs); and (5) barring feature film from the access half-hours.

ming with respect to minority needs (as to which minority groups might be consulted); and "playwrights and actors on the effects of the rule on their professions." (The list was said to be neither binding nor exclusive).

6. *The rule and network control or dominance.* The first matter which the Court believed the Commission should consider further was the question of whether the justification for the rule in 1970-71—as a means to lessen network domination of prime time television—is valid in practice. The Court cited arguments made by Warner Bros., and a statement contained in a report of the Commission's economist<sup>9</sup> to the effect that the rule had actually strengthened the position of the networks. The Court indicated that the Commission's finding that such arguments were "somewhat speculative"<sup>10</sup> may not be enough, stating:

The Commission might accept an opposing view or formulate its own conclusions, so long as it fully explains its reasons for so doing.<sup>11</sup>

Parties may wish to submit factual, comparative and current, data as to prices charged advertisers by networks, prices the networks pay producers for programs, the extent to which any differences in these respects result from the rule (rather than other factors such as inflation), the extent to which the network-owned stations buy syndicated programs as a group and such sale is necessary to a program's success, and the present and past extent of station preemptions of network prime time programs (with some indication as to whether any decline is attributable to the rule or to other factors such as longer network programs).

7. *Effect on competition.* The Court noted that the Department of Justice had not participated in Docket No. 19622 until the time of the review by the Court, when a brief was filed which stated that the modification of the rule "represents \* \* \* a serious weakening of its basic purpose \* \* \*," to reduce the threat to diversity in broadcasting represented by the concentration of programming control in the three television networks.<sup>12</sup> The Court went on to state that the national policy favoring competition is one the Commission should consider, that the views of the Department of Justice would be relevant, and that the Court's review would be facilitated if the Commission would solicit these views.<sup>13</sup>

<sup>9</sup> "The Economic Consequences of the Federal Communications Commission's Prime-Time Access Rule on the Broadcasting and Program Production Industries," by Dr. Alan Pearce (September 1973). Page 1.

<sup>10</sup> 44 FCC 2d at 1140-41.

<sup>11</sup> NAITPD, et al. v. FCC, footnote 3, *supra*.

<sup>12</sup> NAITPD et al. v. FCC, Brief for the United States of America, p. 2. The Department of Justice went on to say, however, that the Commission had acted within its statutory powers, had considered the relevant factors and made a rational decision. The Court stated that the Department's brief does not give any factual basis for the argument that the rule works to lessen network dominance, and does not show awareness of the Commission's economist's statement.

<sup>13</sup> NAITPD, et al. v. FCC, footnote 3, *supra*.

8. We will solicit the views of the Department of Justice on this question, and invite comments from other parties on it. The Court did not specify what is meant by the rather general term "competition"; it is obvious that the matter has a number of different aspects which parties may wish to discuss, including: (1) competition among producers and distributors of programs and types of programs (bearing in mind the extent to which prime time network and first-run syndicated programming respectively tend to represent the output of a small number of producers); (2) competition among stations, e.g., network affiliates and independents; (3) competition among business enterprises generally to the extent that the rule facilitates local and regional advertising rather than advertising by large national concerns; and (4) the general "competition" among programs and ideas for the attention and education of the public.

9. *"Impact on Hollywood" and employment in production and distribution.* The final economic question raised by the Court is the effect of the Commission's decision upon employment patterns in the United States program production industry, or the "impact upon Hollywood." The Court found the Commission's lengthy discussion of this question and the conclusions thereon "ambiguous" and requested a more decisive statement from the Commission on whether this is a legitimate matter of concern for the Commission, what the impact of the rule is upon domestic program production employment, and how this impact is evaluated in the decision.<sup>14</sup>

10. Of the various areas mentioned by the Court, this is perhaps the most difficult, which, if required to be pursued in its entirety, might well preclude any decision within a reasonable period. We are not prepared at this time to answer the threshold question of relevance. Parties may wish to comment on this question and on the factual content of the subject; it is hoped that those discussing the facts will deal with:

(a) the number of persons involved in producing network and first-run syndicated programs of various types and lengths;

(b) the number of persons involved in network and syndicated program distribution and in network and individual station sale of the access time involved.

(c) the number of persons involved in local program production to the extent locally produced programming is increased under the original rule and under the revised rule.

(d) the extent to which use of foreign-produced material is increased under the rule (original or revised) and the impact of any such increase on U.S. production activity and employment.

11. Views of other groups. The remaining matter which the Court believed the Commission had not paid sufficient

<sup>14</sup> 44 FCC 2d at 1141 and 1157-1161.

<sup>15</sup> NAITPD, et al. v. FCC, footnote 3 *supra*.

attention to might be called the views of the unrepresented. The Court stated that the Commission has a fundamental obligation to further the public interest, particularly when the question has broad impact on the public by directly affecting what millions of Americans watch each night on their television sets, and that the Commission's decision was too much a compromise among opposing private interests. While not holding the Commission's efforts insufficient as a matter of law, the Court suggested that the Commission could have done more. The Court recommended that the Commission consult consumer groups and others on the effect of the rule on increased amounts of advertising on television during prime time; minority groups on the impact of the rule on programming for minorities; and writers and actors as to the effect of the rule on their professions. It was said that these were only suggestions, and not to be considered a binding or exclusive list.<sup>16</sup>

12. Although not noted in the Court's opinion, there was participation in this proceeding by entities of these categories—three "public" groups and two minority-group members appearing for themselves but concerned with minority problems.<sup>17</sup> Actors and playwrights participated to the extent they were represented by Screen Actors Guild and Writers Guild of America West, whose participation the Court noted. The views of these parties were carefully considered, although, as far as the "public" and minority-group parties were concerned, their views were not discussed as such in our January Report and Order (the discussion related to similar views of other parties elaborated at greater length). As the Court noted, our decision also took into account public reaction in another respect—feelings of parents, teachers and children that the rule resulted in an undesirably late start for children's "specials."

13. We invite and solicit comments from parties of these types, and the public generally, concerning the merits of the rule and, in particular, the following three subjects particularly mentioned by the Court:

(a) Views of "consumer" groups, and viewers generally, concerning the amount of advertising on television during the access period, compared to what would be presented if network programs were being carried instead. As indicated in paragraph 9, above, parties are also invited to comment on a matter which is to some extent the other side of this question—the benefit of increased opportunity for local and regional advertisers to present their messages during prime time.

(b) Views of minority groups, and minority-group members, concerning access-period programming as compared to network programming, particularly in relation to meeting the needs and interests of minority groups.

(c) Views of those creatively involved in the program production process—including actors, playwrights, musicians and other performers—concerning the impact of the rule on their professions and opportunity therein.<sup>18</sup>

#### CONCLUSION AND OTHER MATTERS

14. To summarize the foregoing comments are invited as follows (subject to the caveat in paragraph 3, above, about referring to, rather than repeating, material already submitted):

(a) by interested parties on the subjects mentioned in paragraphs 6 to 11 and 13, above:

(1) the rule (original and as modified) and network control or dominance (paragraph 6);

(2) the rule (original and as modified) and competition; the views of the Department of Justice are particularly sought (paragraphs 7-8);

(3) the effect of the rule (original and as modified) on employment in the production industry and in broadcasting, including persons creatively involved in the production process on their professions and opportunities (paragraphs 9, 10, and 13);

(4) the date of effectiveness of any of the various possible resolutions (retaining the modified rule; returning the original rule; some intermediate resolution between these two possibilities; further modification resulting in less "cleared" time; or repeal of the rule, as well as the matters specifically mentioned above.

(b) by entities other than those having a direct economic interest in this proceeding—e.g., consumer and public groups, minority groups, and members of the public—concerning the merits of the original and revised rule generally.

15. Time for comments and effective date. In order to remove the existing uncertainty as quickly as possible, the Commission is persuaded that a decision should be reached early this fall. Accordingly, we are allowing slightly more than five weeks for comments and two weeks for replies, in order that a decision may be made promptly. Considering the extent to which the various aspects of this general subject have already been explored, with participation by many of the parties with a direct economic interest, these periods appear sufficient. No extensions of time beyond the dates set herein are contemplated.

16. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 16, 1974, and

<sup>18</sup> To the extent that such persons are represented by guilds such as SAG and the Writers Guild, they have already participated and may do so in this manner again. However, AFTRA did not participate earlier, and individual expressions from such persons are also welcome.

reply comments on or before August 30, 1974. All relevant and timely comments and reply comments will be considered by the Commission before action is taken herein. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

17. Section 1.419 of the Commission's rules requires that an original and 14 copies of all comments, replies, pleadings, briefs, etc., shall be filed with the Commission. This requirement will apply to the principal parties directly involved in this matter, such as the court appellants and intervenors, the networks, station licensees, etc. However, in the interest of facilitating comment from the viewing public, the 14-copy and format requirements will not apply to letters and other expressions from individuals. Such comments will be considered and placed in the docket. Also, the rather substantial material already filed herein should not be filed again, but incorporated by reference. Material filed will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its headquarters in Washington, D.C. and also at the office of the Commission's Office of Network Study.

18. This further proceeding is instituted pursuant to § 1.421 of the Commission's rules, and authority contained in section 403, and sections 3(p), 4(i), 303 (b), (g), (i) and (r), 313, 314 and 315 of the Communications Act of 1934, as amended.

Adopted: July 9, 1974.

Released July 17, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>19</sup>

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.74-16883 Filed 7-23-74; 8:45 am]

[47 CFR Part 73]

[Docket No. 20016]

#### AM-FM PROGRAM DUPLICATION

#### Order Extending Time for Filing Comments and Reply Comments

1. On April 10, 1974, the Commission adopted a notice of proposed rulemaking in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on April 22, 1974, 39 FR 14228. The dates for filing comments and reply comments are July 25 and August 26, 1974, respectively.

2. On July 11, 1974, the National Association of FM Broadcasters (NAFMB), requested a 30-day extension of time for filing comments and reply comments to and including August 26 and September 30, 1974, respectively. NAFMB states that it has been devoting practically all of its available time and limited resources to the pending proposed legislation having

<sup>19</sup> Commissioners Lee, Reid and Hooks concurring in the result.

<sup>16</sup> NAITPD, et al v. FCC, footnote 3, supra.

<sup>17</sup> The three public groups—American Civil Liberties Union, National Citizens Committee for Broadcasting, and Action for Children's Television—supported the original rule; the two minority-group individuals opposed it, and the Guilds and other Hollywood labor organizations opposed it and urged its repeal. The SAG minority committee participated in the oral argument, opposing the rule.

to do with all-channel AM and FM receiving sets and also has actively participated in preparing for and participating in the hearings already held in the Senate. It adds that it is now preparing for its 1974 Annual Meeting and Convention to be held in October in New Orleans. It asserts that for these reasons it will not be possible to gather the information and obtain the views of Association's officers and members that will be

required to prepare meaningful comments in this proceeding.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered*, That the date for filing comments and reply comments is extended to and including August 26, and September 30, 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 and released: July 16, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc.74-16895 Filed 7-23-74;8:45 am]

# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF THE TREASURY

### U.S. Customs Service

[T.D. 74-203]

#### CUT FLOWERS FROM COLOMBIA

##### Conditional Negative Countervailing Duty Determination

In the FEDERAL REGISTER of March 8, 1974 (39 FR 9213), the Commissioner of Customs announced that information has been received in proper form pursuant to § 159.47(b) of the Customs Regulations (19 CFR 159.47(b)) which appeared to indicate that certain payments, bestowals, rebates or refunds granted by the Government of Colombia upon the manufacture, production, or exportation of cut flowers constituted the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the payments, bestowals, rebates, or refunds apply. The notice further provided interested parties until April 8, 1974 to submit data, views, or arguments with regard to the existence or nonexistence and the net amount of a bounty or grant.

An investigation was conducted pursuant to § 159.47(d) of the Customs Regulations (19 CFR 159.47(d)).

It has been ascertained that payments were made by the Government of Colombia upon the exportation of cut flowers which would have constituted a bounty or grant of 10.2 percent of the dutiable value of the flowers. The Government of Colombia has taken action, effective July 17, 1974, however, to require that such payments will not be made to the producers of the merchandise but will remain within the sole control of the Government of Colombia by being paid instead to an agency thereof. Because of the very recent nature of the action by the Colombian Government and the desire of the Treasury Department to afford interested persons an opportunity to comment on it, it was not deemed appropriate to make the final determination effective immediately.

Accordingly, it has been determined conditionally that no bounty or grant within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), is being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of cut flowers from Colombia.

Interested persons are invited to submit any relevant data, views, or arguments with respect to this conditional negative determination in writing to the

Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20229, in time to be received by his office not later than August 13, 1974.

This determination will become final August 23, 1974 in the absence of publication in the FEDERAL REGISTER of any further notice to the contrary.

(R.S. 251, secs. 303, 624; 46 Stat. 687, 759 (19 U.S.C. 66, 1303, 1624))

[SEAL] VERNON D. ACREE,  
Commissioner of Customs.

Approved: July 19, 1974.

DAVID R. MACDONALD,  
Assistant Secretary of the Treasury.

[FR Doc.74-16968 Filed 7-23-74; 8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### MONTICELLO DISTRICTS 6 AND 9 ADVISORY BOARDS

##### Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Monticello Districts 6 and 9 Advisory Boards will be held at 10 a.m. on August 14, 1974 at the Ramada Inn, 182 South Main St., Moab, Utah 84532.

The Committee was established in order that the Secretary of the Interior may have the benefit of the fullest information and advice concerning physical, economic, and other local conditions.

The purpose of the meeting is to make recommendations on section 3 grazing applications, applications for exchange of use agreements, requests for change in class of livestock, transfers of base property or base property qualifications, grazing protests; to review the fiscal year 1975 annual work plan, to discuss the status of regulations for off-road vehicles, the Federal Advisory Committee Act, and the Predator Control Program.

The meeting is open to the public. Interested persons may make oral presentations to the committee or file written statements. Such requests should be made to the officials listed below at least seven (7) days prior to the meeting.

Further information concerning this meeting may be obtained from Kenneth S. Summers, District 6 Advisory Board Chairman, P.O. Box 1147, Monticello, Utah 84535, Phone 801-587-2320 or Lawrence Aubert, District 9 Advisory Board Chairman, 211 Country Club Park, Grand Junction, Colorado 81501, Phone 303-242-6487. Minutes of the meeting will be available for public inspection and copying three (3) weeks after the meet-

ing at the Bureau of Land Management District Office, 284 South 1st West, Monticello, Utah 84535.

FRANK C. SHIELDS,  
District Manager.

JULY 17, 1974.

[FR Doc.74-16860 Filed 7-23-74; 8:45 am]

[(OR 12690) (Wash.)]

## WASHINGTON

### Proposed Withdrawal and Reservation of Land

JULY 12, 1974.

The Bureau of Sport Fisheries and Wildlife, Department of the Interior, has filed an application, Serial No. OR 12690 (Wash.), for the withdrawal of public land described below, from all forms of appropriation under the public land laws, including the mining laws but not from leasing under the mineral leasing laws.

The applicant desires the use of the land as part of the Willapa National Wildlife Refuge for the management of migratory birds and other wildlife.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than August 16, 1974, to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 NE Oregon Street (P.O. Box 2965), Portland, Oregon 97208.

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

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

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

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

The land involved in the application is:

WILLAMETTE MERIDIAN

T. 12 N., R. 10 W.,  
Sec. 31, lot 1.

The area described aggregates .15 acre in Pacific County, Washington.

VIRGIL O. SEISER,  
Acting Chief, Branch of  
Lands and Minerals Operations.

[FR Doc.74-16862 Filed 7-23-74;8:45 am]

**Bureau of Land Management  
WESTERN SLOPE GAS CO.  
Pipeline Application**

JULY 15, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for a 29,000-foot-long right of way for a four- and a six-inch natural gas gathering pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

- T. 8 S., R. 101 W.,
- Sec. 9: SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,
- Sec. 15: NW $\frac{1}{4}$ ,
- Sec. 16: NE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,
- Sec. 21: N $\frac{1}{2}$ NE $\frac{1}{4}$ ,
- Sec. 22: N $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ ,
- Sec. 23: S $\frac{1}{2}$ N $\frac{1}{2}$ ,
- Sec. 24: NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The pipeline will convey natural gas from the Fuelco No. 2 and No. 15-9 natural gas wells, northwest of Grand Junction, Colorado, to the applicant's Hunter Canyon natural gas field gathering system in Garfield and Mesa Counties, Colorado.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or filing an objection must include evidence that a copy thereof has been served on the applicant. Any comment, claim, or objection must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, within thirty days from the date of this notice.

EVERETT K. WEEDIN,  
Chief,

Branch of Land Operations.

[FR Doc.74-16859 Filed 7-23-74;8:45 am]

**Office of the Secretary**

[INT DES 74-77]

**EL PASO GASIFICATION PROJECT,  
NEW MEXICO**

**Availability of Draft Environmental  
Statement**

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed coal gasification project for the purpose of ultimately producing 785 cubic feet per day of substitute pipeline gas for wide distribution in fuel-deficient areas of New Mexico and several other Western States. Written comments may be submitted to the Regional Director, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Salt Lake City, Utah 84111, within 45 days of this notice.

Copies are available for inspection at the following locations:

- Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343-9247.
- Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343-4991.
- Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver, Federal Center, Denver Colorado 80225. Telephone (303) 234-3006.
- Office of the Regional Director, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Salt Lake City, Utah 84111. Telephone (801) 524-5592.
- Project Construction Engineer, Navajo Indian Irrigation Project Office, 1006 Municipal Drive, Farmington, New Mexico 87401. Telephone (505) 325-1794.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director.

STANLEY D. DOREMUS,  
Deputy Assistant Secretary  
of the Interior.

Dated July 16, 1974.

[FR Doc.74-16841 Filed 7-23-74;8:45 am]

**DEPARTMENT OF AGRICULTURE**

**Food and Nutrition Service**

**NATIONAL SCHOOL LUNCH PROGRAM,  
SCHOOL BREAKFAST PROGRAM, SPECIAL MILK PROGRAM AND COMMODITY ONLY SCHOOLS**

**Income Poverty Guidelines**

On May 10, 1974, there were published in the FEDERAL REGISTER (39 FR 16178) income poverty guidelines setting forth the minimum family size annual income levels to be used in determining eligibility for free and reduced price meals and free milk during the fiscal year beginning July 1, 1974. The guidelines were published pursuant to section 9 of the Na-

tional School Lunch Act, as amended (42 U.S.C. 1758), and section 4(e) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1773(e)). Subsequent to the publication of the guidelines, Pub. L. 93-326 was enacted. Under the new legislation, State educational agencies are authorized to establish for the fiscal year ending June 30, 1975, and for subsequent fiscal years, guidelines for reduced price lunches at not more than 75 percent above the applicable family-size income levels in the income poverty guidelines as prescribed by the Secretary.

For the convenience of the State educational agencies, the Secretary's guidelines with the tables showing the levels when increased by 25 percent are hereby republished with the addition of a table showing the level when increased by 75 percent. The 50 percent table has been deleted as it is no longer pertinent.

*Income poverty guidelines, fiscal year 1975*

Family size	Secretary's guidelines fiscal year 1975	Guideline levels when increased by—	
		25 percent	75 percent
48 States, District of Columbia, and territories except Guam			
1.....	\$2,330	\$2,910	\$4,080
2.....	3,060	3,830	5,300
3.....	3,790	4,740	6,630
4.....	4,510	5,640	7,900
5.....	5,180	6,480	9,070
6.....	5,850	7,310	10,240
7.....	6,450	8,060	11,290
8.....	7,050	8,810	12,340
9.....	7,610	9,510	13,320
10.....	8,150	10,190	14,260
11.....	8,690	10,860	15,200
12.....	9,230	11,530	16,140
Each additional family member.....	540	670	940
Alaska			
1.....	\$2,750	\$3,440	\$4,810
2.....	3,610	4,520	6,320
3.....	4,470	5,590	7,830
4.....	5,330	6,660	9,330
5.....	6,120	7,650	10,710
6.....	6,900	8,630	12,080
7.....	7,620	9,530	13,340
8.....	8,330	10,410	14,580
9.....	8,970	11,210	15,700
10.....	9,610	12,010	16,820
11.....	10,250	12,810	17,940
12.....	10,890	13,610	19,060
Each additional family member.....	640	800	1,120
Hawaii and Guam			
1.....	\$2,610	\$3,260	\$4,570
2.....	3,430	4,290	6,010
3.....	4,250	5,310	7,440
4.....	5,060	6,330	8,880
5.....	5,810	7,200	10,170
6.....	6,550	8,190	11,460
7.....	7,290	9,040	12,650
8.....	7,910	9,890	13,840
9.....	8,530	10,660	14,930
10.....	9,140	11,430	16,000
11.....	9,750	12,190	17,060
12.....	10,360	12,950	18,120
Each additional family member.....	610	760	1,060

The Secretary's income poverty guidelines are based on the previous year's poverty level adjusted for the year-to-year change in the Consumer Price Index. This procedure is consistent with the basic procedure used by the Bureau of the Census in updating its latest statistics on poverty levels.

"Income," as the term is used in this notice, is similar to that defined in the Bureau of the Census report, "Characteristics of the Low-Income Population: 1971," Consumer Income, Current Population Reports, series P-60, No. 86, December 1972. "Income" means income before deductions for income taxes, insurance premiums, bonds, etc. It includes the following:

(1) Monetary compensation for services, including wages, salary, commission, or fees; (2) net income from non-farm self-employment; (3) net income from farm self-employment; (4) social security; (5) dividends or interest on savings or bonds, income from estates or trust, or net rental income; (6) public assistance or welfare payments; (7) unemployment compensations; (8) Government civilian employee or military retirement or pensions or veterans' payments; (9) private pensions or annuities; (10) alimony or child support payments; (11) regular contributions from persons not living in the household; (12) net royalties; and (13) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts, and other resources which would be available to pay the price of a child's meal.

"Income" as the term is used in this notice, does not include payments to volunteers under the Domestic Volunteer Service Act of 1973, Pub. L. 93-113 (87 Stat. 409); nor does the term include income used for the following special hardship conditions which could not be reasonably anticipated or controlled by the household:

(1) Unusually high medical expenses; (2) shelter costs in excess of 30 percent of income as defined herein; (3) special education expenses due to the mental or physical condition of a child; and (4) disaster or casualty losses.

In applying guidelines, school food authorities may consider both the income of the family during the past 12 months and the family's current rate of income to determine which is the better indicator of the need for free and reduced price meals and free milk.

**Effective date.** This notice shall become effective July 1, 1974.

Dated: July 17, 1974.

RICHARD L. FELTNER,  
Assistant Secretary.

[FR Doc.74-16720 Filed 7-23-74; 8:45 am]

#### Forest Service

#### ENTERPRISE 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 Enterprise Planning Unit, Dixie National Forest, Utah. The Forest Service report number is USDA-FS-FES (Adm) R4-74-3.

The environmental statement identifies and evaluates the probable effects of the Land Use Plan for the Enterprise Planning Unit on the Dixie National Forest in Utah. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects.

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 3230  
12th St. & Independence Ave., SW.  
Washington, D.C. 20250

Regional Planning Office  
USDA, Forest Service  
Federal Building, Room 4408  
324 25th Street  
Ogden, Utah 84401

Forest Supervisor  
Dixie National Forest  
500 South Main  
Cedar City, Utah 84720

District Forest Ranger  
Pine Valley Ranger District  
Federal Building  
St. George, Utah 84770

A limited number of single copies are available upon request to Forest Supervisor Merlin I. Bishop, Dixie National Forest, 500 South Main, Cedar City, Utah 84720.

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

Dated: July 12, 1974.

M. C. GOLBRAITH,  
Acting Regional Forester.

[FR Doc.74-16861 Filed 7-23-74; 8:45 am]

#### Soil Conservation Service NORTH TYGER RIVER WATERSHED PROJECT, SOUTH CAROLINA

#### Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and part 1500.6e of the Council on Environmental Quality Guidelines issued on August 1, 1973, the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the North Tyger River Watershed Project, Spartanburg County, South Carolina.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant con-

troverly is associated with the project. As a result of these findings, Mr. G. E. Huey, State Conservationist, Soil Conservation Service, USDA, 601 Federal Building, 901 Sumter Street, Columbia, South Carolina 29201, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention, and municipal and industrial water supply. The remaining planned works of improvement include conservation land treatment supplemented by two multiple purpose structures for flood prevention and municipal and industrial water supply.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 601 Federal Building, 901 Sumter Street, Columbia, South Carolina 29201.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: July 18, 1974.

WILLIAM B. DAVEY,  
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-16957 Filed 7-23-74; 8:45 am]

#### DEPARTMENT OF COMMERCE

#### Domestic and International Business Administration

[Order No. 46-2; Amendment 2]

#### BUREAU OF EAST-WEST TRADE

#### Organization and Function Order

This order effective June 26, 1974 amends the material appearing at 38 FR 9329 of April 13, 1973.

#### AMENDMENT 2

DIBA Organization and Function Order 46-2, dated December 4, 1972 as amended, is hereby further amended as follows:

Section 7. Office of the Joint Commission Secretariat is amended to read, as follows:

Section 7. Office of the Joint Commission Secretariat.

.01 The Office of the Director includes: The Director who shall plan and direct the execution of policies and programs of the Office, and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

.02 The Commercial Commission Division shall provide executive secretariat services to U.S. joint commissions with the U.S.S.R., Poland, Romania and as may be established with other countries; coordinate all aspects of the preparation for meetings of such commissions and their follow-up including the preparation of briefing materials for meetings of the

commissions or sub-groups thereof, the reporting at such meetings, and logistical arrangements for commission meetings both here and abroad; prepare periodic reports on the between-meeting status of commission activities; provide economic research support and assistance to the executive secretary of the joint commissions and coordinate the preparation of materials for meetings of the East-West Trade Policy Committee.

.03 The Liaison and Coordination Division shall:

a. Provide communications arrangements between the Department and Commission meetings;

b. Maintain broad East-West trade contacts and two-way information flow with U.S. and foreign industry groups, trade associations, universities and other non-governmental organizations;

c. Develop and maintain, in accordance with applicable Department and DIBA Orders and with the assistance of the Office of East-West Trade Analysis, storage and retrieval systems for information in the Bureau's areas of interest and propose contracts for external retrieval systems;

d. Maintain for BE-WT, correspondence and study assignment control and reporting systems, operational deadline schedules, and centralized review of communications media; coordinate comment on intra-agency and interagency studies; and

e. Working in conjunction with the Office of Public Affairs, DIBA, will coordinate Bureau news releases and speech services; provide formatting, editing and procedural guidance on Bureau publications; provide centralized control and coordination for Bureau publications and coordinate the preparation of the quarterly Export Administration Report.

LEWIS BOWDEN,

*Acting Deputy Assistant Secretary for East-West Trade.*

Approved:

WILLIAM A. NEWDICK,  
*Acting Deputy Assistant Secretary for Administrative Management.*

[FR Doc.74-16863 Filed 7-23-74; 8:45 am]

[Order No. 42-2; Amendment 2]

**DIRECTORATE OF ADMINISTRATIVE MANAGEMENT**

**Directorate of Administrative Management**

**Organization and Function Order**

This order effective June 28, 1974 amends the material appearing at 39 FR 2781 of January 24, 1974.

DIBA Organization and Function Order 42-2 dated January 2, 1974, as amended, is hereby further amended, as follows:

1. Section 5. The Office of Management and Systems is revised to read:

Section 5. Office of Management and Systems.

.01 The Office of Management and Systems shall be headed by a Director

who shall plan, coordinate and direct all management and systems programs for the Domestic and International Business Administration and act as liaison with the Department's Office of Organization and Management Systems. The Office of the Director will administer the following programs: (1) liaison for GAO and Departmental audit reports, surveys, and inquiries; (2) planning and coordination for DIBA's emergency readiness functions; (3) the DIBA records management program, and (4) the reports management program including coordination of selected periodic reports.

.02 The Information Systems Division shall develop, implement, and maintain program management information systems to provide manpower, cost, and accomplishment data for all DIBA programs and organizational components; meet internal DIBA management information needs through the preparation of regularly scheduled and demand reports on progress toward DIBA program objectives; perform program analysis, monitor operations, and prepare input for the system; assist DIBA officials in the development of program impact measures; and respond to program progress information requests from outside DIBA.

.03 The Systems Management Division coordinates and directs the planning, analysis, development, design and evaluation of Domestic and International Business Administration systems; conducts or coordinates feasibility studies of proposed ADP systems and microform applications and equipment needs and usage; provides management coordination and control, technical guidance, assistance and support to all DIBA elements with regard to systems, data communications, data processing and data retrieval; designs, evaluates, develops, and installs the application of all systems to DIBA operations; and develops an integrated DIBA data base. The Division is responsible for establishment of production schedules for and maintenance of operational automated systems, and for the maintenance of systems documentation and support for all new and existing automated systems. The Division reviews, evaluates, approves and coordinates the acquisition and use of all DIBA ADP word processing and microform equipment and support services; is responsible for the preparation and submission of ADP planning, budgeting and evaluation information as required by DIBA, the Department and by other Federal agencies; and is the point-of-contact within DIBA for all ADP and systems questions and consultations.

.04 The Management Analysis Division shall conduct studies and surveys to effect improved management practices, manpower distribution, organization alignments, procedures and work methods; administer the DIBA forms management program; perform the committee management function; and maintain a system for the issuance of all DIBA Announcements, instructions, organization and function orders, delega-

tions of authority and other issuances prepared for the administration of DIBA.

2. Section 7.02, The Program Analysis and Budget Formulation Division of the Office of Budget is revised to read, as follows:

.02 The Program Analysis and Budget Formulation Division shall be responsible for: analyzing and evaluating DIBA programs and program plans, and formulating all DIBA budget requests; developing the DIBA program/budget structure; developing program output indicators, workload measures and program plans in cooperation with DIBA bureaus and offices; analyzing the relationship of programs to DIBA goals and objectives, the results of DIBA programs, and the impact of DIBA programs in relation to other Government activities; coordinating project development and progress reports for DIBA Presidential and Secretarial program objectives; coordinating and reviewing/or preparing program issue studies; developing alternative program configurations and resource distributions for programs; designing and maintaining a system of collecting and classifying program workload and output data, and historical program budget data; preparing recommended guidance and instructions for the formulation of budgetary requests by DIBA program managers; analyzing budget estimates, justifications and program plans; preparing, in cooperation with the DIBA bureaus and offices, the budget materials required for the Preview, Secretarial, Presidential, and Congressional budget estimates and justifications, preparing the DIBA program memorandum; preparing and collecting materials to support appeals of budget allowances; preparing and collecting backup materials and materials for the hearings record; briefing witnesses for budget hearings; preparing budget supplemental and budget amendment estimates; and preparing analyses of program budget requests and recommended alternative budget packages for the Assistant Secretary, DIB.

WILLIAM A. NEWDICK,  
*Acting Director, Directorate of Administrative Management.*

[FR Doc.74-16864 Filed 7-23-74; 8:45 am]

**COLUMBIA-PRESBYTERIAN MEDICAL CENTER, ET AL.**

**Applications for Duty-Free Entry of Scientific Articles**

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (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 August 13, 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: 75-00001-33-90000. Applicant: Columbia-Presbyterian Medical Center, 622 West 168th Street, New York, New York 10032. Article: EMI Scanner System with Magnetic Tape Unit. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for computerized axial tomography of the brain for diagnosis and cure of diseases of the brain. The article will also be used for the training of neuroradiologists through study of patients with brain diseases and development of new materials and techniques for diagnosis by non-invasive methodology. Application received by Commissioner of Customs: July 1, 1974.

Docket number: 75-00002-60-46040. Applicant: United States Department of Agriculture, Agricultural Research Service, U.S. Grain Marketing Research Center, 1515 College Avenue, Manhattan, Kansas 66502. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used in various research programs which include the following: (a) study of the structure, physiology, and mode of action of selected bacterial and viral insect pathogens, (b) identification and characterization of structural components of resistant grains that repel insects, (c) location and examination of sensory receptors associated with insect antennae, mouthparts, and ovipositors to facilitate the development and utilization of new methods for controlling stored grain insects, and (d) investigation of the morphological aspects of adsorption of insect viruses and assemblage of progeny virions. The article will be used to take low magnification photomicrographs for comparison with light micrographs at the same magnification. Application received by Commissioner of Customs: July 19, 1974.

Docket number: 75-00003-33-43780. Applicant: Veterans Administration Hospital, Building 222, Fort Snelling, St. Paul, Minnesota 55111. Article: Neurosurgical Stereotaxic Instrument. Manufacturer: The Whitby Tool & Eng. Co. Ltd., United Kingdom. Intended use of article: The article is to be used for studies of abnormal movement disorders and pain syndromes. Experiments will be conducted to determine the degree of spasticity/rigidity. In addition, the article will be used to teach and train neurological residents in its use. Appli-

cation received by Commissioner of Customs: July 8, 1974.

Docket number: 75-00004-33-46500. Applicant: Roswell Park Memorial Institute, Department of Exptl. Pathology, 666 Elm Street, Buffalo, New York 14203. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to obtain thin sections of normal and cancer cells to be examined under the electron microscope to relate surface structure to interactions involving cancer cells. Application received by Commissioner of Customs: July 8, 1974.

Docket number: 75-00005-33-46500. Applicant: Greenville General Hospital, Box 2760, 100 Mallard St., Greenville, S.C. 29602. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to study human and animal tissues to determine abnormalities at the ultrastructural level so that diseases can be diagnosed at the earliest possible phase of their development. Application received by Commissioner of Customs: July 8, 1974.

Docket number: 75-00006-33-46500. Applicant: Harvard Medical School, Department of Microbiology & Molecular Genetics, 25 Shattuck Street, Building D-1, Boston, Mass. 02115. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to study the structure and morphogenesis of bacterial and animal virus, and bacterial cells, animal cells, proteins such as enzymes, and nucleic acids. The initial experiments to be conducted will be a continuation of the work on the morphogenesis and structure of satellite virus P4 and its helper virus P2. The article will also be used in a graduate course for medical and graduate students in the Theory and Techniques of Electron Microscopy. Application received by Commissioner of Customs: July 8, 1974.

Docket number: 75-00007-33-46500. Applicant: Sinai Hospital of Detroit, 6767 West Outer Drive, Detroit, Michigan 48235. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used in several studies for which the section requirements vary. Specifically studies involving the pathogenesis of atherosclerosis and requiring the sectioning of aorta, electron microscopy of normal and infarcted myocardium, and electron microscopic analysis of surgical biopsies for the clinical diagnosis of human disease. Application received by Commissioner of Customs: July 8, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director,

Special Import Programs Division.

[FR Doc.74-16883 Filed 7-23-74; 8:45 am]

## DEPARTMENT OF COMMERCE

Domestic and International Business Administration

### ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

#### Meeting

The Electronic Instrumentation Technical Advisory Committee of the U.S. Department of Commerce will meet Thursday, August 8, 1974 at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Comments by the chairman.
2. Presentation of papers or comments by the public.
3. Report of subgroups' activities.
4. Discussion of programmability and systems.
5. Executive session: Continuation of report of subgroups' activities.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

With respect to agenda item (5), "Executive session," the Assistant Secretary of Commerce for Administration, on May 28, 1974, determined, pursuant to section 10(d) of Pub. L. 92-463, that this agenda item should be exempt from the provision of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202-967-4196).

RAUER H. MEYER,  
Director, Office of Export Administration Bureau of East-West Trade.

JULY 22, 1974.

[FR Doc.74-17051 Filed 7-23-74; 8:45 am]

**Economic Development Administration  
NATIONAL PUBLIC ADVISORY COMMITTEE  
ON REGIONAL ECONOMIC DEVELOPMENT**

**Notice of Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) and section 10a(2) of OMB Circular No. A-63, announcement is made of the following Committee Meeting:

Name: National Public Advisory Committee on Regional Economic Development.

Date: August 5, 1974.

Place: Room 6802, Commerce Department, 14th Street and Constitution Avenue, Washington, D.C.

Time: 9:30 a.m.

Proposed Agenda: Status report to the Committee on the activities of the Economic Development Administration and the Public Works and Economic Development Act of 1965, as amended.

The meeting of the Advisory Committee is open to the public. Any member of the public is permitted to file a written statement with the Committee, before or after the meeting. To the extent that time permits, the Committee Chairman or the Committee may permit oral statements by members of the public to be presented at the meeting.

All communications in regard to this meeting or the Advisory Committee should be addressed to Mr. Richard L. Sinnott, Deputy Assistant Secretary for Economic Development, Room 7800B, Department of Commerce, EDA, 14th Street and Constitution Avenue, Washington, D.C. 20230.

RICHARD L. SINNOTT,  
Deputy Assistant Secretary  
for Economic Development.

JULY 22, 1974.

[FR Doc.74-17058 Filed 7-23-74;9:32 am]

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

Office of Interstate Land Sales Registration  
[Docket No. N-74-243; Land Sales Enforcement Division Docket No. 74-56]

**VARENNES INDUSTRIAL PARK, ET AL.  
Hearing**

Notice is hereby given that:

1. American Industrial Research Corporation, its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing dated May 31, 1974, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the developer's statement of record for Varennes Industrial Park located in Varennes, province of Quebec, dominion of Canada, and the failure of the de-

veloper to amend the pertinent sections of the statement of record and property report.

2. The respondent filed an answer June 20, 1974, in answer to the allegations of the notice of proceedings and opportunity for a hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for a hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), it is hereby ordered, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Administrative Law Judge John W. Earman, in room 7155, Department of HUD Building, 451 7th Street, SW., Washington, D.C. on July 30, 1974, at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before July 22, 1974.

5. The respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceeding shall be determined against respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: July 18, 1974.

GEORGE K. BERNSTEIN,  
Interstate Land  
Sales Administrator.

[FR Doc.74-16940 Filed 7-23-74;8:45 am]

**ATOMIC ENERGY COMMISSION**

[Docket No. 50-261; OL Modification]

**CAROLINA POWER AND LIGHT CO.**

Cancellation of Special Prehearing Conference

In the matter of Carolina Power and Light Company (H.B. Robinson, Unit No. 2), (Facility License Amendment), Docket No. 50-261, (OL Modification).

The Licensee has joined the AEC Regulatory Staff in recommending the granting of the Petition to Intervene in the hearing of the question of a proposed issuance of a license amendment and the Atomic Safety and Licensing Board established to rule on petitions has granted the petition of the Intervenor John D. Whisenhunt. Accordingly, the Special Prehearing Conference set for July 25, 1974, in Florence, South Carolina, which was to hear argument on Mr. Whisenhunt's petition to intervene, is hereby cancelled.

Issued at Bethesda, Md., this 19th day of July 1974.

It is so ordered.

For the Atomic Safety and Licensing Board, (designated to rule on petitions to intervene).

JOHN F. WOLF,  
Chairman.

[FR Doc.74-16973 Filed 7-23-74;8:45 am]

**CIVIL AERONAUTICS BOARD**

[Docket No. 26843]

**ARROW AVIATION, LTD.**

Canada—U.S. Operations (Small Aircraft);  
Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on August 13, 1974, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. before Administrative Law Judge Arthur S. Present.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before August 6, 1974.

Dated at Washington, D.C. July 18, 1974.

[SEAL] ROBERT L. PARK,  
Chief Administrative Law Judge.

[FR Doc.74-16949 Filed 7-23-74;8:45 am]

[Docket No. 26473 etc.]

**CANADIAN CARRIER CHARTER  
AUTHORITY (SMALL AIRCRAFT)**

Prehearing Conference and Hearing

In the matter of Air Caravane, Inc., Docket 26473; Air Dale, Ltd., Docket 25531; Huron Aviation, Ltd., Docket 26829; Orillia Air Services, Ltd., Docket 26359; Pem-Air, Ltd., Docket 26726; Trans North Turbo Air Ltd., Docket 26376; White River Air Services, Ltd., Docket 26444.

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on August 19, 1974, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Hyman Goldberg.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before August 12, 1974.

Dated at Washington, D.C., July 18, 1974.

[SEAL] ROBERT L. PARK,  
Chief Administrative Law Judge.

[FR Doc.74-16948 Filed 7-23-74;8:45 am]

[Docket No. 25709; Order No. 74-7-94]

**PHILIPPINE AIR LINES, INC.**

Temporary Authority for Schedule

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of July, 1974.

In response to a Philippine Air Lines, Inc. application received by the Board on July 17, 1974, requesting temporary authority to implement DC-10 service to the United States, the Board by Order 74-7-75 granted the requested authorization through July 19, 1974. While an understanding has not yet been finalized by the Governments, it appears that an interim agreement may be concluded within the very near future. Accordingly, notwithstanding Order 74-7-51, which disapproved the initial operations with DC-10's, and pursuant to the provisions of § 213.3(e) of the Board's Economic regulations, Philippine Air Lines, Inc. is hereby authorized to operate its proposed schedules between San Francisco and Manila via Honolulu with DC-10 aircraft through July 20, 1974.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.74-16950 Filed 7-23-74;8:45 am]

[Docket No. 23080-2; Order No. 74-7-91]

#### PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

##### Order Fixing Mail Rates

Issued under delegated authority July 19, 1974.

All interested persons were directed to show cause by Order 74-6-95 dated June 20, 1974, why the Board should not establish the temporary service mail rates proposed therein.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a decision by the Board fixing the temporary service mail rates.

Upon consideration of the record, the findings and conclusions set forth in said order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's regulations promulgated in 14 CFR, Part 302, and the authority duly delegated by the Board in its organization regulations, 14 CFR 385.16(g);

It is ordered, That: 1. On and after March 28, 1973, the fair and reasonable temporary rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, to Air East, Inc., Air Indies Corporation, Air Midwest, Inc., Air North, Inc., Air South, Inc., Air Wisconsin, Inc., Apache Airlines, Inc., Cascade Airways, Inc., Commuter Airlines, Inc., Crown Airways, Inc., Executive Airlines, Inc., FLScher Bros. Aviation, Inc., Florida Air Taxi, Georgia Air, Inc., Henson Aviation, Inc., Hub Airlines, Inc., Imperial Airways, Inc., Mississippi

Valley Airways, Inc., Northern Airlines, Inc., Pacific Southwest Airlines, Inc., Pilgrim Aviation and Airlines, Inc., Pocono Air Lines, Inc., Puerto Rico International Airlines, Inc., Shawnee Airlines, Inc., Southeast Airlines, Inc., Trans Central Airlines, Travel-Air Aviation, Inc., Vercoa Air Service, Inc., and Wright Air Lines, Inc., over their routes specified in Orders 70-4-98, 70-8-43, 70-9-161, 71-3-65, 70-10-111, 70-5-16, 69-7-73, 69-8-121, 70-5-73, 69-12-18, 70-10-25, 71-8-25, 70-6-107, 71-3-35, 71-7-180, 70-1-21, 69-3-72, 69-7-72, 69-10-42, 70-1-31, 70-2-117, 70-4-145, 71-2-66, 69-7-3, E-26998, 69-8-96, E-26189, 69-6-16, 70-7-43, 71-2-73, 70-3-146, 70-7-45, 70-11-1, 69-6-131, 70-4-143, 69-11-26, 71-4-105, 68-9-21, 70-10-2, 69-6-41, E-26701, 69-6-139, 69-9-121, 68-10-11 and 71-6-14, and subject to the conditions in those orders, are the rates established by Order 74-1-89, dated January 16, 1974.

2. The temporary service mail rates established herein shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment to March 28, 1973, as may be required by the order establishing final service mail rates in Docket 23080-2.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

FRANK R. CHABOT,  
Chief, Government Rates Division,  
Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.74-16946 Filed 7-23-74;8:45 am]

[Docket No. 25513; Order No. 74-7-85;  
Agreement C.A.B. 24507]

#### SOUTH ATLANTIC PASSENGER FARES Agreement Adopted

Issued under delegated authority, July 18, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated C.A.B. agreement number.

The agreement would increase passenger fares between the Western Hemisphere and Europe, Africa, and Asia via the South Atlantic by four per-

cent in response to increased fuel costs.<sup>1</sup> This agreement affects air transportation, as defined by the Act, only insofar as it involves normal first class and economy fares, which are combinable with normal fares to/from United States points for the construction of through international fares.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that resolutions JT12 (Mail 849) 005y and JT123 (Mail 734) 005y, incorporated in agreement C.A.B. 24507 and which have indirect application in air transportation as defined in the Act, are adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That: Agreement C.A.B. 24507 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,  
Chief, Passenger and Cargo  
Rates Division, Bureau of  
Economics.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.74-16947 Filed 7-23-74;8:45 am]

#### CONSUMER PRODUCT SAFETY COMMISSION

##### TELEVISION SAFETY STANDARD Public Meeting

Notice is hereby given that a public meeting will be held on July 31, 1974, at 2 p.m. in room 450, 5401 Westbard Avenue, Bethesda, Maryland, to discuss the development of safety standards for television receivers.

The meeting was requested by counsel for the Electronic Industries Association in order to make available technical input from the TV industry which might be of assistance to the Commission in preparing an invitation for offerors to develop a safety standard for TV receivers.

The industry technical personnel who plan to attend are: Messrs. R. Sanderson of GTE Sylvania Inc., N. Aram of Zenith Radio Corp. and T. Collins of RCA Corp. The Commission personnel attending will be Messrs. R. Armstrong, A. Ehrlich and N. Northedge.

Other interested parties wishing to attend should notify Don Early, Office of

<sup>1</sup>The proposed fare increase would not apply to points in the Southwest Pacific.

Standards Coordination and Appraisal,  
Consumer Product Safety Commission,  
Washington, D.C. 20207, phone (301)  
496-7197.

Dated: July 19, 1974.

SADYE E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc.74-16951 Filed 7-23-74;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

### CIBA-GEIGY CORP.

#### Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; (21 U.S.C. 346a (d) (1))), notice is given that a petition (PP 4F1522) has been filed by CIBA-GEIGY Corp., Post Office Box 11422, Greensboro, NC 27409, proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the insecticide methidathion (O,O-dimethyl phosphorodithioate, S-ester with 4-(mercaptomethyl)-2-methoxy-2-1,3,4-thiadiazolin-5-one) in or on the raw agricultural commodities peaches, pecans, and walnuts at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a flame photometric detector for phosphorus.

Dated: July 18, 1974.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.74-16966 Filed 7-23-74;8:45 am]

### MERCK SHARP & DOHME

#### Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 4F1518) has been filed by Merck Sharp & Dohme, Division of Merck & Co., Inc., Rahway, NJ 07065, proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the fungicide thiazabenzodazole (2-(4-thiazolyl)benzimidazole) at 0.1 part per million in or on the raw agricultural commodity wheat grain which has been grown from seed treated with thiazabenzodazole.

The analytical method proposed in the petition for determining residues of the fungicide is a procedure in which residues are extracted into ethyl acetate. The extract is then purified by a series of extraction procedures and determined spectrophotofluorometrically.

Dated: July 18, 1974.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.74-16965 Filed 7-23-74;8:45 am]

### [FRL 229-1] TORK-LINK CORP.

#### Suitability of Purchase by Federal Government

On June 15, 1973 the Electrobus Division of Tork-Link Corporation submitted an application for certification of a battery-powered vehicle under section 212 of the Clean Air Act.

On December 7, 1973, the Administrator of the Environmental Protection Agency determined under section 212(c) that the vehicle covered by this application qualifies as a low-emission vehicle. Notice to this effect was published in the FEDERAL REGISTER (38 FR 33796). No comments have been received in response to this notice.

On May 31, 1974 the Low Emission Vehicle Certification Board met to determine whether this vehicle is a suitable substitute for any vehicle presently being purchased by the Federal government in accordance with the criteria specified in section 212(d) of the Clean Air Act. The Board determined that the applicant vehicle is not a suitable substitute for any government purchased vehicle. The vehicle covered by the application was rejected as a substitute for existing buses covered by the General Services Administration procurement specifications, since it does not meet performance requirements of this specification in terms of maximum sustained velocity, maximum velocity, and maximum range.

The record of the Board's proceedings is available for inspection in the Public Docket at the Office of Public Affairs, Room 329 West Tower, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Dated: July 19, 1974.

JOHN QUARLES,  
Chairman.

[FR Doc.74-16963 Filed 7-23-74;8:45 am]

### ZOECON CORP.

#### Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408 (d) (1), 409(b) (5), 68 Stat. 512, 72 Stat. 1786; (21 U.S.C. 346a(d) (1), 348(b) (5))), notice is given that a pesticide petition (PP 4F1514) has been filed by Zoecon Corp., 975 California Ave., Palo Alto, CA 94304, proposing establishment of tolerances (40 CFR Part 180) for negligible residues of the insect growth regulator methoprene (isopropyl (E,E)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate) in or on the raw agricultural commodities forage grasses and forage legumes at 0.5 part per million; fat of cattle, goats, hogs, horses, sheep, and poultry at 0.25 part per million; eggs, fish, shellfish, meat and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.1 part per million; and milk and rice and rice straw at 0.01 part per million.

Notice is also given that the same firm has filed a related food additive petition (FAP 4H5055) proposing establishment of a food additive tolerance (21 CFR Part 121) for negligible residues of methoprene in potable water at 0.01 part per million.

The analytical method proposed in the pesticide petition for determining residues of the insect growth regulator is a gas chromatographic procedure using hydrogen flame ionization detectors.

Dated: July 18, 1974.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.74-16964 Filed 7-23-74;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19989; FCC 74-730]

### AMERICAN TELEPHONE AND TELEGRAPH CO.

#### Memorandum Opinion and Order Re Clarification

JULY 9, 1974.

1. The Commission has before it for consideration a petition for clarification and modification of the procedures set forth in our memorandum opinion and order, released April 5, 1974, in the above-captioned docket, 46 FCC 2d 81, filed by the Bell System respondents on April 30, 1974. A statement of the trial staff, Common Carrier Bureau in response to petition of the Bell System respondents was filed May 9, 1974. In addition, the Presiding Judge in Docket No. 19989, in a memorandum opinion and order released April 25, 1974, FCC 74M-453, inter alia, ordered that any requests for oral proceedings be submitted to the Presiding Judge and then certified the order to the Commission for such modification as it may deem appropriate. The trial staff of the Common Carrier Bureau filed comments on May 2, 1974 with respect to the memorandum opinion and order of the Presiding Judge and the Bell System respondents filed an opposition to the trial staff's comments on May 13, 1974. We have considered all the foregoing in our disposition of these matters.

2. The Bell System respondents' petition seeks clarification as to (1) who will issue the decision in Docket No. 19989, and whether an initial or recommended decision is contemplated prior to a final decision; (2) the extent to which the trial staff of the Common Carrier Bureau will be separated from decision making personnel and (3) what procedures are contemplated for the customary objection to the admissibility of material into the record.

3. The Bell System respondents allege that a question exists as to who will issue the decision in this matter. In our memorandum opinion and order, released April 5, 1974, we noted that " \* \* \* the revised WATS tariffs raise questions and issues that lend themselves to the type of procedures we adopted in Docket No.

19919. We believe that the employment of such procedures in this case will best conduce to the proper dispatch of business and the ends of justice and promote the objectives of the Act for expeditious resolution of the issues herein, 47 U.S.C. 154(j) and 204. Thus we will order that such procedures be utilized in the instant proceeding." (46 FCC 2d at 86). In our memorandum opinion and order released January 25, 1974, we set forth the procedures to be followed in Docket No. 19919. There we stated that " \* \* \* In summary, these procedures provide for the receipt of all evidence in writing with provision for oral hearing if and to the extent necessary, and for issuance of a final decision immediately upon close of the record." (45 FCC 2d 88, 89) Our intent was to state that the Commission itself will issue a final decision in this matter, and to eliminate any doubt, we will re-iterate here that the Commission will issue a final decision in Docket No. 19989 upon the close of the record in this proceeding. We find that under the circumstances of this matter, due and timely execution of the Commission's functions imperatively and unavoidably requires the procedures we have promulgated.

4. We have previously addressed the Bell System's contentions as to the separation of the trial staff from other decision making personnel, including the Chief, Common Carrier Bureau in Docket No. 19919 (46 FCC 2d 169, 170). No persuasive reason has been advanced to alter our intent as expressed in Docket No. 19919, namely, that the trial staff be separated only from the Commission and the Administrative Law Judge and thus, we reject the Bell System's contentions in this regard in their entirety.

5. The Bell System respondents also contend as they have previously in Docket No. 19919 that the order in this matter should be modified to provide specifically for motions to strike or other appropriate forms of objection directed to those materials, which should not be permitted to become part of the record. We have previously addressed this contention in Docket No. 19919, and noted that our decision will be based solely on evidence that is probative, substantial and relevant to the issues. All parties to this proceeding are afforded ample opportunity through their supporting briefs and reply findings and briefs to voice objections to the admissibility of evidence and we do not deem any additional procedures warranted.

6. The Bell System respondents also request that the time for answering interrogatories be thirty days for first interrogatories and twenty days for second interrogatories and that the memorandum opinion and order be modified to require that non-Bell parties file concurrently with their direct cases all studies and work papers in support thereof. We find that the Bell System respondents' request is reasonable and that a grant thereof will not unduly impede the course of this proceeding.

7. We will next address the memorandum opinion and order released April 25, 1974, FCC 74M-453, by the Presiding Judge in Docket No. 19989. The Presiding Judge ordered that requests for oral proceedings be submitted to the Judge, but certified the order to the Commission for such modification as may be appropriate. We appreciate the Presiding Judge's concern that this proceeding adhere to the time schedules prescribed. However, we must clarify any ambiguity that may exist as to who will act upon any request for an oral proceeding. It is our intention at this time that any such request be acted on by the Commission. In the initial stages of our experience with "paper" hearings, it is essential that we retain control over the conduct of such proceedings until experience dictates that such control is no longer necessary. In this regard, our experience thus far indicates that greater flexibility will be obtained if we accord to the Presiding Judge the authority to act upon changes in the time schedules prescribed and requests to participate in the proceeding.<sup>1</sup> Accordingly, we grant this authority to the Presiding Judge. However, we shall retain the authority at this time to act upon requests for oral proceedings.

8. In view of the foregoing: *It is ordered*, That our memorandum opinion and order released April 5, 1974, 46 FCC 2d 81, is clarified as set forth above and is modified in the following respects:

(A) Paragraph 17(b) and (c) are modified to read as follows:

17(b) Interested persons may file with the Commission written interrogatories for AT&T witnesses and requests for information within 15 days following the filing of any supplement to AT&T's direct case. Answers to such interrogatories and requests for information shall be filed within 30 days of the filing thereof.

17(c) If necessary, further interrogatories and requests for information may be filed within 10 days of filing of answers to the first interrogatories and requests for information. Answers to such second interrogatories and requests for information shall be filed within 20 days of the filing thereof.

(B) A new paragraph 21 is added to read as follows:

*It is further ordered*, That, upon the closing of the record, the Commission shall issue a final decision herein.

9. *It is further ordered*, That all studies and work papers supporting the non-Bell participants' direct cases shall be filed concurrently therewith.

10. *It is further ordered*, That the Bell System respondents' petition is granted to the extent herein noted, and otherwise is denied.

11. *It is further ordered*, That the General Services Administration's petition

<sup>1</sup> We note that the General Services Administration has filed a petition for acceptance of late filing and notice of intent to participate. We believe participation by GSA in the proceeding will be helpful and we will grant its petition.

for late filing is granted and GSA is made a participant in this proceeding.

Adopted: July 2, 1974.

Released: July 9, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 74-16891 Filed 7-23-74; 8:45 am]

[Report No. 709]

COMMON CARRIER SERVICES  
INFORMATION<sup>1</sup>

Domestic Public Radio Services  
Applications Accepted for Filing<sup>2</sup>

JULY 15, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

<sup>2</sup> Commissioners Wiley, Chairman, and Reid concurring in the result.

<sup>1</sup> All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

<sup>2</sup> The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

JULY 15, 1974.

## APPLICATIONS ACCEPTED FOR FILING

## DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 20008-CD-R-75, The Bell Telephone Company of Pennsylvania (KC7944) (Developmental). Renewal of License for Developmental station expiring August 7, 1974. Term: August 7, 1974, to August 7, 1975.
- 20009-CD-AL-(2)-75, Anserfone, Inc. Consent to Assignment of License from Anserfone, Inc., Assignor to Radiocall, Inc., Assignee. Stations: KIR205 and KSV932, Macon, Ga.
- 20010-CD-P-75, Charles H. Beard dba Granbury Communications Company (New). C.P. for a new 2-way station to operate on 454.050 MHz to be located 0.32 mile South of Weatherford, Tex.
- 20011-CD-P-75, Manpower, Inc., of Cedar Rapids (New). C.P. for a new 2-way station to operate on 152.15 MHz to be located at 1000 27th Avenue SW, Cedar Rapids, Iowa.
- 20012-CD-P-(2)-75, The Conestoga Telephone and Telegraph Company (New). C.P. for a new 2-way station to operate on 454.375 and 454.525 MHz to be located at Gibraltar Hill, 0.5 mile west of Seyfert, Pa.
- 20013-CD-P-75, Airtel Int national, Inc. (KRS687), C.P. to relocate facilities operating on 152.24 MHz located Atop Red Mountain, Birmingham, Ala.
- 20014-CD-P-(3)-75, Caprock Radio Dispatch (KKO353). C.P. to change antenna system operating on 152.06 MHz and for additional facilities to operate on 454.125 and 454.5 MHz at location No. 3: 1 mile East of Hobbs, N. Mex.
- 20015-CD-P-75, Airtel International, Inc. (KIF650). C.P. to relocate facilities operating on 152.24 MHz located atop Red Mountain, Birmingham, Ala.
- 20016-CD-P-75, DPRS, Inc. t/a as Zipcall (KSV955). C.P. to add antenna location No. 5 operating on 158.70 MHz located at Asnebumskit Hill, 2.6 miles East of Paxton, Mass.
- 20017-CD-P-75, Central Telephone Company of Florida (KIN646). C.P. for additional facilities to operate on 152.69 MHz located at 1337 Blairstone Drive, East of Tallahassee, Fla.
- 20018-CD-P-75, Tel-Car, Inc. (KSV957). C.P. to change antenna system operating on 152.03 MHz located at Flattop Butte, 5.5 miles east of Jerome, Idaho.
- 20019-CD-P-75, Telephone Answering Service, Inc. (KQZ754). C.P. to change antenna system and relocate facilities operating on 152.24 MHz to be located at 60 North Division Avenue, Grand Rapids, Mich.
- 20020-CD-P-(4)-75, Electronic Engineering Company (KAF242). C.P. to add antenna location No. 3 operating on 454.075, 454.125, and 454.175 MHz to be located at 28th and Woodland Streets, Des Moines, Iowa.
- 20021-CD-P-75, Answerite Professional Telephone Service (KFL869). C.P. to relocate facilities operating on 152.09 MHz to be located at 129 South Kentucky Avenue, Lakeland, Fla.
- 20022-CD-P-75, Answerite Professional Telephone Service (KQZ720). C.P. to relocate facilities operating on 152.24 MHz to be located at 129 South Kentucky Avenue, Lakeland, Fla.
- 20023-CD-P-75, L. B. Shaw dba Mobile Radio Communications Service (NEW). C.P. for a new 1-way station to operate on 152.24 MHz to be located at Smelter Mountain, 2 miles west-southwest of Durango, Colo.
- 20024-CD-P-(4)-75, Industrial Communications Systems, Inc. (KMD990). C.P. for additional facilities to operate on 454.15, 454.175, 454.20, and 454.30 MHz to be located 4.5 miles northeast of Malibu, Saddle Peak, Calif.

20025-CD-P-75, Conroe Telephone Company (NEW). C.P. for a new 2-way station to operate on 152.78 MHz to be located at Old Magnolia Road, 1300 feet west of Interstate Highway 45, Conroe, Tex.

20026-CD-AL-(2)-75, Curtin Call Communications, Inc. Consent to Assignment of License from Curtin Call Communications, Inc., Assignor to Business Service Center, Inc., Assignee. Stations: KTS230 and KTS 231, Rothschild, Wis.

## Corrections

20500-C2-P-74, Offshore Telephone Company (KJ0637). Correct PN No. 700 dated May 13, 1974 to read: C. P. to relocate facilities and change frequency from 35.30 MHz to 35.62 MHz to be located at Gulf of Mexico, West Cameron, block 513.

21145-C2-P-(2)-74, Airtel of California, Inc. (New). Correct PN No. 695 dated April 8, 1974 to add: additional facilities to operate on 35.33 MHz at location No. 2: northwest corner of Walnut and Woodland, Visalia, Calif. All other particulars to remain the same as reported.

## RURAL RADIO SERVICE

60002-CR-P-75, RCA Alaska Communications, Inc. (New). C.P. for a new inter-office station to operate on 454.375 MHz located at remote repeater site, 27 miles east-northeast of Evansville Village, Alaska, 162 miles northwest of Fairbanks, Alaska, Alps-Eagle Repeater Site, Alaska.

60004-CR-P-75, The Mountain States Telephone and Telegraph Company (New). C.P. for a new rural subscriber station to operate on 459.40 MHz to be located 9.2 miles north-northwest of Casper, Wyo.

## POINT-TO-POINT MICROWAVE RADIO SERVICE

4563-C1-P-74, Southwest Texas Transmission Company (WSM42), Miles, Tex. Latitude 31°35'19" N., longitude 100°10'51" W. Modification of C.P. (7047-C1-P-71)—(a) to change transmitters and (b) to add 6049.0H MHz, via power split, toward Ballinger and San Angelo, Tex., on azimuths 57°28' and 239°31', respectively.

4565-C1-P-74, United Video, Inc. (WOF39), Britton, Oklahoma. Latitude 35°34'17" N., longitude 97°30'11" W. C.P. to add 11305H MHz and 11385H MHz toward new point of communication at Mulhall, Okla., on azimuth 359°07'.

4564-C1-P-74, Same (New), 6.5 Miles northwest of Mulhall, Okla. Latitude 36°06'10" N., longitude 97°30'47" W. C.P. for a new station, 6226.9V MHz and 6286.2V MHz toward Enid, Okla., on azimuth 315°02'.

4732-C1-MP-74, Eastern Microwave, Inc. (KEM59), Sentinel Heights, N.Y. Latitude 42°56'40" N., longitude 76°07'08" W. Modification of C.P. (3747-C1-P-67)—(a) to relocate receive site at North Syracuse, N.Y., to latitude 43°09'02" N., longitude 76°07'35" W. and (b) to change azimuth toward North Syracuse to 385°28'.

4733-C1-MP-74, Eastern Microwave, Inc. (KEM59), Sentinel Heights, N.Y. Latitude 42°56'40" N., longitude 76°07'08" W. Modification of C.P. (9988-C1-P-73)—(a) to relocate receive site at North Syracuse, N.Y. to latitude 43°09'02" N., longitude 76°07'35" W. and (b) to change azimuth toward North Syracuse to 358°28'.

4734-C1-P-74, Eastern Microwave, Inc. (KGO28), Robwood Mountain, Pa. Latitude 41°39'07" N., longitude 76°24'42" W. C.P. to add 6137.9V MHz, via power split, toward Athens, Pa., on azimuth 343°29'.

4152-C1-P-74, Midwestern Relay Company (WSL36), 1.0 mile south of Allens Grove, Wis. Latitude 42°33'55" N., longitude 88°45'39" W. C.P. to add frequency 6256.5H MHz on azimuth 346°53' toward Jefferson, Wis. (WLJ68). NOTE.—A Waiver of Section 21.701(1) is requested by Midwestern.

4830-C1-ML-74, The Pacific Telephone and Telegraph Company (KMA33), Temblor Range, 5.5 miles west-northwest of McKittrick, Calif. Latitude 35°19'33" N., longitude 119°43'01" W. Modification of License to correct polarization to Vertical for 3910V MHz, 3990V MHz, 4070V MHz, and 4150V MHz toward Bakersfield, Calif.

Illinois Bell Telephone Company (KSO77), 3.5 miles west-northwest of Odell, Ill. Latitude 41°01'07" N., longitude 88°35'38" W. Modification of License to change antenna system on 6034.2V MHz, and 11245H MHz toward new point of communication at Pontiac, Ill., on azimuth 196°16'.

## Correction

The following entry was erroneously omitted from Public Notice No. 707 dated July 1, 1974. 4528-C1-P-74, Bell Telephone Company of Nevada (KPF90), 18.5 miles northwest of Luning, Nev. Latitude 38°39'16" N., longitude 118°18'44" W. C.P. to change power and replace transmitters on 6063.8V MHz toward Black Mountain, Nev. on azimuth 304°50'; 5974.8V MHz toward Columbus, Nev. on azimuth 153°37'.

## Major Amendments

2250-C1-P-74, The Southern New England Telephone Company (KTQ40), Willard Road, Norwalk, Conn. Latitude 41°07'42" N., longitude 73°23'26" W. Change frequencies from 10715V, 10715H to 11115V, 11115H MHz toward Stamford, Conn.

2251-C1-P-74, Same (New), 555 Main Street, Stamford, Conn. Latitude 41°03'14" N., longitude 73°32'06" W. Change frequencies from 11645V, 11645H to 11565V, 11565H MHz toward Norwalk, Conn. (All other particulars same as reported in Public Notice No. 681, dated Jan. 2, 1974.)

7369-C1-P-73, Southeast Kansas Microwave, Inc. (KTG30), 1.1 miles north of Iola, Kans. Latitude 37°56'47" N., longitude 95°23'43" W. Application amended to change point of communication from Chanute (KTG31) to Erie (KTG31) Kans., on azimuth 158°00', frequencies 5989.7V MHz, 6049.0V MHz, and 6167.6V MHz are unchanged.

7370-C1-P-73, Same (KTG31), 1.0 mile east of Erie, Kans. Latitude 37°34'25" N., longitude 95°13'10" W. Application amended to relocate station from Chanute (KTG31) to foregoing coordinates—frequencies 6212.0H MHz, 6330.7H MHz, and 6390.0H MHz are unchanged toward Parsons (WGI69), Kans., on new azimuth 181°00'.

2621-C1-MP-74, Same (WGI69), 3.0 miles south of Parsons, Kans. Latitude 37°17'58" N., longitude 95°15'16" W. Application amended to change azimuth to 233°06' toward Coffeyville, Kans.

3434-C1-P-74, Eastern Microwave, Inc. (KYZ75), High Knob, 1.5 miles west of Peck's Pond, Pa. Latitude 41°18'00" N., longitude 75°07'31" W. Application amended to add 6078.6V MHz, via path intercept, toward Ransom (No. 2), Pa., on azimuth 286°50'.

3435-C1-P-74, Same (KFM22), Ransom (No. 2), Pa. Latitude 41°26'08" N., longitude 75°43'39" W. Application amended to add 11305V MHz toward Swoyersville, Pa., on azimuth 217°39'.

## Correction

3134-C1-P-70, Data Transmission Company (New), Hebbville, Md. Correct to read: change frequency on azimuth 107°40' toward Baltimore, Md., to 11385V MHz; change frequency and point of communication to 6152.8H MHz on azimuth 26°12' toward Shawsville, Md.

3143-C1-P-70, Same (New), Salem, Ohio. Correct coordinates to read: Latitude 40°51'18" N., longitude 80°52'18" W. (All other particulars same as reported on Public Notice No. 704, dated June 10, 1974).

[FR Doc.74-16894 Filed 7-23-74; 8:45 am]

[Docket Nos. 20105, 20106; File Nos. BPH-8664, BPH-8743]

**COMMUNITY SERVICE BROADCASTING CORP. OF AMSTERDAM, NEW YORK AND WKOL, INC.**

**Designating Applications for Consolidated Hearing On Stated Issues**

In re Applications of: COMMUNITY SERVICE BROADCASTING CORP. OF AMSTERDAM, NEW YORK, Amsterdam, New York, Requests: 97.7 MHz, No. 249; 3 kW (H & V); 135 feet; WKOL, INC., Amsterdam, New York, Requests: 97.7 MHz, No. 249; 3 kW (H & V); 71 feet, For Construction Permits.

1. The Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration, the above-captioned applications, which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Community Service Broadcasting Corporation of Amsterdam, New York, proposes 100 percent duplication of its commonly owned AM station, WCSS, Amsterdam, New York. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. The showing permitted under that issue will be limited to evidence concerning the benefits derived from the proposed duplication, and a full comparison of the applicant's program proposal will not be permitted in the absence of a specific programming inquiry. Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

3. The amended portion of the survey of community problems and needs of Community Service Broadcasting Corporation of Amsterdam, New York, states that the general public survey was conducted by Mr. R. Kinum, Ms. C. Bush, and Ms. M. Ardison. It is unclear, however, whether Ms. Bush or Ms. Addison are management-level employees, and, if not, whether they worked under the direction of Mr. Kinum. Moreover, it does not appear that student or labor leaders were consulted. In view of the requirements of the *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971), and the Commission's recent decision in *Voice of Dixie, Inc.*, 45 FCC 2d 1027 (1974), a *Suburban* issue<sup>1</sup> has been included.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Com-

munications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the efforts made by Community Service Broadcasting Corporation of Amsterdam, New York, to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

6. *It is further ordered*, that, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. *It is further ordered*, that the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 17, 1974.

Released: July 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc.74-16889 Filed 7-23-74; 8:45 am]

[Docket No. 20101; File No. BMPCT-7351; FCC 74-720]

**JOHN J. TIBILETTI (KAVU(TV))**

**Order Designating Application for Hearing on Stated Issues**

1. The Commission has before it for consideration the request of John J. Tibiletti (Tibiletti) for reinstatement of construction permit, call sign, and application (BMPCT-7351) for extension of time within which to complete construction of television broadcast station KAVU, channel 25, Victoria, Texas.

2. On December 27, 1967, Tibiletti filed an application (BPCT-4064) for a construction permit for a new commercial television broadcast station to operate on channel 25, Victoria, Texas. This application was granted on February 25, 1969, with completion of construction required as of October 25, 1969. Subsequently, on October 22, 1969, Tibiletti filed an application (BMPCT-7099) for an extension of time within which to complete con-

struction and alleged that erection of an antenna tower had commenced and that negotiations for equipment were under way. This was followed by a letter on February 10, 1970, stating that construction of the television tower was being delayed until completion of the tower extension upon which the antenna was to be mounted. The application was granted on March 23, 1970, with completion of construction required as of September 23, 1970. On September 1, 1970, Tibiletti filed a second extension application (BMPCT-7429) stating that construction of station KAVU was contingent upon the prior completion of construction of his FM broadcast station, KTXN, Victoria, Texas. On September 28, 1970, the Chief, Broadcast Bureau, acting pursuant to delegated authority, dismissed the extension application, cancelled the construction permit and deleted the call sign. By letter of counsel, dated November 25, 1970, Tibiletti protested the actions of the Chief, Broadcast Bureau and in a verified statement set forth certain events which allegedly had caused delays in the construction of station KAVU. By order, FCC 71-59 (27 FCC 2d 877), released January 29, 1971, the Commission, inter alia, reinstated KAVU's construction permit, call sign, and extension application, and designated the application for oral argument before the review board on the question of Tibiletti's lack of diligence in proceeding with construction of station KAVU. On March 31, 1971, the review board granted the application for extension of time to complete construction, and extended the construction permit until November 10, 1971. This action was based on Tibiletti's representations to the review board on March 9, 1971, that the station's tower had been built; that equipment had been ordered and a down payment made; that the studios and offices were almost completed; that personnel had been hired; and that the station would commence operation within four months.

3. On September 17, 1971, Tibiletti filed an application (BAPCT-490) to assign the KAVU construction permit to K-Six Television Inc. Thereafter, on September 24, 1971, Tibiletti filed the present application (BMPCT-7351) for an extension of time within to complete construction of the station and requested that the construction permit be extended for six months or until the Commission acts on the pending assignment application. By letter dated March 17, 1972, Tibiletti was requested to advise the Commission of the steps he had taken toward completion of construction since the last extension application was granted on March 31, 1971. In addition, Tibiletti was requested to inform the Commission as to when he decided to assign his construction permit and when negotiations for the sale of the permit commenced. In Tibiletti's response of May 22, 1972, he indicated that after the extension application was granted, he reviewed potential operating costs and market studies and concluded that it would be necessary

<sup>1</sup> *Suburban Broadcasters*, 20 RR 951 (1961).

to expand the station's facilities and that additional financing would be necessary. He further indicated that negotiations with respect to the assignment of the permit were under way during the first months of 1971, and that construction was not completed in view of the possibility of new ownership. On January 3, 1974, the Chief, Broadcast Bureau, acting under delegated authority, dismissed the extension application, cancelled the construction permit for KAVU, and deleted the call letters; stating that the applicant had not exercised due diligence in the prosecution of construction or demonstrated that construction of station KAVU was prevented by causes not under his control. In a letter dated January 30, 1974, requesting reinstatement of his permit, Tibiletti stated that he is financially unable to complete construction of the station, and that it would be in the public interest to extend the construction permit for six months or until the Commission acts on the pending assignment application. Furthermore, he alleged that he had expended considerable time and money in an effort to complete construction of the station, which will not be recovered from the proposed sale of the construction permit.

4. In view of the foregoing sequence of events, questions are raised as to whether the applicant made misrepresentations to the review board as to his plans for construction of station KAVU, and whether the applicant has been diligent in proceeding with construction of the station.

5. Accordingly, it is ordered, That the construction permit, call sign and extension application of television station KAVU, channel 25, Victoria, Texas, are reinstated.

6. It is further ordered, That the application for an extension of time within which to complete construction of station KAVU, channel 25, Victoria, Texas, is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(a) To determine the facts and circumstances surrounding the applicant's negotiations for sale of his construction permit.

(b) To determine, in light of the evidence adduced on the above issue, whether the applicant misrepresented his plans for the construction of the station and, if so, whether the applicant has the requisite qualifications to be a Commission licensee.

(c) To determine whether the reasons advanced by the applicant, in support of his request for an extension of his completion date, constitute a showing that failure to complete construction was due to causes not under his control or constitute a showing of other matters suffi-

cient to warrant a further extension of time within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

(d) To determine, in light of the evidence adduced on the above issues, whether a grant of the application for extension of time within which to complete construction of station KAVU would serve the public interest, convenience and necessity.

7. It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. It is further ordered, That the applicant herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 2, 1974.

Released: July 12, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.74-16892 Filed 7-23-74;8:45 am]

[FCC-74-785]

#### 1974-75 BROADCAST YEAR

##### Prime Time Access Rule Waiver Policy

JULY 18, 1974.

The Commission's January 1974 decision modifying the prime time access rule having been stayed by the U.S. Court of Appeals (C.A. 2), it appears that the prime time access rule, as adopted in 1970 (§ 73.658(k) of the Commission's rules) will remain in effect until September 1975. The Commission is considering what policy to adopt, for the period until then, with respect to waivers of the rule. As stated in a recent decision (FCC 74-700, released July 9, 1974, par. 11), the Commission is presently of the view that the same general waiver policies applied hitherto under the 1970 rule, should continue. A statement on this subject will be issued by about August 1, 1974.

In connection with the Commission's consideration, interested parties may wish to comment concerning certain kinds of waiver requests, most of which have been received since the court's decision and which involve regular station operation or are of general significance, rather than occasional matters such as sports runovers. The requests on which comment is invited are listed on the next page. With respect to the first two cate-

gories, if waiver is granted it will not be limited to the particular station or network which has made the request.

With respect to the other requests for waiver of the "off-network" restrictions, our consideration will be confined to the programs specifically listed, plus any others for which such waiver may be sought in initial comments filed in response hereto, and, in the case of the request by WBRE-TV, Inc., to that station and other stations in the Wilkes-Barre/Scranton, Pa. market. The Commission is definitely of the view that no "off-network" waivers should be considered (where a substantial amount of programming is involved) which are not before us by late July.

Comments shall be filed with the Commission by July 24, 1974, and reply comments by July 30, 1974. Copies shall be sent to the Chief, Office of Network Study, Federal Communications Commission, 1229-20th St. NW (Annex, Room A-325), Washington, D.C. 20554. The requests, and comments concerning them, may be examined at that Office.<sup>1</sup>

Action by the Commission July 17, 1974. Commissioners Wiley (Chairman), Lee, and Hooks with Commissioners Reid and Quello concurring and Commissioners Washburn and Robinson not participating.

##### Waivers Requested<sup>1</sup>

1. Waiver for "one-time" network news and public affairs programs. Requested by CBS Inc. (July 16, 1974).<sup>2</sup>

2. Requests for waiver of the "off-network" restrictions (§ 73.658(k)(3)):

(a) to carry the *National Geographic* program weekly. Requests on behalf of Stations KATU(TV), Portland, Oreg., KOMO-TV, Seattle, Washington (both July 2, 1974) and WCPO-TV, Cincinnati, Ohio (July 9, 1974).

(b) the *Wild Kingdom* program series. Request by Mutual Insurance Co. of Omaha (July 11, 1974). Consideration will be limited to waiver as proposed in the petition, 25 out of 52 programs may be off-network.

(c) for the *Animal World* program series. Request is a petition for reconsideration filed June 13, 1974, by Bill

<sup>1</sup> Parties seeking or supporting waivers may wish to comment on a statement filed July 3, 1974, by the National Association of Independent Television Producers and Distributors (NAITPD) generally opposing a continuation of the previous waiver policy, which may be examined at the Office of Network Study.

<sup>2</sup> In addition to consideration of waiver in the cases listed, the Commission intends to continue the waiver for network news following a full hour of local news or public affairs programs, or, on weekends, for network news both preceded and followed by a half-hour of such local material. Such waivers were contemplated in the 1970 decision adopting the original rule ("footnote 36") and in our view should be continued.

<sup>3</sup> In considering this "one time" news and public affairs request, it may be appropriate to limit it to a certain number of occasions for each network, such as one per month or three per quarter.

<sup>1</sup> Action on the assignment application (BAPCT-490) and a petition to deny filed by Guadalupe Valley Telecasting Company, Inc., licensee of television broadcast station KXIX, channel 19, Victoria, Texas, will be held in abeyance pending a resolution of this proceeding.

Burrud Productions, Inc., seeking reconsideration of Commission denial of continuation of waiver. Consideration will be limited to waiver as sought in the request, 22 out of 52 programs to be off-network.

(d) for the *Famous Adventures of Mr. Magoo* series and two individual Mr. Magoo programs (all formerly on NBC). Request by UPA Productions of America, 4440 Lakeside Drive, Burbank, California 91507 (July 15, 1974).

(e) Request by WBRE-TV, Inc. (WBRE-TV, Wilkes-Barre, Pa.) to "strip" an off-network program Monday-Friday at 7 p.m. E.T.<sup>3</sup>

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 74-16890 Filed 7-23-74; 8:45 am]

STATE EDUCATIONAL TELEVISION  
List for Purposes of Cable Television  
Rules; Correction

JULY 12, 1974.

The above-entitled Public Notice, FCC 74-718, adopted July 2, 1974, released July 8, 1974, and published at page 25691 in the issue of Friday, July 12, 1974, is modified as follows:

Delete DISTRICT OF COLUMBIA and TEXAS from the list of state educational television authorities for purposes of the cable television rules.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 74-16893 Filed 7-23-74; 8:45 am]

[Docket No. 18110]

MULTIPLE OWNERSHIP OF BROADCAST  
STATIONS

Schedule of Appearances

In the matter of amendment of §§ 73.35, 73.240 and 73.636 of the Commission's rules relating to multiple ownership of standard, FM and television broadcast stations.

1. By a memorandum opinion and order, adopted February 28, 1974, oral argument in the above-captioned proceeding was originally set for June 18, 19 and, if necessary, June 20, 1974 (FCC 74-222, 39 FR 9551). Subsequently, by an order adopted May 23, 1974, the dates were changed to July 24, 25 and, if necessary, July 26, 1974 (FCC 74-540, 39 FR 19230). The latter order is still in effect. Because

<sup>3</sup>This petition, which is a repetition of earlier requests, is based largely on asserted special circumstances affecting the Wilkes-Barre/Scranton market.

of the number of parties requesting to take part in the oral argument it has become necessary to use July 26 as well as July 24 and 25.

2. Accordingly, it is ordered, That oral argument in this proceeding will take place beginning at 9:30 a.m. on the days of July 24, 25 and 26, 1974, in the Commission Meeting Room (Room 856), 1919 M Street, NW., Washington, D.C., pursuant to the schedule contained in the attached list.

3. The parties on the attached list have indicated their desire to participate in the oral argument and will be heard in the order listed with the allotted time set forth after each name. In cases where a party has indicated that there will be more than one person speaking on its behalf, the party may divide the allotted time among its representatives as it wishes.

4. Forty-five parties requested to participate in the oral argument. In order to keep the overall time within reasonable limits, the amounts of time requested have generally been reduced, although for reasons of balance some requests have been reduced less than others, and some have not been reduced at all. For example, since, of the parties requesting to participate in the oral argument, those who may be expected to oppose (in whole or in part) the proposal outnumber those who may be expected to support it (in whole or in part) by about 3 to 1, the requests of the opponents have generally been cut more than those of the supporters so that the difference in time for the two sides will not be so great.

5. No party has been allotted more than one hour and none has been allotted less than 10 minutes unless its request was for less. An effort has been made to mix the contrasting views as the argument proceeds. It is hoped that parties will address themselves, at least partly, to the issues as set forth in the memorandum opinion and order adopted February 28, 1974, mentioned above.

6. The time allotted to each party is intended to encompass questions by the Commission during the party's presentation. Participants are therefore requested to prepare their remarks so as to take this into consideration. Thus, for example, a party allotted 15 minutes should expect that possibly 2 to 5 minutes of his time might be taken up in questioning. Those with longer allotted times can, of course, expect that proportionately more time might be used for questions.

Adopted: July 2, 1974.

Released: July 9, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

Schedule of appearances

Schedule	Party	Minutes allotted
Wednesday, July 24, 1974		
a.m.		
9:30	U.S. Department of Justice.....	30
10:00	American Newspaper Publishers Association.....	60
11:00	Community Coalition for Media Change.....	20
11:20	Stauffer Publications, Inc.....	10
11:30	Baer, Walter S.....	20
11:50	Elyria-Lorain Broadcasting Co., Owensboro Broadcasting Co., and WEEU Broadcasting Co.....	20
p.m.		
12:10	Citizens Communication Center (St. Louis Broadcast Coalition).....	10
2:00	National Black Media Coalition.....	60
3:00	Post-Newsweek Stations, Capital Area, Inc.....	20
3:20	Houston Post Co. and Channel 2 Television Co.....	20
3:40	Center for Governmental Responsibility.....	20
4:00	Pulitzer Publishing Co., KSD, KSD-TV, Inc.....	10
4:10	Evening News Association, Lee Enterprises, Inc., and WKY Television System, Inc.....	20

Thursday, July 25, 1974

Schedule	Party	Minutes allotted
a.m.		
9:30	National Association of Broadcasters.....	60
10:30	Barnett, Stephen R. (or his representative).....	20
10:50	Cox Broadcasting Corp.....	15
11:05	WGN Continental Broadcasting Co. and WPIX, Inc.....	10
11:15	Newhouse Broadcasting Corp.....	10
11:25	Alabama Civil Liberties Union.....	10
11:35	Donroy, Inc.....	10
11:45	Center for Policy Research, Inc.....	20
p.m.		
12:05	Buffalo Evening News, Inc., and WBEN, Inc.....	20
2:00	National Citizens Committee for Broadcasting.....	15
2:15	Dempsey & Koplovitz.....	15
2:30	Clift, Charles E.....	15
2:45	Rocky Mountain Broadcasters Association.....	15
3:00	Duhamel Broadcasting Enterprises.....	10
3:10	Patrick Wm. Lawrence.....	10
3:20	Efingham Broadcasting Co.....	10
3:30	KUTV, Inc.....	10
3:40	WHAS, Inc.....	20
4:00	Channel 7 Corp.....	5

Friday, July 26, 1974

Schedule	Party	Minutes allotted
a.m.		
9:30	American Broadcasting Cos, Inc.....	20
9:50	Americans for Democratic Action.....	15
10:05	Chronicle Publishing Co. and Chronicle Broadcasting Co.....	10
10:15	Huntington Broadcasters, Inc.....	10
10:25	Multimedia, Inc.....	10
10:35	Post Co.....	10
10:45	Quincy Broadcasting Co. and Quincy Newspapers, Inc.....	10
10:55	Radio Medford, Inc.....	10
11:05	Labor Union News, Inc.....	20
11:15	WTMJ, Inc.....	20
11:35	Vindicator Printing Co. and WPMJ Broadcasting Co.....	15
11:50	Walker, George R.....	10
noon		
12:00	Brockway Co.....	15
p.m.		
12:15	KSL, Inc.....	20

[FR Doc. 74-16709 Filed 7-23-74; 8:45 am]

**FEDERAL MARITIME COMMISSION**  
**BARBER LINES A/S AND BLUE SEA**  
**LINE CO.**

**Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 5, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of Agreement Filed by:**

Milton J. Levitt, Esquire  
 Palmer Serles & Baar  
 Attorneys At Law  
 120 Broadway  
 New York, N.Y. 10005

Agreement No. 10187 would establish a joint service to be known as "Barber-Blue Sea Line" to be managed by Barber Lines A/S and operating between ports of the United States and Canada and the Far East, Southeast Asia, Venezuela, the Republic of Panama, a South Africa and countries bordering the Red Sea, the Persian Gulf and the Arabian Sea. The parties will contribute such vessels and equipment for the service as they deem necessary and all costs, profits, and losses will be shared in proportion to the tonnage contributed. The joint service may become a member of any conference, pooling arrangement or any other agreement subject to the Shipping Act, 1916 and shall act as a single party in such agreements.

By Order of the Federal Maritime Commission.

Dated: July 19, 1974.

FRANCIS C. HURNEY,  
 Secretary.

[FR Doc. 74-16937 Filed 7-23-74; 8:45 am]

**CERTIFICATES OF FINANCIAL**  
**RESPONSIBILITY (OIL POLLUTION)**

**Certificates Issued**

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311 (p) (1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to 46 CFR 542.

Certificate No.	Owner/Operator and Vessels
01087	Dampskibsselskabet Torm A/S: Torm Gunhild, Torm Estrid, Torm Ragnhild, Torm Gyda, Torm Thyra, Torm Alice, Torm Aslaug, Torm Gerd, Torm Kristina.
01322	Cardigan Shipping Company Limited: Norse Herald.
01337	Marin Management Trust (Reg.): Olga Topic.
01426	Kuwait Shipping Company (S.A.K.): Al Mubarakiah.
01547	Costa Armatori S.P.A.: Cortina.
01641	The Bank Line Limited: Ivybank.
01904	Waterman Steamship Corporation: Joseph Heues.
01935	Partnership Between Steamship Company Svendborg Ltd., Steamship Company of 1912 Ltd.: Grote Maersk, Kristine Maerisk.
02036	Polskie Linie Oceaniczne: Hanka Sawicka.
02129	Ore Carriers Limited: Orotava.
02199	Atlantic Richfield Company: Arco Fairbanks.
02298	Naviera Galea, S.A.: Galea.
02315	Regulus Shipping Co., S.A.: Gothic Chief.
02367	Canadian Pacific (Bermuda) Limited: I. D. Sinclair.
02661	Partenreederi MS "Jorg Kruger" Korrespondentreeder Hans Kruger GMBH: Cap Arnauti.
02889	Showa Kaun K.K.: Kohwa Maru Seiwa Maru.
02891	Harbor Towing Corporation: Captain John Rowe.
03055	Upper Lakes Shipping Ltd.: Quebecois.
03245	Rederiaktieselskabet Dannebrog: Clasonsberg, Weco offshore I.
03276	Universe Tankships, Inc.: Universe Ranger.
03315	Afran Transport Company: Afran Constellation.
03436	Iino Kaun K.K.: Tokuho Maru.
03467	Nichiro Gyogyo K.K.: Akebono Maru No. 73, Akebono Maru No. 53, Akebono Maru No. 50, Shi-zuoka Maru, Kaiko Maru No. 1, Hakurei Maru, Chitose Maru No. 18, Akebono Maru No. 26 Akebono Maru No. 31, Kyoset Maru No. 1, Akebono Maru No. 27.
03918	Mobil Tankers Company (Liberia) Limited: Mobil Marketer.
04077	Fritzen Schiffsgentur und Bereederungs GMBH: Recife.
04126	Jugoslavenska Linijka Plovidba, Rijeka: Pionir.
04136	Thomas Marine Company: H. R. Zimmerman.
04289	Dixie Carriers, Inc.: Anthony P. III.
04437	Lebeouf Bros. Towing Co., Inc.: LBT-32, LBT-33, LBT-25, LBT-26, LBT-50, LBT-51, LBT-30, LBT-31, LBT-27, LBT-28, LBT-60, LBT-61.

**Certificate**

No.	Owner/operator and vessels
04483	Kaioamaru Gyogyo Kabushiki Kaisha: Kaioamaru No. 52.
04637	McAllister Brothers Inc.: McAllister 108.
04844	Sloman Neptum Schiffahrts Aktiengesellschaft: Prospekta, Alphas, Betagas, Minerva, Gammagas.
04891	AB A. K. Fernstroms Franntindustrier: A. K. Fernstrom.
04933	The Revilo Corporation: E.A.C. 152.
05003	Wisconsin Barge Line, Inc.: Vince Tranchita.
05042	State of Alaska, Department of Public Works: Columbia, Leconte.
05098	Esso Tankers Inc.: Esso Bayway.
05185	Storm Drilling Company: Hurricane.
05199	Prekookeanska Plovidba: Berane.
05328	Carlyle Shipping Company S.A.: Lydda.
05472	National Shipping Corporation: Sarjaraz Rafiq.
05529	Julio Zakzuk: Don Nicky.
05549	Polska Zegluga Morska: Uniwersytet Wroclawski.
05577	Far-Eastern Shipping Company: Kapitan Kiriy.
05578	Baltic Shipping Company: Walter Ulbricht.
05579	Black Sea Shipping Company: Kapitan Modest Ivanov, Romain Rolland, Nikolay Ananyev, Andrey Lavrov.
05580	Kamchatka Shipping Company: Grigori Kovalchuk.
05645	National Sea Products, Inc.: Surge.
05706	Chowgule Steamships Ltd.: Martha Melody.
05886	Hughes Bros. Inc.: Hughes #134, Hughes #135, Hughes #159, Hughes #165, Hughes #166, Hughes #167, Hughes #168, Hughes #182, Hughes #53, Hughes #708, Diok S.
06481	Drilling Services, Inc.: Swamp Chief.
06934	Chevron Navigation Corporation: C.W. Kitto.
07266	Hamaya Suisan Kabushiki Kaisha: Eikyū Maru No. 11, Eikyū Maru No. 81.
08087	Ferruzzi S.P.A.: Allegra F.
08366	Pesqueras Espanolas de Bacalao, S.A.: Farjalleiro.
08609	Koraes Shipping Co., Inc.: Athlos.
08669	Chrysanthi Shipping Co. Ltd.: Chrysanthi.
08818	Venus Carriers Corporation S.A.: Clover.
08884	Artic Shipping Singapore (PTE) Ltd.: Toulouse.
08986	Yeo Shipping Co. Ltd.: St. John III.
09128	International Tankship S.A.: William T. Steele.
09129	Vanderlaan Shipping & Trading (Netherlands Antilles) Inc.: Docklift 2, Docklift 1, Bellatrix, Marijke Irene, Bernard John, Lady Sophie.
09140	Theriot Overseas Service, Inc.: Theriot Offshore I, Theriot Offshore II, Theriot Offshore III.
09173	Dongang Ocean Fisheries Co. Ltd.: Dongang No. 73.
09189	Government of The Trust Territory of the Pacific Islands: Gunners Knot, Herkimer, Muskingum, Micronesia Princess, Pacifica, James M. Cook, Ran Annin, Robert A. Debrum, Hafa Adai, Wandank, Militobi, Kaselella.

Certificate No.	Owner/operator and vessels
09201---	Congroup Maritime Co. Ltd.: <i>Constantinos</i> .
09202---	Ramalp Compania S.A.: <i>Maria Christina</i> .
09204---	Sea Alaska Products, Inc.: <i>Sea Alaska, Sea Fisher, Sea Producer</i> .
09206---	Societe Navale Chargeurs Delmas-Vieljeux: <i>Delchim Bearn, Delchim Alsace, Delchim Cevennes, Delchim Dauphine</i> .
09209---	Tri Amindo (S) Pte., Ltd.: <i>Damon</i> .
09212---	Nichiy Steamship Co., Ltd.: <i>Coral Rose</i> .
09213---	Nashira Shipping Co., S.A.: <i>Silver Fern</i> .
09214---	What Yang Industrial Co., Ltd.: <i>Wha Yang 101</i> .
09215---	Societe Generale Marocaine de Peches: <i>Aslm</i> .
09217---	Western Tankers Corporation: <i>Western Energy</i> .

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-16938 Filed 7-23-74; 8:45 am]

### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

#### Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to 46 CFR 542 and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01249---	A/S International Gas Carriers: <i>Havgas</i> .
01641---	The Bank Line Limited: <i>Garrybank</i> .
01718---	Stockholms Rederiaktiebolag Svea: <i>Emanuel Hoberg</i> .
01974---	Marempresas Atlanticas S.A.: <i>Kassel</i> .
02207---	Compagnia Armatoriale Panarea: <i>Franco Zeta, Giancarlo Zeta</i> .
02313---	Interessentskapet Saga Sky: <i>Saga Sky</i> .
02315---	Regulus Shipping Co., S.A.: <i>Lotus</i> .
02465---	Koch-Ellis Marine Contractors Inc.: <i>KE-27, KE-26</i> .
02472---	Texasgulf, Inc.: <i>BC12-TGS #21, BC11-TGD #20</i> .
02502---	Triangle Refineries, Inc.: <i>B 12, Coastal 7, AT-2, AT-1, Gertrude K</i> .
02519---	S.A. Dreyfus & Cie: <i>Philippe L.D.</i>
02661---	Partenreederei MS Jorg Kruger Korrespondentreeder Hans Kruger GMBH: <i>Jorg Kruger</i> .
04173---	Foss Launch & Tug Company: <i>Foss 204</i> .
04248---	Bacolod Panamanian Corporation: <i>Bacolod</i> .
04335---	Vladoro Compania Naviera, S.A.: <i>Amorgos</i> .
04400---	Peterson Builders, Inc.: <i>Leconte</i> .
04437---	Lebeouf Bros Towing Co., Inc.: <i>B-101, B-102, H-2001, LTC-60, LTC-61, NMS-1502, Z-2500, Z-2501, ZMS-B-20-0, ZMS-B-20-2, ZMAB-20-3</i> .
04637---	McAllister Brothers, Inc.: <i>527N</i> .

Certificate No.	Owner/operator and vessels
04662---	Atlantic Sugar Refineries Co., Ltd.: <i>Atlantic Ocean Maid, Atlantic Beatrice, Atlantic Gardner, Atlantic J.A.G., Atlantic Paton, Atlantic Hawke, Atlantic Ellen, Atlantic Jane, Atlantic Marie, Atlantic Peggy, Atlantic Ruthann, Atlantic Norma, Atlantic Toni, Atlantic Carol, Atlantic Margaret</i> .
04756---	Alkon Shipping Company Ltd.: <i>Dorine Papaios</i> .
04859---	I/S Saga Stream (Ole Schroder & Co.): <i>Saga Stream</i> .
04884---	Hall Corporation Shipping Ltd.: <i>Azel Heiberg</i> .
04912---	Ogden Sacramento Transport Inc.: <i>Sacramento</i> .
05096---	Esso Tankchiff Reederei GMBH: <i>Esso Hamburg</i> .
05238---	Tradax Internacional S.A.: <i>Carchester</i> .
05353---	Stenning Industries, Inc.: <i>Aleta II</i> .
05442---	Michalinos & Company, Ltd.: <i>Castledore</i> .
05472---	National Shipping Corporation: <i>Ravi, Karotua, Rupsa, Pussur, Suttle Harappa, Kavkhal, Malam Jabba, Sunderban, Tazila, Warsak</i> .
05885---	Marcaminos Tropicos Navigation S.A.: <i>Stuttgart</i> .
06435---	Damp Densorske Afrika-OG Australielinie Wilhelmsens Damp A/S Tonsberg A/S Tankfart I, A/S Tankfart IV, Tankfart V, A/S Tankfart VI: <i>Toulouse</i> .
06755---	Tonin Shipping Corporation, Panama: <i>Garden Sun</i> .
06867---	Transatlantic Investment Corporation: <i>Paralos</i> .
07817---	Yick Fung Shipping and Enterprises Co., Ltd.: <i>Andaman Sea, Solomon Sea</i> .
08071---	Anglo Nordic Bulkships (Management) Ltd.: <i>Stolt Dragon, Naess Liberty</i> .
08270---	Alcobendos Compania Naviera, S.A.: <i>Falconera</i> .
08802---	Overseas Shipping Private (Hongkong) Ltd.: <i>Hwa Chu</i> .

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-16939 Filed 7-23-74; 8:45 am]

### FEDERAL POWER COMMISSION

[Docket No. E-8898]

#### AMERICAN ELECTRIC POWER SERVICE CORP.

##### Proposed Rate Modification

JULY 18, 1974.

Take notice that on July 11, 1974, American Electric Power Service Corporation (American) tendered for filing on behalf of Indiana and Michigan Electric Company (Indiana) and Ohio Power Company (Ohio), Modification No. 2, dated June 1, 1974, to the Interconnection Agreement dated December 12, 1949 among Indiana, Ohio, and The Cincinnati Gas and Electric Company (Cincinnati), designated Indiana Rate Schedule FPC No. 16 and Ohio Rate Schedule FPC No. 21. Also submitted for filing was Cincinnati's certificate of concurrence with Modification No. 2.

Modification No. 2 contains an Emergency Service Agreement and a Short Term Power Agreement. Under the former agreement, Indiana and Ohio shall upon request deliver to Cincinnati, and Cincinnati shall upon request deliver to Indiana and Ohio, during a period not exceeding 48 consecutive hours during any single emergency, electric energy in such amounts as in the sole judgment of the supplying party can be delivered without imposing burdens on its system's operations. Compensation under the Emergency Service Agreement shall, at the option of the supplying party, be either the return of equivalent energy, or by payment of the greater of (a) 110 percent of the out-of-pocket cost of supplying it, or (b) 17.5 mills per kilowatt hour thereof.

Under the short term power agreement, either party may arrange to reserve from the other party, for periods of one or two weeks, electric power, whenever, in the sole judgment of the requested party, such power is available. No provision is made in the agreement for specific compensation.

Any persons 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 August 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-16926 Filed 7-23-74; 8:45 am]

[Docket No. E-8830]

### ARIZONA PUBLIC SERVICE CO.

#### Notice of Filing of Amendment To Agreement

JULY 18, 1974.

Take notice that on June 3, 1974, Arizona Public Service Company (APS) tendered for filing a letter agreement dated March 4, 1974, with Nevada Power Company (Nevada) to amend the Power Coordination Agreement between APS and Nevada dated January 1, 1969, (designated APS-FPC Rate Schedule No. 29) by declaring Section 7.6 thereof null and void. APS states that § 7.6 contains a resale restriction that Nevada shall not sell, donate or deliver electricity received from APS in a manner which would violate APS' agreement with the Salt River Project.

APS requests that the Commission waive the formal requirements of § 35.13 of the Commission's regulations as not being pertinent.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-16929 Filed 7-23-74; 8:45 am]

[Docket No. E-8831]

#### ARIZONA PUBLIC SERVICE CO.

##### Filing of Amendment To Agreement

JULY 18, 1974.

Take notice that on June 3, 1974, Arizona Public Service Company (APS) tendered for filing a letter agreement dated March 4, 1974, with Tucson Gas & Electric Company (TG&E) to amend The Power Coordination Agreement (designated APS-FPC Rate Schedule No. 32) dated December 31, 1962, by declaring § 8.1 thereof null and void. APS states that § 8.1 contains a resale restriction that TG&E shall not sell, donate or deliver electricity received from APS for use within certain territory described in § 8.1 except through the Salt River project.

APS requests that the Commission waive the formal requirements of § 35.13 of the Commission's regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-16923 Filed 7-23-74; 8:45 am]

[Docket No. E-8857]

#### CENTRAL ILLINOIS LIGHT COMPANY

##### Filing of Facility Use Appendix

JULY 17, 1974.

Take notice that on June 17, 1974, Central Illinois Light Company (CIL)

tendered for filing a revised Appendix "B" dated April 5, 1974 to a facility use agreement, dated June 16, 1972, with Illinois Power Company (IP). CIL states that Appendix "B" provides for the use by IP of certain transformers and related equipment at CIL's East Springfield Substation, Springfield, Illinois. They also state that this appendix has been revised to account for installation by CIL of fans on its 15 MVA transformer bank.

CIL proposes an effective date of June 13, 1974, the date on which it alleges that it completed installation of such fans.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before July 29, 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 available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-16917 Filed 7-23-74; 8:45 am]

[Docket Nos. CP71-68, CP71-153, CP71-151, CP71-264, CP71-276, CP71-289, CP71-290]

#### COLUMBIA LNG CORPORATION, ET AL.

##### Order Reopening Proceedings and Scheduling Formal Hearing on Limited Issues

JULY 15, 1974.

By Opinions 622 and 622-A, issued June 28, 1972, and October 5, 1972, respectively, in the above-docketed proceedings, we authorized Columbia LNG Corporation (Columbia LNG), Consolidated System LNG Company (Consolidated LNG), Southern Energy Company (Southern Energy), and Southern Natural Gas Company (Southern Natural) to import into the United States from Algeria various quantities of liquefied natural gas (LNG) to construct and operate facilities to terminal, store, and transport imported gas volumes, and to sell and transport the imported volumes in interstate commerce. The authorizations issued by Opinion 622, as modified by Opinion 622-A, were expressly conditioned to require that the imported gas volumes be sold by the importing companies and their parent interstate pipeline systems, including, in addition to Southern Natural, Columbia Gas Transmission Corporation (Columbia) and Consolidated Gas Supply Corporation (Consolidated) under separate rate schedules reflecting the full incremental cost of the imported gas.

Columbia LNG Consolidated LNG, Southern Natural and Southern Energy appealed those provisions of Opinion 622-A that required the incremental

pricing of LNG. On March 25, 1974, the United States Court of Appeals for the Fifth Circuit determined that the evidentiary hearing conducted in these proceedings at the Commission did not produce substantial evidence to support the Commission's decision to use incremental pricing, and did not explore the problems that incremental pricing would create. Accordingly, the court remanded the proceedings to the Commission for an evidentiary hearing that will examine the advantages and disadvantages of incremental pricing. Pursuant to the court's order, we shall thus direct that the proceedings herein be reopened for the limited purpose of developing a further evidentiary record on the incremental pricing issue remanded by the court, as outlined above, and that a hearing be convened for that purpose.

The Commission orders: (A) The record in the above-titled proceeding is reopened for the limited purpose of developing an evidentiary record pertaining to the incremental pricing issue remanded to the Commission by the Fifth Circuit Court of Appeals, as outlined above.

(B) Pursuant to section 7 of the Natural Gas Act, the Regulations under the Natural Gas Act, and the Commission's rules of practice and procedure, a formal hearing shall be convened in the above-named proceedings in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., on September 25, 1974, concerning the incremental pricing issues remanded to the Commission by the Fifth Circuit Court of Appeals. The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure.

(C) The direct evidence of all parties on the use of incremental pricing for the sales contemplated in these proceedings shall be filed on or before October 1, 1974.

(D) The Presiding Administrative Law Judge assigned to the proceedings shall set dates for the filing of answering and rebuttal testimony following cross-examination of any direct testimony submitted pursuant to paragraph (C) above.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-16908 Filed 7-23-74; 8:45 am]

[Docket No. CP75-4]

#### CONSOLIDATED GAS SUPPLY CORP.

##### Notice of Application

JULY 18, 1974.

Take notice that on July 1, 1974, Consolidated Gas Supply Corporation (applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP75-4 an application pursuant to section 7(b) and (c) of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for

permission and approval of the abandonment, for the 12-month period ending June 30, 1975, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant further states that the total cost of the proposed abandonment, relocation, construction, and operation will not exceed \$3,000,000, nor will the cost of any single project exceed \$500,000. Applicant states that the proposed facilities will be financed in part from funds on hand and in part from funds to be obtained from its parent corporation, Consolidated Natural Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by §§ 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 and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.74-16931 Filed 7-23-74; 8:45 am]

[Docket No. E-8994 and E-8908]

#### IDAHO POWER CO.

##### Notice of Application

JULY 18, 1974.

Take notice that on July 9, 1974, Idaho Power Company (Applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Idaho, Oregon, Nevada, and Wyoming, with its principal business office at Boise, Idaho, filed an application with the Federal Power Commission, pursuant to § 204 of the Federal Power Act, seeking orders authorizing the issuance of (1) \$50 million of First Mortgage bonds; (2) 150,000 shares of \$100 par value, Cumulative Serial Preferred Stock (\$15 million aggregate par value) or, depending upon market conditions, approximately 600,000 to 700,000 shares of Common Stock, \$5 par value, in December 1974. Applicant also requests that the abovementioned proposed issuance be exempted from the competitive bidding requirements of the Commission's rules under the Federal Power Act.

The net proceeds from these financings will be used to repay outstanding short-term indebtedness in the form of promissory notes to banks and outstanding commercial paper which is expected to total approximately \$95 million on August 31, 1974. The short-term borrowings will be used for interim financing of the applicant's construction program.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 26, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to 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.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.74-16933 Filed 7-23-74; 8:45 am]

[Docket No. E-8153]

#### ILLINOIS POWER CO.

##### Stipulation and Offer of Settlement

JULY 18, 1974.

Take notice that on June 21, 1974, Illinois Power Company (IP), upon behalf of Central Illinois Light Company (CIL), submitted pursuant to §§ 1.18(c) and 1.25 of the Commission's rules a Stipulation and Offer of Settlement for Commission certification in this docket.

By September 17, 1973 Order Accepting for Filing and Suspending Rates, the Commission set this matter for hearing to determine the validity of the proposed addition of 10 percent to out-of-pocket costs as provided in the tendered rate application. Interim settlement discussions have resulted in the preparation and submission of the instant Stipulation and Offer of Settlement in which Staff concurs. The Stipulation offers support for the tendered Interchange Agreement between IP and CIL dated March 30, 1973 and related Service Schedules A, B, C, E, F and H, as supplemented, with a requested effective date of June 1, 1973.

Any person desiring to be heard or to make any protest with reference to the stipulation and offer of settlement should on or before July 31, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions 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 proceedings. 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 Stipulation and Offer of Settlement is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-16924 Filed 7-23-74; 8:45 am]

[Docket No. E-8300]

#### IOWA POWER AND LIGHT CO.

##### Notice of Application

JULY 18, 1974.

Take notice that on July 9, 1974, Iowa Power and Light Company (Applicant), filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of 600,000 shares of Common Stock, par value \$10 per share. Applicant also seeks exemption from the competitive bidding requirements of § 34.1a(b) and (c) based upon findings as referred to in § 34.1a(a)(4) of the Commission's rules of practice and procedure.

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Des Moines, Iowa, and is engaged in the electric and gas utility businesses within the State of Iowa.

Holders of the additional Common Stock, along with holders of outstanding shares of such stock will exclusively possess full voting power for the election of directors and for all other purposes, except as by statute otherwise mandatorily provided. The proceeds to the Applicant from the sale of the Common Stock will exceed \$1 million.

The proceeds from the sale of the additional common stock will be used for refunding of certain obligations consisting of a portion of short-term borrowings aggregating \$20,550,000 as of May 31, 1974, and expected to aggregate approximately \$32,300,000 at the time of this issuance.

Any person desiring to be heard or to make any protest with reference to the application should on or before August 2, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions 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 proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-16925 Filed 7-23-74;8:45 am]

[Docket No. E-8893]

#### IOWA POWER AND LIGHT CO.

##### Notice of Application

JULY 17, 1974.

Take notice that on July 9, 1974, Iowa Power and Light Company (Applicant), filed an Application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an Order authorizing issuance of \$20,000,000 First Mortgage Bonds % Series due 2004. Applicant also seeks exemption from the competitive bidding requirements of § 34.1a (b) and (c) based upon findings as referred to in § 34.1a(a) (4) of the Commission's rules of practice and procedure.

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Des Moines, Iowa, and is engaged in the electric and gas utility businesses within the State of Iowa.

The new bonds will be redeemable at the option of the company at any time or in part from time to time, and also through the operation of the Sinking Fund, at prices to be determined in accordance with formulas set forth under "Information Concerning Bonds—Redemption Provisions" in the registration statement. None of the bonds will however, be redeemable prior to August 1, 1979, at the option of the company through a refunding, directly or indirectly, by or in anticipation of the incurring of any debt which has an interest cost to the company less than the interest cost to the company of the new bonds. The company believes that the inclusion of the foregoing restriction on refunding will result in substantial interest savings to the company because the

present market favors protection against refunding so that the buyer may be assured of gaining the benefit of current interest rates for a fixed period of time.

Any person desiring to be heard or to make any protest with reference to the application should on or before August 2, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions 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 proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-16921 Filed 7-23-74;8:45 am]

[Docket No. ID-1528]

#### JOHN TLLINGHAST

##### Supplemental Application

JULY 17, 1974.

Take notice that on June 5, 1974, John Tillinghast (Applicant) filed a supplemental application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act, seeking authority to hold the following position: Director, Kanawha Valley Power Company, Public Utility.

Kanawha Valley Power Company owns and operates three hydroelectric generating stations under license from the Federal Power Commission, each of which is located on government lands adjacent to a government-owned navigation dam in the Kanawha River in West Virginia. All of the Company's available energy is sold to Appalachian Power Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to 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.74-16909 Filed 7-23-74;8:45 am]

[Docket No. RP74-26]

#### LOUISIANA-NEVADA TRANSIT CO.

##### Further Extension of Time

JULY 17, 1974.

On July 8, 1974, Louisiana-Nevada Transit Company filed a motion for an extension of time to August 5, 1974, within which to file its rebuttal evidence in the above-designated matter. Counsel states that Staff Counsel and Counsel for the City of DeQueen have no objection to the proposed extension.

Upon consideration, notice is hereby given that the time is extended to and including August 5, 1974, within which Louisiana-Nevada Transit Company shall file its rebuttal evidence in the above-designated matter. The hearing will commence on September 9, 1974, as scheduled by the notice issued May 31, 1974.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-16910 Filed 7-23-74;8:45 am]

[Docket No. E-8872]

#### METROPOLITAN EDISON CO. AND PENNSYLVANIA POWER & LIGHT CO.

##### Supplemental Agreement

JULY 17, 1974.

Take notice that on June 25, 1974 Metropolitan Edison Company (ME) and Pennsylvania Power & Light (PL) tendered for filing a supplemental agreement dated June 21, 1974, to their interconnection agreement dated October 30, 1964. The supplemental agreement establishes the Steelton interconnection. The need for this additional interconnection results due to the fact that the Bethlehem Steel Corporation's Steelton plant is being transferred from ME to PL as a customer as well as for the purpose of retail power supply.

For the purpose of serving the Steelton plant, PL has filed an application with the Commission seeking approval of the transfer of certain 220 kv facilities and the lease of other 66 kv backup facilities in the vicinity of the plant and that application is now pending before the Commission in Docket No. E-8783. ME indicates that it will provide backup facilities to PL in order for PL to provide service to the Steelton plant until certain facilities are constructed by PL. After regulatory approvals have been obtained in connection with the transfer, ME will file a facilities charge to be paid by PL for service to the plant.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should on or before August 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to the proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance

with the Commission's rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-16912 Filed 7-23-74;8:45 am]

[Docket Nos. CP74-133, CP74-144]

**MOUNTAIN FUEL SUPPLY CO. AND  
COLORADO INTERSTATE GAS CO.**

**Order Setting Date for Filing of Evidence  
and Hearing**

JULY 12, 1974.

Mountain Fuel Supply Company (Mountain Fuel) and Colorado Interstate Gas Company (CIG), a division of Colorado Interstate Corporation, request authorization for a continuation of a sale and exchange of natural gas, all in Sweetwater County, Wyoming, which were commenced November 12, 1973, under the emergency procedures,<sup>1</sup> and for the construction and continued operation of certain minor facilities necessary therefor. Mountain Fuel has contracted with certain small producers for a supply of gas (expected to average initially about 6,000 Mcf per day, at 14.65 psia) from a well that is remote from its transmission and distribution system, but is in the area of CIG's table rock gathering system. Applicants have entered into an agreement (5 year primary term) under which Mountain Fuel has constructed a 1.2 mile, 4½-inch gathering line from the well to a point on CIG's gathering system, and is to deliver the gas from the well to CIG. CIG is to redeliver to Mountain Fuel at an existing interconnection near Green River, Wyoming, by displacement, volumes equivalent to 75 percent of the volumes received from Mountain Fuel. The remaining 25 percent is to be retained and purchased by CIG, for which it is to pay Mountain Fuel an initial price of 40.0¢ per Mcf at 14.65 psia.<sup>2</sup> In addition, Mountain Fuel proposes to charge CIG 2.0¢ per Mcf for gathering the volumes sold to CIG. However, Mountain Fuel is to pay CIG 4.0¢ per Mcf for transporting the volumes redelivered at Green River.

The applicants notified the Commission on November 14, 1973, that they had commenced the emergency sale and exchange on November 12, 1973. CIG stated in its notification that it had been advised by Mountain Fuel that an emergency situation existed on the latter's

<sup>1</sup> For 180 days, pursuant to Sections 157.22 and 157.29 of the Regulations as prescribed by Order No. 491-B issued November 2, 1973, in Docket No. RM74-3.

<sup>2</sup> Under its contract with the small producers, Mountain Fuel is initially to pay 40.0¢ per Mcf at 15.025 psia (39.002¢ at 14.65 psia).

system and that the exchange was commenced at Mountain Fuel's request. In further support for commencing emergency operations, CIG stated that it was in critical need of additional gas supplies to meet the annual and peak day requirements of its existing customers and that it had advised its customers that it cannot increase peak day deliveries in 1974-75 above the 1973-74 volumes. Also, CIG stated that El Paso Natural Gas Company (El Paso) had advised CIG that its purchases at Green River, Wyoming, under El Paso's FPC rate schedule PL-1 would probably be curtailed during the 1973-74 heating season by some 8,000 to 14,000 Mcf on peak days. CIG stated that the emergency gas purchased from Mountain Fuel would help CIG to meet its 1973-74 gas delivery obligations.

On April 25, 1974, and May 9, 1974, Mountain Fuel and CIG filed respective requests for extensions of the emergency arrangements or, in the alternative, issuance of temporary certificates. Conditioned temporary certificates were issued to both applicants on June 10, 1974.

Examination of the pleadings before us discloses a number of issues which should be decided upon a record developed at formal hearings. First, CIG bases its proposed 4.0¢ transportation charge on its actual cost-of-service for 1972 (3.80¢ per Mcf at 14.65 psia) on its Green River gathering system, which includes all gathering facilities in Sweetwater County, rather than developing a cost-of-service specifically for the Table Rock gathering system. Second, Mountain Fuel should justify both its proposed 2.0 cents transportation charge and its proposed 1.0 cent net gain on volumes resold to CIG resulting from the difference in pressure measurement bases. Third, Mountain Fuel requests a disclaimer of jurisdiction over certain facilities connecting to CIG's gathering system. And finally, the applicants have entered into a five year agreement and constructed facilities under § 157.22 of the Commission's regulations. Under § 157.22 facilities are to be temporary in nature and removed after 60 days.

In view of the foregoing and in view of the need for evidence in support of the charges proposed, the Commission is of the opinion that the public interest requires a formal hearing to develop a record in support of these applications. At such hearing the applicants should address themselves to the specific issues outlined above in addition to the usual showings required in applications of this nature.

The Commission finds. (1) The applications filed by Colorado Interstate Gas Company, a division of Colorado Interstate Corporation in Docket No. CP74-144 and the application filed by Mountain Fuel Supply Company in Docket No. CP74-133 are interdependent and should be consolidated for hearing and decision.

(2) Good cause exists for requiring that formal hearing be convened for the purpose of developing a record in sup-

port of the applications in the consolidated dockets.

The Commission orders. (A) The application of Colorado Interstate Gas Company, a division of Colorado Interstate Corporation, filed in Docket No. CP74-144, and the application of Mountain Fuel Supply Company filed in Docket No. CP74-133 are hereby consolidated for hearing and decision.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. 1) a hearing shall be held commencing August 22, 1974, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426 concerning the issues presented by the applications in the consolidated docket.

(C) On or before August 6, 1974, applicants shall file and serve upon all parties to this proceeding including Commission Staff testimony and exhibits comprising their cases-in-chief in support of these applications and in support of their respective positions regarding the issue of disclaimer of jurisdiction as well as support for the construction of facilities under § 157.22 of the regulations.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.74-16934 Filed 7-23-74;8:45 am]

[Docket No. RP74-49]

**NORTHWEST PIPELINE CORP.**

**Further Extension of Time and  
Postponement of Hearing**

JULY 18, 1974.

Northwest Pipeline Corporation filed a motion on July 12, 1974, which was supplemented on July 15, 1974, for an extension of the procedural dates fixed by notice issued May 2, 1974, in the above-designated matter. The motion states that its customers are in agreement with the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Case-in-Chief by Northwest, including its testimony and exhibits on the impact and implementation of an Order No. 467-B curtailment plan on its system, August 12, 1974.  
Hearing, September 24, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-16907 Filed 7-23-74;8:45 am]

[Docket No. E-8888]

**OHIO ELECTRIC CO.****Filing of Initial Rate Schedule**

JULY 17, 1974.

Take notice that on July 3, 1974, Ohio Electric Company (Ohio Electric) filed with the Commission as an initial rate schedule a power agreement between Ohio Electric and Ohio Power Company (Ohio Power), dated February 1, 1972.

On April 10, 1972, pursuant to authorization by the Securities and Exchange Commission in Order Authorizing Sale of Generating Plant To Newly-Organized Subsidiary Company and Related Transactions (70-5142) (Administrative Proceeding File No. 3-3533), Ohio Power transferred to Ohio Electric its interest in the General James M. Gavin Generating Plant (Plant) located on the Ohio River near Cheshire, Ohio. The Plant consists of two 1,300,000 kilowatt fossil-fired steam electric generating units and associated equipment and facilities.

Under the Power Agreement, Ohio Power shall be the sole purchaser of power and energy generated at the Plant by Ohio Electric. Ohio Electric states that it does not now own, and has no present plans to own, any electric facilities other than the Plant.

Ohio Electric and Ohio Power have agreed upon effective date of the initial rate schedule of August 5, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene, unless such petition has been filed previously, or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 29, 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.74-16920 Filed 7-23-74; 8:45 am]

[Docket No. E-8874]

**PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION****Interconnection Agreement**

JULY 18, 1974.

Take notice that on June 27, 1974 the following listed companies tendered for filing Notice of Termination of the agreement between them, dated August 30, 1951, which is filed with the Commission under the following rate schedule designations:

**Rate Schedule,  
FPC No.**

Niagara Mohawk Power Corp.....	5
New York State Electric & Gas Corp..	16
Philadelphia Electric Co.....	14
Pennsylvania Power & Light Co.....	11
Pennsylvania Electric Co.....	11
Metropolitan Edison Co.....	5
Jersey Central Power & Light Co.....	6
New Jersey Power & Light Co.....	10
Public Service Electric and Gas Co....	20
Baltimore Gas and Electric Co.....	10
Potomac Electric Power Co.....	25

A new interconnection agreement dated April 9, 1974 known as the NYPP-PJM interconnection agreement has been filed with the Commission with the requested effective date of August 1, 1974. When the new agreement does become effective, the 1951 agreement will be terminated as of August 1, 1974 or at such other date as the Commission assigns as the effective date of the new interconnection agreement.

There are no purchasers affected by the termination of the 1951 agreement other than the parties thereto.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should on or before August 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to the proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The documents referred to herein are on file with the Commission and are available for public inspection.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.74-16932 Filed 7-23-74; 8:45 am]

[Docket No. E-8899]

**PUBLIC SERVICE CO. OF NEW HAMPSHIRE****Filing of Initial Rate Schedule**

JULY 17, 1974.

Take notice that Public Service Company of New Hampshire (PSNH) on July 11, 1974, tendered for filing as an initial rate schedule a transmission agreement with Montaup Electric Company (the Buyer).

Under the Agreement, PSNH will transmit through its system an entitlement of power which the buyer is purchasing from Central Maine Power Company.

PSNH requests that the Commission waive the normal 30-day notice requirement contained in § 35.3 of the Commission's regulations and permit the rate schedule to become effective as of May 1, 1974.

A copy of the filing was served upon Montaup Electric Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 30, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-16915 Filed 7-23-74; 8:45 am]

[Docket No. E-8895]

**PUGET SOUND POWER AND LIGHT CO.****Proposed Initial Rate**

JULY 17, 1974.

Take notice that on July 10, 1974, Puget Sound Power and Light Company (Puget) tendered for filing a power supply agreement dated April 1, 1974 between Puget and The Washington Water Power Company (Washington) as sellers and Idaho Power Company (Idaho) and Utah Power and Light Company (Utah) as buyers. Puget requests that the requirement for prior notice be waived and that the effective date be made retroactive to April 1, 1974. The term of the power supply agreement as stated therein is from April 1, 1974 to midnight August 31, 1974.

The purpose of the agreement is to supply surplus power and energy from the systems of Puget and Washington to the systems of Idaho and Utah. There were no special cost-of-service studies prepared in connection with the derivation of the rates for surplus power (generally, 6 mills per Kwh), but Puget states that these rates were arrived at through negotiations and are comparable to filed rates at which Puget has furnished service to California utilities during the past year.

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 August 2, 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.74-16919 Filed 7-23-74; 8:45 am]

[Project No. 1398]

**SOUTHERN CALIFORNIA EDISON CO.**

**Application for Amendment of License for Unconstructed Transmission Line Project**

JULY 18, 1974.

Public notice is hereby given that application was filed March 28, 1974 under the Federal Power Act (16 U.S.C. 791a-825r) by Southern California Edison Company (Correspondence to: Mr. P. B. Peacock, Manager, Right of Way and Land Dept., Southern California Edison Company, P.O. Box 800, 2244 Walnut Grove Avenue, Rosemead, California 91770) for amendment of license for constructed transmission line project No. 1398 located in Mono and Inyo Counties, California, and affecting lands of the United States within Inyo National Forest and other lands of the United States.

The application seeks to relocate a section of applicant's 115 kV transmission line designated as Licensed Project No. 1398. The 54 mile long transmission line extends from the Rush Creek powerhouse (Project No. 1398) to a control substation near Bishop, California, and crosses lands of the United States. The proposed action would affect public lands under the jurisdiction of the Department of Agriculture, Forest Service, Inyo National Forest within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 32, T. 3 S., R. 28 E., M.D.M.

Applicant states that the enlargement of its Casa Diablo substation necessitates this relocation.

Any person desiring to be heard or to make protest with reference to said application should on or before August 26, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party to a proceeding or to 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.74-16928 Filed 7-23-74; 8:45 am]

[Docket No. RP74-39-2]

**TEXAS EASTERN TRANSMISSION CORP.**

**Order Granting Petition for Emergency Relief**

JULY 18, 1974.

On November 2, 1973, the town of Utica, Mississippi (Utica) filed a petition

for emergency relief pursuant to § 1.7 (b) of the Commission's rules of practice and procedure. Utica, which operates a municipal gas distribution system, sought an increase of 6,547 Mcf of natural gas in its annual quantity entitlement (AQE) from Texas Eastern Transmission Corporation (Texas Eastern) to enable it to meet its commitment to deliver the gas required by Kitchens Brothers Manufacturing Company (Kitchens), a local manufacturer. On January 11, 1974, the Commission granted temporary emergency relief to increase Utica's AQE by 6,547 Mcf pending further Commission action. On January 14, 1974, Utica filed an amendment to its petition asking that its AQE be increased by 10,460 Mcf rather than the 6,547 Mcf increase originally sought. On March 21, 1974, the initial decision of Administrative Law Judge Michel Levant granted Utica's petition to the extent of providing an increase in the AQE of 6,547 Mcf. Exceptions were filed April 22, 1974, by Utica and by the Commission staff. Both urge that Utica should receive the 10,460 Mcf increase that it requested, rather than the 6,547 Mcf increase granted. There were no replies to the exceptions.

Utica is a town of about 1,000 people. Kitchens is now the principal manufacturer in Utica. In 1970, when it was a small sawmill operation, its management decided to construct three kilns to enable it to dry hardwood and thus expand its operations. It approached Utica in 1970 to obtain a firm commitment for gas to operate the kilns. Utica, which had sufficient contract daily and annual allocations from Texas Eastern, gave Kitchens firm assurance that the gas would be available.

The initial decision stated (p. 3):

Based on the Town's firm commitment of gas in 1970, the company proceeded to commit itself to the conversion of its plant at an expense of approximately \$200,000 to permit the installation of three drying kilns. Due to the lag time in constructing three kilns, the two smaller kilns did not come on line until November, 1971, and August, 1972, and the larger kiln did not come on line until July, 1973. As a result, the base period used for Utica included an amount of only 1,640 Mcf attributable to Kitchens Brothers (reflecting only the start-up usage of the first of two smaller kilns during the last 5 months of the base period). Kitchens Brothers' estimated annual requirements for the three kilns is now approximately 12,100 Mcf, or 10,460 Mcf more than is reflected in the annual entitlement figure.

Effective November 1, 1973, Utica was forced to limit its supply of gas to Kitchens Brothers causing one small kiln to be shut down completely; on December 2, 1973, Utica further limited Kitchens Brothers' supply, forcing it to close down its large kiln; and on December 10, 1973, Utica ceased all gas service to Kitchens Brothers.

In the event Kitchens Brothers, a major industry in Utica, does not receive sufficient gas to operate its kilns, it is contended that 60 to 75 employees would be released, thereby having a significant impact on the Town of Utica.

All parties agree that the initial decision correctly set forth the issue in this case. It stated (p. 6):

In principle, Utica seeks the same treatment as that accorded to other SGS cus-

tomers by Texas Eastern in determining their AQE for curtailment purposes in the settlement approved by the Commission on December 1, 1972. It is eminently reasonable to accord like treatment to Utica, notwithstanding the fact that Utica had not participated in the settlement negotiations. To do otherwise would be discriminatory. Utica, however, should not be placed in a more advantageous position than Texas Eastern's other customers \* \* \*. Thus, the question to be answered is what adjustment would Utica have set forth for Kitchens Brothers had it participated in the settlement negotiations in August of 1972?

The initial decision then stated that there was no firm commitment for any specific volume of gas in 1970, or as late as 1973, when a ball-park estimate was made that 8,000 Mcf would be needed. It was later determined, however, that about 12,100 Mcf would actually be needed for all three kilns. The testimony indicates that the full amount of increase sought in the AQE is necessary to Kitchens' operations and that discharge of a substantial part of Utica's work force would result if the full increase is not granted. The commitment was for all gas needed by Kitchens. The 8,000 Mcf was merely an estimate and not a limitation. If Utica had been present in the settlement procedures it appears it would have received the full amount of increase it now seeks. In two instances, increases over original estimates were granted by the committee of customers on AQE's for others under the settlement approved by the Commission. We find that the full increase sought should be granted.

The granting of the relief sought is no guaranty, of course, that the entire amount of the AQE will be available in any given year. Deliveries to Utica shall be in accordance with the curtailment plan of Texas Eastern in effect at the time delivery is made.

The Commission orders. The petition of the Town of Utica, as amended, is hereby granted.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-16930 Filed 7-23-74; 8:45 am]

[Docket No. RP74-52]

**TRANSWESTERN PIPELINE CO.**

**Proposed Rate Increase**

JULY 17, 1974.

Take notice that on July 10, 1974, Transwestern Pipeline Company (Transwestern) tendered for filing a motion to place into effect original and revised tariff sheets in first revised volume No. 1 as modified by substitute original tariff sheets, or in the alternative to place into effect original and revised tariff sheets in first revised volume No. 1 as modified by alternate substitute original tariff sheets, or as a second alternative to place into effect the tariff sheets originally filed December 28, 1973. Transwestern requests an effective date of July 11, 1974, for each of the three alternate proposals.

Transwestern states that its motion to place into effect one of the three alternate proposals is done pursuant to Commission order of February 8, 1974, which suspended Transwestern's proposed tariff revisions until July 11, 1974.

In addition, Transwestern states that the reason for filing three alternate tariff sheets is to account for the inclusion of a purchased gas adjustment clause approved by the Commission and effective April 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 July 29, 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.74-16914 Filed 7-23-74; 8:45 am]

[Docket No. RP73-94]

#### VALLEY GAS TRANSMISSION, INC.

##### Purchased Gas Cost Adjustment Filing

JULY 17, 1974.

Valley Gas Transmission, Inc. (Valley), on June 12, 1974, submitted for filing as part of its FPC gas tariff, original volume No. 1 its proposed "second revised sheet No. 2A." The proposed effective date is July 1, 1974.

Valley states that this tariff sheet is filed pursuant to its purchased gas cost adjustment provision and that the proposed adjustments are supported by calculations of purchased gas costs and volumes attached to the filing of June 12, 1974.

Valley requests waiver of the requirements of section 5 of its PGA clause so that the proposed new tariff sheet may become effective on less than 45 days notice.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 25, 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 the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-16916 Filed 7-23-74; 8:45 am]

[Docket No. E-8896]

#### VIRGINIA ELECTRIC AND POWER CO.

##### Notice of Contract Supplement

JULY 18, 1974.

Take notice that on July 10, 1974, Virginia Electric and Power Company (Virginia) filed with the Federal Power Commission a contract supplement dated April 16, 1974, between Virginia and the Town of Tarboro, North Carolina. Said supplement requests Commission authorization for Virginia to combine new Delivery Point No. 3 (Western Boulevard) with Delivery Point No. 1 (Wilson and Poplar Streets) and Delivery Point No. 2 (St. Andrews Street and Northern Boulevard) by totalized metering. Virginia requests an effective date as that of the connection of facilities which it expects to occur sometime in September 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 2, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-16927 Filed 7-23-74; 8:45 am]

[Docket No. E-8892]

#### VIRGINIA ELECTRIC AND POWER CO.

##### Delivery Point Change

JULY 17, 1974.

Take notice that on July 8, 1974, Virginia Electric and Power Company (Virginia) tendered for filing a cancellation of a supplemental agreement servicing Halifax Electric Membership Corporation from Virginia's Henrico Delivery Point. Virginia states that the delivery point load was transferred permanently to Eaton's Ferry Delivery Point.

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 August 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-16913 Filed 7-23-74; 8:45 am]

[Docket No. E-8897]

#### VIRGINIA ELECTRIC AND POWER CO.

##### Letter Agreement

JULY 17, 1974.

Take notice that on July 11, 1974, Virginia Electric and Power Company (Virginia) filed with the Federal Power Commission a letter agreement dated June 4, 1974, between itself and Harrisonburg Electric Commission confirming the connection of a 7.5 MVA temporary auto-transformer installation.

Virginia states that the 34.5/23 kV auto-transformer installation described in the letter agreement has been necessitated by the fact that Harrisonburg could not meet its 23 kV summer load requirements because the 69/23 kV equipment ordered by the Commission could not be obtained and placed in service as planned on a day in June, 1974. Virginia requests that this letter agreement become effective as of June 7, 1974, the date of connection of the 34.5/23 kV auto-transformer installation.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 5, 1974, file with the Federal Power Commission, 825 North Capitol Street NE., 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, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-16911 Filed 7-23-74; 8:45 am]

## FEDERAL RESERVE SYSTEM

## BANK OF VIRGINIA CO.

## Order Approving Acquisition of Bank

Bank of Virginia Company, Richmond, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Bank of Virginia—Eastern Shore, Hallwood, Virginia ("Bank"), a proposed new bank. As an incident to the proposal, Bank would acquire the assets and assume the liabilities of the Hallwood office of Bank of Virginia—Central, Richmond, Virginia.<sup>1</sup>

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Virginia, controls 16 banks with aggregate deposits of \$1 billion, representing about 9 per cent of the total deposits in commercial banks in the State.<sup>2</sup> Since Bank is a proposed new bank, its acquisition would neither eliminate any existing competition nor immediately increase applicant's share of commercial bank deposits.

Bank is to be located at U.S. Route 13 and State Route 691 in Accomack County, the northernmost county on Virginia's Eastern Shore. Through its lead bank, Bank of Virginia—Central, applicant presently operates a branch office in the town of Hallwood, Accomack County. Applicant's Hallwood office controls 28.2 percent of the total commercial bank deposits in Accomack County and is the largest of six banking institutions competing in this market. However, Virginia law prohibits Bank of Virginia—Central from establishing additional branch offices within the service area of the Hallwood office. As a consequence, the Hallwood office has been unable to serve efficiently the growing trade and commerce along the main arterial highway in Accomack County, Route 13, and its share of the market has declined by more than 4 percent since 1970. Under such circumstances, the formation of a new bank is viewed as an attempt to provide more efficient banking services to applicant's present customers in Accomack County and, from the facts of record, is not regarded as an attempt to preempt a market. Accordingly, the Board concludes that the proposed trans-

action would not have significantly adverse effects on competition and that competitive considerations are consistent with approval of the application.

The financial condition, management, and prospects of applicant and its subsidiaries are regarded as satisfactory. As a new bank, Bank has no operating financial history, however, its proposed capitalization, management, and prospects appear satisfactory. The Board concludes that banking factors are consistent with approval of the application. Although there is no evidence in the record to indicate that the major banking needs of the area are not currently being met, the proposed new bank would begin operations with its headquarters in a more convenient location than the Hallwood office and would make banking services easily accessible to persons travelling the County's main arterial highway. Thus, considerations relating to the convenience and needs of the communities to be served lend weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Bank of Virginia—Eastern Shore, Hallwood, Virginia, shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,<sup>3</sup>  
effective July 12, 1974.

[SEAL]

CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc.74-16657 Filed 7-23-74; 8:45 am]

FEDERAL OPEN MARKET COMMITTEE  
Domestic Policy Directive of April 15-16, 1974

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's domestic policy directive issued at its meeting held on April 15-16, 1971.<sup>1</sup>

The information reviewed at this meeting suggests that real output of goods and services declined appreciably in the first quarter and that price increases were exceptionally large. The decline in economic activity reflected mainly the impact of the oil short-

<sup>1</sup> Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

<sup>2</sup> The record of policy actions of the Committee for the meeting of April 15-16, 1974, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

age, which is being eased by the ending of the oil embargo. In March industrial production and manufacturing employment receded further, but retail sales strengthened. The unemployment rate changed little, remaining slightly above 5 percent. Prices of farm and food products declined in March, but increases among industrial commodities were widespread and extraordinarily large. Advances in wage rates were moderate in the first quarter.

In March the dollar depreciated further against leading foreign currencies, and the balance of payments was in deficit on the official settlements basis. The U.S. trade surplus diminished again in February as the cost of imported oil rose sharply.

The narrowly defined money stock increased sharply again in March. Broader measures of the money stock rose more moderately, however, as net inflows of consumer-type time deposits at banks slowed substantially. Business short-term credit demands remained strong, with demands at banks exceptionally large. To help finance loan growth, banks in late March and early April stepped up the issuance of large-denomination CD's and also increased borrowings from abroad. Both short- and long-term market interest rates have risen considerably further in recent weeks.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to resisting inflationary pressures, supporting a resumption of real economic growth, and maintaining equilibrium in the country's balance of payments.

To implement this policy, while taking account of the forthcoming Treasury financing and of international and domestic financial market developments, the Committee seeks to achieve bank reserve and money market conditions that would moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, July 15, 1974.

ARTHUR L. BROIDA,  
Secretary.

[FR Doc.74-16656 Filed 7-23-74; 8:45 am]

## MERCANTILE BANCORPORATION INC.

## Order Approving Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Bank of Memphis, Memphis, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Missouri, controls eighteen banks with aggregate deposits of \$1.5 billion, representing 10 percent of the total commercial bank deposits in Mis-

<sup>1</sup> Both the State Corporation Commission of Virginia and the FDIC have approved the transfer from Bank of Virginia—Central of the assets and liabilities of its Hallwood office to Bank.

<sup>2</sup> Deposit data are as of June 30, 1973, unless otherwise noted.

souri.<sup>1</sup> Acquisition of Bank (\$17.7 million in deposits) would increase applicant's share of commercial bank deposits in the state approximately one-tenth of one percentage point and would not result in a significant increase in the concentration of banking resources in Missouri.

Bank is the larger of two banks in its relevant banking market (an area approximately by Scotland County) and controls 70.5 percent of total bank deposits in that market. Applicant's closest subsidiary bank is located 96 miles from Bank in a separate banking market. It appears that there is no significant existing competition between Bank and any of applicant's present subsidiaries. Moreover, in view of Missouri branching restrictions and the fact that the market appears unattractive for de novo entry, it is unlikely that such competition will develop in the future. Accordingly, based on the facts of record, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of applicant, its subsidiaries, and Bank are all regarded as satisfactory and consistent with approval herein. The proposed affiliation of Bank with applicant should enable Bank to expand the range of banking services offered. Accordingly, the Board regards considerations relating to the convenience and needs of the community to be served as being consistent with approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,<sup>2</sup> effective July 15, 1974.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc.74-16658 Filed 7-23-74; 8:45 am]

#### MERCANTILE BANKSHARES CORP.

##### Order Approving Acquisition of Bank

Mercantile Bankshares Corporation, Baltimore, Maryland, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section

<sup>1</sup> All banking data are as of December 31, 1973, and reflect holding company formations and acquisitions approved by the Board through June 30, 1974.

<sup>2</sup> Voting for this action: Governors Brimmer, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Mitchell.

3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire up to 100 percent, but not less than 80 percent, of the voting shares of The First National Bank of Southern Maryland of Upper Marlboro, Upper Marlboro, Maryland ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act and all comments and views received have been considered by the Board in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 10 banks with aggregate deposits of \$542 million, representing about 7 percent of the total deposits of commercial banks in the State.<sup>1</sup> It ranks as the sixth largest banking organization in Maryland and controls, in addition to its 10 banks, two nonbanking subsidiaries. One of the subsidiaries is engaged in mortgage financing and servicing and the other is engaged in commercial, specialized consumer and second mortgage lending, factoring, lease financing and loan servicing. Upon acquisition of Bank (\$61 million in deposits), applicant would increase its share of State deposits by .8 of a percentage point and its rank among banking organizations would not change.

Bank's head office and six of its seven branches are located in Prince George's County, Maryland, and its seventh branch is located in the adjoining Anne Arundel County. With deposits of \$61 million, Bank controls 1 percent of the total deposits in commercial banks in the Washington, D.C., SMSA (the relevant banking market). In addition, Bank ranks as the eighth largest of twenty-three competing banking organizations in the Prince Georges-Montgomery County area, holding about 4 percent of the total deposits therein. Applicant controls three subsidiary banks that are headquartered within this two-county area, and they hold about 3 percent of the total deposits in that area. Through its banking subsidiaries, applicant also controls approximately 1.3 percent of the deposits in the Washington, D.C., SMSA. Bank is located about 10 miles from applicant's closest existing subsidiary banking office, and there does not appear to be any significant existing competition between applicant's subsidiaries and Bank. Upon consummation of this proposal applicant would become the eleventh largest banking organization in the relevant market and the fourth largest banking organization in the Prince Georges-Montgomery County area. However, each of the ten largest Maryland banking organizations have offices in the two-county area, and applicant would control substantially less deposits than the larger banking organizations represented in the two-county area and in the market. In view of the

<sup>1</sup> All other banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved by the Board through April 30, 1974.

large number of competing banks and the distance separating banking offices, it appears that no significant potential competition between applicant and Bank would be eliminated upon consummation of the proposal. The Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of applicant, its subsidiaries and Bank are all regarded as satisfactory and consistent with approval of the application. Although there is nothing in the record to indicate that the banking needs of the area are not presently being served, Bank's affiliation with applicant would give it access to applicant's resources and its managerial and financial expertise, thus enabling Bank to become more aggressive and competitive for larger loans in the area. Considerations relating to convenience and needs of the community are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record,<sup>2</sup> the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order, or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,<sup>3</sup> effective July 15, 1974.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc.74-16660 Filed 7-23-74; 8:45 am]

#### SOUTHLAND BANCORP.

##### Order Denying Formation of Bank Holding Co.

Southland Bancorporation, Mobile, Alabama, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successors by merger to The Merchants National Bank of Mobile, Mobile, Alabama ("Mobile Bank"), City National Bank of Birmingham, Birmingham, Alabama ("Birmingham Bank"), and First National Bank of Fairhope, Fairhope, Alabama ("Fairhope Bank"). The banks into which Mobile Bank, Birmingham Bank, and Fairhope Bank are to be

<sup>2</sup> Dissenting Statement of Governors Mitchell and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

<sup>3</sup> Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland, and Wallich. Voting against this action: Governors Mitchell and Brimmer.

merged have no significance except as a means to facilitate the acquisition of all of the voting shares of the respective Banks. Accordingly, the proposed acquisition of shares of the successor organizations is treated herein as the proposed acquisition of shares of Mobile Bank, Birmingham Bank, and Fairhope Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was recently organized for the purpose of becoming a bank holding company through the acquisition of Mobile Bank (\$267.7 million in deposits), Birmingham Bank (\$65.4 million in deposits), and Fairhope Bank (\$25.8 million in deposits).<sup>1</sup> Upon consummation of the proposed transaction, applicant would become the fifth largest bank holding company in Alabama and would control 5 percent of the total commercial bank deposits in the State. Board approval of the instant proposal would not result in a significant increase in the concentration of banking resources in Alabama.

Mobile Bank is the second largest banking organization competing in the Mobile Rationally Metro Area (Mobile RMA),<sup>2</sup> the relevant banking market,<sup>3</sup> where it controls 38.2 percent of the total commercial bank deposits in that market. The largest bank in the market, First National Bank of Mobile, is only slightly larger in size as it holds \$269 million in deposits, representing 38.6 percent of the market's total commercial deposits. However, in terms of IPC demand deposits under \$100,000, Mobile Bank ranks as the largest bank in the market, holding 43 percent of all such deposits, while the First National Bank of Mobile is the market's second largest bank, holding approximately 34 percent of such deposits.<sup>4</sup>

<sup>1</sup> All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through May 1, 1974.

<sup>2</sup> The Mobile Rationally Metro Area includes portions of Mobile and Baldwin Counties.

<sup>3</sup> Prior Board decisions have defined this market as being approximated by the Mobile SMSA, composed of Mobile and Baldwin Counties. See, e.g., Order approving application of The Alabama Financial Group, Inc. to acquire Baldwin County Bank, Bay Minette, Alabama, dated June 26, 1973; and Order approving application of Alabama Bancorporation to acquire the successor by merger to Baldwin National Bank of Robertsdale, Robertsdale, Alabama. While the Board has redefined the market in this case to the somewhat narrower Mobile RMA, it should be noted that under either market definition, concentration levels are essentially the same and that the Board's determination herein would not differ under either criteria. Essentially, the Board regards the boundary portrayed by the Mobile RMA as a more accurate reflection of commuter traffic patterns and the area within which actual competition in this banking market occurs.

<sup>4</sup> IPC deposit data as of June 30, 1972.

The market appears somewhat concentrated, with the top 3 banking organizations controlling 4 banks and holding approximately 90 percent of both the market's total commercial deposits and those IPC demand deposits in accounts under \$100,000.

Birmingham Bank is the fifth largest of 12 banking organizations competing in the Jefferson County banking market where it controls 3.5 percent of the total commercial bank deposits in that market. The Jefferson County banking market is approximately 200 miles distant from the Mobile banking market, in which both Mobile Bank and Fairhope Bank are located, and it does not appear that Birmingham Bank derives any significant amount of loans or deposits from this banking market. Nor does Fairhope Bank derive any significant amount of loans or deposits from the Jefferson County banking market. Inasmuch as Mobile Bank derives a relatively insignificant amount of its deposits and loans from the Jefferson County banking market, consummation of the instant proposal would eliminate no significant existing competition between Birmingham Bank and either of the proposed subsidiaries in the Mobile banking market. Moreover, the distance separating the two markets and Alabama's restrictive branching laws effectively preclude the possibility of future competition developing between either Mobile Bank or Fairhope Bank.

Fairhope Bank is the fifth largest of seven banking organizations competing in the Mobile RMA where it controls 3.4 percent of the total commercial deposits and 4 percent of all IPC demand deposits in accounts under \$100,000 in that market. As noted above, Mobile Bank also competes in this banking market. Although the main offices of the two banks are 16 miles apart and located in separate Counties, it appears from the record that 30 percent of Fairhope's employed persons commute to Mobile. Moreover, it is anticipated that Mobile and Baldwin Counties, in which the respective banks are located, will become even more integrated in the future. Mobile Bank derives approximately 4 percent of its total loans and 2 percent of its total deposits from the primary service area of Fairhope Bank, while Fairhope Bank derives 5.5 percent of its total loans and 2.3 percent of its total deposits from the primary service area of Mobile Bank. Thus, consummation of the instant proposal would not only eliminate existing competition between the two institutions, but would result in the formation of the market's largest banking organization, controlling over 41 percent of the total commercial deposits and 47 percent of all IPC demand deposits in accounts under \$100,000. In addition, the present level of deposit concentration among the market's top three banking organizations would increase to approximately 94 percent and the likelihood of eventual deconcentration within the Mobile RMA would be further diminished. In the circumstances of this case, the Board is unconvinced that applicant's formation as a bank holding company must take the form of acquiring competing institu-

tions in a relevant banking market. The Board recognizes certain advantages that the formation of an additional bank holding company would bring to Alabama and, under more favorable circumstances, would encourage such a formation. However, under the present proposal, it is the Board's judgment that preserving the possibility of deconcentration of the area's commercial bank deposits would be in the public interest by offering the promise of more vigorous competition developing in the future within the Mobile banking market.

On the basis of the foregoing and all other facts in the record, the Board concludes that consummation of applicant's proposal would have substantially adverse effects on competition, and unless such anticompetitive effects are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the communities to be served, the application should be denied.

The financial condition, managerial resources and future prospects of applicant and its proposed subsidiary banks appear satisfactory. Thus, considerations relating to banking factors are consistent with approval but provide no significant support for such action.

Applicant proposes to offer new or expanded services, including international, data processing and trust services. In addition, equipment leasing and large commercial and industrial lending would be offered. While these improved services lend some weight toward approval, the Board does not consider these conveniences and needs considerations sufficient to outweigh the anticompetitive effects of the proposal. Accordingly, it is the Board's judgment that, on the basis of the entire record, consummation of the proposed transaction would not be in the public interest and that the application should be, and hereby is, denied.

By order of the Board of Governors,<sup>5</sup>  
effective July 15, 1974.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc. 74-16659 Filed 7-23-74; 8:45 am]

#### TRUSTEES OF DARTMOUTH COLLEGE Nonbanking Activities

Trustees of Dartmouth College, Hanover, New Hampshire, has applied, pursuant to section 4(d) of the Bank Holding Company Act (12 U.S.C. 1843(d)), for an exemption from the provisions of the Act limiting the nonbanking activities of a bank holding company. Applicant is a bank holding company by virtue of its holdings in the Dartmouth National Bank of Hanover, Hanover, New Hampshire.

Under section 4(d), the exemption may be granted "(1) to avoid disrupting business relationships that have existed over a long period of years without adversely

<sup>5</sup> Voting for this action: Governors Brimmer, Sheehan, Bucher and Wallich. Abstaining: Chairman Holland. Absent and not voting: Chairman Burns and Governor Mitchell.

affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

Interested persons may express their views on this matter. The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any request for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 12, 1974.

Board of Governors of the Federal Reserve System, July 15, 1974.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

[FR Doc.74-16661 Filed 7-23-74; 8:45 am]

#### AURORA FIRST NATIONAL CO.

##### Formation of Bank Holding Co.

Aurora First National Company, Aurora, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares of The First National Bank in Aurora, Aurora, Nebraska. 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 Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 12, 1974.

Board of Governors of the Federal Reserve System, July 16, 1974.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

[FR Doc.74-16856 Filed 7-23-74; 8:45 am]

#### BANKERS TRUST NEW YORK CORP.

##### Order Approving Acquisition of Bank

Bankers Trust New York Corporation, New York, New York, a bank holding company within the meaning of the Bank Holding Company Act, has applied for approval of the Board of Governors of the Federal Reserve System under section

3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting shares of Mohawk Valley State Bank, Utica, New York ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and none has been timely received. The application has been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls nine banks with aggregate domestic deposits of \$9.2 billion,<sup>1</sup> representing 8.0 percent of total commercial bank deposits in New York, and is the fifth largest banking organization in the State. Applicant also controls approximately \$5.5 billion in foreign deposits. Acquisition of Bank (deposits of \$9.2 million) would neither increase applicant's present ranking among bank holding companies in the State nor significantly increase its share of deposits in the State.

Bank, a unit bank located in the Utica-Rome market,<sup>2</sup> is the eighth largest of twelve banks operating in that market, with 1.4 percent of the market's deposits.

Applicant is not presently represented in the Sixth Banking District, and, under the state's banking laws, its existing bank subsidiaries are not permitted to branch into the district until 1976. At the present time, the market's two largest banks control 77.4 percent of the market's deposits. Applicant's presence in the market can be expected to strengthen competition and contribute to a deconcentration of deposits held by those banks.

Applicant's subsidiary bank closest to Bank has an office in Johnstown, which is 55 miles from Bank, and no meaningful present competition exists between any of Applicant's subsidiary banks and Bank. Moreover, there appears to be little likelihood of the development of any significant amount of future competition between applicant and Bank. In view of the high unemployment, low population growth and slow growth of the Utica-Rome market, it does not appear likely that applicant would seek to enter the market through the establishment of a de novo bank. Accordingly, consummation of the proposed acquisition of Bank will not have an adverse effect on existing or potential competition.

The financial and managerial resources of applicant and its subsidiary banks are generally satisfactory. Affiliation with applicant would eliminate Bank's management succession problem, and applicant possesses the expertise and resources to make substantial improvements to Bank's financial condition. Although there is no evidence in the record that the banking needs of the community are not being adequately served, affilia-

<sup>1</sup> All data are as of December 31, 1973.

<sup>2</sup> The Utica-Rome market includes Oneida County, most of Herkimer County, and small parts of Madison and Hamilton Counties and is in the Sixth Banking District in New York State.

tion with applicant will permit Bank to offer additional services to its customers such as educational loans, FHA and VA mortgages, trust services, factoring and construction lending. Considerations relating to the convenience and needs of the area to be served lend sufficient weight to warrant approval of the application.

It is the judgment of the Federal Reserve Bank of New York that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Federal Reserve Bank of New York, acting for the Board of Governors pursuant to delegated authority, effective July 11, 1974.

[SEAL] FRED W. PIDERIT, JR.,  
Vice President,  
Federal Reserve Bank of New York.

[FR Doc.74-16858 Filed 7-23-74; 8:45 am]

#### BOATMEN'S BANCSHARES, INC.

##### Acquisition of Banks

Boatmen's Bancshares, Inc., St. Louis, Missouri, 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 Baltimore Bank and Trust Company, Kansas City, Missouri, and North Hills Bank, Kansas City, Missouri. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the applications 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 August 13, 1974.

Board of Governors of the Federal Reserve System, July 16, 1974.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

[FR Doc.74-16857 Filed 7-23-74; 8:45 am]

#### LONG BANCORP.

##### Formation of Bank Holding Co.

Long Bancorporation, Des Moines, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 73.89 percent or more of the voting shares of Union-Whitten State Savings Bank,

Union, Iowa. 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 Chicago. 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 August 13, 1974.

Board of Governors of the Federal Reserve System, July 16, 1974.

[SEAL] THEODORE E. ALLISON,  
*Assistant Secretary of the Board.*

[FR Doc.74-16855 Filed 7-23-74;8:45 am]

#### PULASKI INVESTMENT CORP.

##### Formation of Bank Holding Co.

Pulaski Investment Corporation, Little Rock, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 68.36 percent of the voting shares of Pulaski Bank and Trust Company, Little Rock, Arkansas. 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 St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 12, 1974.

Board of Governors of the Federal Reserve System, July 16, 1974.

[SEAL] THEODORE E. ALLISON,  
*Assistant Secretary of the Board.*

[FR Doc.74-16852 Filed 7-23-74;8:45 am]

#### 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 Southeast National Bank of Sweetwater, Dade County, Florida, a proposed new bank. 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 August 13, 1974.

Board of Governors of the Federal Reserve System, July 16, 1974.

[SEAL] THEODORE E. ALLISON,  
*Assistant Secretary of the Board.*

[FR Doc.74-16854 Filed 7-23-74;8:45 am]

#### TENNESSEE VALLEY BANCORP., INC.

##### Acquisition of Bank

Tennessee Valley Bancorp., Inc., Nashville, Tennessee, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of (1) Commerce Union Bank of Lawrence County, Lawrenceburg, Tennessee, (2) Commerce Union Bank of Sumner County, Gallatin, Tennessee and (3) Commerce Union Bank of Rutherford County, Murfreesboro, Tennessee. 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 August 13, 1974.

Board of Governors of the Federal Reserve System, July 16, 1974.

[SEAL] THEODORE E. ALLISON,  
*Assistant Secretary of the Board.*

[FR Doc.74-16853 Filed 7-23-74;8:45 am]

#### NATIONAL SCIENCE FOUNDATION ESTABLISHMENT OF ADVISORY COMMITTEE ON ENERGY FACILITY SITING

##### Notice of Determination

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), it is hereby determined that the establishment of an Advisory Committee on Energy Facility Siting, as hereinafter identified, is necessary, appropriate and in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law (including Reorganization Plan No. 1 of 1973). This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

1. Name of Committee: Advisory Committee on Energy Facility Siting.

2. Purpose: To provide recommendations concerning the plans, status, and results of NSF sponsored studies relating to the siting of energy facilities such as electrical power producing plants and associated support facilities (e.g. fuel processing plants).

3. Effective Date of Establishment and Duration: The Committee is established effective August 8, 1974; and its duration shall be two years from the effective date.

4. Membership: The membership of the Committee shall include a reasonable representation of the wide variety of backgrounds to provide insight into the diverse problems which must be examined. Members will include individuals from a broad spectrum of electrical utilities (large, small privately- and publicly-owned utilities, etc.) as well as from government agencies and departments and public interest groups concerned with energy development and environmental protection.

5. Committee Operation: The Committee will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), Foundation policy and procedures, OMB Circular No. A-63, Revised and other directives and instructions issued in implementation of the Act.

H. GUYFORD STEVER,  
*Director.*

[FR Doc.74-16993 Filed 7-23-74;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 July 19, 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 International Commerce: Export Mailing List Evaluation, Form DIB 4011P, Single time, Caywood, Businesses using export mailing list service.

ENVIRONMENTAL PROTECTION AGENCY  
Survey for Developing an Economic Analysis of the Environmental Impact of Highway Deicing, Form ----, Single time, NRD/Wann, Environmentalist/scientist.

VETERANS ADMINISTRATION  
Hypertension Cooperative Study No. 8, Form ----, Occasional, Caywood, Patients in VA and Non-VA hospitals.  
Hypertension Screening Form, Form 10-1474, 10-1474a, 10-1474b, Occasional, Caywood, Hypertension screening clinic personnel.

## DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Guideline Procedures and Minimum Fiscal Controls for Manual and Machine Issuance of Food Coupons, Form ----, Occasional, HRD/Lowry, State and local agencies.

## REVISIONS

## DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Annual Pesticide Survey, Form ----, Annual, Lowry, Farmers reporting to State Farm Census.

## DEPARTMENT OF COMMERCE

Economic Development Administration: Relocation and Land Acquisition Certificate, Form ED 168, Occasional, GSA/Cohn/Lowry, Recipient of EDA Financial Assistant.

## EXTENSIONS

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service: Regulations Under the U.S. Warehouse Act, Form 7 CFR 101-108, 111, Occasional, Evinger, Warehousemen.

Regulations—Voluntary Grading and Inspection of Egg Products, Form 7 CFR Part 55, Occasional, Evinger, Egg processors.

PHILLIP D. LARSEN,

*Budget and Management Officer.*

[FR Doc.74-17012 Filed 7-23-74; 8:45 am]

## POSTAL RATE COMMISSION

[Docket No. MC73-1 Phase I, Phase II, Phase III]

HERBERT SHARFMAN

Notice Designating Presiding Judge

JULY 18, 1974.

The Commission hereby designates Administrative Law Judge Herbert Sharfman as Presiding Judge in all phases of this proceeding. Judge Sharfman replaces Chief Administrative Law Judge Seymour Wenner. In conformity with Order No. 51 the Commission is proceeding to go forward concurrently on the present classification case and the rate case, Docket R74-1.<sup>1</sup> Judge Wenner's substantial and immediate responsibilities as Presiding Judge in the rate case, and the need for expedition of that proceeding, make it infeasible for Judge Wenner to also preside in the classification case.

JOSEPH A. FISHER,  
*Secretary.*

[FR Doc.74-17027 Filed 7-23-74; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[70-5521]

ARKANSAS-MISSOURI POWER CO.

Proposed Sale-Leaseback of Turbine Generating Units

Notice is hereby given that Arkansas-Missouri Power Company, 405 West Park St., Blytheville, Arkansas 72315 ("Ark-Mo"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pur-

<sup>1</sup> See Order No. 51, July 1, 1974.

suant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(b)(1) and 12(d) of the Act and rule 44 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Ark-Mo has contracted for the purchase and installation of three 50/60 megawatt gas turbine electric generating units ("Equipment"), which are currently in the final stages of installation, on a site owned by Ark-Mo near Blytheville, Arkansas. Ark-Mo proposes to sell and assign all its right, title and interest in the Equipment to, and concurrently to lease it back from, a trustee ("Owner Trustee"), designated as such in a Trust Agreement between the Owner Trustee and Chrysler Financial Corporation ("Owner Participant"), a Michigan Corporation. It is stated that neither the Owner Trustee, the Owner Participant, nor any corporations or persons affiliated with either of them are affiliated with Ark-Mo or any of its affiliated companies.

The Sale and Related Financing. On a date as soon as practicable after issuance of the Commission's order herein ("Closing Date"), the Equipment will be sold to the Owner Trustee for an amount equal to Ark-Mo's book cost thereof; said cost is estimated at \$14,000,000, including allowance for funds used during construction and other transactional costs. The purchase price ("Owner's Cost") will be subject to a final determination on or before October 31, 1974, to take into account any necessary adjustments; provided, that if the Owner's Cost would thereby exceed \$15,000,000, the excess will be borne by Ark-Mo. The purchase price will be financed to the extent of 28 percent with funds provided by the Owner Participant as an investment in beneficial ownership of the Equipment, and the balance, 72 percent will be borrowed by the Owner Trustee on a long-term basis ("Debt") from a group of insurance companies. The lenders and the participation of each (based on the maximum purchase price of \$15,000,000) are shown below.

Lender	Maximum participation
The Travelers Insurance Co.-----	\$5,000,000
The Lincoln National Life Insurance Co.-----	2,500,000
Union Mutual Life Insurance Co.-----	1,000,000
Woodmen of the World Life Insurance Co.-----	1,000,000
Kentucky Central Life Insurance Co.-----	500,000
Woodmen Accident and Life Insurance Co.-----	500,000
Lamar Life Insurance Co.-----	300,000
Total -----	10,800,000

The participations of The Travelers Insurance Company ("Travelers") and The Lincoln National Life Insurance Company ("Lincoln") will be delayed until 6 months after the Closing Date, and for that interval the necessary funds (up to \$7,500,000) will be obtained by the

Owner Trustee through an Interim Loan from Union Planters Bank of Memphis. The Interim Loan will be payable 6 months after the Closing Date, with interest at the rate of 10 percent per annum.

The long term Debt will not be an obligation of either Ark-Mo or the Owner Participant, but will be the independent obligation of the Owner Trustee payable solely from the Owner Trustee's estate consisting of, among other things, the Equipment, the Lease and rentals thereunder, insurance proceeds, etc. The Debt will mature in 1999, and will be payable in forty-nine semi-annual installments in the case of Travelers and Lincoln, commencing one year after the Closing Date; and in fifty semi-annual installments in the case of the other lenders, commencing 6 months after the Closing Date. The semi-annual installments will be level payments consisting of interest and principal. The interest rate on the Debt will be 10¼ percent per annum. The Debt (and the Interim Loan) will be secured by a security interest in the Equipment, the Lease and all amounts payable under the Lease—all subject to Ark-Mo's rights under the Lease. The Debt will be non-refundable at a lower effective interest cost during a period of 15 years after the Closing Date.

The Lease. The Lease will be a net lease, under which Ark-Mo will be responsible for operation maintenance, insurance, certain taxes, etc. Ark-Mo will have the right, at its own expense, to make certain modifications and replacements to the Equipment which it deems appropriate. The Basic Term of the Lease will be 25 years, and at Ark-Mo's option, may thereafter be renewed for up to three consecutive renewal terms of 5 years each. The lease will be non-cancellable except in the event of (i) failure to obtain favorable federal income tax rulings incident to the ownership and leasing of the Equipment, (ii) failure of Travelers or Lincoln to perform on their respective commitments as to the Debt, (iii) destruction, confiscation or condemnation of the Equipment beyond economical replacement or repair, or (iv) a determination by Ark-Mo, after the tenth year of the Basic Term, that the Equipment is no longer useful in its business.

During the Basic Term of the Lease, payments thereunder will be made by Ark-Mo in fifty semi-annual installments commencing 6 months after the Closing Date, each installment (except the first) to be equal to 4.759 percent of the Owner's Cost, which Ark-Mo understands is equivalent to an annual simple interest rate of 8.26 percent. Said 4.759 percent of Owners Cost, and the aggregate rentals payable for the Equipment, may be adjusted to reflect (a) failure to obtain requested federal income tax rulings (not resulting in termination of the Lease) relating to certain items of the Owner's Cost, such as depreciation allowances, investment tax credit, etc. or (b) modification by the Internal Revenue Service of the Asset Guideline Period

[File No. 500-1]

**BBI, INC.****Suspension of Trading**

JULY 17, 1974.

The common stock of BEI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. 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 exchanges 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 July 18, 1974 through July 27, 1974.

By the Commission.

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

[FR Doc.74-16878 Filed 7-23-74; 8:45 am]

[70-5523]

**CONNECTICUT YANKEE ATOMIC POWER CO.****Issue and Sale of Promissory Note**

JULY 19, 1974.

Notice is hereby given that Connecticut Yankee Atomic Power Co., P.O. Box 270, Hartford, Conn. 06101 ("Connecticut Yankee"), an electric utility subsidiary company of Northeast Utilities and New England Electric System, both of which are registered holding companies, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to said application, which is summarized below, for a complete statement of the proposed transaction.

Connecticut Yankee is the owner of a 575,000 kw nuclear electric generating plant ("Plant"), located at Haddam, Connecticut, which has been in operation since January 1, 1968. All of the outstanding shares of Connecticut Yankee's common stock are owned by eleven New England electric utilities.

In order to comply with more stringent environmental regulations and, in particular, the standards and dose criteria limits promulgated by the Atomic Energy Commission ("A.E.C."), Connecticut Yankee has undertaken to provide its Haddam plant with additional pollution control equipment ("Project"). The total cost of the Project was orig-

inally estimated to be approximately \$9,000,000, and authorization to finance the Project for this amount was previously given. (See Holding Company Act Release No. 18164, dated November 12, 1973.) Because of unexpected cost overruns incurred in connection with construction of the Project, however, Connecticut Yankee now requires up to \$5,000,000 in additional funds.

The Connecticut Development Authority ("Authority") is authorized under the laws of the State of Connecticut to assist in the planning and financing of facilities to control environmental pollution derived from the operation of industry and commerce. In this connection, the Authority may extend credit or make loans secured by loan agreements, and issue its bonds for such purposes. Accordingly, Connecticut Yankee proposes to enter into an amended agreement ("Loan Agreement") with the Authority with respect to the construction and financing of the Project at its Haddam plant, and pursuant thereto, issue to the Authority its promissory note ("Note"), in an aggregate amount not to exceed \$5,000,000. In turn, the Authority will issue and sell its Pollution Control Revenue Bonds ("Pollution Bonds") up to a total aggregate amount of \$5,000,000 and advance the proceeds from the sale to Connecticut Yankee pursuant to the terms of the Loan Agreement to provide funds theretofore expended and to be expended by Connecticut Yankee for the construction of the Project.

The Pollution Bonds will be issued under and secured by a Trust Indenture between the Authority and Hartford National Bank and Trust Company ("Trustee"), as amended by a Supplemental Indenture of Trust dated May 1, 1974 ("Supplemental Indenture"). It is stated that the Bonds will not constitute general obligations of the State, but will be revenue bonds, the principal and interest on which will be payable solely out of funds paid by Connecticut Yankee pursuant to the Loan Agreement. It is expected that the Pollution Bonds will be dated May 1, 1974, and bear a final maturity date of November 1, 1997. The terms of the Pollution Bonds will include sinking fund provisions providing for installments of \$215,000 on November 1 of each year commencing in 1975 and ending in 1986, and of \$220,000 for each year thereafter through 1997. In the aggregate, sinking fund installments will retire the entire issue by the final maturity date. The supplemental indenture will contain certain redemption provisions which will include the right of Connecticut Yankee to cause the redemption of the Pollution Bonds, in whole or in part, at any time after they have been outstanding for 10 years at an initial premium of 3 percent declining by 1/2 percent every year.

It is stated that the Pollution Bonds are expected to be marketed pursuant to arrangements among Connecticut Yankee, the Authority and Morgan Stanley & Co., Incorporated, Connecticut

applicable to the Equipment. During the renewal terms the rentals will be the then fair market rental value of the Equipment. At the end of the Basic Term or any of the three renewal terms, Ark-Mo will have the option of purchasing the Equipment at its then fair market sales value.

Ark-Mo will use the proceeds (estimated at \$13,850,000) received from the proposed sale of the Equipment to reducing its outstanding short-term borrowings which amounted to \$21,350,000 at June 30, 1974. Ark-Mo also proposes to account for the Lease transaction as a lease and to charge the payments thereon, estimated at \$1,331,990 per annum, to operating expense.

A statement of the fees and expenses incurred or to be incurred in connection with the proposed transactions will be supplied by amendment. The Arkansas Public Service Commission has jurisdiction over the sale, leaseback, and repurchase by Ark-Mo of its interest in the Equipment. It is stated that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 12, 1974, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as filed or as it may be hereafter amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the 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 declaration, as filed or as it may be hereafter amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in 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.

**GEORGE A. FITZSIMMONS,**  
*Secretary.*

[FR Doc.74-16936 Filed 7-23-74; 8:45 am]

Yankee states that the interest payable on the Pollution Bonds will be exempt from Federal income taxation. It is not possible to ascertain in advance precisely the interest rate which may be obtained in connection with the issuance of the Pollution Bonds, but Connecticut Yankee is advised that tax-exempt bonds of like quality and tenor have historically carried an annual interest rate approximately one and one-half to two and one-half percent lower than comparable taxable long-term corporate bonds.

The note which Connecticut Yankee will issue to the authority will be in an aggregate principal amount equal to the amount of the Pollution Bonds. Interest and principal on the note will be payable at times and in amounts corresponding to interest and principal requirements on the Pollution Bonds. The Loan Agreement requires that such payments on the Note shall be made in all events, notwithstanding failure of the project to operate successfully, any casualty, condemnation, failure of title or other occurrence. The note will be pledged under the supplemental indenture by assignment to the Trustee. The Loan Agreement further provides that upon any event of default therein specified, all unpaid principal of and accrued interest on the Note may be declared, and thereupon shall be, immediately due and payable.

A statement of the fees, commissions and expenses paid or incurred, or to be paid or incurred, in connection with the proposed transactions will be supplied by amendment. It is stated that the Public Utilities Commission of the State of Connecticut has jurisdiction over the proposed transactions. The order of that commission will be supplied by amendment. No other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Connecticut Yankee submits that the issue of its Note to the Authority should be exempted from rule 50 by reason of clause (a) (5) thereof on the ground that the proposed transactions do not lend themselves as a practical matter to competitive bidding.

Notice is further given that any interested person may, not later than August 12, 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, as filed, or as it may be amended, which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request, at any time after said date, the application, as filed or as

it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the 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. 74-16874 Filed 7-23-74; 8:45 am]

[File No. 500-1]

**GOLDFIELD DEEP MINES CO. OF NEV.**  
Suspension of Trading

JULY 17, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Goldfield Deep Mines Company of Nevada 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 11:45 a.m. (e.d.t.) on July 17, 1974 through midnight (e.d.t.) on July 26, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 74-16877 Filed 7-23-74; 8:45 am]

[812-3504]

**HARTFORD EQUITY SALES CO., INC.**  
Consolidated Hearing

JULY 18, 1974.

Notice is hereby given that Hartford Equity Sales Company, Inc., Hartford Plaza, Hartford, Conn. 06115 ("Applicant") has filed an application pursuant to section 9(c) of the Investment Company Act of 1940 ("Act") for an order of exemption from the provisions of section 9(a) of the Act to permit it to serve as principal underwriter for variable annuity contracts issued with respect to the Hartford Variable Life Insurance Company Separate Account ("Separate Account"), a registered investment company, and for an order of temporary exemption to permit it to so serve until final disposition of the present application. This is the second such application to be filed by Applicant. Applicant states that should the Commission determine that a hearing be held on this Application, then Applicant agrees that such hearing be consolidated with the hearing

on a June 20, 1972 application pursuant to section 9(a) of the Act by International Telephone & Telegraph Corporation ("ITT") and two of its subsidiaries, Hartford Variable Annuity Life Insurance Company ("HVA") and Hamilton Management Corp. ("HMC") (Administrative Proceeding File No. 3-3842). All interested persons are referred to the application on file with the Commission for a statement of the representations therein that are summarized below.

Applicant, a Connecticut corporation organized on July 3, 1973, is a wholly-owned subsidiary of Hartford Fire Insurance Company. ITT owns 99.9 percent of the outstanding voting stock of Hartford Fire Insurance Company. Applicant filed an application on August 27, 1973 to register as a broker-dealer with the Commission and has been proposed to replace HVA as principal underwriter for the Separate Account. HVA also serves as investment adviser for the Separate Account and is engaged in the business of issuing fixed annuity contracts. Applicant asserts its replacement of HVA as principal underwriter for the Separate Account is necessitated by the effect of HVA's net capital position of obligations and expenses incurred primarily in connection with HVA's fixed annuity business. These obligations and expenses are attributable to the fixed annuity reserve obligation, the minimum death benefit and full refund reserve obligations, and the expense drain during the initial contract years.

On June 20, 1972, the United States District Court for the Southern District of New York entered a Final Judgment of Permanent Injunction in SEC v. ITT, et al. (72 Civil Action No. 2561). The judgment, among other things, enjoins ITT and certain of its officers from violations of sections 5 and 17a of the Securities Act of 1933 and section 10(b) of the Securities Exchange Act of 1934 and rule 10(b)(5) promulgated thereunder. On the same day, the Commission noticed the filing of the application pursuant to section 9(c) of the Act by ITT, HVA and HMC supra, and issued an order temporarily exempting HVA and HMC from provisions of section 9(a) of the Act (Investment Company Act Release No. 5435). The Commission ordered a hearing on the application for permanent exemption on January 10, 1973 (Investment Company Act Release No. 7615). The hearing has not been concluded.

Section 9(a) of the Act, insofar as is pertinent here, makes it unlawful for any person, or any company with which such person is affiliated, to act in the capacity of employee, officer, director, member of an advisory board, investment adviser, principal underwriter or depositor of any registered investment company if such person is by reason of any misconduct enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security.

Section 9(c) provides that upon application the Commission shall grant an

exemption from the provisions of section 9(a), either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of section 9(a) as applied to the applicant are unduly or disproportionately severe of that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Applicant asserts that the granting of an exemption from the provisions of section 9(a) to permit it to serve as principal underwriter of the variable annuity contracts issued with respect to the Separate Account is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the following reasons:

1. Neither Applicant nor any of its officers, directors, or employees was named as a party in *SEC v. ITT, et al. supra*.

2. To grant Applicant the relief requested—even if only on a temporary basis—will permit Applicant to qualify as principal underwriter for the variable annuity contracts issued by HVA with respect to the Separate Account in lieu of HVA, thus permitting HVA to terminate this registration as broker-dealer and thereby eliminating any chance for HVA to violate the Commission's net capital rule.

3. To permit the bar of section 9(a) to remain in effect as to Applicant—assertedly a party innocent of any wrongdoing—would be unduly harsh and disproportionately severe.

The Applicant also requests that the Commission, in consideration of the application and upon its own motion, for the reasons discussed above, grant Applicant a temporary exemption from the provisions of section 9(a) of the Act pending final determination of the application that is the subject of this Notice.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held and that such hearing be consolidated with the hearing on the June 20, 1972 application of ITT, et al. Any person, other than Applicant, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before August 20, 1974 his application pursuant to rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address noted above, and proof of service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or be heard

will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

The Commission has considered the matter and the application for exemption pending final determination of the matter by the Commission and finds that the conduct of Applicant has been such as not to make it against the public interest or protection of investors to grant Applicant's application for exemption from the provisions of section 9(a) of the Act pending final determination by the Commission of the application that is the subject of this Notice.

Accordingly, *It is ordered*, Pursuant to section 9(c) of the Act, that the application of Hartford Equity Sales Co., Inc., for exemption from the provisions of section 9(a) of the Act pending final determination by the Commission of the application that is the subject of this notice be and is hereby granted, effective forthwith.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-16873 Filed 7-23-74; 8:45 am]

[File No. 500-1]

NICOA CORP.

Suspension of Trading

JULY 5, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa 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 July 8, 1974 through July 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-16875 Filed 7-23-74; 8:45 am]

[File No. 500-1]

NICOA CORP.

Suspension of Trading

JULY 17, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa 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 ex-

change is suspended, for the period from July 18, 1974 through July 27, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-16876 Filed 7-23-74; 8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

JULY 18, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from July 19, 1974 through July 28, 1974.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-16935 Filed 7-23-74; 8:45 am]

## WATER RESOURCES COUNCIL

### SCHEDULE AND APPLICATION OF PRINCIPLES AND STANDARDS TO IMPLEMENTATION STUDIES IN PROCESS

#### Notice of Establishment

1. Notice is hereby given by the Water Resources Council that Procedure No. 1 for Planning Water and Related Land Resources—Schedule and Application of Principles and Standards to Implementation Studies in Process—has been established pursuant to section 103 of the Water Resources Planning Act (Pub. L. 89-80) and the authority delegated in section 2 of Executive Order 11747, November 7, 1973.

2. The full text of Procedure No. 1 for Planning Water and Related Land Resources is published as a part of this notice.

3. Procedure No. 1 is effective immediately.

ROGERS C. B. MORTON,  
Chairman.

PROCEDURE NO. 1 FOR PLANNING WATER AND RELATED LAND RESOURCES

SCHEDULE AND APPLICATION OF PRINCIPLES AND STANDARDS TO IMPLEMENTATION STUDIES IN PROCESS

A. Level C (implementation) plans, as defined by the Water Resources Council, July 22, 1970, which have been formulated in accordance with Senate Document No. 97, Supplement No. 1 thereto regarding recreation benefits, and the amendment of December 24, 1968, regarding discount rate, and transmitted to OMB prior to October 25, 1973, including those in this category which were

transmitted to Congress for approval or authorization will remain as formulated.

B. Level C plans on which field studies, analyses, and evaluation were completed as of October 25, 1973, and which were formulated in accordance with Senate Document No. 97 as supplemented and amended, and which were transmitted to OMB, or transmitted to OMB and to Congress, for approval or authorization between October 25, 1973, and June 30, 1974, will include an addendum providing the following information.

1. Changes in Benefits and Costs: An evaluation of the plan without reformulation, using current normalized prices, current construction costs, and current recreation values.

2. Environmental Problems: A summary description of any significant environmental problems expected to be encountered or created by the plan.

3. Need for Reformulation: If the plan has unresolved environmental problems, a careful examination of the plan is to be undertaken by the responsible Federal agency, and reasons that reformulation of the plan is not needed prior to authorization will be set forth.

C. Level C (Implementation) plans on which field studies analyses, and evaluation were completed as of October 25, 1973, and which were formulated in accordance with Senate Document No. 97 as supplemented and amended, and which are transmitted to OMB between July 1, 1974, and June 30, 1975, will include an addendum providing the following information.

1. Changes in Benefits and Costs: An evaluation of the plan without reformulation, using current normalized prices, current construction costs, and current recreation values.

2. Environmental Quality Plan: An abbreviated environmental quality plan consistent with the intent of the "Principles and Standards," but which is abridged in detail.

3. Regional Development and Social Well-being: An abbreviated display of the regional development and social well-being impacts consistent with the intent of the "Principles and Standards," but which is abridged in detail.

4. Need for Reformulation: If the plan has unresolved environmental problems, a careful examination of the plan will be undertaken by the responsible Federal agency, and reasons that reformulation of a plan is not needed prior to authorization will be set forth.

D. Level C plans transmitted to OMB after June 30, 1975, will be formulated in conformance with the "Principles and Standards" and applicable implementing Procedures.

E. For Level C plans which can be finally approved and carried out by an agency head pursuant to specific statutory provisions without further action by Congress, the application of the "Principles and Standards" is determined by substituting the words "approved administratively" for the words "transmitted to OMB" in Procedure A through D.

F. Agency heads responsible for applying the "Principles and Standards" may, if they desire, accelerate the schedule set out in this Procedure.

[FR Doc. 74-16879 Filed 7-23-74; 8:45 am]

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[V-74-41]

#### dePAUL COMMUNITY HEALTH CENTER, INC.

#### Notice of Application for Variance and Interim Order; Grant of Interim Order

I. Notice of application. Notice is hereby given that dePaul Community Health Center, Inc., 2415 Kingshighway Blvd., St. Louis, Missouri 63113, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 CFR 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 1910.158(c) (3) concerning the water supplies for a Class III service of a standpipe and hose system.

The address of the place of employment that will be affected by the application is as follows:

dePaul Community Health Center, Inc.  
St. Charles Rock Road  
Bridgeton, Missouri 63044

The applicant certifies that employees who are employed at the existing facilities and might be affected by the variance have been notified of the application 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 will provide a place of employment as safe as that required by 29 CFR 1910.158(c) (3) which requires that where more than one standpipe is required, the minimum water supply be 500 gallons per minute for the first standpipe and 250 gallons per minute for each additional standpipe, the total supply not to exceed 2,500 gallons a minute, for a period of at least thirty minutes.

The applicant states that it is building a new facility which is scheduled for completion in 1976. The new facility will consist of three divisions.

The dePaul General Hospital Division will consist of a nine floor structure and a three floor structure. Both are to be fully sprinklered. In addition, there will be more than nine standpipes for a Class III service. An electronically supervised, zoned, fire alarm system is to be installed, employing smoke detectors on 30 foot centers in all exit corridors and on both sides of doors in smoke stop partitions, and manual pull box alarms. Sprinkler water supply and valve supervision will also be included.

St. Vincent's Psychiatric Care Division will be a one story fire resistive structure

with a one hour fire resistance rating. The structure will be equipped with an automatic fire alarm system employing detectors on 30 foot centers in all exit corridors and on each side of smoke stop partition openings. Also to be installed are manual pull box alarms as required by No. 101-1973, Life Safety Code of the National Fire Protection Association.

St. Anne's Long Term Care Division will be a one story fire resistive building with protected noncombustible construction. The structure will be furnished with a complete automatic sprinkler system that will be hydraulically designed in accordance with No. 13-1973, Installation of Sprinkler Systems of the National Fire Protection Association. An electronically supervised, zoned, fire alarm system will be installed employing smoke detectors 30 foot on centers in all exit corridors and on each side of smoke stop partition doors as well as manual pull box alarms, and sprinkler water supply and valve supervision.

The applicant alleges that the fire protection system covering all three divisions will fully comply with National Fire Protection Association Standard No. 13-1973, Installation of Sprinkler Systems and NFPA Standard No. 14-1973, Standpipe and Hose Systems.

The applicant submits that since there will be more than nine standpipes, a water supply of 2,500 gallons per minute would be required. However, the fire protection water supply for the complex is to be provided by a 1,500 gallon per minute rated booster fire pump. The applicant contends that this would meet the requirements of NFPA Standard No. 14-1973, Standpipe and Hose Systems, Section 14, Combined Systems, paragraph 144 which states that the maximum water supply required for a combined system in a light hazard high-rise occupancy building (completely sprinklered) shall not exceed 1,500 gallons per minutes.

The applicant asserts that its proposed fire protection system is safer than the system required by the standard.

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  
911 Walnut Street  
Room 3000  
Kansas City, Missouri 64106

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

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 August 23, 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 August 23, 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 an undue hardship on the applicant pending a decision on the application for a variance. Therefore it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that dePaul Community Health Center, Inc. be, and it is hereby, authorized to maintain a water supply of 1,500 gallons per minute instead of the 2,500 gallons per minute required by 29 CFR 1910.158(c) (3) provided that the structures in the dePaul Community Health Center complex meet the requirements of the National Fire Protection Association Standard No. 13-1973, Installation of Sprinkler System, and NFPA Standard No. 14-1973, Standpipe and Hose Systems.

dePaul Community Health Center, Inc., 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 July 24, 1974 and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 16th day of July, 1974.

JOHN H. STENDER,  
Assistant Secretary of Labor.

[FR Doc.74-16887 Filed 7-23-74; 8:45 am]

[V-74-40]

#### INTERNATIONAL TERMINAL OPERATING COMPANY, INC.

##### Notice of Application for Variance and Interim Order; Grant of Interim Order

I. Notice of application. Notice is hereby given that International Terminal Operating Company, Inc., 17 Battery Place, New York, New York 10004 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 1918.25(a) concerning the number of ladders required in hatches.

The address of the place of employment that will be affected by the application is as follows:

Port of New York  
Berths 8, 12, 26, 28, 30, 32  
Port Newark, New Jersey

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 1918.25(a) which requires that there be at least one safe and accessible ladder for each gang working in a hatch. However, no more than two such ladders are required in any hatch. It is also required that an adequate means of gaining a handhold be provided at or near the head of each vertical fixed ladder in cases where any coaming or other structural features are such that they cannot serve this purpose.

The applicant states that refrigerator ships that have only one ladder per level in their hatches are occasionally unloaded at its Port Newark Operations. During a normal break bulk discharge operation, a hold gang consists of up to 13 men; 10 holdmen, a driver, a sorter, and a hatch boss. The applicant alleges, however, that in unloading the refrigerator ships only 5 men make up the hold section of the gang in the hatch at one time. There are 4 holdmen and one driver. A full complement gang is maintained, but holdmen are rotated two at a time at reasonable intervals. The applicant alleges that when two gangs are used in the discharge of refrigerated cargo, the holdmen and others total less than one half of the number of men in break bulk work in a double rigged hatch equipped with two ladders. The applicant contends, therefore, that one ladder meets the degree of safety required in 29 CFR 1918.25(a).

The applicant contends that the probability of a fire or other type of hazard in a full refrigerated hatch is much less than in a general cargo hatch. The applicant stated that the cargo is pre-palletized and banded boxes of frozen meat weighing approximately fifty pounds per box. Fork lift machines used to handle the cargo in the hatch are powered by electricity rather than internal combustion engines. In addition, the ladder from the lower hold to the main deck is protected and is angled, rather than vertical, for more certain and easy emergency egress.

The applicant states that to comply with the standard when there are two gangs working in the same hatch, it is necessary to rig a portable ladder extending up to 48 feet or more. The applicant contends that the ladder does not increase the safety of the workers. Instead, it reduces the effective hatch open-

ing space, subjects the portable ladder to serious damage and impedes the discharge of the cargo.

The applicant contends that the above safety measures are just as safe as those required by the standard.

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  
1515 Broadway (1 Astor Plaza)  
New York, New York 10036

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

U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Office Building  
970 Broad Street, Room 1435C  
Newark, New Jersey 07102

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for variance are invited to submit written data, views and arguments relating to the pertinent application no later than August 23, 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 August 23, 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 an undue hardship on the applicant pending a decision on the variance application. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that International Terminal Operating Company, Inc. be, and it is hereby, authorized to employ two gangs of longshoremen in a hold equipped with one permanent ladder under the following conditions:

1. That only refrigerated ships engaged in handling refrigerated cargo be affected.

2. That the hatches have each hold fitted with at least one permanently installed ladder from deck to deck, slanting at an angle to the deck, located so as to be protected from damage by being struck by drafts of cargo, and kept fully accessible and free of obstructions at all times during cargo operations.

3. That fork lift trucks and any other powered equipment used in the hold are powered electrically or by alternative means other than by internal combustion engine.

4. That the total number of employees engaged in work in the hold at one time does not exceed twelve men.

5. That the hold ladder is properly maintained and in good condition at all times.

International Terminal Operating Company, Inc. 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 July 23, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 16 day of July, 1974.

JOHN H. STENDER,  
Assistant Secretary of Labor.

[FR Doc.74-16885 Filed 7-23-74; 8:45 am]

[V-73-28]

**TIMBER OPERATORS COUNCIL, INC.**  
**Grant of Variance**

I. Background. Timber Operators Council, Inc., 2326 NW. Westover Road, P.O. Box 230, Portland, Oregon 97207, made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1594; (29 U.S.C. 655)) and 29 CFR 1905.10 for a temporary variance, and for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1910.212(a)(1). The standard requires that guards be provided to protect the employees from hazards such as point of operation, ingoing nip points, rotating parts, flying chips and sparks. Facilities affected by this application are:

G.M. Butters Shingle and Shake Company  
Box 373  
North Bend, Washington 98045  
Cook Creek Shake and Shingle Co.  
Route 1, Box 342  
Nehalem, Oregon 97131  
Cowlitz Shingle Company, Inc.  
Post Office Box 278  
Longview, Washington 98632  
D and G Shake  
Box 673  
Amanda Park, Washington 98526  
Darrington Shingle Company  
Post Office Box 145  
Darrington, Washington 98241  
Loth Shingle Company  
Post Office Box 36  
Lake Stevens, Washington 98256  
Miami Shingle and Shake Co.  
Route 1, Box 432  
Nehalem, Oregon 97131  
Midway Shake Company  
Post Office Box 212  
Tillamook, Oregon 97141  
Miller Shingle Company, Inc.  
Box K  
Granite Falls, Washington 98252  
Nehalem Bay Shake and Shingle Co., Inc.  
Rt. 2, Box 19F  
Sekiu, Washington 98381  
Evans Products Company  
Aloha Operation  
Aloha, Washington 98525

Robert Gray Shake and Shingle, Inc.  
Post Office Box 615  
Hoquiam, Washington 98550  
Hodgdon Shingle and Shake Company  
385 Hodgdon Road  
Tillamook, Oregon 97141  
HOH River Cedar Products, Inc.  
Post Office Box 127  
Beaver, Washington 98305  
Huntington Wood Industries, Inc.  
Post Office Box 109  
Springfield, Oregon 97477  
Hurn Shingle Company  
Route 1  
Concrete, Washington 98237  
Interstate Shingle Company  
Post Office Box 68  
Independence, Oregon 97351  
Lester Shingle Company  
Post Office Box 465  
Sweet Home, Oregon 97386  
Pioneer Shingle Company  
Post Office Box 66  
Anacortes, Washington 98221  
R.C. and R., Inc.  
Route 2, Box 19F  
Sekiu, Washington 98381  
Roseburg Shingle and Stud, Inc.  
Post Office Box 1024  
Roseburg, Oregon 97470  
M. R. Smith Shingle Company  
Box 2067  
Seattle, Washington 98111  
Snider Shake Company, Inc.  
Post Office Box 186  
Mineral, Washington 98553  
SOL DUC Shake Company, Inc.  
Post Office Box 127  
Beaver, Washington 98305  
Toledo Shingle Company, Inc.  
Post Office Box 299  
Toledo, Oregon 97391  
Upland Cedar Products, Inc.  
Post Office Box 23  
Neilton, Washington 98566

Notice of the application, and of the granting of an interim order, was published in the FEDERAL REGISTER on October 18, 1973 (38 FR 28986). 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 requested a temporary variance on behalf of its member companies who are involved in the shake and shingle industry. It is not possible for these member companies to comply with § 1910.212(a)(1) which requires point of operation guarding because the available guards do not give full protection while allowing the necessary moving and lifting of the piece during cutting. There are no known guards in the industry which have been designed for use on the bolter, clipper and shingle saws.

The Timber Operators Council's Joint Labor-Management OSHA Coordinating Committee has been working with an engineering firm on the development of guards for the saws. The applicant was unable to meet the expected compliance date of March 31, 1974, because of dif-

iculties with the design of the guard. A new guard has now been designed which appears practicable, will be production tested by June 30, 1974, and should be in full use among the member companies by October 1, 1974.

The following steps have been taken to protect employees while coming into compliance with the standard:

(1) Available saw guards are used and a brake has been installed on each saw;

(2) Employees have been instructed that: (i) Only clothing appropriate to a workman's occupation will be allowed (no loose or hanging clothes or jewelry);

(ii) Work is to be performed in accordance with company safe job practices which include maintaining good footing and balance, keeping full attention on the work, and maintaining safe distances from the point of operation;

(iii) Work areas are to be maintained clear and free from clutter and tripping hazards, and general good housekeeping is to be maintained throughout an operation;

(iv) Saws are to be shut off and braked to a stop and work areas cleaned up when employees leave the work stations; and

(v) Gloves are to be worn to prevent sliver injuries;

(3) Caution tags have been posted to continually alert an operator to the hazards a saw presents.

III. Decision. 29 CFR 1910.212(a)(1) requires that machines be appropriately guarded to protect the operator and other employees from such hazards as those created by the point of operation, ingoing nip points, rotating parts, flying chips and sparks. The applicant is at present unable to comply with the standard because guards have not been developed which will adequately guard the bolter, clipper and shingle saws while allowing the necessary cuts to be made. However, the applicant has been working with an engineering firm in attempting to develop the necessary guards. It now appears that practicable and appropriate guards can be installed by October 1, 1974.

In the meantime the applicant has installed a brake on each saw and is using the available saw guards to provide all available protection to the employees. Additional steps taken to protect the employees are posting of warning signs and holding safety meetings. Good housekeeping, proper dress, and good work procedures, including maintaining a safe distance from the saw, are stressed.

For these reasons, it is determined that a temporary variance from the requirements of 29 CFR 1910.212(a)(1) should be granted.

IV. Order. Pursuant to authority in section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 12-71 (36 FR 8754), it is ordered that the members of Timber Operators Council, Inc. listed above at the facilities listed be, and are hereby, authorized to operate their shingle, clipper and bolter saws without the guarding required in 29 CFR 1910.212(a)(1),

provided that the following safety procedures are followed:

(1) Available saw guards are used and a brake has been installed on each saw;

(2) The following rules shall be posted and enforced:

(i) Only clothing appropriate to a workman's occupation will be allowed (no loose or hanging clothes or jewelry);

(ii) Work is to be performed in accordance with company safe job practices which include maintaining good footing and balance, keeping full attention on the work, and maintaining safe distances from the point of operation.

(iii) Work areas are to be maintained clear and free from clutter and tripping hazards, and general good housekeeping is to be maintained throughout an operation;

(iv) Saws are to be shut off and braked to a stop and work areas cleaned up when employees leave the work stations;

(v) Gloves are to be worn to prevent sliver injuries; and

(vi) Eye protection (safety glasses or goggles) shall be worn to protect against flying chips;

(3) Caution tags shall be posted to continually alert an operator to the hazards a saw presents.

As soon as possible Timber Operators Council, Inc. 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 July 24, 1974, and shall remain in effect until guarding which complies with 29 CFR 1910.212(a)(1) is available, but no later than October 1, 1974, in accordance with section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 18th day of July, 1974.

JOHN H. STENDER,  
Assistant Secretary of Labor.

[FR Doc. 74-16886 Filed 7-23-74; 8:45 am]

**Wage and Hour Division  
LEARNERS AND STUDENT WORKERS  
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.

Acme Garment Co., Wentzville, Mo.; 4-16-74 to 4-15-75; 10 learners (women's misses' and junior's shorts, pants, shirts and tops).

Baby Bliss, Inc., Middleville, Mich.; 5-1-74 to 4-30-75; 10 learners (infants' wear).

Barco of Utah, Kanab, Utah; 5-27-74 to 5-26-75; 10 learners (washable service garments).

Brunswick Manufacturing Co., Inc., Brunswick, Ga.; 5-20-74 to 5-19-75 (children's and women's casual outerwear coats and jackets).

Carolina Girls Wear, Inc., St. George, S.C.; 6-18-74 to 6-17-75 (children's dresses).

College Casuals Co., Sheppton, Pa.; 4-13-74 to 4-12-75; 10 learners (women's shorts and slacks).

Cordele Uniform Co., Cordele, Ga.; 3-22-74 to 3-21-75 (men's work pants and coats, and women's dresses).

Covington Industries, Inc., Florala, Ala.; 4-8-74 to 4-7-75; 10 learners (men's and women's jeans).

Covington Industries, Inc., Samson, Ala.; 3-21-74 to 3-20-75; 10 learners (men's and women's jeans).

Crane Manufacturing Co., Republic, Mo.; 6-5-74 to 6-4-75; 10 learners (men's and boys' pants).

Dixie Apparel, Inc., St. George, Utah; 6-3-74 to 6-2-75; 10 learners (men's and boys' shirts and women's and girls' blouses).

East Salem Manufacturing Co., Mifflintown, Pa.; 5-1-74 to 4-30-75 (women's shirts and blouses and men's and boys' shirts).

Elder Manufacturing Co., Carl Junction, Mo.; 5-5-74 to 5-4-75 (men's and boys' shirts).

Franklin Sportswear, Inc., Canon, Ga.; 6-3-74 to 6-2-75; 10 learners (men's and women's jeans and women's hot pants).

Freeland Sportswear Co., Inc., Freeland, Pa.; 5-27-74 to 5-26-75; 10 learners (men's outerwear jackets).

Granite Dress Co., Fall River, Mass.; 4-15-74 to 4-14-75; 10 learners (women's and misses' dresses).

Greenway Manufacturing Co., Nemaquin, Pa.; 6-4-74 to 6-3-75; 10 learners (boys' pants).

Greenway Manufacturing Co., Waynesburg, Pa.; 5-28-74 to 5-27-75 (boys' and infants' shirts).

Jomax Garment Co., Inc., York, Pa.; 5-1-74 to 4-30-75 (women's dresses).

Jonbil Manufacturing Co., Inc., Chase City, Va.; 5-13-74 to 5-12-75 (men's and boys' pants).

Jonbil Manufacturing Co., Inc., Danville, Va.; 4-22-74 to 4-21-75 (men's and boys' pants).

Lehigh Trouser Co., Wilkes-Barre, Pa.; 6-10-74 to 6-9-75; 10 learners (misses' and women's slacks).

Marcus Manufacturing Co., Nowata, Okla.; 5-8-74 to 5-7-75; 10 learners (men's pants).

McGehee Industries, McGehee, Ark.; 4-2-74 to 4-1-75; 10 learners (washable service apparel).

Medaryville Garment Factory, Medaryville, Ind.; 5-22-74 to 5-21-75; 10 learners (work clothing).

Michael Berkowitz Co., Inc., Frostburg, Md.; 3-29-74 to 3-28-75 (men's pajamas).

Michael Berkowitz Co., Inc., Waynesburg, Pa.; 6-3-74 to 6-2-75 (women's and men's pajamas).

Mount Airy Pants Factory, Mount Airy, Md.; 5-27-74 to 5-26-75; 10 learners (men's pants).

Pass Christian Industries, Inc., Pass Christian, Miss.; 5-1-74 to 4-30-75 (women's shirts and jeans).

Pella Manufacturing Corp., Pella, Iowa; 5-13-74 to 5-12-75; 10 learners (men's work clothing).

Portland Manufacturing Corp., Portland, Tenn.; 5-1-74 to 4-30-75 (women's and girls' blouses).

Puckett, Inc., Okolona, Miss.; 5-28-74 to 5-27-75; 10 learners (misses' slacks and shorts).

Rappahannock Sportswear Co., Inc., Fredericksburg, Va.; 5-20-74 to 5-19-75 (men's slacks).

Richfield Manufacturing Co., Richfield, Pa.; 5-1-74 to 4-30-75 (men's and boys' shirts).

Roxobel Garment Co., Inc., Roxobel, N.C.; 5-13-74 to 5-12-75; 10 learners (children's dresses, shorts and pants).

J. H. Rutter Rex Manufacturing Co., Inc., Franklinton, La.; 4-24-74 to 4-23-75 (men's and boys' pants).

J. H. Rutter Rex Manufacturing Co., Inc., Columbia, Miss.; 3-30-74 to 3-29-75 (men's and boys' shirts and pants).

Saf-T-Bak, Inc., Altoona, Pa.; 6-3-74 to 6-2-75 (men's, women's and children's hunting clothing).

Salant & Salant, Obion, Tenn.; 3-28-74 to 3-27-75 (men's and boys' pants).

Salant & Salant, Union City, Tenn.; 4-13-74 to 4-12-75 (men's and boys' pants).

Sancar Corp., Harrisonburg, Va.; 4-22-74 to 4-21-75 (women's underwear).

Scranton Pants Manufacturing Co., Scranton, Pa.; 6-3-74 to 6-2-75 (men's pants).

Sherman Manufacturing Co., Darlington, S.C.; 5-7-74 to 5-6-75; 10 learners (women's dresses).

Southeastern Garment Corp., Clinton, N.C.; 5-1-74 to 4-30-75; 10 learners (men's and boys' snorkel coats and boys' ski jackets).

Sportcraft, Inc., McAdoo, Pa.; 6-6-74 to 6-5-75 (women's and girls' slacks and girls' blazers).

Sutton Shirt Corp., Albany, Ky.; 6-3-74 to 6-2-75 (men's and boys' shirts).

Sutton Shirt Corp., Burkesville, Ky.; 6-3-74 to 6-2-75 (men's and boys' shirts).

Sutton Corp., Byrdstown, Tenn.; 6-3-74 to 6-2-75 (men's shirts).

Sutton Shirt Corp., Sparta, Tenn.; 6-6-74 to 6-5-75 (men's shirts).

Sweet-Orr & Co., Inc., Anniston, Ala.; 6-3-74 to 6-2-75 (men's and boys' shirts and girls' jumpers).

Sweet-Orr & Co., Inc., Dawsonville, Ga.; 5-28-74 to 5-27-75 (boys' shirts).

Venus Industries, Inc., Batesville, Miss.; 5-20-74 to 5-19-75 (women's foundation garments).

Volunteer Manufacturing Co., Orlinda, Tenn.; 6-17-74 to 6-16-75; 10 learners (women's blouses).

Wilcox Garment Co., Inc., Rochelle, Ga.; 5-20-74 to 5-19-75 (men's and boys' shirts).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Bellevue Apparel Manufacturing Co., Jackson, Tenn.; 5-22-74 to 11-21-74; 26 learners (women's dresses, pant suits and culottes).

Charmoll, Inc., of Wisconsin, Amery, Wis.; 5-1-74 to 11-30-74; 27 learners (men's and women's casual outerwear).

Eudora Garment Corp., Eudora, Ark.; 3-21-74 to 9-20-74; 43 learners (washable service garments).

Greenway Manufacturing Co., Nemaquin, Pa.; 6-4-74 to 12-3-74; 5 learners (boys' pants).

Greenway Manufacturing Co., Waynesburg, Pa.; 5-28-74 to 11-27-74; 20 learners (boys' and infants' shirts).

Jonbil Manufacturing Co., of North Carolina, Inc., Stovall, N.C.; 6-10-74 to 12-9-74; 5 learners (men's and boys' pants).

Sherman Manufacturing Co., Florence, S.C.; 6-10-74 to 12-9-74; 3 learners (women's dresses).

Slidell Industries, Inc., Slidell, La.; 5-1-74 to 11-30-74; 39 learners (misses' jeans).

Sweet-Orr & Co., Inc., Anniston, Ala.; 6-3-74 to 12-2-74; 10 learners (men's and boys' shirts and girls' jumpers).

The following certificates were issued under the hosiery industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.40 to 522.43, as amended).

W. Y. Shugart & Sons, Inc., Fort Payne, Ala.; 5-17-74 to 5-16-75; 5 percent of the total number of factory production workers for normal labor turnover purposes (boys' and girls' hosiery).

Charles H. Bacon Co., Lenior City, Tenn.; 4-22-74 to 4-21-75; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's hosiery).

The following certificates were issued under the knitted wear learner regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35 as amended).

Ellwood Knitting Mills, Inc., Ellwood City, Pa.; 4-9-74 to 4-8-75; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sweaters, sweater shirts and swim trunks).

Lady Jane Manufacturing Co., Inc., Kulpmont, Pa.; 3-29-74 to 3-28-75; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear).

Louis Gallet, Inc., Uniontown, Pa.; 5-29-74 to 5-28-75; 5 learners for normal labor turnover purposes (men's shirts and sweaters).

Sylvester Textile Corp., Sylvester, Ga.; 5-13-74 to 5-12-75; 5 percent of the total number of factory production workers for normal labor turnover purposes (misses' and juniors' lingerie, lounge wear and sleepwear).

The following certificates were issued under the glove industry learner regulations (39 CFR 522.1 to 522.9, as amended and 522.60 to 522.65, as amended).

Brookville Glove Manufacturing Co., Inc., Brookville, Pa.; 4-26-74 to 4-25-75; 10 learners for normal labor turnover purposes (work gloves).

Galena Glove and Mitten Co., Dubuque, Iowa; 4-7-74 to 4-6-75; 10 learners for normal labor turnover purposes (work gloves).

Jomac Products, Inc., Winnfield, La.; 6-5-74 to 12-4-74; 20 learners for plant expansion purposes (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.

General Cigar de Utuado, S.A., Utuado, P.R.; 5-31-74 to 5-30-75; 41 learners for normal labor turnover purposes in the occupation of cigar machine operating, for a learning period of 320 hours at the rates of \$1.53 an hour for the first 160 hours and \$1.63 an hour for the remaining 160 hours (cigars).

Randy Knitting Mills, Inc., Quebradillas, P.R.; 6-17-74 to 6-16-75; 40 learners for normal labor turnover purposes in the occupations of: (1) Sweater knitting, for a learning period of 480 hours at the rates of \$1.42 an hour for the first 240 hours and \$1.59 an hour for the remaining 240 hours; and (2) Machine stitching-seaming, for a learning period of 320 hours at the rates of \$1.42 an hour for the first 160 hours and \$1.59 an hour for the remaining 160 hours (full-fashioned sweaters).

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration date, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below.

Thunderbird Adventist Academy, Scottsdale, Ariz.; 5-27-74 to 5-26-75; authorizing the employment of 50 student-workers in the woodworking industry in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of \$1.70 an hour for the first 300 hours and \$1.90 an hour for the remaining 300 hours.

The student worker certificate was issued upon the applicant's representations and supporting materials fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

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 certificate 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 August 6, 1974.

Signed at Washington, D.C. this 15th day of July, 1974.

ARTHUR H. KORN,  
Authorized Representative  
of the Administrator.

[FR Doc.74-16686 Filed 7-23-74; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 555]

### ASSIGNMENT OF HEARINGS; CORRECTION

JULY 19, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument ap-

pear 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 July 24, 1974.

Correction:

MC-99208 Sub 12, Skyline Transportation, Inc., now being assigned hearing October 1, 1974 (4 days), at Knoxville, Tenn., in a hearing room to be later designated, instead of October 4, 1974.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-16901 Filed 7-23-74; 8:45 am]

[Notice No. 554]

### ASSIGNMENT OF HEARINGS

JULY 19, 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 July 24, 1974.

No. 35967, Household goods, Increased Rates Nationwide and IS-M-27742, Household goods, Increased Rates Nationwide which was assigned to commence on July 15, 1974, at Washington, D.C., is now reassigned to commence on September 30, 1974, at 9:30 a.m. Local Time, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB-82, Marianna & Blountstown Railroad Abandonment Between Marianna and Blountstown, In Jackson and Calhoun Counties, Florida, AB-82 Sub 1, Marianna and Blountstown Railroad Abandonment at Marianna, in Jackson County, Florida, now assigned August 26, 1974, at Marianna, Fla., is cancelled and reassigned to August 26, 1974 (1 week), at the County Courthouse, Blountstown, Florida.

MC 133975 Sub 4, Flamingo Transportation, Inc., now being assigned hearing September 17, 1974 (3 days), at Miami, Fla., in a hearing room to be later designated.

MC 139507, Ram Trucking Company, Inc., now being assigned hearing September 16, 1974 (1 week), at Topeka, Kansas, in a hearing room to be later designated.

MC-C-8281, Tra-Mo Warehouse, Inc.—Investigation of Operations—now being assigned hearing November 5, 1974 (2 days), at Portland, Ore., in a hearing room to be later designated.

MC-138313 Sub 9, Mack E. Burgess, DBA Builders Transport, now being assigned hearing November 7, 1974 (2 days), at Portland, Oreg., in a hearing room to be later designated.

MC-126714 Sub 3, Southwest Delivery Co., Inc., Extension—Seattle-Portland, now being assigned hearing November 11, 1974 (2 weeks), at Portland, Oreg., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-16900 Filed 7-23-74; 8:45 am]

#### FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 19, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 54988, filed June 24, 1974. Applicant: KIMKRIS TRUCKING CO. INC., 1101 Wright Avenue, Richmond, Calif. 94804. Applicant's representative: E. H. Griffiths, 1182 Market Street #207, San Francisco, Calif. 94102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, subject to exceptions and restrictions noted, as follows: I. Between all points and places located in the following areas and along the following routes: (1) U.S. Highway 101 between San Rafael and Salinas inclusive, and points within 10 miles of said route; (2) State Highway 17 between San Rafael and Santa Cruz, inclusive, and points within 10 miles of said route; (3) State Highway 1 between San Francisco and Carmel, inclusive, and points within 10 miles of said route, including the off route point of Carmel Valley; (4) State Highway 9 between Los Gatos and Santa Cruz, inclusive, and points within 5 miles of said route; (5) State Highway 152 between Gilroy and State Highway 1, at Watsonville, inclusive, and points within 5 miles of said route; (6) State Highway 156 between Watsonville and its intersection with U.S. Highway 101 south of Gilroy, inclusive, and points within 5 miles of said route; (7) State Highway 129 between its intersection with U.S. Highway 101 and State High-

way 1 at Watsonville, inclusive, and points within 5 miles of said route; (8) State Highway 68 between Salinas and Monterey, inclusive, and points within 5 miles of said route; (9) Interstate Highway 80 between San Francisco and North Sacramento, inclusive, and points within 20 miles of said route; (10) Interstate Highways 580, 205, and 5, between San Francisco and Stockton, inclusive, and points within 20 miles of said route.

(11) State Highway 4 between Pinole and Stockton, inclusive, and points within 5 miles of said route; (12) State Highway 160 between Antioch and Sacramento, inclusive, and points within 10 miles of said route; (13) State Highway 24 between Oakland and Concord, inclusive, and points within 5 miles of said route; (14) State Highway 84 between Livermore and Redwood City, inclusive, and points within 5 miles of said route; (15) Interstate Highway 680 between Vallejo and its intersection with State Highway 17 near Milpitas, inclusive, and points within 10 miles of said route; (16) State Highway 99 between Sacramento and Turlock, inclusive, and points within 10 miles of said route; (17) Interstate Highways 580 and 5 between Tracy and its intersection with State Highway 152 near Los Banos, inclusive, and points within 10 miles of said route.

II. Carrier may serve between any two points named in this Exhibit whether named in one or more than one of the above numbered paragraphs. III. Carrier shall not transport any shipments of: (1) Used household goods, personal effects, and office, store, and institution furniture, fixtures, and equipment not packed in accordance with the crated property requirements set forth in item No. 5 of Minimum Rate Tariff No. 4-B; (2) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits; sows, steers, stags, swine, or wethers; (3) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank semi-trailers or a combination of such highway vehicles; and (4) Articles of extraordinary value as set forth in item 780 of National Motor Freight Classification A-11, William Herbold, Issuing Officer, on the issue date hereof. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Indiana Docket No. 10182-A, 1 filed June 18, 1974. Applicant: DONALD A. & RUTH D. PIERCE, doing business as BRADFORD FILM TRANSIT, 1718 N. Senate Ave., Indianapolis, Ind. 46202. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Certificate of

public convenience and necessity sought to operate a freight service as follows: Transportation of *Movie film, theater supplies, and advertising materials*, between points in Marion, Hamilton, Hancock, Shelby, Johnson, Morgan, Hendricks, and Boone Counties, Ind. Interstate, interstate and foreign commerce authority sought.

HEARING: August 21, 1974, at the Indiana Public Service Commission, State Office Building, Room 903, Indianapolis, Ind., at 9:30 A.M. Requests for procedural information should be addressed to the Indiana Public Service Commission, 901 State Office Building, Indianapolis, Ind. 46204, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-2237, filed May 13, 1974. Applicant: TEAL'S EXPRESS, INC., Laura Street, Lyons Falls, N.Y. 13368. Applicant's representative: Norman M. Pinsky, 345 S. Warren Street, Syracuse, N.Y. 13202. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, Between Lewis County, on the one hand, and, on the other, Onondaga County. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the New York State Department of Transportation, Office of Regulatory Affairs, Building #5, 1220 Washington Avenue, State Campus, Albany, N.Y. 12226, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 2605-B filed June 20, 1974. Applicant: FRANK BRYAN, JR., doing business as TAOS TRANSPORTATION COMPANY, P.O. Box 1342, Dallas, Tex. 75221. Applicant: Jerry Prestridge, P.O. Box 1148, Austin, Tex. 78767. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *passengers*, (1) Between Midland, Tex., and Odessa, Tex.: From Midland over U.S. Highway 80 and Interstate Highway 20 to Odessa, serving the Midland-Odessa Airport and all intermediate points; (2) Between Odessa, Tex., and Presidio, Tex.: From Odessa over U.S. Highway 385 to McCamey, Tex., thence over U.S. Highway 67 to Presidio, serving all intermediate points; and (3) Between McCamey, Tex., and San Angelo, Tex.: From McCamey over U.S. Highway 67 to San Angelo, serving all intermediate points. Restrictions: The above authority is subject to the following restrictions: (1) Applicant is hereby prohibited from transporting any high explosives, acids, inflammable liquids, loaded guns, inflammable or combustible motion picture films, or other articles which will endanger the life or limb of the passengers being transported in the motor bus; (2) Applicant is hereby prohibited from transporting any mail, newspapers, parcels and express packages which interfere with the convenience and reasonable comfort or safety

of the passengers being transported in the motor bus; (3) The authority to transport mail, newspapers, parcels, and express packages in the same vehicle transporting passengers shall be coextensive with the certificates and operating rights authorizing the transportation of passengers, and the applicant is hereby prohibited from transferring by assignment, sale, lease, or otherwise, the authority to transport passengers unless the authority to transport mail, newspapers, parcels, and express packages shall be transferred simultaneously, and/or vice versa. If operations under this motor bus certificate are abandoned or suspended, the authority to transport mail, newspapers, parcels, and express packages will be abandoned or suspended accordingly.

(4) Applicant is hereby prohibited from engaging in pickup and delivery service and the services that it will render hereunder will be only from terminal to terminal; (5) The Railroad Commission of Texas hereby retains jurisdiction over this grant of authority to the end that it may at any time, after notice and hearing, restrict applicant's transportation of mail, newspapers, parcels, and express packages so as to prevent it from becoming a primary truck service instead of a truck service incident to the primary motor bus service, and, further, the Railroad Commission of Texas hereby retains jurisdiction to regulate the size and weight of packages so as to prevent the applicant from engaging in the transportation of property as a primary operation; (6) Applicant is hereby authorized to only transport mail, newspapers, parcels, and express shipments on motor buses transporting passengers, and applicant is hereby prohibited from using separate vehicles in the transportation of these commodities; (7) The Railroad Commission of Texas hereby restricts the transportation of these commodities—mail, newspapers, parcels, and express packages—so that applicant is prohibited from utilizing the interior of the bus where seats are located for the comfort and convenience of the bus passengers for the transportation of parcels and express packages. The applicant will utilize below-floor luggage compartments or luggage compartments in the rear of the bus that is separated from the passenger carrying interior, or racks on the top of the bus, for the transportation of parcels and express packages; and further the Railroad Commission of Texas retains jurisdiction to enforce this restriction.

(8) The holder of this certificate is hereby restricted from transporting film (flammable or inflammable) where the consignor or consignee thereof is a motion picture film exchange or a motion picture film theatre and the proposed movement is between points in Texas served in film common carrier motor carrier service as of December 15, 1956, by a common carrier film carrier and/or carrier authorized by the Railroad Commission of Texas pursuant to certificates of public convenience and

necessity issued to such film carriers; and such points are as reflected by the Commission's records and a tabulation filed in this proceeding on or about January 21, 1957, to all of which reference is made for purposes of this restriction; and (9) The holder of this certificate is prohibited from carrying mail, newspapers, parcels, and express packages from Odessa to Midland and from Midland to Odessa, intrastate, interstate, and foreign commerce authority sought.

**HEARING:** Application will be set for hearing 30 days after publication in the FEDERAL REGISTER at the E. O. Thompson State Office Building, Austin, Tex. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 2606-B filed June 20, 1974. Applicant: FRANK BRYAN, JR., doing business as TAOS TRANSPORTATION COMPANY, P.O. Box 1342, Dallas, Tex. 75221. Applicant's representative: Jerry Prestridge, P.O. Box 1148, Austin, Tex. 78767. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of passengers:

**NOTE.**—Applicant seeks authority to originate charter or special party trips at any point on applicant's regular certificated routes and territory adjacent thereto, not being served by any other motor bus company authorized by the Railroad Commission of Texas, and transport said charter or special party to any point in Texas and return. (1) Between Midland and Odessa, Tex.: From Midland over U.S. Highway 80 and Interstate Highway 20 to Odessa, serving the Midland-Odessa Airport and all intermediate points; (2) Between Odessa and Presidio, Tex.: From Odessa over U.S. Highway 385 to McCamey, thence over U.S. Highway 67 to Presidio, serving all intermediate points; and (3) Between McCamey and San Angelo, Tex.: From McCamey over U.S. Highway 67 to San Angelo, serving all intermediate points. Restrictions: The above authority is subject to the following restrictions: (1) Applicant is hereby prohibited from transporting any high explosives, acids, inflammable liquids, loaded guns, inflammable or combustible motion picture films, or other articles which will endanger the life or limb of the passengers being transported in the motor bus; (2) Applicant is hereby prohibited from transporting any mail, newspapers, parcels, and express packages which interfere with the convenience and reasonable comfort or safety of the passengers being transported in the motor bus.

(3) The authority to transport mail, newspapers, parcels and express packages in the same vehicle transporting passengers shall be co-extensive with the certificates and operating rights authorizing the transportation of passengers and the applicant is hereby prohibited from transferring by assignment, sale, lease, or otherwise, the authority to transport passengers unless the authority to transport mail, newspapers, parcels and express packages shall be transferred simultaneously, and/or vice versa. If operations under this motor bus certificate are abandoned or suspended, the authority to transport mail, newspapers, parcels and packages will be abandoned or suspended accordingly; (4) Applicant is hereby prohibited

from engaging in pickup and delivery service and the services that it will render hereunder will be only from terminal to terminal; (5) The Railroad Commission of Texas hereby retains jurisdiction over this grant of authority to the end that it may at any time, after notice and hearing, restrict applicant's transportation of mail, newspapers, parcels, and express packages so as to prevent it from becoming a primary truck service instead of a truck service incident to the primary motor bus service, and, further, the Railroad Commission of Texas hereby retains jurisdiction to regulate the size and weight of packages so as to prevent the applicant from engaging in the transportation of property as a primary operation; (6) Applicant is hereby authorized to only transport mail, newspapers, parcels, and express shipments on motor buses transporting passengers, and applicant is hereby prohibited from using separate vehicles in the transportation of these commodities;

(7) The Railroad Commission of Texas hereby restricts the transportation of these commodities—mail, newspapers, parcels, and express packages—so that applicant is prohibited from utilizing the interior of the bus where seats are located for the comfort and convenience of the bus passengers for the transportation of parcels and express packages. The applicant will utilize below-floor luggage compartments or luggage compartments in the rear of the bus that is separated from the passenger carrying interior, or racks on the top of the bus, for the transportation of parcels and express packages; and further, the Railroad Commission of Texas retains jurisdiction to enforce this restriction; (8) The holder of this certificate is hereby restricted from transporting film (flammable or inflammable) where the consignor or consignee thereof is a motion picture film exchange or a motion picture film theatre and the proposed movement is between points in Texas served in Film common carrier motor carrier service as of December 15, 1956, by a common carrier film carrier and/or carriers authorized by the Railroad Commission of Texas pursuant to certificates of public convenience and necessity issued to such film carriers; and such points are as reflected by the Commission's records and a tabulation filed in this proceeding on or about January 21, 1957, to all of which reference is made for purposes of this restriction; and (9) The holder of this certificate is prohibited from carrying mail, newspapers, parcels, and express packages from Odessa to Midland and from Midland to Odessa, intrastate, interstate and foreign commerce authority sought.

**HEARING:** Application will be set for hearing 30 days after publication in the FEDERAL REGISTER at the E. O. Thompson State Office Building. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 4409 filed June 20, 1974. Applicant: FRANK BRYAN, JR., doing business as TAOS TRANSPORTATION COMPANY, P.O. Box 1342, Dallas, Tex. 75221. Applicant's representative: Jerry Prestridge, P.O. Box 1148, Austin, Tex. 78767. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of Mail, newspapers, parcels, and express packages to, from and between

the cities, towns, villages, and communities situated on and along the described portions of the highways and routes below set out. (1) Between Midland, Tex., and Odessa, Tex.: From Midland over U.S. Highway 80 and Interstate Highway 20 to Odessa, serving the Midland Odessa Airport and all intermediate points; (2) Between Odessa, Tex., and Presidio, Tex.: From Odessa over U.S. Highway 385 to McCamey, Tex., thence over U.S. Highway 67 to Presidio, serving all intermediate points; and (3) Between McCamey, Tex., and San Angelo, Tex.: From McCamey over U.S. Highway 67 to San Angelo, serving all intermediate points. Restrictions: The above authority is subject to the following restrictions: (1) Applicant is hereby prohibited from transporting any high explosives, acids, inflammable liquids, loaded guns, inflammable or combustible motion picture films, or other articles which will endanger the life or limb of the passengers being transported in the motor bus; (2) Applicant is hereby prohibited from transporting any mail, newspapers, parcels, and express packages which interfere with the convenience and reasonable comfort or safety of the passengers being transported in the motor bus; (3) The authority to transport mail, newspapers, parcels, and express packages in the same vehicle transporting passengers shall be coextensive with the certificates and operating rights authorizing the transportation of passengers, and the applicant is hereby prohibited from transferring by assignment, sale, lease, or otherwise, the authority to transport passengers unless the authority to transport mail, newspapers, parcels, and express packages shall be transferred simultaneously, and/or vice versa. If operations under this motor bus certificate are abandoned or suspended, the authority to transport mail, newspapers, parcels, and express packages will be abandoned or suspended accordingly;

(4) Applicant is hereby prohibited from engaging in pickup and delivery service and the services that it will render, hereunder will be only from terminal to terminal; (5) The Railroad Commission of Texas hereby retains jurisdiction over this grant of authority to the end that it may at any time, after notice and hearing, restrict applicant's transportation of mail, newspapers, parcels, and express packages so as to prevent it from becoming a primary truck service instead of a truck service incident to the primary motor bus service, and, further, the Railroad Commission of Texas hereby retains jurisdiction to regulate the size and weight of packages so as to prevent the applicant from engaging in the transportation of property as a primary operation; (6) Applicant is hereby authorized to only transport mail, newspapers, parcels, and express shipments on motor buses transporting passengers, and applicant is hereby prohibited from using separate vehicles in the transportation of these commodities; (7) The Railroad Commission of

Texas hereby restricts the transportation of these commodities—mail, newspapers, parcels, and express packages—so that applicant is prohibited from utilizing the interior of the bus where seats are located for the comfort and convenience and of the bus passengers for the transportation of parcels and express packages. The applicant will utilize below-floor luggage compartments or luggage compartments in the rear of the bus that is separated from the passenger carrying interior, or racks on the top of bus, for the transportation of parcels and express packages; and further, the Railroad Commission of Texas retains jurisdiction to enforce this restriction.

(8) The holder of this certificate is hereby restricted from transporting film (flammable or inflammable) where the consignor or consignee thereof is a motion picture film exchange or a motion picture film theatre and the proposed movement is between points in Texas served in film common carrier motor carrier service as of December 15, 1956, by a common carrier film carrier and/or carriers authorized by the Railroad Commission to Texas pursuant to certificates of public convenience and necessity issued to such film carriers; and such points are as reflected by the Commission's records and a tabulation filed in this proceeding on or about January 21, 1957, to all of which reference is made for purposes of this restriction; and (9) The holder of this certificate is prohibited from carrying mail, newspapers, parcels, and express packages from Odessa to Midland and from Midland to Odessa. Intrastate, interstate, and foreign commerce authority sought.

**HEARING:** Application will be set for hearing 30 days after publication in the FEDERAL REGISTER at the E. O. Thompson State Office Building, Austin, Tex. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12956, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-16902 Filed 7-23-74; 8:45 am]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 19, 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 August 8, 1974.

FSA No. 42850—*Joint Water-Rail Container Rates—Barber Lines*. Filed by Barber Lines, (No. 2), for itself and interested rail carriers. Rates on general commodities, from ports in Hong Kong, Japan, Korea, and Taiwan, on the one hand, to rail terminals and water carrier terminals, on the U.S. Atlantic and Gulf Seaboard, on the other.

Grounds for relief—Water competition.

FSA No. 42851—*Joint Water-Rail Container Rates—Knutsen Line*. Filed by Knutsen Line, (No. 2), for itself and interested rail carriers. Rates on general commodities, from ports in Hong Kong, Japan, Korea, and Taiwan, on the one hand, to rail terminals and water carrier terminals, on the U.S. Atlantic and Gulf Seaboard, on the other.

Grounds for relief—Water competition.

FSA No. 42852—*Joint Water-Rail Container Rates—Yamashita-Shinnihon Line*. Filed by Yamashita-Shinnihon Line, (No. 5), for itself and interested rail carriers. Rates on general commodities, between Hong Kong and ports in Taiwan, on the one hand, and rail stations and water carrier terminals, on the U.S. Atlantic and Gulf Seaboard, on the other.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-16888 Filed 7-23-74; 8:45 am]

#### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

JULY 18, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before August 5, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-2473 (Sub-No. E2) (CORRECTION), filed May 13, 1974, published in the FEDERAL REGISTER June 20, 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*, (B) from points in Person and Durham Counties, N.C., 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: The remainder of the letter-notice remains as previously published. The purpose of this correction is to reflect Person and Durham Counties, N.C.—previously published as N.Y.

No. MC-2860 (Sub-No. E1) (CORRECTION), filed May 17, 1974, published in the FEDERAL REGISTER June 27, 1974. Applicant: NATIONAL FREIGHT INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th St. NW., Suite 300, Washington, D.C. 20030. The destination territory in Virginia should read: "to points in that part of Virginia on and south of a line beginning at the Atlantic Ocean, thence along U.S. Highway 60 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Virginia-West Virginia State line, and \* \* \*". The purpose of this correction is to correct the destination territory in Virginia. Previously published as on and east of a line.

No. MC-2860 (Sub-No. E7) (CORRECTION), filed May 17, 1974, published in the FEDERAL REGISTER June 28, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th St., NW., Suite 300, Washington, D.C. 20036. This letter-notice was erroneously published as it regards regular-route operations and should therefore be disregarded.

No. MC-17868 (Sub-No. E14), filed May 31, 1974. Applicant: H. E. BRINKERHOFF & SONS TRANSPORTATION CO., 1001 South Fourteenth Street, Harrisburg, Pa. 17104. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alexandria and Falls Church, Va., and points in Fairfax, Arlington, Loudoun, Prince William, Fauquier, and Culpeper Counties, Va., on the one hand, and, on the other, points in Florida, Georgia, and those in and south of Oconee, Anderson, Abbeville, Greenwood, Saluda, Lexington, Calhoun, Orangeburg, Berkeley, and Charleston Counties, S.C. The purpose of this filing is to eliminate the gateways of Wilmington, Del., and Harrisburg, Pa.

No. MC-29079 (Sub-No. E26), filed May 21, 1974. Applicant: BRADA

MILLER FREIGHT SYSTEM, INC., P.O. Box 395, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, 15th and H Streets NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper cable*, from the plant site of Anaconda Wire and Cable Company near La Grange, Ky., to points in New York on and west of U.S. Highway 62, and points in Pennsylvania on and west of U.S. Highway 19 (except points in Washington and Green Counties); (2) *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 the use of special equipment), between the destination territories described in (1) above, on the one hand, and, on the other, the origin plant site described in (1) above. The purpose of this filing is to eliminate the gateway of Columbiana, Ohio.

No. MC-29079 (Sub-No. E27), filed May 21, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 395, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, 15th and H Streets NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the Ford Motor Company plant site near Louisville, Ky., on the one hand, and, on the other, points in New York on and west of U.S. Highway 62 and all points in Pennsylvania on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Columbiana, Ohio.

No. MC-29079 (Sub-No. E28), filed May 21, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 395, Kokomo, Indiana 46901. Applicant's representative: Edward K. Wheeler, 15th and H Streets, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Telephone directories and telephone directory pages*, from the plant site of R. R. Donnelly & Sons Company near Dwight, Ill., to points in New York on and west of U.S. Highway 62 to points in Pennsylvania on and west of U.S. Highway 219 and points in West Virginia on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Columbiana, Ohio.

No. MC-29079 (Sub-No. E29), filed May 21, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 395, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, 15th and H Streets, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel tubing* (except such tubing the transportation of which because of size or weight, requires the use of special

equipment), from Sebawaing, Mich., to points in New York on and west of U.S. Highway 62, points in Pennsylvania on and west of U.S. Highway 219, and points in West Virginia on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Columbiana, Ohio.

No. MC-61592 (Sub-No. E22), filed June 13, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors* (except truck-tractors and except those which because of size or weight require the use of special equipment), from ports of entry on the United States-Canadian International Boundary line in Maine to points in Illinois on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Moline, Ill.

No. MC-61592 (Sub-No. E23), filed June 13, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors* (except truck-tractors and except those which because of size or weight require the use of special equipment), from Minneapolis, Minn., to points in Illinois on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Moline, Ill.

No. MC-61592 (Sub-No. E24), filed June 13, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural commodities* (except truck-tractors and except those which because of size or weight require the use of special equipment), from Houston, Tex., to points in Illinois on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Moline, Ill.

No. MC-61592 (Sub-No. E25), filed June 13, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors, agricultural implements* (except truck-tractors and commodities the transportation of which because of their size and weight requires the use of special equipment), from the facilities used by the Deutz Tractor Corporation in St. Charles County, Mo., to points in Wisconsin, on and south of U.S. Highway 10, and those in Minnesota and South Dakota. The purpose of this filing is to eliminate the gateway of Moline, Ill.

No. MC-95540 (Sub-Nos. E108, E285, E345, E347) (CORRECTION), filed May

19, 1974, May 9, 1974, May 15, 1974, May 5, 1974, respectively, published in the FEDERAL REGISTER June 21, 1974, (E108) and June 19, 1974 (E285, E345, E347). Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Sub-No. E108: Should read, in part—"California Highway 120, thence along California Highway 120 to its junction with U.S. Highway 395, thence along U.S. Highway 395 \* \* \*". The purpose of this correction is to reflect the correct California and United States highways. Sub-No. E285: Should read, in part—"thence along Oklahoma Highway 3 to its junction with U.S. Highway 15 \* \* \*". The purpose of this correction is to reflect the junction of U.S. Highway 15 and Oklahoma Highway 3. Sub-No. 345: The commodity description should read: *Frozen fruits, frozen berries, and frozen vegetables*. Previously published as frozen foods. Sub-No. E347: Should read, in part—"Texas Highway 199 to its intersection with U.S. Highway 82 \* \* \*". The purpose of this correction is to reflect the correct U.S. Highway—previously published as U.S. Highway 80.

No. MC-100666 (Sub-No. E22) (CORRECTION), filed April 11, 1974, published in the FEDERAL REGISTER May 31, 1974. Applicant: MELTON TRUCK LINES, INC., 1129 Grimm Drive, P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Proposal 1: *Composition lumber, plywood, and wood mouldings*, from Pittsburg, Kans., to points in Alabama, Georgia, Louisiana, Mississippi, New Mexico, and Texas, and points in that part of Missouri on and east of a line beginning at the junction of the Arkansas-Missouri State line and Missouri Highway 19, thence along Missouri Highway 19 to the junction of Missouri Highway 19 and Missouri Highway 106, thence along Missouri Highway 106 to the junction of Missouri Highway 106 and Missouri Highway 21, thence along Missouri Highway 21 to the junction of Missouri Highway 47, thence along Missouri Highway 47 to the junction of Missouri Highway 47 and U.S. Highway 61, thence along U.S. Highway 61 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of Miami, Okla., and Fayetteville, Ark. Proposal 2: Remains as previously published. The purpose of this correction is to include plywood and wood mouldings in the commodity description.

No. MC-107403 (Sub-No. E68), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products and coal tar products), in bulk, from points in Maryland

within 100 miles of Philadelphia, Pa., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa., and Newark, N.J.

No. MC-107403 (Sub-No. E69), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except such oils and greases as may be included in the term chemicals), from Baltimore and Elkton, Md., and Claymont, Del., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Marcus Hook, Pa., Natruim, W. Va., and the plantsite of the B. F. Goodrich Company in Milan Township (Alba County), Ind. (approximately 13 miles east of Fort Wayne, Ind.).

No. MC-107403 (Sub-No. E70), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 10 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonflammable liquid chemicals* (except petroleum and petroleum products other than medicinal petroleum products and liquid wax, and not including road ore, coal tar, and coal tar products), from points in Maryland to points in Ohio, Illinois, Indiana, Missouri, Iowa, and Michigan. The purpose of this filing is to eliminate the gateway of Chambersburg, Pa., and Natrium, W. Va.

No. MC-107403 (Sub-No. E71), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Baltimore and Elkton, Md., and Claymont, Del., to points in Alabama, Georgia, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC-107403 (Sub-No. E72), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in Maryland within 150 miles of Monongahela, Pa., to points in New York. The purpose of this filing is to eliminate the gateway of Lewistown, Pa.

No. MC-107496 (Sub-No. E320), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from the site of the terminal outlet of the Mid-America Pipeline Company at or near Sanborn, Iowa, to points in South Dakota south of South Dakota Highway 34. The purpose of this filing is to eliminate the gateway of the site of the pipeline terminal outlet of Kanab Pipeline Company at or near Le Mars, Iowa.

No. MC-107496 (Sub-No. E321), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Iowa to points in Nebraska (except points south of Interstate Highway 80 and east of U.S. Highway 77). The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa, and points within 10 miles thereof, and Sioux City, Iowa, and points within 10 miles thereof.

No. MC 107496 (Sub-No. E322), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the site of the terminal outlet of the Mid-America Pipeline Company at or near Sanborn, Iowa, to points in South Dakota north of South Dakota Highway 34. The purpose of this filing is to eliminate the gateway of Marshall, Minn.

No. MC-107496 (Sub-No. E323), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. BOX 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Des Moines, Iowa, to points in Missouri on and north of U.S. Highway 40 and east of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa, and points within a 15 mile radius thereof.

No. MC-107496 (Sub-No. E324), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. BOX 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Ft. Madison, Iowa, and points within 10 miles thereof, to points in Howard, Randolph, Boone, Calloway, Montgomery, Lincoln, Warren, St. Louis, and St. Charles Counties, Mo. The purpose of this filing is to eliminate the gateway of Quincy, Ill., and points within 5 miles thereof.

No. MC-107496 (Sub-No. E 325), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, from Council Bluffs, Iowa, to points in Wisconsin north of U.S. Highway 16. The purpose of this filing is to eliminate the gateway of Austin, Minn.

No. MC-107496 (Sub-No. E 326), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resin plasticizers*, in bulk, in tank vehicles, from the plant site of Archer Daniels Midland Co., at or near Decatur, Ill., to points in New York. The purpose of this filing is to eliminate the gateway of Mishawaka, Ind.

No. MC-107496 (Sub-No. E 327), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methanol and anti-freeze*, in bulk, in tank vehicles, from the plant site of the Northern Petrochemical Company, located at or near Mapleton, Ill., to points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Nebraska on and west of U.S. Highway 83.

No. MC 107496 (Sub-No. E 383), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except those derived from petroleum and except liquid oxygen, liquid hydrogen, and liquid nitrogen), in bulk, in tank vehicles, from Denver, Colo., to points in Kentucky. The purpose of this filing is to eliminate the gateway of the plant site of the Apple River Chemical Company at or near Niota, Ill.

No. MC-107496 (Sub-No. E401), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemical adhesives*, in bulk, in tank vehicles, from the plant site of H. B. Fuller Company, at Kansas City, Kans., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC-107496 (Sub-No. E402), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855,

Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from Milan, Ill., to points in Iowa west of U.S. Highway 69. The purpose of this filing is to eliminate the gateway of points in Iowa east of U.S. Highway 69.

No. MC-107496 (Sub-No. E408), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, in bulk, from Clayton, Iowa, to points in Ohio. The purpose of this filing is to eliminate the gateway of Troy Grove, Ill.

No. MC-107496 (Sub-No. E437), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, in tank vehicles, from Havana, Ill., and points within 4 miles thereof to points in Arkansas (except points in Benton, Carroll, Washington, Madison, Crawford, Newton, Franklin, and Johnson Counties). The purpose of this filing is to eliminate the gateway of Parma, Mo.

No. MC-107496 (Sub-No. E 438), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, in tank vehicles, from the site of the plant of the Texaco, Inc., about 2 miles north of Lockport, Ill., the plant site of Amoco Chemicals Corporation located approximately 6 miles southwest of Joliet, Ill., and the plant site of the Stauffer Chemical Co. (formerly the Des Plaines Chemical Company), at or near Morris, Ill., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Parma, Mo.

No. MC-107496 (Sub-No. E 439), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except those derived from petroleum and liquid oxygen, liquid hydrogen, and liquid nitrogen) in bulk, from the plant site of Ashland Chemical Company, Division of Ashland Oil & Refining Company, at or near Mapleton, Ill., to points in Arizona. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC-107496 (Sub-No. E 440), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855,

Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Mt. Pulaski, Ill., to point in Minnesota. The purpose of this filing is to eliminate the gateway of the storage facilities of Allied Chemical Corporation at Dubuque, Iowa.

No. MC-107496 (Sub-No. E 441), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oils*, in bulk, in tank vehicles, from Menominee, Mich., to points in Texas. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC-107496 (Sub-No. E443), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine animal oils*, in bulk, in tank vehicles, from points in North Dakota to points in Indiana. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC-107496 (Sub-No. E 444), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine mix*, in bulk, in tank vehicles, from the Lewis Research Center near Cleveland, Ohio, to points in Arizona. The purpose of this filing is to eliminate the gateway of the Rocky Mountain Arsenal near Denver, Colo.

No. MC-107496 (Sub-No. E 446), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Sugar Creek, Mo., to points in Nebraska on and north of Nebraska Highway 92 and on and east of Nebraska Highway 61. The purpose of this filing is to eliminate the gateways of points in Taylor County, Iowa, Omaha, Nebr., and Council Bluffs, Iowa, and points within 10 miles thereof.

No. MC-107496 (Sub-No. E 447), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine*

*mix*, in bulk, in tank vehicles, from the Lewis Research Center near Cleveland, Ohio, to points in California. The purpose of this filing is to eliminate the gateway of the Rocky Mountain Arsenal near Denver, Colo.

No. MC-107496 (Sub-No. E448), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Hydrazine mix*, in bulk, in tank vehicles, from the Lewis Research Center near Cleveland, Ohio, to points in Utah. The purpose of this filing is to eliminate the gateway of the Rocky Mountain Arsenal near Denver, Colo.

No. MC-107496 (Sub-No. E449), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Madison, Wis., and points within 15 miles thereof, to points in Missouri on and north of U.S. Highway 40 and west of Schuyler, Adair, Macon, Randolph, Howard, and Boone Counties. The purpose of this filing is to eliminate the gateways of Rochelle, Iowa, and points within 15 miles thereof, Clinton, Iowa, and Ottumwa, Iowa, and points within 15 miles thereof.

No. MC-107496 (Sub-No. E450), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Winona, Minn., to points in Illinois. The purpose of this filing is to eliminate the gateway of Cuba City, Wis.

No. MC-107496 (Sub-No. E451), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant site of the Missouri Portland Cement Company at St. Louis, Mo., to points in Iowa (except points south of Iowa Highway 92 and east of U.S. Highway 65). The purpose of this filing is to eliminate the gateway of Bartonville, Ill.

No. MC-107496 (Sub-No. E452), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Dry phosphate*, in bulk, in tank vehicles, from Lawrence, Kans., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC-107496 (Sub-No. E453), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Denver, Colo., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Pennington County, S. Dak.

No. MC-107496 (Sub-No. E 454), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defoaming and industrial water treating compounds* (except those derived from petroleum), from Denver, Colo., to points in Oregon. The purpose of this filing is to eliminate the gateway of Casper, Wyo.

No. MC-107496 (Sub-No. E 455), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defoaming and industrial water treating compounds* (except those derived from petroleum), from Denver, Colo., to points in Idaho. The purpose of this filing is to eliminate the gateway of Casper, Wyo.

No. MC-107496 (Sub-No. E456), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Colorado on and east of U.S. Highway 85 to points in Montana. The purpose of this filing is to eliminate the gateway of points in Pennington County, S. Dak.

No. MC-107496 (Sub-No. E457), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Colorado to points in North Dakota. The purpose of this filing is to eliminate the gateway of Pennington County, S. Dak.

No. MC-107496 (Sub-No. E458), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's rep-

resentative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defoaming and industrial water treating compounds* (except those derived from petroleum), from Denver, Colo., to points in Washington. The purpose of this filing is to eliminate the gateway of Casper, Wyo.

No. MC-107496 (Sub-No. E459), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from points in Colorado to points in Michigan. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., and the plant site of Hawkeye Chemical Company at or near Clinton, Iowa.

No. MC-107496 (Sub-No. E460), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from points in Colorado to points in Ohio. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., and the plant site of the Hawkeye Chemical Company at or near Clinton, Iowa.

No. MC-109448 (Sub-No. E1), filed May 13, 1974. Applicant: PARKER TRANSFER CO., P.O. Box 256, Elyria, Ohio. Applicant's representative: John A. Kundtz, National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Heating and air conditioning units, equipment, and parts thereof*, and such materials and supplies as are required for the installation thereof, restricted against the transportation of commodities, which, because of size or weight, requires the use of special equipment or special handling, from Elyria and Cleveland, Ohio, to points in Michigan, New York, Pennsylvania, West Virginia, Illinois, Indiana, Kentucky, and New Jersey. The purpose of this filing is to eliminate the gateways of Elyria and Cleveland, Ohio.

No. MC-110098 (Sub-No. E5), filed May 9, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 23080, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carnivorous animal food*, in containers, from Los Angeles, Calif., to points in Kansas, Missouri, Iowa, Illinois, Indiana, Ohio, Michigan, Wisconsin, that part of Nebraska on and east of U.S. Highway 83, that part of North Dakota on and east

of U.S. Highway 281, that part of South Dakota on and east of U.S. Highway 83, and that part of Colorado on, south, and east of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 24 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC-110098 (Sub-No. E6), filed May 15, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in New Mexico, Arizona, California (except points in Modoc County), and that part of Nevada on and south of a line beginning at the Nevada-Utah State line, thence along U.S. Highway 50 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC-110098 (Sub-No. E8), filed May 15, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food-stuffs* (except commodities in bulk, coffee, and coffee extracts), in vehicles equipped with mechanical refrigeration, from Jacksonville, Ill., to points in New Mexico, Arizona, California, and that part of Nevada south of a line beginning at the Nevada-Utah State line, thence along U.S. Highway 50 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 40, thence along U.S. Highway 40 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC-110098 (Sub-No. E9), filed May 15, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (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 and commodities in bulk), in vehicles equipped with me-

chanical refrigeration, from points in that part of Arizona on and south of U.S. Highway 66, to points in Arkansas, Oklahoma, Kansas, Missouri, Iowa, Illinois, Indiana, Ohio, Michigan, Wisconsin, Minnesota, Nebraska, that part of South Dakota on and east of U.S. Highway 83, and that part of North Dakota on and east of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-110098 (Sub-No. E10), filed May 15, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables, frozen fruits and frozen berries, and frozen fish and shrimp*, when moving at the same time and in the same vehicle with frozen vegetables, frozen fruits, or frozen berries, in vehicles equipped with mechanical refrigeration, from points in Mississippi. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-110098 (Sub-No. E12), filed May 15, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from the storage facilities utilized by Armour & Company at or near Worthington and Mankato, Minn., to points in Arizona, that part of California on, south, and west of a line beginning at the California-Nevada State line, thence along U.S. Highway 91 to junction California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction California Highway 4, thence along California Highway 4 to junction Interstate Highway 80, thence along Interstate Highway 80 to San Francisco, and that part of Nevada on and south of U.S. Highway 91. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC-110098 (Sub-No. E13), filed May 15, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (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 and commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in California to points in Ohio, Indiana, Arkansas, Missouri, Oklahoma, Illinois, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-110098 (Sub-No. E14), filed May 15, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables, frozen fruits and frozen berries, and frozen fish and shrimp*, when moving at the same time and in the same vehicle with frozen vegetables, frozen fruits, or frozen berries, in vehicles equipped with mechanical refrigeration, from points in California to points in Ohio, Indiana, Arkansas, Missouri, Oklahoma, Illinois, Pennsylvania, New York, Virginia, Mississippi, Tennessee, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-110098 (Sub-No. E15), filed May 15, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (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 and commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in that part of California in and south of Inyo, Fresno, Madera, Mariposa, Stanislaus, San Joaquin, Contra Costa, and Marin Counties to Sioux Falls, S. Dak., points in Iowa, Kansas, Wisconsin, that part of Minnesota on and east of a line beginning at the Iowa-Minnesota State line, thence along Minnesota Highway 15 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the Minnesota-Wisconsin State line, and that part of Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-110098 (Sub-No. E16), filed May 15, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables, frozen fruits, and frozen berries, and frozen fish and shrimp*, when moving at the same time and in the same vehicle, with frozen vegetables, frozen fruits, or frozen berries, in vehicles equipped with mechanical refrigeration, from points in part of California in and south of Inyo, Fresno, Madera, Mariposa, Stanislaus, San Joaquin, Contra Costa, and Marin Counties, to Sioux Falls, S. Dak., points in Iowa, Kansas, Wisconsin, that part of Minnesota on and east of a line beginning at the Iowa-Minnesota State line, thence along Minnesota Highway 15 to junction with U.S. Highway 10,

thence along U.S. Highway 10 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the Minnesota-Wisconsin State line, and points in that part of Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-110098 (Sub-No. E17), filed May 9, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 30280, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk, coffee, and coffee extracts from the plant site of Green Giant Co., at Belvedere, Ill., to points in Arizona, California, and that part of Nevada on and south of a line beginning at the Nevada-Utah State line, thence along U.S. Highway 50 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction with U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC-110098 (Sub-No. E18), filed May 7, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 30280, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk, coffee, and coffee extracts), from Darien, Wis., to points in New Mexico, Arizona, California, and that part of Nevada on and south of a line beginning at the Nevada-Utah State line, thence along U.S. Highway 50 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line, restricted against interlining at Darien, Wis. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC-110098 (Sub-No. E19), filed May 7, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (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 commodities in bulk, in tank vehicles, and hides), from the plant site of Swift & Company at or near Grand Island, Nebr., to points in Arizona, that part of California on, south, and west of a line beginning at the Nevada-California State line, thence along U.S. Highway 91 to junction California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction California Highway 4, thence along Cal-

ifornia Highway 4 to junction Interstate Highway 80, thence along Interstate Highway 80 to San Francisco, and that part of Nevada on and south of U.S. Highway 91. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-110098 (Sub-No. E20), filed May 7, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (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*, 611 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Columbus Junction, Iowa, to points in New Mexico, Arizona, California, and that part of Nevada on and south of a line beginning at the Nevada-Utah State line, thence along U.S. Highway 50 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-110098 (Sub-No. E26), filed June 1, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meats, meat products, meat byproducts, bananas, commodities in bulk, alcoholic beverages, coffee, cookies, and crackers), from points in that part of California on, west, and south of a line beginning at the International Boundary line between the United States and Mexico, thence along Interstate Highway 5 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Pacific Ocean, to points in that part of Colorado on, south, and east of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 24 to junction U.S. Highway 85, thence along U.S. Highway 85 to the New Mexico-Colorado State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-110098 (Sub-No. E27), filed June 1, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (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 and commodities in bulk), from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Ohio, that part of Indiana on and south of U.S. Highway 24, and that part of Illinois on and south of U.S. Highway 24. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-110098 (Sub No. E28), filed June 1, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from points in that part of Texas (1) on and south of a line beginning at the Louisiana-Texas State line, thence along U.S. Highway 190 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-New Mexico State line and (2) north of a line beginning at the Louisiana-Texas State line, thence along U.S. Highway 90 to Houston, thence along Interstate Highway 10 (or U.S. Highway 90) to San Antonio, thence along U.S. Highway 90 to junction Interstate Highway 10 and U.S. Highway 80 at Van Horn, thence along Interstate Highway 10 to the Texas-New Mexico State line, to points in Nebraska, Iowa, Illinois, Indiana, Ohio, Michigan, Wisconsin, and Minnesota. The purpose of this filing is to eliminate the gateway of points in that part of Texas on a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 90 to Houston, thence along Interstate Highway 10 (also over U.S. Highway 90) to San Antonio, thence along U.S. Highway 90 to junction Interstate Highway 10 and U.S. Highway 80 at Van Horn, thence along Interstate Highway 10 to the Texas-New Mexico State line.

No. MC-110098 (Sub-No. E29), filed June 1, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from points in that part of Texas (1) on and south of a line beginning at the Louisiana-Texas State line, thence along U.S. Highway 190 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-New Mexico State line, and (2) north of a line beginning at the Louisiana-Texas State line, thence along U.S. Highway 90 to Houston, thence along Interstate High-

way 10 (or U.S. Highway 90) to San Antonio, thence along U.S. Highway 90 to junction Interstate Highway 10 and U.S. Highway 80 at Van Horn, thence along Interstate Highway 10 to the Texas-New Mexico State line, to points in that part of Kansas on and north of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 50 to junction Kansas Highway 68, thence along Kansas Highway 68 to the Kansas-Missouri State line, and that part of Missouri on and north of a line beginning at the Kansas-Missouri State line, thence along Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Kentucky State line. The purpose of this filing is to eliminate the gateway of points in that part of Texas on a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 90 to Houston, thence along Interstate Highway 10 (also over U.S. Highway 90) to San Antonio, thence along U.S. Highway 90 to junction Interstate Highway 10 and U.S. Highway 80 at Van Horn, thence along Interstate Highway 10 to the Texas-New Mexico line.

No. MC-110098 (Sub-No. E37), filed June 1, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruits and vegetables* (except bananas), in mechanically refrigerated equipment, from points in Oregon and Washington to points in that part of Texas west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 83 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 277, thence along U.S. Highway 277 to the International Boundary line between the United States and Mexico (except points in that part of Texas west and south of a line beginning at Del Rio, thence along U.S. Highway 90 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction Texas State Highway 18, thence along Texas Highway 18 to the Texas-New Mexico State line). The purpose of this filing is to eliminate the gateway of Perryton or Childress, Tex.

No. MC-110098 (Sub-No. E38), filed June 1, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, 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, 273, and 766 (except hides and commodities in bulk), and *frozen foods*, in vehicles equipped with mechanical refrigeration, from points in that part of Oregon on and west of a line

beginning at the Oregon-Washington State line, thence along U.S. Highway 97 to junction Oregon Highway 138, thence along Oregon Highway 138 to junction Oregon Highway 230, thence along Oregon Highway 230 to junction Oregon Highway 62, thence along Oregon Highway 62 to junction Oregon Highway 99, thence along Oregon Highway 99 to junction U.S. Highway 199, thence along U.S. Highway 199 to the California-Oregon State line, and that part of Washington on, north, and west of a line beginning at the Oregon-Washington State line, thence along U.S. Highway 395 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Washington-Idaho State line, to points in that part of Colorado on, south, and east of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 50 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-110098 (Sub-No. E39), filed June 1, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Houston, Tex., to points in Nevada. The purpose of this filing is to eliminate the gateway of Luling, Tex.

No. MC-110098 (Sub-No. E40), filed June 1, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, coffee, and coffee extracts), in vehicles equipped with mechanical refrigeration, from the plant site and storage facilities of Anderson, Clayton, and Company at Jackson-ville, Ill., to points in Oregon and that part of Washington on and west of a line beginning at the Oregon-Washington State line, thence along Washington Highway 125 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Washington Highway 17, thence along Washington Highway 17 to junction U.S. Highway 97, thence along U.S. Highway 97 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC-110098 (Sub-No. E41), filed June 1, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (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 Denison, Tex., to points in Colorado. The

purpose of this filing is to eliminate the gateway of Sherman, Tex.

No. MC-110098 (Sub-No. E52), filed May 31, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of California on and north of a line beginning at the Pacific Ocean, thence along California Highway 68 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 152, thence along California Highway 152 to junction California Highway 59, thence along California Highway 59 to junction California Highway 140, thence along California Highway 140 to junction California Highway 49, thence along California Highway 49 to junction California Highway 4, thence along California Highway 4 to the California-Nevada State line, to points in Missouri. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC-110098 (Sub-No. E53), filed May 31, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of California on, south, and west of a line beginning at the Pacific Ocean, thence along California Highway 68 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 152, thence along California Highway 152 to junction California Highway 99, thence along California Highway 99 to junction California Highway 180, thence along California Highway 180 to junction California Highway 69, thence along California Highway 69 to junction California Highway 65, thence along California Highway 65 to junction California Highway 99, thence along California Highway 99 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Pacific Ocean, to points in that part of Missouri on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC-111320 (Sub-No. E62), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective self-propelled road building and contractor's vehicles or machinery*, in drive-away and truckaway service between points in Kentucky, on the one hand, and, on the other, points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC-111320 (Sub-No. E63), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected or defective self-propelled road building and contractors' vehicles or machinery*, in drive-away and truckaway service between points in New Jersey on and north of New Jersey Highway 33 on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Kentucky-Ohio State line, thence along Interstate Highway 75 to its junction with Kentucky State Highway 461, thence over Kentucky State Highway 461 to its junction with Kentucky Highway 80, thence along Kentucky Highway 80 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC-111320 (Sub-No. E64), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective self-propelled road building and contractors' vehicles or machinery*, in drive-away or truckaway service between points in Tennessee on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC-111320 (Sub-No. E65), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective self-propelled road building and contractors' vehicles or machinery*, in drive-away and truckaway service between points in Connecticut, on the one hand, and, on the other, points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line, along U.S. Highway 127 to the junction of U.S. Highway 40, thence along U.S. Highway 40 to the junction of U.S. Highway 11, thence along U.S. Highway 11 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC-111320 (Sub-No. E66), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective self-propelled road building and contractors' vehicles or machinery*, in drive-away and truckaway service between points in New Jersey on the one hand, and, on the other, points in Tennessee on

and west of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC-111320 (Sub-No. E75), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective self-propelled road building and contractor's vehicles or machinery*, in driveaway and truckaway service, between points in Massachusetts on and north of a line from Boston along Interstate Highway 90 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the junction of Interstate Highway 90, thence along Interstate Highway 90 to the Massachusetts-New York State line, on the one hand, and, on the other, points in North Carolina on and south of a line from the Atlantic Ocean along U.S. Highway 421 to the junction of U.S. Highway 64, thence along U.S. Highway 64 to the junction of U.S. Highway 40, thence along U.S. Highway 40 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC-111401 (Sub-No. E4), filed May 12, 1974. Applicant: GRODEDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from points in that part of Colorado on and north of U.S. Highway 50, to points in that part of New Mexico bounded by a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 66 to junction New Mexico Highway 129, thence along New Mexico Highway 129 to junction New Mexico Highway 104, thence along New Mexico Highway 104 to junction New Mexico Highway 65, thence along New Mexico Highway 65 to junction New Mexico Highway 39, thence along New Mexico Highway 39 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line; (2) from points in that part of Colorado on and east of Colorado Highway 71, and on and north of U.S. Highway 24, to points in that part of McKinney County, N. Mex., on and north of U.S. Highway 66, and on and west of U.S. Highway 66; and (3) from points in that part of Colorado on, east, and north of a line beginning at the Colorado-Nebraska State line, thence along Colorado Highway 113 to junction Colorado Highway 63, thence along Colorado Highway 63 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Kansas State line, to points in those parts of McKinley, Valencia, Bernalillo, Santa Fe, Gualalupe, Torrance, and Quay Counties, N. Mex., on and north of U.S.

Highway 66. The purpose of this filing is to eliminate the gateway of points in that part of Texas on and north of U.S. Highway 66.

No. MC-112304 (Sub-No. E3), filed May 22, 1974. Applicant: ACE-DORAN HAULING & RIGGING CO., 1601 Blue Rock, Cincinnati, Ohio 45223. Applicant's representative: R. F. Baum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires special handling and the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in that part of West Virginia on and north of U.S. Highway 60, on the one hand, and, on the other, points in Illinois, restricted to the transportation of commodities on trailers. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC-113459 (Sub-No. E37), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, when moving in connection therewith; and (2) *Commodities*, the transportation of which, by reason of size or weight require the use of special equipment, (a) between points in that part of Wisconsin on and east of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 53 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to the Wisconsin-Michigan State line, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Illinois-Wisconsin State line, thence along U.S. Highway 90 to junction U.S. Highway 94, thence along U.S. Highway 94 to the Illinois-Indiana State line, and east of a line beginning at the Illinois-Wisconsin State line, thence along Illinois Highway 51 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Indiana State line, and (b) between points in Wisconsin, on the one hand, and, on the other, points in that part of Illinois bounded by a line beginning at the Illinois-Kentucky State line, thence along Illinois Highway 3 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 121, thence along Illinois Highway 121

to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line. Restriction: The operations authorized herein are restricted to commodities which are transported on trailers and restricted against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateway of Sterling, Ill.

No. MC-113459 (Sub-No. E38), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled articles*, weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, when moving in connection therewith; and (2) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, between points in that part of Wisconsin on and east of a line beginning at Ashland, thence along U.S. Highway 2 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line, on the one hand, and, on the other, points in that part of Missouri on and south of U.S. Highway 36. Restriction: The operations authorized herein are restricted to commodities which are transported on trailers and against transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateway of Sterling, Ill.

No. MC-113459 (Sub-No. E40), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, when moving in connection therewith; and (2) *Commodities*, the transportation of which, by reason of size or weight, requires the use of special equipment, between points in that part of Wisconsin on and east of a line beginning at Ashland, thence along Wisconsin Highway 13 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Wisconsin-Illinois State line, on the one hand, and, on the other, points in Kansas. Restriction: The operations authorized herein are restricted to commodities which are transported on trailers and against the transportation

of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateway of Sterling, Ill.

No. MC-113459 (Sub-No. E45), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heavy machinery, equipment, materials, and supplies*, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, or used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof. (2) *Commodities*, the transportation of which by reason of size or weight, require the use of special equipment (except those commodities described in (1) above). (3) *Parts of commodities* authorized in (2) above either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments. (4) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith, between points in Indiana, on the one hand, and, on the other, points in that part of Louisiana on and west of a line beginning at the Louisiana-Arkansas State line, thence along U.S. Highway 165 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Louisiana Highway 83, thence along Louisiana Highway 83 to junction Louisiana Highway 319, thence along Louisiana Highway 319 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-113459 (Sub-No. E46), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, when moving in connection therewith; and (2) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, between points in that part of Louisiana on and west of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 61 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 69, thence along Louisiana Highway 69 to junction Louisiana Highway 70, thence along Louisiana Highway 70 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Louisiana Highway 317, thence along Lou-

isiana Highway 317 to the Gulf of Mexico, on the one hand, and, on the other, points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 6 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Ohio-Pennsylvania State line. Restriction: The operations authorized herein are restricted to commodities which are transported on trailers and against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateway of Sterling, Ill.

No. MC-113528 (Sub-No. E1), (Correction), filed April 7, 1974, published in the FEDERAL REGISTER May 31, 1974. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, Ala. 36601. Applicant's representative: Clarence Levi (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, dangerous explosives, household goods when transported as a separate and distinct service in connection with so-called "household movings," intoxicating liquors, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading).

(c) Should read, in part, "along U.S. Highway 501 to its intersection with North Carolina Highway 49, thence along North Carolina Highway 49. Previously published as North Carolina Highway 62.

(g) Should read, in part, "thence along U.S. Highway 178 to its intersection with U.S. Highway 15. . ." The purpose of this correction is to reflect the correct intersection between U.S. Highways 178 and 15.

No. MC-113535 (Sub-No. E2), filed May 3, 1974. Applicant: A. & W. TRUCKING COMPANY, Route 5 Box 900, Mosinee, Wisconsin 54455. Applicant's representative: John J. Altenburg (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business*, when destined to and for use by meat packers, as described in Sections A, C, and D 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 Minneapolis, St. Paul, South St. Paul, Newport, Hastings, Red Wing, and Winona, Minn., to Dubuque, Iowa. The purpose of this filing is to eliminate the gateway of Durant, Wis.

No. MC-113535 (Sub-No. E3), filed May 3, 1974. Applicant: A. & W. TRUCKING COMPANY, Route 5, Box 900, Mosinee, Wis. 54455. Applicant's representative: John J. Altenburg (same as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Canned goods*, from Minneapolis, Minn., to points in that part of Iowa (except Dubuque) on and east of U.S. Highway 69, and points in that part of Illinois on and north of U.S. Highway 36. The purpose of this filing is to eliminate the gateway of Durand and Prairie Du Chien, Wis., and Winona, Minn.

No. MC-113535 (Sub-No. E4), filed May 3, 1974. Applicant: A. & W. TRUCKING COMPANY, Route 5, Box 900, Mosinee, Wis. 54455. Applicant's representative: John J. Altenburg (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from points in Minnesota within 35 miles of Lanesboro, to points in Wisconsin (except (1) between Winona and La Crosse, and (2) between such points, on the one hand, and, on the other, the following points in Wisconsin: Adams, Friendship, Bangor, junction Wisconsin Highway 13 and 21, junction U.S. Highway 16 and Wisconsin Highway 162, Stevens Point, and those on a line extending from Stevens Point to Plover, thence over Wisconsin Highway 54 to Wisconsin Rapids, thence over Wisconsin Highway 73 to junction Wisconsin Highway 13, thence over Wisconsin Highway 13 to junction Wisconsin Highway 21, thence over Wisconsin Highway 21 to Necedah, thence over Wisconsin Highway 80 to New Lisbon, thence over U.S. Highway 16 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of Winona, Minn.

No. MC-113535 (Sub-No. E5), filed May 3, 1974. Applicant: A. & W. TRUCKING COMPANY, Route 5, Box 900, Mosinee, Wis. 54455. Applicant's representative: John J. Altenburg (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat byproducts, meat products, and dairy products and articles distributed by meat-packing houses*, from Minneapolis, Minn., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Mosinee, Wis.

No. MC-113535 (Sub-No. E6), filed May 3, 1974. Applicant: A. & W. TRUCKING COMPANY, Route 5, Box 900, Mosinee, Wis. 54455. Applicant's representative: John J. Altenburg (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins, and pieces thereof, and commodities in bulk), from Madison, Wis., to Minneapolis, St. Paul, South St. Paul, Newport, Hastings, Red Wing, and Winona, Minn. The purpose of this filing is to eliminate the gateway of Mosinee, Wis.

No. MC-113535 (Sub-No. E7), filed May 13, 1974. Applicant: A. & W. TRUCK-

ING COMPANY, Route 5, Box 900, Mosinee, Wis. 54455. Applicant's representative: John J. Altenburg (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from La Crosse and Mosinee, Wis., to Dixon, Ill. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC-113843 (Sub-No. E389), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts, Rhode Island, and West Haven, Conn., and points in that part of Connecticut on, north, and east of a line beginning at the New York-Connecticut State line and extending along Interstate Highway 84 to junction Connecticut Highway 34, thence along Connecticut Highway 34 to junction Connecticut Highway 10, thence along Connecticut Highway 10 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Long Island Sound to points in that part of Tennessee on, and west of U.S. Highway 65. The purpose of this filing is to eliminate the gateways of Elmira, N.Y., and Detroit, Mich. (via Canada).

No. MC-113843 (Sub-No. E391), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New York, N.Y., to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E392), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Ohio, Michigan, Indiana, Illinois, Missouri, Kentucky, West Virginia, and points in that part of Pennsylvania on and west of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E393), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, from Fostoria, Ohio, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E394), filed May 20, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, from Martins Ferry, Ohio, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC-113843 (Sub-No. E395), filed May 20, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hampton, Va., to points in that part of Iowa on and west of U.S. Highway 69. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC-113843 (Sub-No. E396), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the District of Columbia, to points in that part of Iowa on, north, and west of a line beginning at the Iowa-Minnesota State line and extending along Iowa Highway 4 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC-113843 (Sub-No. E397), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables*, from Cleveland, Columbus, Martins Ferry, and Toledo, Ohio, to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E399), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat byproducts*, as defined by the Commission, from Cleveland, Ohio, to Wilkes-Barre, Pa., and points in those portions of Bradford and Tioga Counties, Pa., on and north of U.S. Highway 6, and points in Susquehanna, Lackawanna, Wayne, and Pike Counties, Pa. The purpose of

this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E400), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat byproducts*, as defined by the Commission, from Fostoria, Ohio, to Allentown, Pa., and points in those portions of Bradford and Tioga Counties, Pa., on and south of U.S. Highway 6, and points in Susquehanna, Lackawanna, Wayne, Pike, Luzerne, Carbon, and Northampton Counties, Pa. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E401), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat byproducts*, as defined by the Commission, from Columbus, Ohio, to points in Bradford, Lackawanna, Susquehanna, Wayne, Pike, and Wyoming Counties, Pa. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E402), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables*, from Martins Ferry, Ohio, to points in Pike County, Pa. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E410), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from points in those portions of Delaware, Maryland, and Virginia on and south of U.S. Highway 40 and east of the Susquehanna River and the Chesapeake Bay to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC-113843 (Sub-No. E411), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pocomoke City,

Crisfield, and Cambridge, Md. to Sioux Falls, S. Dak., and Grand Forks, N. Dak. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E417), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pocomoke City, Cambridge, and Crisfield, Md., to points in Missouri. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC-113843 (Sub-No. E427), filed May 16, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat byproducts*, as defined by the Commission, from Martins Ferry, Ohio, to Gary and Hammond, Ind. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC-113843 (Sub-No. E428), filed May 16, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat byproducts*, as defined by the Commission, from Cleveland, Ohio, to points in that part of Missouri on and west of a line beginning at the Mississippi River at Hannibal and extending along U.S. Highway 61 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC-113843 (Sub-No. E429), filed May 16, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Ohio to Manchester, N.H., and Portland, Maine. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E430), filed May 16, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter and butter substitutes*, from Cincinnati, Ohio to Buffalo, N.Y. The

purpose of this filing is to eliminate the gateway of Olean, N.Y.

No. MC-113843 (Sub-No. E432), filed May 16, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat byproducts*, as defined by the Commission, from Cleveland, Ohio to points in that part of Illinois on and west of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 51 to Rockford, thence along Illinois Highway 2 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Mississippi River. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC-113843 (Sub-No. E433), filed May 16, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat byproducts*, as defined by the Commission, from Sandusky, Ohio to points in Brown, Adams, and Pike Counties, Ill. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC-113843 (Sub-No. E434), filed May 16, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined by the Commission, from Cincinnati, Cleveland, Columbus, Toledo, Van Wert, Washington Court House, and Martins Ferry, Ohio to Springfield and Worcester, Mass. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. 438), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Richmond, Va., to points in that part of Minnesota on, north, and west of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 59 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line. The purpose of this

filing is to eliminate the gateway of LeRoy, N.Y.

No. MC-113843 (Sub-No. E440), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Huntington, W. Va., to points in that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC-113843 (Sub-No. E441), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Huntington, W. Va., to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC-113843 (Sub-No. E442), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Huntington, W. Va., to points in Vermont. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC-113843 (Sub-No. E443), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the District of Columbia to points in Nebraska. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC-113843 (Sub-No. E444), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Baltimore, Md., to Joplin and St. Joseph, Mo. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E445), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Richmond, Va., to Wellsboro, Pa. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-115331 (Sub-No. E2) (Correction), filed April 19, 1974, published in the FEDERAL REGISTER June 27, 1974. Applicant: TRUCK TRANSPORT, INC., 230 St. Clair Ave., East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 11th St., NW., Washington, D.C. 20001. The letter-notice remains as previously published. The correction is to reflect the correct "E" number. Previously published as E1.

No. MC-124692 (Sub-No. E10), filed May 13, 1974. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood building materials*, from points in Washington and that part of Oregon on and north of a line beginning at Nyssa, thence along U.S. Highway 20 to Bend, thence along U.S. Highway 97 to junction Oregon Highway 58, thence along Oregon Highway 58 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 38, thence along Oregon Highway 38 to Reedsport, to points in Colorado. The purpose of this filing is to eliminate the gateway of points in Big Horn County, Wyo.

No. MC-127042 (Sub-No. E34), filed May 6, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leed Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Rapid City, S. Dak., to points in Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Sioux City, Iowa.

No. MC-127042 (Sub-No. E35), filed May 6, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Armour and Company located at or near Emporia, Kans., to points in Idaho and Baker and Malheur Counties, Ore. The purpose of this filing is to eliminate gateway of Omaha, Nebr.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-16906 Filed 7-23-74; 8:45 am]

[Notice No. 23]

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

July 19, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before August 23, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC-108937 (Deviation No. 12), MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, Minn. 55113, filed June 14, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, Ohio over U.S. Highway 33 to Marysville, Ohio, thence over Ohio Highway 31 to Kenton, Ohio, thence over U.S. Highway 30S to junction U.S. Highway 30 near Delphos, Ohio, thence over U.S. Highway 30 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from the junction of U.S. Highways 35 and 40 near Richmond, Ind., over U.S. Highway 40 to Columbus, Ohio, and (2) from Cincinnati, Ohio over Ohio Highway 4 to Hamilton, Ohio, thence over U.S. Highway 127 to Eaton, Ohio, thence over U.S. Highway 35 to junction U.S. Highway 40, thence over U.S. Highway 40 to Indianapolis, Ind., thence over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., and return over the same routes.

No. MC-89913 (Deviation No. 3), FRISCO TRANSPORTATION COMPANY, 906 Olive Street, St. Louis, Mo. 63101, filed June 20, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 70 to St. Louis, Mo., and return over the same route, for

operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from St. Louis, Mo., over U.S. Highway 66 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 166, thence over U.S. Highway 166 to Joplin, Mo., and (2) from Kansas City, Mo., over U.S. Highway 50 to Warrensburg, Mo., thence over Missouri Highway 13 to Springfield, Mo., and return over the same routes.

No. MC-108937 (Deviation No. 13), MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, Minn. 55113, filed June 14, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highways 50 and 421 near Versailles, Ind., over U.S. Highway 421 to junction Indiana Highway 107, thence over Indiana Highway 107 to junction Indiana Highway 56, thence over Indiana Highway 56 to junction Indiana Highway 3, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Salem, Ind., over Indiana Highway 56 to junction Indiana Highway 3, thence over Indiana Highway 3 to junction U.S. Highway 50, thence over U.S. Highway 50 to Cincinnati, and return over the same routes.

MC-8948 (Deviation No. 4), WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058, filed June 12, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 8 and California Highway 98, east of Holtville, Calif., thence over California Highway 98 to junction Interstate Highway 8, near Ocotillo, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From San Diego, Calif., over U.S. Highway 80 to Yuma, Ariz., and return over the same route.

No. MC-4963 (Deviation No. 37), JONES MOTOR, Bridge Street and Schuykill Road, Spring City, Pennsylvania 19475, filed June 11, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Cleveland, Ohio, over Ohio Highway 2 to Toledo, Ohio, and (2) from Monroeville, Ohio, over Ohio Highway 99 to junction Ohio Highway 4, thence over Ohio Highway 4 to junction Ohio Highway 2, thence over Ohio Highway 2 to Toledo, Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same com-

modities, over pertinent service routes as follows: (1) From Cleveland, Ohio, over Ohio Highway 254 to junction Ohio Highway 57, thence over Ohio Highway 57 to Ohio Highway 113, thence over Ohio Highway 113 to Bellevue, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 51, thence over Ohio Highway 51 to Toledo, Ohio, and return over the same routes, and (2) from Cleveland, Ohio, over U.S. Highway 20 via Bellevue, Ohio, to junction Ohio Highway 51, thence over Ohio Highway 51 to Toledo, Ohio, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-16904 Filed 7-23-74; 8:45 am]

[Notice No. 59]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 19, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new § 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Special Notice: The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

#### MOTOR CARRIERS OF PROPERTY

No. MC-9153 (Sub-No. 2) (REPUBLICATION), filed October 23, 1973, and published in the FEDERAL REGISTER issue of December 13, 1973, and republished in this issue. Applicant: J. R. CRISTONI, INC., North Cherry Street Extension, Wallingford, Conn. 06492. Applicant's representative: J. R. Cristoni, Sr. (same address as applicant). An Order of the Commission, Operating Rights Board, dated June 4, 1974, and served July 9, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *steel* between the plant sites of Highway Safety Design and Fabrication Corporation at or near Glastonbury, Conn., on the one hand, and, on the other, points in Massachusetts, Rhode Island, New York, and New Jersey; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce

Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application is published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136981 (Sub-No. 1) (REPUBLICATION), filed March 16, 1973, and published in the FEDERAL REGISTER issues of April 26, 1973, and June 21, 1973, and in third publication this issue. Applicant: BLAIR CARTAGE, INC., 13658 Auburn Road, Newbury, Ohio 44065. Applicant's representative: Lewis S. Witherspoon, 1825 The Illuminating Building, Cleveland, Ohio, 44113. An Order of the Commission, Division 1, dated June 20, 1974, and served July 1, 1974, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes of *plastic pipe* from Middlefield, Ohio, to points in Connecticut, Delaware, Indiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia under a continuing contract with Normandy Industries, Inc., restricted with respect to transportation to points in Michigan, to shipments originating at the plant site of Normandy Industries, Inc., at Middlefield, Ohio, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purposes of this republication are (1) to include Maryland as a destination state, (2) to delete Kentucky and Vermont as destination states and (3) to delete the origin point of Burton Township (Geauga County), Ohio. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC-15364 (Sub-No. 13) (NOTICE OF FILING OF PETITION FOR AMENDMENT OF CERTIFICATE), filed

June 14, 1974. Petitioner: WISCONSIN-MICHIGAN COACHES, INC., 725 Smith Street, Green Bay, Wis. 54302. Petitioner's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Petitioner holds a motor common carrier certificate in No. MC 15364 (Sub-No. 13), issued October 30, 1969, authorizing transportation, over regular routes, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, (1) Between Ashland, Wis., and Rhinelander, Wis., serving all intermediate points which are stations on the line of Chicago, and North Western Railway Company, during the period from the day after Labor Day, to May 31 of each year, inclusive of both days: From Ashland over U.S. Highway 2 to Hurley, Wis., thence over U.S. Highway 51 to junction Wisconsin Highway 47 at Woodruff, Wis., thence over Wisconsin Highway 47 to Rhinelander, and return over the same route; and (2) Between Hurley, Wis., and Ironwood, Mich., serving no intermediate points: From Hurley over U.S. Highway 2 to junction Michigan Highway BR 2, thence over Michigan Highway BR 2 to Ironwood, and return over the same route; restricted to (a) the service to be performed by carrier shall be restricted to that which is auxiliary to or supplemental of rail service of the Chicago & North Western Railway Company; (b) Carrier shall not serve any point not a station on the line of the Chicago & North Western Railway Company; (c) The service authorized shall be restricted to the transportation of passengers and traffic having an immediately prior or subsequent movement by rail; and (d) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's service to that which is auxiliary to or supplemental of the service of Chicago & North Western Railway Company. By the instant petition, petitioner seeks to amend the certificate to read: "Passengers and their baggage, and express and newspapers in the same vehicle with passengers, (1) Between Hurley, Wis. and Rhinelander, Wis., serving all intermediate points: From Hurley, Wis., over U.S. Highway 51 to junction Wisconsin Highway 47 at Woodruff, Wis., thence over Wisconsin Highway 47 to Rhinelander, and return over the same route; and (2) Between Hurley, Wis. and Ironwood, Mich. serving no intermediate points: From Hurley, Wis., over U.S. Highway 2 to junction Michigan Highway BR 2, thence over Michigan Highway BR 2 to Ironwood, and return over the same route." Any interested person, or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128217 (Sub-No. 3) (PARTIAL CORRECTION OF A NOTICE OF FILING OF PETITION TO EXTEND OPER-

ATIONS) filed June 3, 1974, published in the FEDERAL REGISTER issue of June 19, 1974, and republished, as corrected in part, this issue. Petitioner: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58041. Petitioner's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102.

NOTE.—The purpose of this partial republication is to correct part (2) of the requested modification petitioner seeks to read: "prefabricated buildings and building materials from Warrenton, Mo.; El Paso, Ill.; Dallas, Houston and Stafford, Tex.; Bossier City, La.; and Waukesha, Wis., to points in Idaho, Montana, North Dakota, South Dakota, Wyoming, and those in Minnesota on and west of U.S. Highway 71". The rest of the notice remains as originally published.

Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-12241 (Correction) (LOISELLE TRANSPORT LIMITED—CONTROL—PIONEER ALASKA EXPRESS, INC.), published in the June 26, 1974, issue of the FEDERAL REGISTER, at page 23112. Prior notice should be modified to show that applicant LOISELLE TRANSPORT LIMITED, a British Columbia Corporation is a non-carrier.

No. MC-F-12244 (Correction) (OKLAHOMA BORDER EXPRESS, INC.—CONTROL—M & M FREIGHT LINES, INC.), published in the June 26, 1974, issue of the FEDERAL REGISTER, at page 23112. Prior notice should be modified to show M & M FREIGHT LINES, INC., address as 217 North 32nd St., Muskogee, OK 74401.

No. MC-F-12262. Authority sought for merger by SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 4284 Michigan Blvd., Pomona, CA 91769, of the operating rights and property of WILKERSON TRUCKING COMPANY, INC., Route 5, Lenoir City, TN 37771, and for acquisition by MAX LEE FULLER, 2909 Hickory St., Chattanooga, TN 37407, and CLYDE FULLER, Route 5, Lenoir City, TN 37771, of control of the operating rights and property through the transaction. Applicants' attorneys: Earl H. Scudder, Jr., and Duane L. Stromer, P.O. Box 82028, Lincoln, NE 68501, and Walter Harwood, P.O. Box

15214, Nashville, TN 37215. Operating rights sought to be controlled and merged: Calcium chloride, in bags, as a common carrier, over irregular routes, from Akron and Barberton, Ohio, to certain specified points in Tennessee; dry calcium chloride, in bags, from Akron and Barberton, Ohio, to sites of quarries located in Tennessee, except points in Knox, Cocke, Anderson, Sevier, Jefferson, Grainger, Loudon, Blount, Union, Morgan, Hamblen, Cheatham, Hamilton, Bradley, Sequatchie, Marion, and Shelby Counties, Tenn.; dry ammonium nitrate fertilizer, from Knoxville, Tenn., to points in Kentucky and West Virginia; ammonium nitrate fertilizer, in bags, from Knoxville, Tenn., to points in North Carolina; dry fertilizer and fertilizer material (except dry ammonium nitrate fertilizer), in bags, between Knoxville, Tenn., on the one hand, and, on the other, points in Tennessee, Kentucky, and North Carolina; petroleum and petroleum products, except in bulk, from Bradford and Oil City, Pa., to certain specified points in Tennessee, from Oil City, Pa., to points in McMinn County, Tenn., from Bradford, Pa., to certain specified points in Tennessee.

Petroleum products, in containers, from St. Marys, W. Va., to those points in that part of Tennessee west of U.S. Highway 25-E, with restriction; and exhaust pots and mufflers, and exhaust and tail pipe, with or without fittings, as a contract carrier over irregular routes, from the plant site and storage facilities of Maremont Corporation, at or near Loudon, Tenn., to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Mississippi, Michigan, Indiana, Kentucky, Tennessee, Alabama, Ohio, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, and the District of Columbia, with restrictions, between the plant site and storage facilities of Maremont Corporation, at or near Loudon, Tenn., on the one hand, and, on the other, its facilities at or near Harvey, Ill., and Bayonne, N.J.; materials and supplies used in the manufacture and distribution of exhaust pots and mufflers, and exhaust and tail pipe, with or without fittings, having a prior movement by Railroad Trailer on Flat Car Service, from the Railroad Trailer on Flat Car Facilities located at Knoxville, Alcoa, and Oak Ridge, Tenn., to the plant site storage facilities of Maremont Corporation at or near Loudon, Tenn.; empty trailers having a prior or subsequent movement by Railroad Trailer on Flat Car Service, between the Railroad Trailer on Flat Car Facilities at Knoxville, Alcoa, and Oak Ridge, Tenn., on the one hand, and, on the other, the plant site and storage facilities of Maremont Corporation, at or near Loudon, Tenn.

Motor vehicle parts and accessories, except in bulk, from the plant site and storage facilities of Maremont Corporation at or near Ripley, Tenn., to points in

Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois (except Harvey), Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey (except Bayonne), New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, Wisconsin, West Virginia, and the District of Columbia; *motor vehicle parts and accessories, and commodities used in the manufacture and distribution of motor vehicle parts and accessories, except in bulk, between Harvey, Ill., and Bayonne, N.J., on the one hand, and, on the other, the plant site and storage facilities of Maremont Corporation at or near Ripley, Tenn.; residential heating and air conditioning equipment, and ranges, refrigerators, dishwashers, disposals, and range hoods, from Los Angeles and City of Industry, Calif., to points in Arizona, Colorado, Florida, Georgia, Idaho, Nevada, Oklahoma, and Texas, with restrictions. SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, is authorized to operate as a common carrier in all of the States in the United States (except Alaska and Hawaii), and as a contract carrier in California, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Wisconsin, Arizona, and Nevada. Application has not been filed for temporary authority under section 210a(b).*

No. MC-F-12263. Authority sought for purchase by CONSOLIDATED EXPRESS, INC., 501 N. Claiborne, P.O. Box 3086, New Orleans, LA 70177, of a portion of the operating rights of CONSOLIDATED PACKAGE DELIVERY, INC., 1036 Baronne St., New Orleans, LA 70150, and for acquisition by CHESTER A. DRENNING, JR., 124 Mulberry Dr., Metairie, LA 70005, and DENIS A. DRENNING, 128 Rosewood Dr., Metairie, LA 70005, of control of such rights through the purchase. Applicants' attorneys: Guy H. Postell, and Frank D. Hall, both of 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Operating rights sought to be transferred: *Such merchandise, as is dealt in by distributors of home products, as a common carrier over irregular routes, from New Orleans, La., to points in Iberia, St. Mary, Iberville, St. Martin, Assumption, Ascension, Livingston, East Feliciana, St. Helena, Tangipohoa, St. James, Terrebonne, Lafourche, St. Charles, St. Tammany, St. John The Baptist, Orleans, Jefferson, St. Bernard, and Plaquemines Parishes, La.; and to points in Jefferson, Adams, Wilkinson, Franklin, Amite, Lincoln, Pike, Lawrence, Walthall, Jefferson Davis, Marion, Covington, Lamar, Harrison, George, Jones, Forest, Perry, Wayne, Greene, Stone, Pearl River, Hancock, and Jackson Counties, Miss. Vendee is authorized to operate as a common carrier in Louisiana and Mississippi, certificate not yet issued. Application has not been*

filed for temporary authority under section 210a(b).

No. MC-F-12264. Authority sought for purchase by MAYFIELD TRANSFER & STORAGE CO., INC., 3200 W. Lake St., Melrose Park, IL 60160, of a portion of the operating rights of FRED OLSON MOTOR SERVICE COMPANY, 6022 W. State St., Milwaukee, WI 53212, and for acquisition by RAYMOND J. EMERICK, SR., also a Melrose Park, IL 60160, of control of such rights through the purchase. Applicants' attorneys and representative: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603, Robert W. Gleason, 6022 W. State St., Milwaukee, WI 53213, and Francis W. McInerney, 1000 16th St. NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities, with exceptions, as a common carrier over regular routes, between Chicago, Ill., and Milwaukee, Wis., serving all intermediate points, and off-route points in Cook and Lake Counties, Ill., and Milwaukee County, Wis.; general commodities, with exceptions over irregular routes, between Chicago, Ill., on the one hand, and, on the other, Indiana, points indicated in the Chicago, Ill., Commercial zone as defined by the Commission. Vendee is authorized to operate as a common carrier in Illinois and Indiana. Application has been filed for temporary authority under section 210a(b).*

No. MC-F-12265. Authority sought for control and merger by L. A. TUCKER TRUCK LINES, INCORPORATED, P.O. Box 1060, Cape Girardeau, MO 63701, of the operating rights and property of H. R. RINKER TRANSFER AND STORAGE CO., 109 N. Chestnut St., Taylorville, IL 62568, and for acquisition by CHARLES N. HARRIS, also of Cape Girardeau, MO 63701, of control of such rights and property through the transaction. Applicant's representative: James R. Ponsot, of Cape Girardeau, MO 63701. Operating rights sought to be controlled and merged: *General commodities, with the usual exceptions, as a common carrier over regular routes, between St. Louis, Mo., and Shelbyville, Ill., between St. Louis, Mo., and Decatur, Ill., between St. Louis, Mo., and Springfield, Ill., serving all intermediate points and the off-route points in Christian County, Ill., serving the plant site of Hussman Refrigerator Company, at Bridgeton, Mo., as an off-route point in connection with carrier's presently authorized regular route operations; packing house products, over irregular routes, from St. Louis, Mo., and East St. Louis, Ill., to certain specified points and places in Illinois and Missouri, between St. Louis, Mo., and East St. Louis, Ill., on the one hand, and, on the other, Chicago, Ill., serving points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, except St. Louis, Mo., as intermediate or off-route points in connection with carrier's irregular route operations to or from St. Louis. L. A. TUCKER TRUCK LINES, INCORPORATED, is authorized to operate as a common car-*

rier in Illinois, Missouri, Arkansas, Indiana, Tennessee, and Iowa. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12266. Authority sought for purchase by NEUENDORF TRANSPORTATION CO., P.O. Box 588, Madison, WI 54701, of the operating rights and property of THOMAS LEKVIL, doing business as OSTERMAN TRANSFER CO., 28 D. Maple St., Eau Claire, WI 54701, and for acquisition by C. J. NEUENDORF, also of Madison, WI 54701, and E. H. PRIES, 341 S. 8th St., Medford, WI 54451, of control of such rights and property through the purchase. Applicants' attorneys: Gerald K. Gimmel and Steven L. Weiman, 303 N. Frederick Ave., Gaithersburg, MD 20760. Operating rights sought to be transferred: *General commodities, excepting among others, high explosives, household goods, and commodities in bulk, as a common carrier over regular routes, between Menomonie, Wis., and Chippewa Falls, Wis., serving all intermediate points. Vendee is authorized to operate as a common carrier in Wisconsin, Illinois, Minnesota, and Indiana. Application has been filed for temporary authority under section 210a(b).*

No. MC-F-12267. Authority sought for purchase by SPECIALTY TRANSPORT, INC., Holland Road, Wales, MA 01081, of the operating rights of BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, NJ 08822, and for acquisition by ROBERT J. L. HODGE, also of Wales, MA 01801, and STEPHEN M. BURNS, JR., 40 Willard St., Hartford, CT 06105, of control of such rights through the purchase. Applicants' attorney: David M. Marshall, 135 State St., Suite 200, Springfield, MA 01103. Operating rights sought to be transferred: *Paper and paper articles, and materials, supplies, and equipment used in connection with the manufacture, distribution, or sale of the aforementioned articles, except in bulk, as a contract carrier over irregular routes, between Riegelwood, N.C., and Cape Fear Warehouse, Leland, N.C., on the one hand, and, on the other, points in Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, and the District of Columbia, under a continuing contract or contracts with Federal Paper Board Co., Inc., Riegelwood Operations, of New York, N.Y., between Riegelwood, N.C., and Cape Fear Warehouse, Leland, N.C., on the one hand, and, on the other, points in Ohio, Illinois, Indiana, Michigan, Wisconsin, Kentucky, Tennessee, Missouri, Iowa, and Minnesota. Vendee is authorized to operate as a contract carrier in Rhode Island, New York, New Jersey, Massachusetts, Connecticut, Pennsylvania, Maryland, Delaware, Iowa, Kentucky, Michigan, Missouri, North Carolina, Ohio, Tennessee, Virginia, West Virginia, Wisconsin, Maine, New Hampshire, Vermont, Illinois, Indiana, Minnesota, and the District of Columbia.*

Application has been filed for temporary authority under section 210a(b).

**NOTICE**

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY hereby gives notice that on the 1st day of July, 1974, it filed with the Interstate Commerce Commission an application under section 5(2) of the Interstate Commerce Act seeking authority to acquire trackage rights over approximately 27.32 miles of trackage of the Alabama Great Southern Railroad Company between Boligee, Greene County, Alabama, and York, Sumter County, Alabama. This application has been assigned Finance Docket No. 27685. The applicant is represented by Mr. James S. Bowie, General Attorney, St. Louis-San Francisco Railway Company, Suite 1023 Frisco Building, 906 Olive Street, St. Louis, Missouri 63101. In the opinion of the applicant, the authority sought by this application will have no significant effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act of 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b) (1)-(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than August 23, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.74-16903 Filed 7-23-74; 8:45 am]

[Notice No. 129]

**MOTOR CARRIER BOARD TRANSFER PROCEEDINGS**

JULY 24, 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 August 13, 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-75183. By order of July 17, 1974, the Motor Carrier Board approved the transfer to Thomas Supreme Service, Inc., Desloge, Mo., of Certificates Nos. MC-29462 and MC-29462 Sub 3, issued October 18, 1968, and June 16, 1971, respectively, to Lamoin D. Thomas, doing business as Thomas Supreme Service, Herculaneum, Mo., authorizing the transportation of general commodities, with exceptions, between Millcreek and Williamsville, Mo., and National Stock Yards, Ill., and meats, packinghouse products, and commodities used by packinghouses between junction Missouri Highway 21 and Missouri Supplemental Highway M and Irondale, Mo.; and meats, meat products and meat by-products (except commodities in bulk) from points in Madison and St. Clair Counties, Ill., and St. Louis, Mo., to points in Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Ripley, St. Genevieve, Scott, and Stoddard Counties, Mo. Thomas P. Rose, Esq., Jefferson Building (P.O. Box 205), Jefferson City, Mo. 65101.

No. MC-FC-75220. By order entered July 17, 1974, the Motor Carrier Board approved the transfer to Karen O. Spence, doing business as Kent/Sussex Travel Agency, Greenwood, Del., of License No. MC-12969, issued May 19, 1966, to Mary Delema Paskev Outten, doing business as Kent/Sussex Travel Agency, Greenwood, Delaware, authorizing operations as a broker at Greenwood, Del., in connection with the transportation of passengers and their baggage, in special and charter operations, beginning and ending at points in Kent and Sussex Counties, Del., and those in New Castle County, Del., south of the Chesapeake and Delaware Canal, and Caroline and Queen Annes Counties, Md., and extending to points in the United States, including the ports of entry on the United States-Canada Boundary line and the United States-Mexico Boundary line. Karen O. Spence, R.D. 2, Box 115, Greenwood, Delaware 19950, representative for applicants.

No. MC-FC-75236. By order of July 16, 1974, the Motor Carrier Board approved the transfer to Triangle Freight Co., Springfield, Colo., of Certificate No. MC-96929 Sub-2 issued November 17, 1969, to Mauverdene Robinson, doing business as K & K Transfer Co., Springfield, Colo., authorizing the transportation of general commodities, except commodities in bulk, between Springfield, Lamar, Walsh, and Campo, Colo. Edward C. Hastings, Esq., attorney for transferor and transferee, 666 Sherman Street, Denver, Colo. 80203.

No. MC-FC-75249. By order of July 17, 1974, the Motor Carrier Board approved

the transfer to Service Transfer, Inc., Henryetta, Okla., of Certificate No. MC-120419 Sub 1, issued March 30, 1965, to William H. Henneberger, doing business as Service Transfer, Henryetta, Okla., authorizing the transportation of window glass and empty glass bottles and jars between Henryetta, Okla., and points within 50 miles thereof, on the one hand, and, on the other, points in Oklahoma. George Miller and Louis J. Bodnar, Miller & Spencer, attorneys for applicants, 417 Couch Drive, Oklahoma City, Okla. 73102.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.74-16898 Filed 7-23-74; 8:45 am]

[Notice No. 103]

**MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS**

JULY 17, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, ISSUE of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before August 8, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

**MOTOR CARRIERS OF PROPERTY**

No. MC-139951 (Sub-No. 1 TA), filed July 9, 1974. Applicant: GRANT'S SERVICE CENTER, INC., Route 11, Box 210, Goldsboro, N.C. 27530. Applicant's representative: Tommy W. Jarrett, 105 S. John Street, Goldsboro, N.C. 27530. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Woodchips and shavings*, from points in Wayne County, N.C., to points in Greenville, Sussex, Surry, and Southampton Counties, Va., for 180 days. Supporting shipper: Georgia-Pacific Corporation, P.O. Box 155, Dudley, N.C. 28333. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 139963 (Sub-No. 1 TA), filed July 8, 1974. Applicant: ROY BROADFOOT TRUCKING LTD., Box 332, Invermere, British Columbia, Canada. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lead and zinc concentrates*, from the port of entry on the United States-Canada International Boundary line at or near Eastport, Idaho, to Kellogg, Idaho, for 180 days. Supporting Shipper: Purcell Development Co. Ltd., Box 990, Invermere, B.C., Canada. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 139964 (Sub-No. 1 TA), filed July 9, 1974. Applicant: SECURITY TRANSPORT AND DELIVERY SERVICE, INC., P.O. Box 6037 (Rt. 419 Avenham Extension), Roanoke, Va. 24017. Applicant's representative: Richard E. Mabry, 3671 Chaparral Drive, Roanoke, Va. 24018. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale and retail drug business houses*, from Roanoke, Va., to points in North Carolina on or west of a line extending from the Virginia-North Carolina State line along U.S. Highway 501 to Durham, N.C., on and north of a line extending along U.S. Highway 70 from Durham through Greensboro, Salisbury, and Statesville, N.C., to Hickory, N.C., and on and east of a line extending along U.S. Highway 321 from Hickory to Boone, N.C., and thence along U.S. Highway 421 from Boone to the North Carolina-Virginia State line; points in Washington, Sullivan, Carter, and Johnson Counties, Tenn., and points in McDowell, Wyoming, and Mercer Counties, W. Va., points in Raleigh County, W. Va., on and east of West Virginia Highway 16, and points in West Virginia on and north of a line extending from the West Virginia-Virginia State line along the northern boundary of Mercer County to the junction with Raleigh County and thence along the northern boundary of Raleigh County to the junction of U.S. Highway 19, thence on and east of a line extending along U.S. Highway 19 to the junction of U.S. Highway 60, and thence on and south of a line extending along U.S. Highway 60 from its junction with U.S. Highway 19 to the West Virginia-Virginia State line, for 180 days. Supporting Shipper: McKesson & Robbins Drug Company, 914 Rhodes Avenue NE., Roanoke, Va. 24008. Send Protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 139969 TA, filed July 8, 1974. Applicant: JERRY BAUMFELD, doing business as CONTINENTAL VAN LINE, 7332 Ethel Avenue, No. Hollywood, Calif. 91605. Applicant's representative:

Judge Herbert Cameron, 149 N. Gramercy Place, Los Angeles, Calif. 90004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New uncrated, blanket-wrapped furniture*, from points in Los Angeles County, Calif., to points in Clark County, Nev., for 180 days. Supporting Shippers: Corsican Furniture Inc., 2437 E. 24th St., Los Angeles, Calif.; Artistic Furniture Mfgs. Co. of Calif., Inc., 635 W. Colorado St., Glendale, Calif.; and Capri Upholstered Furn. Mfg. Co., Inc., 13259 Sherman Way, North Hollywood, Calif. 91605. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 139970 TA, filed July 8, 1974. Applicant: D. L. Fleming, R.D. 1, Shelocta, Pa. 15774. Applicant's representative: H. Ray Pope, Ten Grant Street, Clarion, Pa. 16214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Barrel staves and barrel headings*, from points in Whitesburg, Kittanning, and Plumcreek Townships, Armstrong County, Pa., on the one hand, and, on the other, to Louisville, Ky. and Baltimore Md., for 180 days. Supporting Shipper: Perry & Megnin, Inc., R.D. 1, Kittanning, Pa. 16201. Send protests to: District Supervisor James C. Donaldson, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 139971 TA, filed July 8, 1974. Applicant: JAMES RAY, doing business as RAY LUMBER & GRAIN, 1208 South Division, Blytheville, Ark. 72315. Applicant's representative: James Ray, 506 N. Walnut, Steele, Mo. 63877. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Lumber and grain (corn), dehydrating alfalfa pellets and corn pellets*, from points in Louisiana, to points in Wisconsin, for 180 days. Supporting Shipper: National Alfalfa Dehy. & Mfg. Co., P.O. Box 500, Shawnee Mission, Kans. 66201. Send Protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 139972 TA, filed July 9, 1974. Applicant: B. L. KLUTTS, doing business as KLUTTS CONSTRUCTION, 1474 North Yampa—#55, Craig, Colo. 81625. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, between points in Moffat County, Colo., restricted to a transportation service to be performed under continuing contract with Empire Energy Corporation, for 180 days. Supporting Shipper: Empire Energy Corporation, P.O. Box 68, Craig, Colo. 81625. Send

protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Bldg., Denver, Colo. 80202.

By The Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.74-16896 Filed 7-23-74;8:45 am]

[Notice No. 104]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 18, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before August 8, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 61396 (Sub-No. 269 TA), filed July 9, 1974. Applicant: HERMAN BROS., INC., P.O. Box 189, 2565 St. Mays Avenue, Omaha, Nebr. 68101. Applicant's representative: Steve Cipich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed supplements*, in bulk, in tank vehicles, from Blair, Nebr., to points in Iowa, Illinois, Missouri, Kansas, Wisconsin, North Dakota, Minnesota, South Dakota, Colorado, Wyoming, and Oklahoma, for 180 days. Supporting Shipper: Ruminant Nitrogen Products Company, Raymond H. Ifft, Regional Mgr., P.O. Box 450, Blair, Nebr. 68008. Send Protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 No. 14 St., Omaha, Nebr. 68102.

No. MC 103191 (Sub-No. 43 TA), filed July 10, 1974. Applicant: THE GEO. A. RHEMAN CO., INC., P.O. Box 2095, Station A, Charleston, S.C. 29403. Applicant's representative: Harris G. Andrews,

P.O. Box 4255, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, between Norfolk and Portsmouth, Va., on the one hand, and, on the other, Lawrenceburg, Ky., for 180 days. Supporting Shipper: Austin, Nichols & Co. Inc., 733 Third Avenue, New York, N.Y. 10017. Send Protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 302, 1400 Building, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 107107 (Sub-No. 438 TA), filed July 9, 1974. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and chemical compounds, constituting in vitro diagnostic reagents, and products for human use, and related advertising and promotional materials*, in vehicles equipped with mechanical refrigeration, from Miami, Fla., to Woburn, Mass.; Baltimore, Md.; Pittsburgh, Pa.; Atlanta, Ga.; Orlando, Fla.; New Orleans, La.; Cleveland and Cincinnati, Ohio; Elk Grove Village, Ill.; Detroit and Midland, Mich.; Minneapolis, Minn.; St. Louis and Maryland Heights, Mo.; Tulsa, Okla.; Dallas and Houston, Tex.; Brisbane and Fountain Valley, Calif.; and their commercial zones, for 180 days. Supporting Shipper: Coulter Diagnostics, Inc., 740 W. 83rd Street, Hialeah, Fla. 33014. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW, 87th Avenue, Miami, Fla. 33166.

NOTE.—Applicant will interline via Dallas, Tex., as proposed.

No. MC 109326 (Sub-No. 109 TA), filed July 9, 1974. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, La. 70121. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* (exempt from regulation under Section 203(b)(6) of the Act), when transported in mixed loads with bananas, from Mobile, Ala., to points in Texas, Illinois, Ohio, Oklahoma, Kansas, Nebraska, Iowa, Missouri, Arkansas, Louisiana, Indiana, Kentucky, North Carolina, South Carolina, and Alabama, for 180 days. Restriction: (1) Restricted against service from or to any facility of the Great Atlantic & Pacific Tea Company or Hunt Foods and Industries, Inc., and (2) restricted to the transportation of traffic having an immediate prior move by water. Supporting Shipper: Del Monte Banana Co., 1201 Brickell Avenue, Miami, Fla. 33101. Mr. Ben E. Klein, Vice President/Marketing. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce

Commission, Bureau of Operations, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 111594 (Sub-No. 60 TA), filed July 10, 1974. Applicant: C. W. TRANSPORT, INC., P.O. Box 200, Wisconsin Rapids, Wis. 54494. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferric chloride, ferrous chloride, and muriatic acid*, in bulk, in rubber-lined tank vehicles, from the plant site and storage facilities of K. A. Steel Chemicals, Inc., at Gary, Ind., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Ohio, Michigan, Minnesota, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Washington, D.C., and Wisconsin; (2) *Spent muriatic acid*, from points in Wisconsin, Michigan, and Illinois, to Gary, Ind.; and (3) *Spent ferric chloride*, from Indianapolis, Ind., to Joliet, Ill., for 180 days. Supporting shipper: K. A. Steel Chemicals, Inc., 2720 North Des Plaines Ave., Des Plaines, Ill. 60018. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 113861 (Sub-No. 60 TA), filed July 9, 1974. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay, III, 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 portions of Missouri on and south, southeast, and east of U.S. Highway 66 and Interstate Highway 44, for 180 days. Supporting Shipper: Delta Refining Company, 543 West Mallory Avenue, P.O. Box 9097, Memphis, Tenn. 38109. Send Protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 117119 (Sub-No. 506 TA), filed July 10, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and bakery goods*, frozen or non-frozen in vehicles equipped with mechanical refrigeration, between Richmond, Utah, on the one hand, and, on the other, Omaha, Nebr.; Springdale, Ark.; Sumter, S.C.; Downingtown, Pa.; Salisbury, Md.; New Haven, Conn.; Dallas and Houston, Tex.; Downers Grove and Chicago, Ill., restricted to traffic originating at and destined to plantsites and storage facilities of Pepperidge Farm, Inc., or Campbell Soup Company at the named points, for 180 days. Sup-

porting Shipper: Pepperidge Farm, Inc., P.O. Box 500, Norwalk, Conn. 06856. Send Protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol Little Rock, Ark. 72201.

No. MC 117675 (Sub-No. 6 TA), filed July 9, 1974. Applicant: METTS TRUCKING, INC., 3642 McLendon Avenue, P.O. Box 6642, Jacksonville, Fla. 32205. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act when transported in mixed loads with bananas, from Mobile, Ala., to points in Florida and Georgia, for 180 days. Supporting Shipper: Del Monte Banana Company, 1201 Brickell Ave., Miami, Fla. 33101. Send Protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 123681 (Sub-No. 27 TA), filed July 9, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: David C. White, 2400 SW, Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen peroxide*, in bulk, in tank vehicles, from Vancouver, Wash., to Sparks, Nev., for 180 days. Supporting Shipper: FMC Corporation, P.O. Box 1056, Vancouver, Wash. 98660. Send Protests to: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC-129124 (Sub-No. 9 TA), filed July 10, 1974. Applicant: SAMUEL J. LANSBERRY, Woodland, Pa. 16881. Applicant's representative: Herbert R. Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Clearfield County, Pa., to the facilities of the Ford Motor Company at Dearborn, Mich., for 180 days. Supporting shipper: Erickson Coal Sales, 213 Bloomfield Street, Johnstown, Pa. 15904. Send protests to: District Supervisor James C. Donaldson, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC-129325 (Sub-No. 8 TA), filed July 10, 1974. Applicant: DIAZ MOTOR FREIGHT, INC., 2829 Frenchmen Street, P.O. Box 8266, New Orleans, La. 70182. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from New Orleans, Jefferson, and Harahan, La., to points in Florida east of U.S. Highways 231 and 98, for 180 days. Supporting shippers: Primary Steel, Inc., P.O. Box 10426, Jefferson, La. 70181, Mr. Robert Cohen, Vice President; Atlas Steel and Wire Corporation, P.O. Box 23601, Harahan, La. 70183, Mr. Alfred J. Theriot, Sales Mgr.; A. Baldwin & Co., Inc., 822 Perdido St., New Orleans, La. 70122, Mr. A. Baldwin, Jr., President; and Southeast Steel & Wire Corp., P.O. Box 10313, Jefferson, La. 70181, Mr. Charles Carter, Gen. Mgr. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 129923 (Sub-No. 9 TA), filed July 10, 1974. Applicant: SHIPPERS TRANSPORTS, INC., 5005 Commerce Street, West Memphis, Ark. 72301. Applicant's representative: Edward G. Grogan Suite 2020, First National Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved foodstuffs*, in containers, from St. Martinville, La., to points in Alabama, Arkansas, District of Columbia, Florida, Georgia, Illinois, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Virginia, and Tennessee, for 180 days. Supporting shipper: Southern Brands, Inc., P.O. Box 151, St. Martinville, La. 70582. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 132323 (Sub-No. 30 TA), filed July 10, 1974. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: D. L. Ehrlich (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and building materials*, from points in California, Montana, Oregon, Washington, and Wyoming, to points in Arkansas, Kansas, Oklahoma, Tennessee, and Texas, under contract to Slaughter Brothers, Inc. of Dallas, Tex., for 180 days. Supporting shipper: Slaughter Brothers, Inc., B. R. Boatman, Traffic Manager, P.O. Box 12148, Dallas, Tex. 75225. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 133689 (Sub-No. 55 TA), filed July 10, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (carrots, sausage, corn, peas, squash, etc.) restricted to traffic originating at the storage facilities located at or near Western Potato Service, Inc., Grand Forks, N. Dak. and destined to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, New Jersey, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, Virginia, West Virginia, New York, North Carolina, Ohio, Rhode Island, Pennsylvania, South Carolina, South Dakota, Tennessee, Vermont, and Wisconsin, for 180 days. Supporting Shipper: Western Potato Service, Inc., Highway 2 West, Grand Forks, N. Dak. 58201. Send Protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 136283 (Sub-No. 2 TA), filed July 10, 1974. Applicant: EGON MASCHER, doing business as EGON MASCHER TRUCKING, 5105 SE., Brookside Drive, Milwaukie, Ore. 97206. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Ore. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering*, from points in Delaware County, Pa. (at or near Marcus Hook), to points on the United States-Canadian International Boundary line in Washington and Montana, for 180 days. Supporting Shipper: LaSalle-Deitch Co., Inc., 725 Industrial Parkway, Elkhart, Ind. 46514. Send Protests to: A. E.

Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 139945 (Sub-No. 1 TA), filed July 9, 1974. Applicant: ARNOLD M. TWEEDIE, doing business as PRODUCE TRANSPORT, Route 202, Greene, Maine 04236. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to Lewiston, Maine, restricted to service in behalf of Twin City Fruit & Produce Wholesale under bilateral contract, for 180 days. Supporting Shipper: Twin City Fruit & Produce Wholesale, 31 Oxford Street, Lewiston, Maine 04240. Send Protests to: Donald G. Weller, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 307, 76 Pearl Street, Portland, Maine 04112.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-16897 Filed 7-23-74; 8:45 am]

[Notice No. 6]

#### TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a certificate or permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Doing business as the Waggoners, MC-26396 Sub-89	MC-26396 Sub-114	July 5, 1974
A. A. Rahalis, Inc., MC-68907 Sub-5	MC-68907 Sub-8	Jan. 23, 1974
Refrigerated Transport, Inc., MC-107515 Sub-875	MC-107515 Sub-875	Mar. 12, 1974
Bee Line Transportation, Inc., MC-115931 Sub-24	MC-115931 Sub-25	May 18, 1973
Bulk Transport, Inc., MC-117430 Sub-44	MC-117430 Sub-46	Mar. 25, 1973
Star Delivery & Transfer, Inc., MC-120737 Sub-15	MC-120737 Sub-16	July 9, 1973
Capitol Truck Lines, Inc., MC-120800 Sub-44	MC-120800 Sub-47	Aug. 22, 1974
M & M Tank Lines, Inc., MC-123067 Sub-102	MC-123067 Sub-74	July 12, 1973
Provost Cartage, Inc., MC-123233 Sub-30	MC-123233 Sub-40	Aug. 14, 1973
The Briggs Corp., MC-123695 Sub-4	MC-123695 Sub-5	Aug. 22, 1973
B.F.C. Transportation, Inc., MC-124109 Sub-8	MC-124109 Sub-10	July 23, 1973
Ohio Eastern Express, Inc., MC-124111 Sub-37	MC-124111 Sub-38	Do.
Doing business as Robert N. Toomery Trucking Co., MC-124144 Sub-2	MC-124144 Sub-3	Aug. 24, 1973
Wingate Trucking Co., Inc., MC-124154 Sub-34	MC-124154 Sub-35	Sept. 28, 1973
Huntington Westford, Inc., MC-124391 Sub-4	MC-124391 Sub-5	Oct. 4, 1973
Doing business as Morgan Trucking Co., MC-125254 Sub-11	MC-125254 Sub-9	July 23, 1973
Mitt-West Truck Lines, Ltd., MC-125358 Sub-6	MC-125358 Sub-7	Aug. 31, 1973
L. Woods & Son Transport, Ltd., MC-125497 Sub-12	MC-125497 Sub-13	July 29, 1973
Doing business as Burish Trucking, MC-125512 Sub-5	MC-125512 Sub-7	Apr. 1, 1974
Doing business as Burish Trucking, MC-125512 Sub-6	MC-125512 Sub-7	Do.
Spiegel Trucking, Inc., MC-125770 Sub-7	MC-125770 Sub-8	July 17, 1973
Compton Service Co., MC-126270 Sub-3	MC-126270 Sub-4	Aug. 3, 1973
Sureline Transportation Co., MC-126372 Sub-13	MC-126372 Sub-12	July 20, 1973
Harold Dieck Transport, Inc., MC-126473 Sub-15	MC-126473 Sub-18	Aug. 28, 1973
Red River Transfer & Storage, Inc., MC-126517 Sub-1	MC-126517 Sub-2	Aug. 30, 1973
Gardner Cartage Co., MC-126727 Sub-4	MC-126727 Sub-5	Aug. 17, 1973
Doing business as Builders Transport MC, 126780 Sub-5	MC-126780 Sub-9	Aug. 10, 1973
Doing business as Builders Transport MC, 126780 Sub-6	MC-126780 Sub-9	Do.
Hagen, Inc., MC-127042 Sub-78	MC-127042 Sub-83	Aug. 31, 1973
Montgomery Tank Lines, Inc., MC-127840 Sub-32	MC-127840 Sub-35	Aug. 8, 1973
Montgomery Tank Lines, Inc., MC-127840 Sub-No. 33	MC-127840 Sub-35	Do.
Hi Quality Transportation, Inc., MC-134497	MC-134497 Sub-1	Nov. 6, 1973
Interstate Contract Carrier Corp., MC-134599 Sub-18	MC-134599 Sub-15	July 27, 1973
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Farwest Furniture Transport, Inc., MC-134884	MC-134884 Sub-1	Aug. 6, 1973
Doing business as Donald Brown Trucking, MC-134934 Sub-3	MC-134934 Sub-2	Aug. 8, 1973
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Kendrick Moving & Storage, Inc., MC-136334 Sub-2	MC-136334 Sub-1	July 23, 1973
James S. Smith, MC-136346 Sub-1	MC-136346 Sub-2	July 13, 1973
U.W.S. Materials & Supply Co., MC-136644	MC-136644 Sub-1	July 20, 1973
O. K. Leasing Corp., MC-136809	MC-136809 Sub-1	July 5, 1973
Arthur Haefner, MC-136873 Sub-1	MC-136873 Sub-2	July 11, 1973

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-16797 Filed 7-23-74; 8:45 am]



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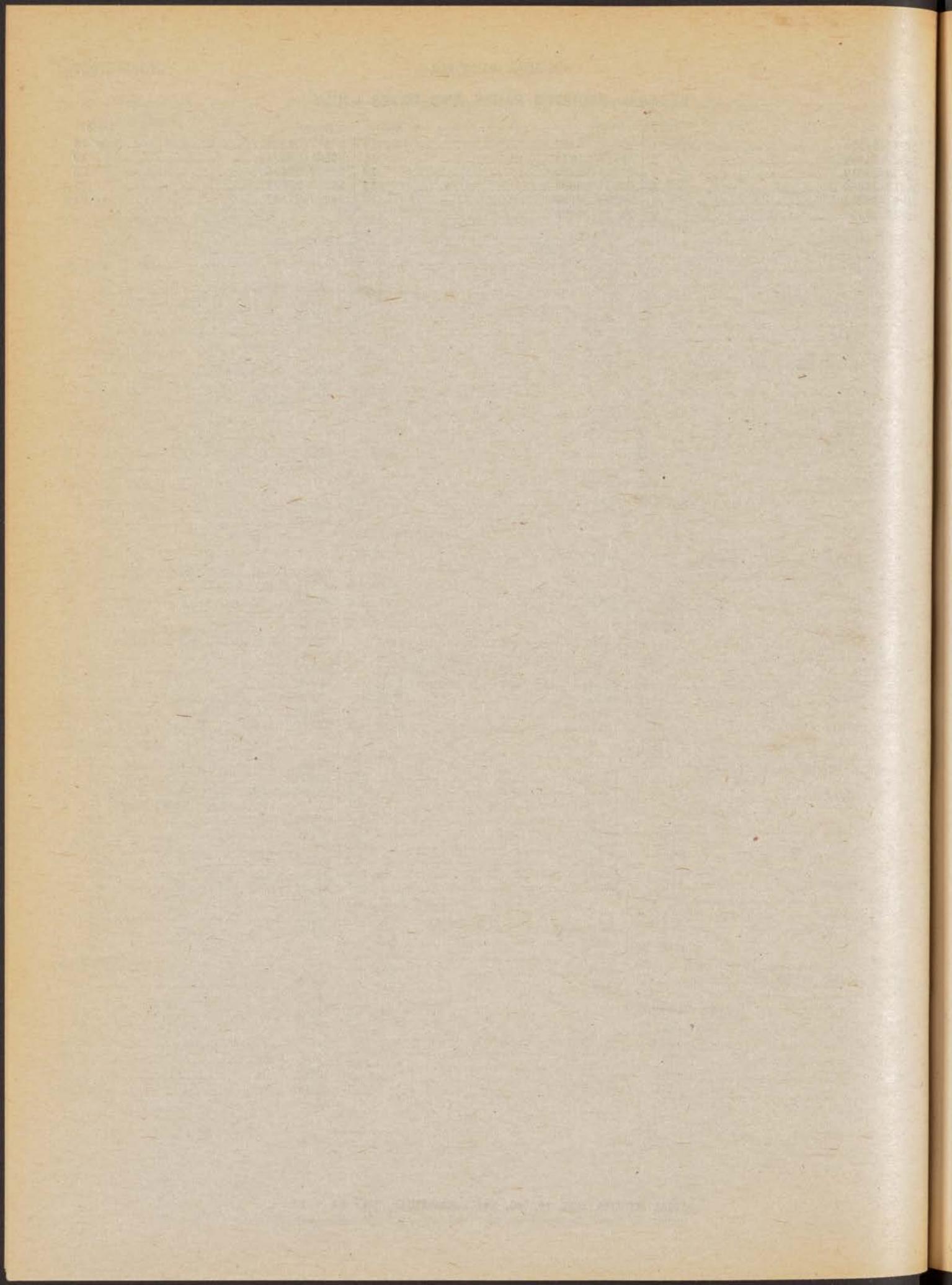
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PART II



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## ENVIRONMENTAL PROTECTION AGENCY

■

### NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Miscellaneous Amendments

**Title 40—Protection of the Environment**  
**CHAPTER I—ENVIRONMENTAL**  
**PROTECTION AGENCY**

[228-3]

**PART 125—NATIONAL POLLUTANT**  
**DISCHARGE ELIMINATION SYSTEM**

**Miscellaneous Amendments**

On May 22, 1973, regulations were promulgated and published in the FEDERAL REGISTER (38 FR 13528) establishing procedures for issuance of National Pollutant Discharge Elimination System (NPDES) permits pursuant to section 402 of the Federal Water Pollution Control Act, as amended (the "Act"). The purpose of those regulations was explained in the preamble to the proposed regulations in the FEDERAL REGISTER for January 11, 1973 (38 FR 1362).

Experience with this part has indicated that certain changes are needed, particularly in §§ 125.32 and 125.34 to ensure the fair and orderly administrative process of the issuance of NPDES permits.

The changes in Part 125 effective today are intended to clarify and amend the Agency procedures relating to the issuance of NPDES permits and apply to all permit applications or requests for modification of permits now or in the future filed pursuant to the Act and to which this Part applies. The essential changes in the procedures are briefly described below.

(1) The requirement for public notice of each completed permit application has been changed to require public notice of the proposed issuance, denial or modification of a permit. Further, the notice has been expanded to require disclosure of any intent to issue a permit containing a variance from the general effluent limitations and a comparison of the discharge proposed to be permitted and the discharge permitted under such limitations.

(2) The discretion of the Regional Administrator to hold public hearings on proposed permits has been modified to require the holding of public hearings where there is significant public interest in the permit.

(3) The requirement for a party to request an adjudicatory hearing prior to the Regional Administrator's determination with regard to the issuance of a permit has been amended so that the proposed permit will have been received by the applicant, during the period of time in which an interested person may request such hearing.

(4) The regulations did not provide a means to stay the effectiveness of a permit pending the exhaustion of administrative remedies. The changes effective today provide that all contested provisions of a permit do not become effective pending the exhaustion of administrative remedies. All severable non-contested provisions of the permit will become effective during such proceedings.

(5) The requirement that all applicants for permits be parties to the ad-

judicatory hearing has been changed to place the applicant in the same position as other interested persons and if he becomes a party to the adjudicatory hearing, he must make his employees and consultants available for examination and cross-examination.

(6) The requirement that issues of law be presented to the Presiding Officer in connection with an adjudicatory hearing has been amended to require that issues of law be presented to the Assistant Administrator for Enforcement and General Counsel of the Environmental Protection Agency for a decision, which is furnished to the Regional Administrator and the parties.

(7) The availability of an appeal from the decision of the Regional Administrator has been expanded to permit an appeal of the initial decision of either the Regional Administrator or the decision of the Assistant Administrator for Enforcement and General Counsel relied upon for such initial decision. Further the regulations now make clear that in order to preserve administrative remedies, including an appeal to the Administrator, an interested person must join as a party to the adjudicatory hearing.

A general description of the procedures as they are now in effect is set forth below. For a complete analysis of the new procedures, reference should be made to the section in question.

**Subpart A**

The references to §§ 125.34 and 125.35 in § 125.35 of this subpart have been changed to reflect the renumbering and changes in subpart D.

**Subpart D**

The amended subpart D contains procedures which ensure public notice and participation in permit proceedings, the issuance and effectiveness of permits and the administrative remedies available to interested persons. The means whereby these objectives are met are:

(1) Public notice of a proposal to issue, deny or modify a permit. Section 125.32 requires public notice designed to inform interested and potentially interested persons of the discharge and of the proposed determination to issue, deny or modify a permit. This section specifies the information required to be contained in the notice and the manner in which it is to be circulated.

Where the notice is being given of a proposed issuance, denial or modification, such notice shall provide for a period of time not less than 30 days following the date of such notice during which time interested persons may submit written comments. All written comments will be retained by and be considered by the Regional Administrator in the formulation of his decision. Where the Regional Administrator determines to hold public hearings pursuant to § 125.34, public notice must be given at least 30 days prior to the holding of such hearing in order for interested persons to prepare for the hearing.

Where public notice of an adjudicatory hearing is given pursuant to § 125.36, the notice must contain, in addition to the information described above, a statement to the effect that all persons interested in preserving any cause of action regarding the final decision of the Administrator must join as a party to the adjudicatory hearing.

(2) Public hearings. Section 125.34 requires that public hearings be held where a significant degree of public interest in a proposed permit has been shown or where the Regional Administrator determines that useful information will be obtained. The hearings are to be conducted by the Regional Administrator or his designee. Any interested person may submit oral or written statements and data concerning the permit to the Regional Administrator. All statements, comments and data shall be retained by the Regional Administrator and be considered by him in the formulation of his decision.

(3) Issuance and effective date of permit. Section 125.35 provides the mechanism whereby permits are issued, denied or modified. No less than 30 days after the date of the public notice required by § 125.32, the Regional Administrator shall, after consideration of the facts and the requirements of the policies expressed in the Act and this part, make a determination with respect to a permit. This determination with respect to a permit shall be the final action of the Agency unless, within 10 days, any interested person requests an adjudicatory hearing pursuant to § 125.35. If the request for an adjudicatory hearing is granted by the Regional Administrator, the provisions in the proposed permit that are contested shall not be issued and shall not be the final decision of the Administrator for the purpose of judicial review until the final decision of the Administrator has been made. Uncontested provisions of the permit shall be considered issued and effective, and the permittee shall be subject to compliance with those provisions of the permit, unless they are inseparable from the contested provision.

(4) Adjudicatory Hearings. Section 125.36 provides the procedures for an appeal from the determination of the Regional Administrator by any interested person from the issuance, denial or modification of a permit. Within 10 days following the date of the determination of the Regional Administrator with respect to a permit pursuant to § 125.35, any person may submit a request to the Regional Administrator for an adjudicatory hearing to reconsider his determination. Section 125.36 sets forth the requirements for information to be included in such request and the bases upon which a request will be granted. Within 10 days following the expiration of the time for requiring and adjudicatory hearing, the Regional Administrator shall issue a public notice of adjudicatory hearing where he determines to

grant the request. Within 30 days following the public notice of an adjudicatory hearing, any interested person may submit a request to be admitted as a party.

The adjudicatory hearing will be conducted by a Presiding Officer who may hold prehearing conferences with the parties prior to the adjudicatory hearing for the purposes of obtaining stipulations, admissions, and otherwise identifying matters not in issue, identifying those matters in dispute and setting time schedules for the parties with respect to the adjudicatory hearing.

The Presiding Officer will then hold a public adjudicatory hearing. Following such hearing he shall, after the parties have an opportunity for the submission of proposed findings and conclusions, certify the record together with proposed findings and conclusions, if any, submitted by the parties, to the Regional Administrator for an initial decision. Within 30 days following the certification of the record, the Regional Administrator shall issue an initial decision which will become the final decision of the Administrator unless, within 10 days after its issuance, any party shall have petitioned the Administrator for review of the initial decision or unless the Administrator, on his own motion, decides to review the initial decision.

All issues of fact will be the subject of the adjudicatory hearing while all issues of law will be referred by the Presiding Officer to the Assistant Administrator for Enforcement and General Counsel for an initial decision.

Any party may, within 10 days following its issuance, appeal to the Administrator the initial decision of either the Regional Administrator or the Assistant Administrator for Enforcement and General Counsel. Any person petitioning for review by the Administrator of an initial decision shall set forth in his petition specific reference to each portion of the initial decision for which appeal is sought together with a summary statement of supporting reasons. If the Administrator, in his discretion, determines to accept review of the initial decision, the parties will be given the opportunity to file briefs in support of their positions.

A petition for review by the Administrator of an initial decision is a prerequisite for judicial review of the final decision of the Administrator. On review, the Administrator may affirm, modify, set aside or remand for further proceedings, in whole or in part, the initial decision.

#### Subpart E

Section 125.44 is being rescinded today because the substance of that section is now contained in § 125.35.

A new § 125.44 is being adopted to set forth the manner of computing time periods specified in this part.

Accordingly, subparts A, D, and E of part 125 of Title 40, Code of Federal Regulations are amended as set forth below. These amendments are promul-

gated as final amendments to the regulations since they are matters relating to Agency procedures and the changes are needed to improve such procedures relating to the issuance of NPDES permits. Further, because of the large number of permit applications presently filed with this Agency and the desire to make these improved procedures available for those permits presently being processed, the Agency has determined that it is not necessary to provide notice of proposed rulemaking, opportunity for public participation or delay of effective date.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, and section 101(e) of the Act, however, interested persons may submit on or before September 9, 1974 written comments, suggestions, data or arguments on these amendments or any other section of this part to the Office of Enforcement and General Counsel, Environmental Protection Agency, Washington, D.C. 20460, attention: Associate General Counsel—Water. Material thus submitted will be evaluated and considered with respect to the need for future amendment of this part.

These amendments are effective upon publication.

**AUTHORITY:** Sections 402, 405 and 501 of the Federal Water Pollution Control Act, as amended. (86 Stat. 818 et seq., Pub. L. 92-500; 33 U.S.C. § 1251 et seq.).

Dated: July 11, 1974.

JOHN QUARLES,  
Acting Administrator.

#### Subpart A—General

##### § 125.5 [Amended]

1. In § 125.5, paragraph (a) is amended by changing the citations "§ 125.34" and "§ 125.25(c)" to "§ 125.36" and "§ 125.37(c)" respectively and paragraph (b) is amended by changing the citation "§ 125.35" to "§ 125.37."

#### Subpart D—Notice and Public Participation

2. Section 125.32 of this subpart is revised to read as follows:

##### § 125.32 Public Notice.

(a) Public notice of the proposed issuance, denial or modification of every permit or denial shall be circulated in a manner designed to inform interested and potentially interested persons of the discharge and of the proposed determination to issue, deny, or modify a permit for the discharge. Public notice of hearings shall be circulated in a manner designed to inform interested and potentially interested persons of the discharge and of the intention to hold a hearing regarding the issuance of or denial of a permit for the discharge. Procedures for the circulation of public notice shall include at least the following:

(1) Notice shall be circulated within the geographical area of the proposed discharge; such circulation shall include any one of the following:

(i) Posting in the post office and public places of the municipality nearest the

premises of the applicant in which the effluent source is located;

(ii) Posting near the entrance to the applicant's premises and in nearby places; or,

(iii) Publishing in local newspapers and periodicals, or, if appropriate, in a daily newspaper of general circulation.

(2) Notice shall be mailed to the applicant, Federal and State fish, shellfish and wildlife resource agencies, and other appropriate government agencies, and to any person or group upon request and shall provide an opportunity to submit their written views and recommendations on each proposed issuance.

(3) The Regional Administrator shall add the name of any person or group upon request to mailing list to receive copies of notices within a State or within a certain geographical area.

(b) (1) Where notice is being given of the proposed issuance, denial or modification of a permit, the Regional Administrator shall provide a period of not less than thirty (30) days following the date of the public notice during which time interested persons may submit written views concerning the tentative determinations or may request that a hearing be held. All written comments submitted during the 30-day comment period shall be retained by the Regional Administrator and considered in the formulation of his final determinations with respect to the applicant. Extensions of time for the receipt of the comments following the end of the comment period may be granted by the Regional Administrator when the public interest warrants.

(2) Where notice is being given of a hearing, the Regional Administrator shall provide a period of not less than thirty (30) days following the date of the public notice during which time interested persons may prepare for the hearing.

(c) The contents of public notice of the proposed issuance, denial or modification of a permit shall include at least the following:

(1) Date of notice of the proposed issuance, denial or modification;

(2) Name, address, phone number of Regional Office issuing the public notice;

(3) Name and address of each applicant;

(4) Brief description of each applicant's activities or operations (including the appropriate standard industrial classification code) which result in the discharge described in the application, including a statement of whether the application pertains to new or existing discharges (e.g., new municipal waste treatment plant, existing steel manufacturing, drainage from existing mining activities, etc.);

(5) Name and classification of waterway to which each discharge is made and a concise description of the location of each discharge on the waterway;

(6) (i) A statement of the Regional staff's tentative determination to issue, deny, or modify a permit for the discharge described in the application;

(ii) A comparison of the discharge of pollutants proposed to be permitted and that permitted by the effluent limitations established for such category of point source where the tentative determination involves a proposed variance from such effluent limitations, as provided for in Subchapter N of this Title.

(7) A brief description of the procedures for the formulation of final determinations, including the 30-day comment period required by paragraph (b) of this section, and any other means by which interested persons may comment upon those determinations;

(8) The address and phone number of premises at which interested persons may obtain further information, request a copy of the fact sheet prepared pursuant to § 125.33 of this subpart, request a copy of the draft permit prepared pursuant to § 125.31 of this subpart, and inspect and copy forms and related documents;

(9) Where applicable, a statement that confidential information has been received that may be used to determine some of the conditions for the permit; and

(10) A statement that a public hearing shall be held where the Regional Administrator finds a significant degree of public interest in the proposed issuance, modification or denial.

(d) The contents of public notice of a public hearing held pursuant to § 125.34 of this subpart shall include at least the following:

(1) Date of notice of public hearing;

(2) Name, address, and phone number of Regional Office holding the hearing;

(3) Name, standard industrial classification code and address of each applicant whose application will be considered at the hearing;

(4) Name and classification of the waterway to which each discharge is made and a concise description of the location of each discharge on the waterway;

(5) A reference to each public notice of the proposed issuance, denial or modification of a permit, including identification number and date of such notice;

(6) The time and location of the hearings;

(7) The purpose of the hearing;

(8) A concise statement of any issues raised by persons requesting the hearing, if appropriate;

(9) The address and phone number of premises at which interested persons may obtain further information, request a copy of each draft permit prepared pursuant to § 125.31 of this subpart, request a copy of each fact sheet prepared pursuant to § 125.33 of this subpart, and inspect and copy forms and related documents; and

(10) A brief description of the nature of the hearing, including the applicable rules and procedures.

(e) The contents of public notice of an adjudicatory hearing held pursuant to § 125.37 of this subpart shall include at least the following:

(1) Date of notice of adjudicatory hearing;

(2) Name, address, and phone number of Regional Office holding the hearing;

(3) Name and address of the person(s) whose proposed permit(s) will be considered at the adjudicatory hearing;

(4) Name of waterway to which each discharge is made and a concise description of the location of each discharge on the waterway;

(5) A reference to the public notice and proposed permit, including identification number and the date of issuance of each;

(6) Name and address of person requesting the hearing and the name and address of each known party to the hearing;

(7) A statement of the issues raised by the original requestor;

(8) A concise description of the nature of the hearing, including applicable rules and procedures, and the following statements:

(i) Any interested person may file a request to be admitted as a party to the hearing within 30 days of the date of issuance of the notice;

(ii) Any person admitted as a party may submit additional material issues for consideration at the adjudicatory hearing within 30 days of the date of issuance of the notice;

(iii) Any party may at any time prior to the hearing submit any documents or written evidence or testimony which he intends to introduce at the hearing;

(iv) After 30 days have elapsed following the date of the notice, the Presiding Officer may set a time and location of a prehearing conference and will so notify all parties.

(v) The proposed permit may be amended by the Regional Administrator prior to or after the adjudicatory hearing and any person interested in the particular proposed permit must request to be a party in order to preserve any right to appeal the final administrative determination;

(vi) Any State with certification rights under section 401 of the Act must certify or deny certification within thirty (30) days after it is notified that a proposed permit has been amended after a request for an adjudicatory hearing has been granted. Failure to certify or deny certification shall be deemed a waiver of such certification rights;

(9) The address and phone number of the premises at which an interested person may obtain further information, request a copy of the proposed permit, request a copy of the fact sheet if appropriate, inspect and copy documents comprising the record prepared pursuant to § 125.34, and submit a request to be admitted as a party and request any additional issues to be considered at the adjudicatory hearing; and

(10) Where applicable, a statement that confidential information has been received that may be used to determine some of the conditions for the permit.

(f) The Regional Administrator, in his discretion, may issue, prior to or as part

of any notice of the proposed issuance, denial or modification of a permit, a notice of public hearing in accordance with paragraph (d) of this section, whether or not any request for such public hearing has been submitted to him.

(g) Public notice issued under this section may describe more than one permit and more than one discharge, provided that each discharge shall be described separately.

(h) The Regional Administrator may enter into agreements with States for joint Federal-State public notices and joint public hearings regarding applications for permits and applications for certification required by section 401 of the Act.

3. Section 125.34 of this subpart is revised to read as follows:

#### § 125.34 Public Hearings.

(a) Except as provided in paragraph (d) of this section, where the Regional Administrator finds a significant degree of public interest in a proposed permit or group of permits, he shall hold a public hearing to consider such permit or permits. Public notice of such hearings shall be given in the manner specified in § 125.32 of this subpart.

(b) Hearings held pursuant to this section shall be conducted by the Regional Administrator, or his designee, in an orderly and expeditious manner.

(c) Any person shall be permitted to submit oral or written statements and data concerning the proposed permit. The Regional Administrator, or his designee, shall have discretion to fix reasonable limits upon the time allowed for oral statements, and may require the submission of statements in writing.

(d) If he determines that useful information and data may be obtained thereby, the Regional Administrator may hold a public hearing at any time prior to the issuance of a permit. Notice of a public hearing pursuant to this section shall be circulated as provided in § 125.32 (a) of this subpart at least thirty (30) days prior to the hearing. The hearings shall be conducted in the manner set forth in paragraphs (b) and (c) of this section. All statements, comments and data presented at the hearing shall be retained by the Regional Administrator and considered in the formulation of his determination. Where a public hearing is held pursuant to this paragraph, no public hearing is required pursuant to paragraph (a) above.

4. Subpart D is amended by redesignating § 125.35 to § 125.37 and by adding new §§ 125.35 and 125.36, reading as follows:

#### § 125.35 Issuance and Effective Date of Permit.

(a) No less than thirty (30) days after the date of public notice of the proposed issuance, denial or modification of a permit required by § 125.32 of this subpart, the Regional Administrator shall, after consideration of the facts and the requirements and policies expressed in

the Act and these Regulations, make determinations with respect to each permit. Such determinations shall include a proposed permit modification or denial.

(b) (1) Where the determinations of the Regional Administrator pursuant to paragraph (a) of this section with respect to any permit are substantially unchanged from the tentative determinations and draft permit prepared pursuant to § 125.31 of this subpart, the Regional Administrator shall forward a copy of the determinations to any person who has submitted written comments regarding the permit.

(2) Where the determinations of the Regional Administrator pursuant to paragraph (a) of this section with respect to any permit are substantially changed from the tentative determinations and draft permit prepared pursuant to § 125.31 of this subpart, the Regional Administrator shall give public notice of such determinations.

(c) The proposed permit, modification or denial contained in the determination of the Regional Administrator prepared pursuant to paragraph (b) above shall become issued and the final action of the Environmental Protection Agency, unless a request for an adjudicatory hearing is granted pursuant to § 125.37(b) of this subpart, in which case the final action of the Environmental Protection Agency will be made pursuant to § 125.37 of this subpart.

(d) (1) Except as provided in subparagraph (2) of this paragraph, the date of issuance of a permit shall be the date all provisions of a permit become effective. The period within which a person may request an adjudicatory hearing pursuant to § 125.36(b) (1) of this subpart shall commence on the date of receipt of the determination of the Regional Administrator. The permit shall take effect thirty (30) days after the date of the determination unless a later effective date is specified in the determination.

(2) If a request for an adjudicatory hearing is granted pursuant to § 125.36 (b) of this subpart, the effect of the contested provision(s) of the proposed permit, as determined by the Regional Administrator, shall be stayed and shall not be considered the final action of the Administrator for the purposes of judicial review pursuant to § 509(b) of the Act, pending final agency action pursuant to § 125.36 of this subpart. Contested provisions of a proposed permit shall include uncontested provisions which are inseparable from those provisions contested. Uncontested provisions of the proposed permit contained in the determination shall be considered issued and effective, and the permittee shall be subject to all such provisions.

#### § 125.36 Adjudicatory Hearings.

##### (a) Definitions:

(1) "Party" shall mean officers or employees of the Environmental Protection Agency designated by the Administrator or the Regional Administrator to prepare permits for issuance, and any person whose request for a hearing or re-

quest to be a party pursuant to this section has been granted.

(2) "Person" shall mean the State water pollution control agency of any State or States in which the discharge or proposed discharge shall originate or which may be affected by such discharge, the applicant for a permit, and any foreign country, Federal agency, or other person or persons having an interest which may be affected.

(3) The term "Administrator" means the Administrator of the Environmental Protection Agency, or any officer or employee of the Agency to whom authority is delegated to act in his stead, including, where appropriate, a presiding officer.

(4) The term "Judicial Officer" means an officer or employee of the Environmental Protection Agency appointed as a judicial officer by the Administrator pursuant to this section who shall meet the qualifications and perform functions as follows:

(i) Officer—there may be designated for the purposes of this section one or more judicial officers. As work requires, there may be a judicial officer designated to act for the purposes of a particular case.

(ii) Qualifications—A Judicial Officer may be a permanent or temporary employee of the Environmental Protection Agency who performs other duties for the Agency. Such Judicial Officer shall not be employed by the Office of Enforcement and General Counsel or the Office of Air and Water Programs or have any connection with the preparation or presentation of evidence for a hearing held pursuant to this part.

(iii) Functions — the Administrator may delegate any of his authority to act in a given case under this section to a Judicial Officer. The Administrator may delegate his authority to make findings of fact in a particular proceeding, provided that this delegation shall not preclude the Judicial Officer from referring any motion or case to the Administrator when the Judicial Officer determines such referral to be appropriate. The Administrator, in deciding a case himself, may consult with and assign the preliminary drafting of findings of fact to any Judicial Officer.

(5) The term "Regional Hearing Clerk" means an employee of the Environmental Protection Agency designated by the Regional Administrator to establish a repository for all documents relating to hearings under this section.

(6) The term "Presiding Officer" means a person appointed by the Regional Administrator or the Administrator for the purpose of presiding at the adjudicatory hearing.

(b) Requests for Adjudicatory Hearings and Legal Decisions

(1) Within 10 days following the date of determination with regard to a permit pursuant to § 125.35(a) of this subpart or any modification thereto, any interested person may submit to the Regional Administrator a request for an adjudicatory hearing pursuant to paragraph (b) (2) of this section or a legal decision pursuant to paragraph (m) of this sec-

tion, to reconsider the determination with regard to a permit and the conditions contained therein.

(2) Requests for an adjudicatory hearing shall.

(i) State the name and address of the person making such request;

(ii) Identify the interest of the requestor which is affected by the proposed issuance, denial or modification of the permit contained in the determination of the Regional Administrator pursuant to § 125.35(a);

(iii) Identify any persons whom the request represents;

(iv) Include an agreement by the requestor to be subject to examination and cross-examination and to make any employee or consultant of such requestor or other person represented by the requestor available for examination and cross-examination at the expense of such requestor or such other person upon the request of the Presiding Officer, on his own motion, or on the motion of any party.

(v) State with particularity the reasons for the request;

(vi) State with particularity the issues proposed to be considered at the hearing; and

(vii) Include proposed terms and conditions which, in the judgment of the requestor, would be required to carry out the intent of the Act.

(c) Decision on a Request for a Hearing.

(1) Within ten (10) days following the expiration of the time allowed by paragraph (b) of this section for submitting a request for an adjudicatory hearing, the Regional Administrator shall grant the request and shall promptly assign the matter for hearing if he determines that a submitted request:

(i) meets the requirements of paragraph (b) of this section and,

(ii) sets forth material issues of fact relevant to the questions of whether a permit should be issued, denied or modified.

(2) If the Regional Administrator determines that the request fails to meet the requirements of paragraph (c) (1) of this section, he shall deny the request.

(3) If the Regional Administrator grants a request for an adjudicatory hearing in regard to a particular proposed permit, he shall treat each other request for an adjudicatory hearing in regard to that proposed permit as a request to be a party and shall grant any such request which meets the requirements of paragraph (b) of this section.

(4) The Regional Administrator shall issue public notice of such hearing in the manner specified in § 125.32(e) of this subpart.

(d) Additional Parties and Issues.

(1) Any person may submit a request to be admitted as a party within thirty (30) days after the date of publication of public notice of an adjudicatory hearing specified in § 125.32 of this subpart. The Regional Administrator shall grant

any request which meets the requirements of paragraph (b) (2) of this section. The request must set forth all material issues of fact the requestor seeks to be considered at the adjudicatory hearing.

(2) Following the expiration of the time provided in subparagraph (1) of this paragraph for the submission of requests to be admitted as a party, any person may file a motion for leave to intervene as a party in an adjudicatory hearing. Such motion must set forth the information required by paragraph (b) (2) of this section, the grounds for the proposed intervention, and the interest and position of the moving party in the proceeding. A motion for leave to intervene in a hearing must ordinarily be filed prior to the commencement of the first prehearing conference. Any motion filed after that time must contain, in addition to the information required above, a statement of good cause for the failure to file the motion prior to the commencement of the first prehearing conference and shall be granted only upon a finding (i) that extraordinary circumstances justify the granting of the motion, and (ii) that the intervenor shall be bound by agreements, arrangements and other matters previously made in the proceeding.

(e) Filing and Service.

(1) An original and two (2) copies of all documents or papers required or authorized to be filed pursuant to this section shall be filed with the Regional Hearing Clerk. Filing shall be deemed timely if mailed to the Regional Office within the time allowed by this section.

(2) Any party may at any time reduce to writing and file within the Regional Hearing Clerk any testimony which said party intends to introduce into evidence at the hearing.

(3) Except for requests for an adjudicatory hearing or requests to be a party, at the same time that a party files with the Regional Hearing Clerk any additional issues for consideration at the hearing or any written testimony, documents, papers, exhibits, or materials proposed to be introduced into evidence, it shall serve upon all other parties copies thereof. A certification of service shall be provided on or accompany each document or paper filed with the Regional Hearing Clerk.

(f) Representation.

Parties may be represented by counsel or other duly authorized representatives.

(g) Consolidation.

The Administrator or Regional Administrator(s), in his or their discretion, may consolidate two or more proceedings to be held under this section whenever it appears that this will expedite or simplify consideration of the issues. Consolidation shall not affect the rights of any party to raise issues that could have been raised if consolidation had not occurred. At the conclusion of the adjudicatory hearing, the Administrator or Regional Administrator shall render a separate decision for each proceeding.

(h) Prehearing Conference.

(1) The Presiding Officer may hold one or more prehearing conferences prior to any adjudicatory hearing. The conference shall be within a reasonable period of time following the date of issuance of public notice of the adjudicatory hearing but not less than thirty (30) days after such notice. The Presiding Officer shall set the time and location of the conference and give reasonable notice thereof to all parties. If the Presiding Officer so directs, the notice shall also:

(i) Specify that parties are required to produce witness lists or any other materials prior to or at the prehearing conference; and

(ii) Indicate that the Presiding Officer intends to hold the adjudicatory hearing immediately upon completion of the conference.

(2) In the discretion of the Presiding Officer, persons other than parties may attend prehearing conferences.

(3) At a prehearing conference or within some reasonable time set by the Presiding Officer, each party shall make available to the other parties the names of the expert and other witnesses the party expects to call, together with a brief narrative summary of their anticipated testimony. Copies of any written testimony, documents, papers, exhibits, or materials which a party expects to introduce into evidence shall be marked for identification as ordered by the Presiding Officer. Witnesses and proposed written evidence may be added and narrative summaries of expected testimony amended only upon a finding of the Presiding Officer that good cause existed for failure to introduce the additional or amended material within the time specified by the Presiding Officer.

(4) At any prehearing conference, or at any other time by agreement of the parties, the Presiding Officer may:

(i) Obtain stipulations and admissions, and otherwise identify matters on which there is agreement;

(ii) Identify disputed issues of a purely legal nature which shall be decided pursuant to the procedure specified in paragraph (m) of this section;

(iii) Identify disputed issues for consideration at the hearing;

(iv) Consider and rule upon objections to the introduction into evidence at the hearing of any written testimony documents, papers, exhibits, or materials proposed by a party pursuant to paragraph (d) (2) or (h) (3) of this section;

(v) Identify matters of which Official Notice may be taken;

(vi) Set a hearing schedule which includes definite or tentative times for as many of the following as are deemed necessary by the Presiding Officer:

(A) Oral and written statements;

(B) Submission of written direct testimony required by or authorized by the Presiding Officer;

(C) Oral direct and cross-examination where necessary;

(D) Oral argument, if appropriate.

(viii) Strike issues not material or not relevant to the question of whether a

permit should be issued and what conditions to such permit would be required to carry out the intentment of the Act;

(ix) Set a time and location for the next prehearing conference, or, if no further conferences are needed, the adjudicatory hearing; and

(x) Consider any other matter that may expedite the hearing or aid in the disposition of the matter.

(5) The results of any conference shall be summarized in writing by the Presiding Officer and made part of the record.

(1) Adjudicatory Hearing Procedure.

(1) The burden of proof and of going forward with the evidence shall be upon the requestor.

(2) The Presiding Officer shall have the duty to conduct a fair and impartial hearing, to take action to avoid unnecessary delay in the disposition of proceedings, and to maintain order. He shall have all powers necessary to that end, including but not limited to the following:

(i) To administer oaths and affirmations;

(ii) To rule upon offers of proof and receive relevant evidence;

(iii) To regulate the course of the hearing and the conduct of the parties and their counsel therein;

(iv) To consider and rule upon all procedural and other motions appropriate to the proceedings; and

(v) To take any other action authorized by law and this Part.

(3) The Presiding Officer shall admit all relevant and material evidence except that which is unduly repetitious.

(4) Parties shall have the right to cross-examine a witness who appears at an adjudicatory hearing to the extent that such cross-examination is necessary for a full and true disclosure of the facts.

In multi-party proceedings the Presiding Officer may limit cross-examination to one party on each side if he is satisfied that the cross-examination by one party will adequately protect the other parties. Other parties may, however, engage in cross-examination relevant to matters not adequately covered by previous cross-examination.

(5) Except where a party will be unfairly prejudiced thereby, testimony shall be written and submitted to all parties and the Presiding Officer at a time prior to the adjudicatory hearing specified by the Presiding Officer.

(6) Rulings of the Presiding Officer on the admissibility of evidence, the propriety of cross-examination, and other procedural matters shall be final and shall appear in the record.

(7) Parties shall be presumed to have taken exception to an adverse ruling.

(j) Record of Hearings.

Adjudicatory hearings shall be stenographically reported and transcribed, and the original transcript shall be a part of the record and the sole official transcript.

(k) Proposed Findings and Conclusions.

Any party may, within 10 days following the completion of testimony and the cross-examination of witnesses (or later if the parties agree), submit proposed findings and conclusions.

(1) Initial Decision by Regional Administrator.

(1) Within 10 days after completion of testimony and cross-examination of witnesses or within 5 days from the receipt of proposed findings and conclusions, whichever is later (or later if the parties agree), the Presiding Officer shall certify the record, together with any proposed findings and conclusions submitted by the parties, to the Regional Administrator for an initial decision. Within twenty (20) days following certification of the record the Regional Administrator or his designee shall issue an initial decision and promptly notify the parties and the Administrator thereof.

(2) The initial decision of the Regional Administrator shall include a statement of findings and conclusions including the reasons and the basis therefore. All issues of fact or discretion submitted by the parties in proposed findings and conclusions pursuant to this section shall be addressed in the initial decision of the Regional Administrator.

(3) Where a legal decision has been requested and no adjudicatory hearing has been granted, the Regional Administrator shall render an initial decision within 20 days after receiving the decision of the Assistant Administrator for Enforcement and General Counsel.

(4) The initial decision of the Regional Administrator shall become the final decision of the Agency unless within ten (10) days after its issuance any party shall have appealed the initial decision to the Administrator pursuant to paragraph (n) (1) of this section, or unless the Administrator on his own motion pursuant to paragraph (n) (2) of this section shall have stayed the effectiveness of the decision of the Regional Administrator pending review.

(m) Decision of the Assistant Administrator for Enforcement and General Counsel on questions of law.

(1) Issues of law, including questions relating to the interpretation of provisions of the Act, and the legality and interpretation of regulations promulgated pursuant to the Act, shall be decided in accordance with this subsection and shall not be considered at the adjudicatory hearing.

(2) The Presiding Officer shall determine which issues, if any, submitted by the parties fall into the category specified in subparagraph (1) of this paragraph, and shall refer such issues to the Assistant Administrator for Enforcement and General Counsel for resolution. Such referral may be accompanied by briefs, filed with the Assistant Administrator for Enforcement and General Counsel within twenty (20) days of the removal of the referred issues from the adjudicatory hearing by the Presiding Officer pursuant to subparagraph (2)

of this paragraph. The brief shall contain, in the order indicated, the following:

(i) A subject index of the issues presented in the brief, with page references, and a table of statutes, cases, textbooks, and other material cited, with page references thereto;

(ii) A concise statement of each referred issue;

(iii) A discussion of each issue, including arguments in favor of the referring party's position and citations to cases, statutes, legislative history, etc., tending to support such positions; and

(iv) A recommended decision for each referred issue.

(3) Where no adjudicatory hearing has been granted, issues of law may be referred by the Regional Administrator to the Assistant Administrator for Enforcement and General Counsel for a decision in the manner specified in paragraph (m) (2) of this section.

(4) The Assistant Administrator for Enforcement and General Counsel shall provide the Regional Administrator, the Presiding Officer, where appropriate, and each party with a written decision with respect to each referred issue of law. A written opinion setting forth the reasons and basis for the decision shall also be provided. The decision of the Assistant Administrator for Enforcement and General Counsel shall be final with respect to each referred issue of law as it relates to the particular permit in question and shall be relied upon by the Regional Administrator in rendering the initial decision.

(n) Appeal of initial decision of the Regional Administrator.

(1) Any party may file a petition for the Administrator's review of the initial decision of the Regional Administrator or the decision of the Assistant Administrator for Enforcement and General Counsel relied upon by the Regional Administrator in rendering the initial decision.

(2) The Administrator may, on his own initiative, review the initial decision of the Regional Administrator. Notice of each decision shall be mailed to all parties, by certified mail, within two days after the Administrator has determined, pursuant to this subparagraph, to review the initial decision of the Regional Administrator.

(3) Any person seeking review of the initial decision of the Regional Administrator by the Administrator shall, within ten (10) days of the initial decision of the Regional Administrator file with the Administrator and mail, by certified mail, to all parties a petition for the Administrator's review. Such petition shall indicate specifically those portions of the initial decision to which exceptions are taken together with a summary statement of the supporting reasons for such exceptions, including, where appropriate, a showing that the initial decision of the Regional Administrator contained a finding of fact or a conclusion of law which is clearly erroneous or an exercise of decision or policy which is important and

which the Administrator should, in his discretion, review.

(4) The Administrator shall promptly determine whether the petition for review is accepted or denied. The Administrator, in his discretion, may decline to review the initial decision of the Regional Administrator in which case the initial decision becomes the final decision of the Administrator. If the Administrator accepts the petition for review, he shall notify the parties of the matters to be considered on review and set forth the time in which briefs may be filed.

(5) After accepting review, the Administrator may nevertheless summarily affirm the decision of the Regional Administrator.

(6) A petition to the Administrator for review of any initial decision of the Regional Administrator pursuant to subparagraph (1) of this paragraph is, pursuant to 5 U.S.C. § 704, a prerequisite to the seeking of judicial review of the final decision of the Administrator.

(7) Unless a party timely files a petition for review, or unless the Administrator on his own initiative orders review, the initial decision of the Regional Administrator shall become the final decision of the Administrator. If a petition for review is filed timely by a party pursuant to paragraph (n) (1) of this section, or action to review is taken by the Administrator on his own initiative pursuant to paragraph (n) (2) of this section, the initial decision of the Regional Administrator shall not become the final action of the Administrator.

(8) (i) Any party may serve and file briefs in support of the petition within thirty (30) days after the Administrator has ordered review pursuant to a petition for review. Any other parties may serve and file reply briefs within thirty (30) days of service of a brief in support of the petition.

(ii) When the Administrator determines to review on his own initiative, any party may serve and file briefs in support of their positions within thirty (30) days of his determination and reply briefs within thirty (30) days of service of the original briefs.

(iii) The Administrator may specify other time periods for service of briefs.

(9) (i) Review by the Administrator of an initial decision by the Regional Administrator shall be limited to matters specified, except that on notice to all parties, the Administrator, in his discretion, may raise and decide other matters which he deems material.

(ii) Upon review, the Administrator may affirm, modify, set aside or remand for further proceedings, in whole or in part, the initial decision of the Regional Administrator and make any findings or conclusions which in his judgment are proper. Any affirmations of the initial decision of Regional Administrator by the Administrator, for whatever reason, shall be deemed to be affirmed for the reasons indicated by the Regional Administrator unless other reasons are stated by the Administrator.

(10) (i) Briefs shall be confined to the particular matters remaining at issue. Briefs not filed at or before the time provided will not be received except upon special permission of the Administrator. Each exception which is briefed shall be supported by citation of such statutes, rules, decision and other authorities and by page reference to such portions of the record as may be relevant. Reply briefs shall be confined to matters in original briefs of other parties.

(ii) All briefs filed with the Administrator shall include an index and table of authorities. Each brief shall be dated, and no brief shall be longer than sixty (60) pages except with the permission of the Administrator.

(iii) All briefs must be signed by the party filing same or his authorized agent or attorney and show the address of the signer.

(12) The Administrator shall decide the matters under review on the basis of the record presented and any other consideration he deems relevant. Oral argument before the Administrator will be available only where the Administrator, in his discretion, requests such argument.

(13) All papers required to be filed with the Administrator shall be mailed to the Administrator, certified mail, and be received by the Administrator within the time limit for such filing. All papers required to be served on any party shall be mailed to such party, certified mail, at the address for such party as it appears on the record, within the time limit for such service.

(o) Delegation of Authority

The Administrator may, pursuant to paragraph (a) (4) of this section, delegate to a Judicial Officer any or part of his authority to act pursuant to this section.

Subpart E—Miscellaneous

6. Subpart E is amended by revoking § 125.44 and adding a new § 125.44.

§ 125.44 Computation of Time.

In computing any period of time prescribed or allowed in this Part, except unless otherwise provided, the day on which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is a Saturday, a Sunday or a legal holiday on which the Environmental Protection Agency is not open for business, in which event the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday. Intermediate Saturdays, Sundays and legal holidays shall be excluded from the computation when the period of time prescribed or allowed is 7 days or less.

[FR Doc. 74-16381 Filed 7-23-74; 8:45 am]

# WEDNESDAY, JULY 24, 1974

# WASHINGTON, D.C.

# Volume 39 ■ Number 143

# PART III

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# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

# VOCATIONAL EDUCATION

Grants Programs to States

# federal register

WEDNESDAY, JULY 24, 1974

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PART III



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## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education



## VOCATIONAL EDUCATION

Grants Programs to States

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Office of Education

[ 45 CFR Part 102 ]

VOCATIONAL EDUCATION

State Programs

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in the Vocational Education Act of 1963, as amended, 20 U.S.C. 1241 to 1391, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45, Part 102 of the Code of Federal Regulations to read as set forth below.

At present, there will be no guidelines under this program. The regulation contains mandatory requirements for the program. Should guidelines be issued in the future they would be limited to material in the nature of suggestions and recommendations for program management and operation.

1. *Program purpose.* The Vocational Education Act of 1963, as amended, authorizes programs under which the Commissioner may award grants to eligible applicants, as set forth in the Act, for State Vocational Education Programs (Part B), Research (Part C), Exemplary Programs and Projects (Part D), Consumer and Homemaking Education (Part F), Cooperative Vocational Education Programs (Part G), and Work-Study Programs for Vocational Education Students (Part H).

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the State plan portions of the Vocational Education Act of 1963, as amended. Another regulation to govern vocational education grants to other than State agencies will be submitted separately. Revised Part 102 will be published in final form, after comments and hearings. All preceding rules, regulations, guidelines, or other published interpretations and orders issued in connection with or affecting Part 102 will be superseded effective thirty days after the publication of revised Part 102.

3. *Effect of Office of Education general provisions regulation.* The proposed regulation differs from the current regulation in that provisions have been deleted relating to general fiscal and adminis-

trative matters which were covered in 45 CFR Part 102 and which will be covered in the future under the overall Office of Education general provisions regulation, published in final in the FEDERAL REGISTER at 38 FR 30654 on November 6, 1973, in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part.

4. *Changes in the proposed regulations.* (a) The vocational education regulations were revised and republished in the FEDERAL REGISTER at 35 FR 11976 on July 24, 1970, and no major substantive changes in the regulations are made at this time except to reflect the enlarged definition of Vocational Education under section 202 of Pub. L. 92-318 (20 U.S.C. 1248). Minor changes are made in the accompanying proposal in order to delete matters covered by the general provisions, to update references to organizational units, and to make other technical improvements.

(b) Specifically, the following sections have been deleted because of inclusion in the general provisions described in item 3 above: §§ 102.2, 102.42(b), 102.44, 102.122-102.131, 102.134, 102.144, 102.146, 102.147, 102.154, 102.155, 102.158. All reference to materials covered by the general provisions have been deleted from these regulations. Definitions now covered in General Provisions for Office of Education Programs, 45 CFR Part 100, have been deleted from § 102.3, specifically subsections (e), (h), (k), (l), (p), and (r).

(c) Sections 102.73 and 102.81 have been revised to require that copies of applications and approved proposals be sent to the appropriate Regional Commissioner.

(d) Additions have been made as follows: § 102.74 requires States to submit to the Commissioner semi-annual reports of research activities. A new subsection (d) was added to § 102.76 to indicate that funding is limited by the Act to three years. A new subsection (f) was added to § 102.23 to require that the State advisory council perform functions with respect to programs carried out under Part B of Title X of the Higher Education Act of 1965 in the manner stated in paragraphs (a)-(d) of § 102.23. The definition of employment in § 102.3(j) has been broadened to include new or emerging occupations. § 102.21 (a) and (b) have been expanded to include the provision for election of members of the State advisory council by the State legislature. § 102.112 has been revised to include students, whether or not in employment, as eligible for assistance under this section.

(e) The amendments to the regulations necessitated by the broadening of the definition of vocational education to include industrial arts education and to include volunteer firemen in gainful employment, issued in the FEDERAL REGISTER on November 21, 1973, at 38 FR 32212, have been incorporated.

5. *Citations of legal authority.* As required by section 431(a) of the General

Education Provisions Act (20 U.S.C. 1232(a) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

6. *National Defense Education Act Title III-A—advertent omission of material from notice of proposed rulemaking published in the FEDERAL REGISTER March 29, 1974, at 39 FR 11556—opportunity for public comment and hearing on omitted material.* A notice of proposed rulemaking pertaining to Title III-A of the National Defense Education Act of 1958, Pub. L. 85-864, as amended (strengthening instruction in academic subjects in public schools) was published in the FEDERAL REGISTER on March 29, 1974, pursuant to section 503 of the Education Amendments of 1972 (Pub. L. 92-318). This publication proposed a revision of Part 141 of Title 45 of the Code of Federal Regulations. Through inadvertence, Subpart F (§§ 141.34-141.36) relating to supervision and administration was omitted from this publication. The omitted material set forth provisions which are identical to those presently set forth in Subpart G, §§ 141.31-141.33 of 45 CFR Part 141.

The Office of Education proposes to publish the material omitted from the notice of proposed rule making, without modification or additions, as Subpart F, §§ 141.34-141.36 of a final regulation promulgated pursuant to section 503 of the Education Amendments of 1972. Since the public hearing on the notice of proposed rule making was held on April 25, 1974, before the omission of Subpart F of the proposed rule was noted, the Commissioner will provide interested parties opportunity to comment on Subpart F at the hearing provided pursuant to this document. Comments and suggestions submitted in writing prior to the hearing on Subpart F will also be considered.

7. *Opportunity for public hearing, Vocational Education and National Defense Education Act Title III-A.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations, as follows:

A hearing will take place at the U.S. Office of Education on September 20, 1974, in the auditorium of Regional Office Building Three (ROB-3) located at 7th and D Streets, S.W., Washington, D.C., beginning at 10 a.m.

Interested parties may also submit written comments and recommendations to the Chairman, Office of Education Task Force on Section 503, Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. All relevant material received prior to the date of the

hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9 a.m. and 4:30 p.m., Monday through Friday of each week.

Parties interested in attending the hearing should notify the Office of Education at the above address, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to fifteen minutes.

(Catalog of Federal Domestic Assistance Nos. 13.493-495; 13.498-502; Vocational Education—Basic Grants to States, Consumer and Homemaking, Cooperative Education, Research, Special Needs, State Advisory Councils, Work Study, and Innovation)

Dated: May 28, 1974.

JOHN OTTINA,  
U.S. Commissioner of Education.

Approved: June 21, 1974.

FRANK CARLUCCI,  
Acting Secretary of Health,  
Education, and Welfare.

**PART 102—STATE VOCATIONAL EDUCATION PROGRAMS**

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- 102.3 Definitions.
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- 102.21 Establishment and certification.
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**GENERAL**

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**STATE VOCATIONAL EDUCATION PROGRAMS**

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**EXEMPLARY PROGRAMS AND PROJECTS**

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**WORK-STUDY PROGRAMS FOR VOCATIONAL EDUCATION STUDENTS**

- 102.110 State plan provisions—general.
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- 102.151 Conditions for payments to States.
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- 102.161 Final reports of programs or projects.

AUTHORITY: Secs. 101-191 of Pub. L. 90-576, 82 Stat. 1064-1091; as amended (20 U.S.C. 1241 to 1391), unless otherwise noted.

**Subpart A—General**

**§ 102.1 Purpose and scope.**

(a) *Purpose.* The regulations in this part implement the Vocational Education Act of 1963, as amended, which provides for Federal grants to States to assist them to maintain, extend, and improve existing programs of vocational education, to develop new programs of vocational education, and to provide part-time employment for youths who need the earnings from such employment to continue their vocational training on a full-time basis, so that persons of all ages in all communities of the State—those in high school, those who have completed or discontinued their formal education and are preparing to enter the labor market, those who have already entered the labor market but need to upgrade their skills or learn new ones, those with special educational handicaps, and those in postsecondary schools—will have ready access to vocational training or retraining which is of high quality, which is realistic in the light of actual or anticipated opportunities for gainful employment, and which is suited to their needs, interests, and ability to benefit from such training.

(20 U.S.C. 1241)

(b) *Scope.* The regulations in this part cover general provisions under part A of the Act; allotments to States for vocational education programs under part B; research, training, experimental, developmental, and pilot programs, and dissemination activities under section 131 (b) of part C; exemplary programs and projects under section 142(d) of part D; consumer and homemaking education programs under part F; cooperative vocational education programs under part G; and work-study programs for vocational education students under part H.

(20 U.S.C. 1241-1244, 1247-1305, 1341-1374)

(c) *Other regulations.* The regulations in Part 103 are applicable to grants and contracts by the Commissioner for research, training, and related programs in vocational education pursuant to section 131(a) of part C of the Act, exemplary programs and projects in vocational education pursuant to section 142(c) of part

D, and curriculum development in vocational and technical education pursuant to part I.

(20 U.S.C. 1281(a), 1302(c), 1391)

### § 102.3 Definitions.

"Act" means the Vocational Education Act of 1963, as amended, 20 U.S.C. 1241-1391.

(20 U.S.C. 1241, note)

"Adult vocational education" means vocational education which is designed to provide training or retraining to insure stability or advancement in employment of persons who have already entered the labor market and who are either employed or seeking employment.

(20 U.S.C. 1262(a) (2), (3))

"Ancillary services and activities" means services and activities necessary to assure quality in vocational education and consumer and homemaking education programs provided for under the Act, the regulations in this part, and the State plan. Such services and activities may include the following:

(a) State administration and leadership as provided for in the State plan pursuant to § 102.35;

(b) Administration and supervision of instructional programs at the local level, including vocational education programs, as provided for in § 102.4(g);

(c) Evaluation of programs under the State plan, as provided for in § 102.36;

(d) Training of teachers and other program personnel as provided for in §§ 102.9 and 102.38(b);

(e) Special demonstration and experimental programs;

(f) Development of curricula and instructional materials; and

(g) Research related to any of the services and activities above.

(20 U.S.C. 1262(a) (8))

"Area vocational education school" means any public school or public institution which falls in any one of the following categories:

(a) A specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market; or

(b) The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for study in preparation for entering the labor market; or

(c) A technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market; or

(d) The department or division of a junior college or community college or university which provides vocational education in no less than five different occupational fields, under the supervision of the State board, leading to immediate

employment but not necessarily leading to a baccalaureate degree.

An "area vocational education school" shall be available to all residents of the State or an area of the State designated and approved by the State board. In the case of a technical or vocational school described in subparagraph (c) of this paragraph or a division of a junior college or community college or university described in subparagraph (d) of this paragraph, such school must admit as regular students both persons who have completed high school and persons who have left high school.

(20 U.S.C. 1248(2))

"Consumer and homemaking education" means education designed to help individuals and families improve home environments and the quality of personal and family life, and includes instruction in food and nutrition, child development, clothing, housing, family relations, and management of resources with emphasis on selection, use, and care of goods and services, budgeting, and other consumer responsibilities.

(20 U.S.C. 1341)

"Cooperative vocational education program" means a cooperative work-study program of vocational education for persons who, through a cooperative arrangement between the school and employers, receive instruction, including required academic courses and related vocational instruction by the alternation of study in school with a job in any occupational field, but these two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his employability. Work periods and school attendance may be on alternate half-days, full-days, weeks, or other periods of time in fulfilling the cooperative vocational education work-study program.

(20 U.S.C. 1248(1), 1355)

"Disadvantaged persons" means persons who have academic, socioeconomic, or other handicaps that prevent them from succeeding in vocational education or consumer and homemaking programs designed for persons without such handicaps, and who for that reason require specially designed educational programs or related services. The term includes persons whose needs for such programs or services result from poverty, neglect, delinquency, or cultural or linguistic isolation from the community at large, but does not include physically or mentally handicapped persons (as defined in this section) unless such persons also suffer from the handicaps described in this paragraph.

(20 U.S.C. 1262(a) (4) (A))

"Employment" means lawful work in a recognized or new or emerging occupation.

(20 U.S.C. 1248(1), 1263(a) (6) (A))

"Funds", unless otherwise specified, means any funds available for expenditure under the State plan, whether de-

rived from Federal allotments under the Act or State or local appropriations or other non-Federal sources. (See § 102.121 for further explanation.)

"Gainful employment" means employment for which persons normally receive in cash or in kind a wage, salary, fee, or profit. This term includes employment in sheltered workshops for handicapped persons.

(20 U.S.C. 1248(1))

"Handicapped persons" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason of their handicapping condition cannot succeed in a vocational or consumer and homemaking education program designed for persons without such handicaps, and who for that reason require special educational assistance or a modified vocational or consumer and homemaking education program.

(20 U.S.C. 1262(a) (4) (B))

"Industrial arts education programs" means those education programs (a) which pertain to the body of related subject matter, or related courses, organized for the development of understanding about the technical, consumer, occupational, recreational, organizational, managerial, social, historical, and cultural aspects of industry and technology including learning experiences involving activities such as experimenting, designing, constructing, evaluating, and using tools, machines, materials, and processes which provide opportunities for creativity and problem solving, assisting individuals in the making of informed and meaningful occupational choices; and (b) which the Commissioner has determined, pursuant to § 102.4(b) (5), will accomplish or facilitate one or more of the purposes of the first sentence of section 108(1) of the Act.

(20 U.S.C. 1248(1))

"Local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency (such as a junior or community college or State-operated area vocational school) having administrative control and direction of a vocational education program. In this part, anything modified by the adjective "local" pertains to a "local educational agency" herein defined.

(20 U.S.C. 1248(9))

"Occupational field" means a group of recognized and new and emerging occupations having substantial similarities common to all occupations in the group, e.g., similarity in the work performed; similarity in the abilities and knowledge required of the worker for successful job performance; similarity in the tools, machines, instruments, and other equipment

used; and similarity in the basic materials worked on or with. The term is applied, in the case of Federal participation in the construction of an area vocational school, to determine whether a department of a certain type of high school, or a department or division of a junior college, community college, or university provides "vocational education in no less than five different occupational fields." (See the above definition of "Area vocational education school.") The purpose is to assure that such schools will have offerings that will afford prospective students of varying interests a reasonably broad choice of the type of occupation for which they are to be trained. Determinations of what is an "occupational field" will be made in the light of this purpose.

(20 U.S.C. 1248(2) (B) and (D))

"Postsecondary vocational education" means vocational education which is designed primarily for youth or adults who have completed or left high school and who are available for an organized program of study in preparation for entering the labor market. Such education may be provided in schools or institutions such as business or trade schools, technical institutions, or other technical or vocational schools; and departments of colleges and universities, junior or community colleges, and other schools offering vocational education, particularly technical education, beyond grade 12. The term shall not be limited to vocational education at the level beyond grade 12 if the vocational education needs of the persons to be served, particularly high school dropouts, require vocational education at a lower grade level. Anything modified by the adjective "postsecondary" pertains to postsecondary vocational education as herein defined.

(20 U.S.C. 1248(10), 1262(a) (1), (2))

"Recognized occupation" or "new and emerging occupation" means a lawful occupation that has been identified or is identifiable by employers, employee groups and governmental and nongovernmental agencies and institutions concerned with the definition and classification of occupations.

(20 U.S.C. 1263(a) (6) (A))

"School facilities" means the facilities of an area vocational education school, including:

(a) Instructional and auxiliary rooms and space necessary to operate a program of vocational instruction at normal capacity (in accordance with the State plan and the laws and customs of the State), such as classrooms, libraries, laboratories, workshops, cafeterias, office space, and utility space. This would not include facilities intended primarily for events for which admission is to be charged to the public such as single-purpose auditoriums, indoor arenas, or outdoor stadiums.

(b) Initial equipment of the school facilities described in subparagraph (a) of this paragraph, such as all necessary

building fixtures and utilities, furnishings (including conventional classroom and office furniture), and instructional equipment.

(c) In connection with the erection of new or the expansion of existing facilities, initial equipment shall include only that equipment which must be placed in the proposed facility to accommodate the type of instruction or other vocational education purpose for which the facility is designed.

(d) In connection with the acquisition, remodeling, and alteration of existing facilities, initial equipment also may include equipment installed to replace obsolete or worn-out equipment. Any reimbursement for salvage or trade-in value of any such equipment shall be deducted in computing the cost of such replacement equipment to be included in the construction costs of a proposed project.

(e) Interests, whether in fee, leasehold, or otherwise, in land on which such facilities are to be constructed.

(20 U.S.C. 1248 (3), (4))

"State" means a State of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1248(7))

"State board" means a State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration thereof by local educational agencies in the State, and designated pursuant to § 120.32.

(20 U.S.C. 1248(8))

"State plan" means that plan submitted by a State board pursuant to the Act and the regulations in this part in order to be eligible to receive Federal funds allotted to the State. Such plan shall include both long-range and annual program plans pursuant to §§ 102.33 and 102.34.

(20 U.S.C. 1263)

"State research coordination unit" means a unit in a State agency or institution designated by the State board in its State plan pursuant to § 102.71 as the coordination unit for vocational education research and personnel training programs; developmental, experimental, or pilot programs; and dissemination activities in vocational education, including those programs supported with funds under section 131(b) of the Act.

(20 U.S.C. 1281(b))

"Vocational education" means programs, services, or activities related to vocational or technical training or retraining provided under the Act, the regulations in this part, and the State plan. In this part, anything modified by the adjective "vocational" pertains to "vocational education" as herein defined. Such programs, services, and activities shall include:

(a) Vocational instruction meeting the standards and requirements of § 102.4;

(b) Vocational guidance and counseling meeting the standards and requirements of § 102.8; and

(c) Training of teachers and other vocational education personnel meeting the standards and requirements of § 102.9.

(20 U.S.C. 1248(1))

(d) Consumer and homemaking education meeting the standards and requirements of § 102.4.

(20 U.S.C. 1341)

#### § 102.4 Vocational instruction.

(a) *Arrangements for instruction.* (1) Vocational instruction shall be provided either under public supervision or control meeting the criteria of subparagraph (2) of this paragraph, or under contract with the State board or local educational agency as provided for in § 102.5.

(2) To be under "public supervision and control," a school or class must be organized and operated under the direction of the State board or a local educational agency responsible for expenditure of public school funds for vocational education in the State.

(20 U.S.C. 1248(1))

(b) *Objective of instruction.* (1) Vocational instruction shall be designed to—

(i) Prepare individuals for gainful employment, including volunteer firemen, as semiskilled or skilled workers or technicians or semiprofessionals in recognized occupations and in new or emerging occupations, or

(ii) Prepare individuals for enrollment in advanced or highly skilled vocational and technical education programs, or

(iii) Assist individuals in the making of informed and meaningful occupational choices, or

(iv) Achieve any combination of the above objectives.

(20 U.S.C. 1248(1), 1263(a) (10))

(2) Vocational instruction with the objective specified in subparagraph (1) (i) of this paragraph shall include:

(i) Instruction related to the occupation or occupations for which the students are in training; that is, instruction which is designed upon its completion to fit individuals for employment in a specific occupation or a cluster of closely related occupations in an occupational field, and which is especially and particularly suited to the needs of those engaged in or preparing to engage in such occupation or occupations. Such instructions shall include classroom related academic and technical instruction and field, shop, laboratory, cooperative work, apprenticeship, or other occupational experience, and may be provided either to—

(20 U.S.C. 1248(1))

(a) Those preparing to enter an occupation upon the completion of the instruction, or

(20 U.S.C. 1262(a) (1) and (2))

(b) Those who have already entered an occupation but desire to upgrade or

update their occupational skills and knowledge in order to achieve stability or advancement in employment.

(20 U.S.C. 1262(a) (3) )

(ii) Instruction necessary for vocational students to benefit from instruction described in subdivision (i) of this subparagraph; that is, remedial or other instruction which is designed to enable individuals to profit from instruction related to the occupation or occupations for which they are being trained by correcting whatever educational deficiencies or handicaps prevent them from benefiting from such instruction.

(20 U.S.C. 1262(a) (4) (A), (B) )

(3) Pretechnical vocational instruction with the objective specified in subparagraph (1) (ii) of this paragraph shall include instruction of the type described in subparagraph (2) of this paragraph, except that such instruction need not be designed to fit individuals for employment in a specific occupation, but must be primarily designed to prepare individuals for enrollment in advanced or highly skilled postsecondary and technical education programs having the objective specified in subparagraphs (1) (i) of this paragraph. It shall not include instruction which is primarily designed to prepare individuals for higher education, or for professional training of the type described in paragraph (c) (2) of this section, and which is only incidentally designed for individuals preparing for technical education.

(20 U.S.C. 1262(a) (4) (A), (B) )

(4) Prevocational instruction with the objective specified in subparagraph (1) (iii) of this paragraph shall include instruction designed to familiarize individuals with the broad range of occupations for which special skills are required and the requisites for careers in such occupations.

(20 U.S.C. 1248(1) )

(5) Industrial arts education instructional programs with the objectives specified in subparagraph (1) of this paragraph shall be designed to:

(i) Assist individuals in the making of informed and meaningful occupational choices. In order to accomplish or facilitate this purpose, such programs shall:

(a) Provide occupational information and instruction pertaining to a broad range of occupations, including training requisites, working conditions, salaries or wages, and other relevant information;

(b) Provide exploratory experiences in shops, laboratories, and observations in business or industry to acquaint students with jobs in the occupations included in this purpose;

(c) Provide guidance and counseling for students enrolled in the industrial arts program under § 102.4(b) (5) of this part to assist them in making informed and meaningful choices in selected occupational fields; and

(d) Employ industrial arts teachers who have qualifications as provided in the State plan pursuant to § 102.38; or

(ii) Prepare individuals for enrollment in advanced or highly skilled vocational and technical education programs. In order to accomplish or facilitate this purpose, such programs shall:

(a) Provide individuals with occupational information and exploratory experience for enrollment in such programs;

(b) Provide occupational information and exploratory experiences directly related to current practices in industry; and

(c) Be conducted in an institution approved by the State Board of Vocational Education and by industrial arts teachers and guidance and counseling personnel who have qualifications as provided in the State plan pursuant to § 102.38.

(6) Instruction for volunteer firemen with objectives specified in paragraph (b) (1) (i) of this section, whether or not such firemen are paid for services performed, shall include instruction of the type described in subparagraph (2) of this paragraph.

(20 U.S.C. 1248(1) )

(c) *Noneligible instruction*—(1) *General.* Funds under the Act shall not be available for instruction in general education subjects unless such subjects have objectives specified in paragraph (b) of this section. However, a program of vocational instruction under the State plan may be supplemented with such other general education subjects supported with funds from other sources as may be necessary to develop a well-rounded individual.

(20 U.S.C. 1262, 1263(a) (18) )

(2) *Professional.* Funds under the Act shall not be available for instruction which is designed to fit individuals for employment in recognized occupations which are generally considered to be professional or as requiring a baccalaureate or higher degree. The Commissioner has determined and specified the following as examples of occupations which are generally considered professional or as requiring a baccalaureate or higher degree, and are therefore excluded from those occupations for which instruction may be provided:

Accountants and auditors.  
Actors and actresses.  
Architects, artists, and sculptors.  
Athletes, professional.  
Authors, editors, and reporters.  
Clergymen.  
Engineers, professional.  
Lawyers.  
Librarians, archivists, and curators.  
Life scientists, including agronomists, biologists, and psychologists.  
Mathematicians.  
Medical and health professions, including physicians, surgeons, dentists, osteopaths, veterinarians, pharmacists, and professional nurses.  
Musicians.  
Physical scientists, including chemists, physicists, and astronomers.  
Social and welfare workers.  
Social scientists, including economists, historians, political scientists, and sociologists.  
Teachers and other educators.

The above is not intended to exclude from vocational instruction those semi-professional, technical, or other occupations which are related to those listed, but which do not themselves require a baccalaureate degree.

(20 U.S.C. 1248(1) )

(d) *Access to vocational instruction offered.* (1) In determining which individuals shall have access to programs of vocational instruction offered within the State, consideration will be given to all individuals residing in the State. If it is not economically or administratively feasible to provide each type of program in all areas and communities of the State served by a local educational agency, individuals residing in an area or community served by one local educational agency shall be permitted to enroll, in accordance with policies and procedures established by the State board or the local educational agencies involved, in a program of instruction offered by another local educational agency, so long as—

(i) The local educational agency serving the area or community in which the individual resides does not offer a reasonably comparable type of program.

(ii) Facilities are reasonably available for additional enrollees in the program offered by the receiving local educational agency.

(2) To the extent that facilities are available, each type of program of vocational instruction offered by the State board shall be made available to all individuals residing in the State, and each program of instruction offered by a local educational agency shall be made available to all individuals residing in the district or community served by the local educational agency offering such instruction. The fact that an individual resides in a certain attendance area within such district or community shall not preclude his access to a program of instruction available to other individuals residing in other attendance areas within the district or community, if access to a reasonably comparable program is not otherwise available to him.

(20 U.S.C. 1241, 1261, 1263(a) (4), (5), (6), (11) )

(e) *Content of vocational instruction.* The content of vocational instruction shall be developed and conducted in accordance with the following standards to assure soundness and quality in such instruction:

(1) The program of instruction shall be based on a consideration of the skills, attitudes, and knowledge required to achieve the occupational or other objective of such instruction, and includes a planned sequence of those essentials of education or experience (or both) deemed necessary for the individual to achieve such objective.

(2) The program of instruction shall be developed and conducted in consultation with employers and other individuals or groups of individuals (such as local advisory committees) having skills

in and substantive knowledge of the occupations or the occupational fields included in the instruction.

(3) The program of instruction shall include the most up-to-date knowledge, attitudes, and skills necessary for competencies required to meet the occupational or other objective of such instruction.

(20 U.S.C. 1263(a) (6) (F) (4))

(4) The program of instruction shall be sufficiently extensive in duration and intensive within a scheduled unit of time to enable the student to achieve the occupational or other objective of the instruction.

(20 U.S.C. 1263(a) (6) (F) (III))

(5) The program of instruction shall combine and coordinate classroom instruction with field, shop, laboratory, cooperative work, apprenticeship, or other occupational experience which (i) is appropriate to the occupational or other objective of the instruction, (ii) is of sufficient duration to develop competencies necessary for the student to achieve such objective, and (iii) is supervised, directed or coordinated by persons qualified under the State plan. (See §§ 102.3, 102.96 through 102.104, and 102.141 relating to cooperative vocational education programs).

(20 U.S.C. 1248(1), 1263(a) (6) (F) (III), 1263(a) (7), (18))

(f) *Adequate facilities and materials for instruction.* Classrooms, libraries, shops, laboratories, and other facilities (including instructional equipment, supplies, teaching aids, and other materials) shall be adequate in supply and quality to meet the occupational or other objectives of the vocational instruction offered. If the State board or local educational agency cannot provide such facilities and materials, but they are available in a business, industrial, service, or other establishment, vocational instruction may be provided in such establishments provided that such instruction meets the standards and requirements of the Act, the regulations of this part, and the State plan. For provisions governing the use of funds for construction of area vocational education school facilities, see § 102.3 "area vocational education school" and "school facilities," and also § 102.135.

(20 U.S.C. 1248(1), 1262(a) (8), 1263(a) (6) (F), (18))

(g) *Teachers and supervisors.* The vocational instruction shall be conducted and supervised by teachers, teacher aides, supervisors, and other supporting personnel as provided in § 102.38. To the extent necessary to provide for a sufficient supply of teachers, teacher aides, supervisors, and other supporting personnel in the State, the program of instruction shall be accompanied by a teacher-training program as provided for in §§ 102.9 and 102.38(b).

(20 U.S.C. 1263(a) (7))

(h) *Vocational guidance and counseling.* The program of instruction shall

provide for vocational guidance and counseling personnel and services sufficient to enable such a program to achieve and continue to meet its objectives and the standards and requirements of this section. See § 102.3 for provisions relating to the use of funds for guidance and counseling programs.

(20 U.S.C. 1263(a) (7), (8))

(i) *Vocational youth organizations.* The program of instruction may include activities of vocational education youth organizations which are an integral part of the vocational instruction offered and which are supervised by vocational education personnel.

(20 U.S.C. 1262(a))

(j) *Industrial arts youth organizations.* Industrial arts education programs may provide for students to participate in club activities as an integral part of the instruction which are offered as indicated by § 102.4 and which are supervised by industrial arts personnel.

(20 U.S.C. 1248(1))

(k) *Evaluation.* Evaluation of the results of the program of instruction shall be made periodically on the State level by the State board and the State advisory council and continuously on the local level with the results being used for necessary change or improvement in the program through experimentation, curriculum development, training of vocational educational personnel, or other means. See § 102.36 for specific provisions relating to program evaluation.

(20 U.S.C. 1244(b) (1) (C), 1262(a) (8), 1263(a) (6) (A))

#### § 102.5 Vocation instruction under contract.

(a) *General.* Arrangements may be made for the provision of any portion of the program of instruction on an individual or group basis by public or non-public agencies or institutions (other than the State board or local educational agency) through a written contract with a State board or a local educational agency. Such contract shall describe the portion of instruction to be provided by such agency or institution and incorporate the standards and requirements of vocational instruction set forth in the regulations in this part and the State plan. Such a contract shall be entered into only upon a determination by the State board or local educational agency of satisfactory assurance that:

(1) The contract is in accordance with State or local law; and

(2) The instruction to be provided under contract will be conducted as a part of the vocational education program of the State and will constitute a reasonable and prudent use of funds available under the State plan. Such contract shall be reviewed at least annually by the parties concerned.

(20 U.S.C. 1248(1), 1262(a) (7))

(b) *Arrangements with private postsecondary vocational training institutions.* (1) Postsecondary vocational in-

struction provided in other than public institutions may be provided only through arrangements with private postsecondary vocational training institutions entered into pursuant to paragraph (a) of this section where the State board or local educational agency determines that such private institutions can make a significant contribution to attaining the objectives of the State plan, and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public agencies or institutions.

(20 U.S.C. 1262(a) (7))

(2) For purposes of this paragraph, a "private postsecondary vocational training institution" means a private business or trade school, or technical institution or other technical vocational school providing postsecondary education in any State which meets the requirements set forth in subparagraphs (A) through (D) of section 108(11) of the Act. A list of such institutions meeting the requirements of this subparagraph may be obtained upon request from the Division of Vocational and Technical Education, Office of Education, Washington, D.C. 20202.

(20 U.S.C. 1248(a) (11))

#### § 102.6 Vocational education for disadvantaged or handicapped persons.

(a) Vocational education for disadvantaged or handicapped persons supported with funds under section 102 (a) or (b) of the Act shall include special educational programs and services designed to enable disadvantaged or handicapped persons to achieve vocational education objectives that would otherwise be beyond their reach as a result of their handicapping condition. These programs and services may take the form of modifications of regular programs, special educational services which are supplementary to regular programs, or special vocational education programs designed only for disadvantaged or handicapped persons. Examples of such special educational programs and services include the following: Special instructional programs or prevocational orientation programs where necessary, remedial instruction, guidance, counseling and testing services, employability skills training, communications skills training, special transportation facilities and services, special educational equipment, services, and devices, and reader and interpreter services.

(20 U.S.C. 1248(1), 1262(a) (4))

(b) Funds available for vocational education for disadvantaged or handicapped persons may not be used to provide food, lodging, medical and dental services and other services which may be necessary for students enrolled in such programs but which are not directly related to the provision of vocational education to such students. However, the State board or local educational agency conducting such programs shall encourage the provision of such services through arrangements with other agencies responsible for such services. (See

§ 102.40 (b) and (c) relating to cooperative arrangements.)

(20 U.S.C. 1248(1), 1262(a)(4))

(c) To the extent feasible, disadvantaged or handicapped persons shall be enrolled in vocational education programs designed for persons without their handicapping condition. Educational services required to enable them to benefit from such programs may take the form of modifications of such programs or of supplementary special educational services. In either case, funds available for vocational education for disadvantaged or handicapped persons may be used to pay that part of such additional cost of the program modifications or supplementary special education services as is reasonably attributable to disadvantaged or handicapped persons.

(20 U.S.C. 1262(a)(4))

(d) If certain disadvantaged or handicapped persons cannot benefit from regular vocational education programs to any extent, even with modifications thereto or with the provisions of supplementary special educational services, then these persons shall be provided with special programs of vocational instruction which meet the standards and requirements of all vocational education programs set forth in § 102.4 and which, in addition, include such special instructional devices and techniques and such supplementary special educational services as are necessary to enable those persons to achieve their vocational objective. In these cases, funds available for vocational education for the disadvantaged or the handicapped may be used to pay that part of the total cost of the instructional program and supplementary special educational services that are reasonably attributable to the vocational education of disadvantaged or handicapped persons.

(20 U.S.C. 1262(a)(4))

(e) Vocational education programs and services for disadvantaged or handicapped persons shall be planned, developed, established, administered, and evaluated by State boards and local educational agencies in consultation with advisory committees which include representatives of such persons; and in cooperating with other public or private agencies, organizations, and institutions having responsibility for the education of disadvantaged or handicapped persons in the area or community served by such programs or services, such as community agencies, vocational rehabilitation agencies, special education departments of State and local educational agencies, and other agencies, organizations, and institutions, public or private, concerned with the problems of such persons. (See § 102.40 (b) and (c) relating to cooperative arrangements.)

(20 U.S.C. 1244(b)(1)(C), 1263(a)(6)(F)(1))

#### § 102.7 Participation of students in private nonprofit schools.

The participation of students enrolled in private nonprofit schools in vocational

education programs or projects under part B supported with funds allotted under section 102(b) and under parts D and G of the Act (see §§ 102.66, 102.79, and 102.101) shall be in accordance with the following requirements:

(a) Each program and project carried out under part B supported with funds allotted under section 102(b) and under parts D and G of the Act shall be designed to include, to the extent consistent with the number of students enrolled in private nonprofit schools in the geographic area served by the program or project, vocational education services which will meet the vocational education needs of such students. Such services may be provided through such arrangements as dual enrollment, educational radio and television, or mobile or portable equipment, and may include professional and sub-professional services.

(b) The vocational education needs of students enrolled in private nonprofit schools located within the geographic areas served by the program or project, the number of such students who will participate in the program or project, and the types of vocational education services which will be provided for them shall be determined, after consultation with persons knowledgeable of the needs of those students, on a basis comparable to that used in providing such vocational education services to students enrolled in public schools. Each application submitted by the local educational agency to the State board shall indicate the number of students enrolled in private nonprofit schools who are expected to participate in each program and project proposed by such agency and the degree and manner of their expected participation.

(20 U.S.C. 1263(a)(6)(F))

(c) Public school personnel may be made available on other than public school premises only to the extent necessary to provide vocational education services required by the students for whose needs such services were designed, and only when such services are not normally provided at the private school. The State board or local educational agency providing such vocational education services to students in private nonprofit schools shall maintain administrative control and direction over such services, and each application from a local educational agency providing such services shall so provide. Vocational education services provided with Federal funds shall not include the payment of salaries of teachers or other employees of private schools, except for services performed outside their regular hours of duty and under public supervision and control, nor shall they include the use of equipment, other than mobile or portable equipment, on private school premises or the construction of private school facilities. Mobile or portable equipment may be used on private school premises for such period of time within the life of the current program or project for which the equipment is intended to be used as is necessary for the successful participation

in that program or project by students enrolled in private schools.

(20 U.S.C. 1248(1), 1263(a)(2); *Lemon v. Kurtzman*, 403 U.S. 602, 91 S. Ct. 2105 (1971))

(d) Any program or project to be carried out on public premises and involving joint participation by students enrolled in private nonprofit schools and students enrolled in public schools shall include such provisions as are necessary to avoid forming classes that are separated by school enrollment or religious affiliation.

(20 U.S.C. 1247, 1263(a)(16))

#### § 102.8 Vocational guidance and counseling.

(a) State boards and local educational agencies conducting programs of instruction shall provide such vocational guidance and counseling services as are required by such instruction pursuant to § 102.4(h). Such vocational guidance and counseling services shall be designed to (1) identify and encourage the enrollment of individuals needing vocational education, (2) provide the individuals with information necessary to make meaningful and informed occupational choices, (3) assist them while pursuing a program of vocational instruction, (4) aid them in vocational placement, and (5) conduct follow-up procedures to determine the effectiveness of the vocational instruction and guidance and counseling program.

(b) The State board shall make provision for an adequate guidance and counseling supervisory staff to (1) develop, secure, and distribute occupational information, (2) provide consultative services concerning the vocational aspects of guidance, and (3) give leadership to the promotion and supervision of better vocational guidance and counseling services at the local level. In carrying out these responsibilities, the State board shall utilize the resources of the State employment service pursuant to the cooperative arrangements provided for in § 102.40(a).

(20 U.S.C. 1248(1), 1263(a)(6), (7), (8))

#### § 102.9 Training of personnel.

(a) *General.* The State board shall provide for such training (both pre-service and inservice) as is necessary to provide qualified personnel meeting the requirements of the State plan pursuant to § 102.38. Such training shall be sufficient to provide an adequate supply of qualified teachers and other personnel, including those capable of meeting the special educational needs of disadvantaged and handicapped persons in the State.

(b) *Arrangements for training of personnel.* (1) Training of personnel pursuant to paragraph (a) of this section may be provided either by (i) the State board or (ii) public or private agencies or institutions.

(2) When such training is provided by an agency or institution other than the State board, the State board shall enter into cooperatively developed written agreements with such agency or

institution. These agreements shall describe the training program developed by the State board in cooperation with such agency or institution, and the policies and procedures which the State board and the agency or institution agree to utilize in evaluating the effectiveness of the programs so described.

(c) *Eligibility of enrollees.* Training of personnel pursuant to paragraph (a) of this section shall be offered only to persons who are teaching or are preparing to teach vocational education students or consumer and homemaking students or who are undertaking or are preparing to undertake other professional or semiprofessional duties and responsibilities in connection with vocational education programs or consumer and homemaking programs under the State plan to whom such education would be useful professionally.

(40 U.S.C. 1262(a) (8), 1263(a) (7))

#### § 102.10 Cross reference to General Provisions Regulation.

Assistance provided under this part is subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 1221c(b) (1), 1241-1391)

#### Subpart B—State Advisory Council

##### § 102.21 Establishment and certification.

(a) *Establishment.* Each State which desires to receive funds under the Act and the regulations in this part for any fiscal year shall establish a State advisory council which shall be appointed by the Governor or, in the case of States in which the members of the State board are elected (including election by the State legislature), by such board, and which shall be separate and independent from the State board.

(b) *Appointment by State board.* In order for the appointment power to be vested in the State board pursuant to paragraph (a) of this section, a majority of its members must be individuals elected by the State legislature or directly by the eligible voters of the State or of the districts which the individuals represent or by the State legislature.

(20 U.S.C. 1244(b) (1))

(c) *Certification.* The Governor of each State establishing an advisory council appointed by the Governor or the State board in each State establishing an advisory council appointed by the State board pursuant to paragraph (a) of this section shall certify to the Commissioner the establishment and membership of such advisory council not less than 90 days prior to the beginning of any fiscal year ending after June 30, 1969.

(20 U.S.C. 1244(b) (2))

##### § 102.22 Membership.

The membership of the State advisory council shall exclude members of the State board, the State director of voca-

tional education, and State board staff, and shall include:

(a) At least one person familiar with the vocational needs and problems of management and labor in the State and at least one person representing State industrial and economic development agencies;

(b) At least one person representative of community and junior colleges and other institutions of higher education, area vocational schools, technical institutes, and postsecondary or adult education agencies or institutions, which may provide programs of vocational or technical education and training;

(c) At least one person familiar with the administration of State and local vocational education programs, and at least one person having special knowledge, experience, or qualifications with respect to vocational education and who is not involved in the administration of State or local vocational education programs;

(d) At least one person familiar with programs of technical and vocational education, including programs in comprehensive secondary schools;

(e) At least one person representative of local educational agencies, and at least one person representative of school boards;

(f) At least one person representative of manpower and vocational education agencies in the State and the Comprehensive Area Manpower Planning System of the State;

(g) At least one person representing school systems with large concentrations of academically, socially, economically, and culturally disadvantaged students;

(h) At least one person with special knowledge, experience, or qualifications, with respect to the special educational needs of physically or mentally handicapped persons; and

(i) Persons representative of the general public, of whom at least one shall be representative of and knowledgeable about the poor and disadvantaged, who are not qualified for membership under any of the preceding categories.

(20 U.S.C. 1244(b) (1) (A) (i)-(ix); H. Rep. No. 1938, 90th Cong. 2d Sess., p. 44 (last para.))

##### § 102.23 Functions and responsibilities.

The State advisory council shall—

(a) Advise the State board on the development of the State plan, including the preparation of long-range and annual program plans pursuant to §§ 102.33 and 102.34, and prepare and submit pursuant to § 102.31(e) (2) a statement describing its consultation with the State board on its State plan;

(b) Advise the State board on policy matters arising in the administration of the State plan submitted pursuant to the Act and the regulations in this part;

(c) Evaluate vocational education programs, services, and activities under the State plan, and publish and distribute the results thereof;

(d) Prepare and submit through the State board to the Commissioner and to

the National Advisory Council an annual evaluation report, accompanied by such additional comments of the State board as the State board deems appropriate, which (1) evaluates the effectiveness of vocational education programs, services, and activities carried out in the year under review in meeting the program objectives set forth in the long-range program plan and the annual program plan required by §§ 102.33 and 102.34, and (2) recommends such changes as may be warranted by the evaluations; and

(20 U.S.C. 1244(b) (1) (B), (C), (D))

(e) Prepare and submit to the Commissioner within 60 days after his acceptance of certification submitted pursuant to § 102.21(c) an annual budget covering the proposed expenditures of the State advisory council and its staff for the following fiscal year.

(20 U.S.C. 1244(d))

(f) Perform with respect to the programs carried out under part B of Title X of the Higher Education Act of 1965 (Occupational Education Programs) functions identical with or analogous to those stated in paragraphs (a)-(d) of this section.

(20 U.S.C. 1244(e))

##### § 102.24 Meetings and rules.

Each State advisory council shall meet within 30 days after certification, as provided in § 102.21(c), has been accepted by the Commissioner and select from among its membership a chairman. The time, place, and manner of meeting shall be as provided by the rules of the State advisory council. Such rules shall provide for not less than one public meeting each year at which the public is given opportunity to express views concerning vocational education.

(20 U.S.C. 1244(b) (3))

##### § 102.25 Staff.

Each State advisory council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable the council to carry out its functions described in § 102.23 and to contract for such services as may be necessary to enable it to carry out its evaluation functions. Such personnel shall not include members of the State board, and shall be subject only to the supervision and direction of the State advisory council with respect to all services performed by them for the council.

(20 U.S.C. 1244(b) (4))

##### § 102.26 Compensation.

Members of the State advisory council and its staff, while serving on the business of the council, may receive subsistence, travel allowances, and compensation in accordance with State law, regulations and practices applicable to persons performing comparable duties and services.

(20 U.S.C. 1244(d))

## Subpart C—State Plan Provisions

## GENERAL

## § 102.31 State plan.

(a) *General.* Any State desiring to receive funds for any fiscal year under the Act shall submit to the Commissioner, in accordance with such forms as may be furnished by him, a State plan which meets the requirements of the Act and the regulations in this part. Such plan shall be a detailed description of the State's programs, services, and activities under the Act, and shall include the policies and operating procedures which the State board will implement in order to maintain, extend, and improve existing programs and develop new programs in furtherance of the purposes of the Act. Such procedures shall assure that funds allotted to the State under the Act will be expended only for programs, services, and activities related either to vocational education for gainful employment or consumer and homemaking education. For specific State plan requirements under the Act:

(1) Regarding all programs, services, and activities under the Act, see §§ 102.31 through 102.46;

(2) Regarding programs, services, and activities under each of the parts of the Act, see §§ 102.51 through 102.113; and

(3) Regarding Federal financial participation, see appropriate sections in subpart D of this part.

(20 U.S.C. 1241, 1263(a))

(b) *Format.* The State plan shall be composed of three parts:

(1) The administrative plan provisions required in this subpart, which are set forth in the initial State plan and thereafter amended only as necessary to conform with the requirements of the Act, the regulations in this part and applicable State law, rules and regulations;

(2) The long-range program plan provided for in § 102.33, which shall be revised annually and submitted with the annual program plan;

(3) The annual program plan provided for in § 102.34, which shall be submitted each year at such time as the Commissioner shall specify.

(20 U.S.C. 1263(a)(3)-(6))

(c) *Amendment—(1) Administrative plan provisions.* The administration of vocational education programs under the State plan must be kept in conformity with the administrative plan provisions. Whenever there is any material change in the content or administration of such program, or in pertinent State Law, or in the organization, policies, and operations of the State board affecting the programs under the plan, the administrative plan provisions shall be appropriately amended by the State board after consultation with the State advisory council, and such amendment shall be submitted to the Commissioner.

(2) *Long-range program plan.* Changes in estimates of present and projected vocational education needs and vocational education objectives set forth in

the long-range program plan shall be submitted each year as a part of the annual revision of such plan.

(3) *Annual program plan.* Minor deviations in actual allocations of funds from specific amounts estimated for allocation among programs, services, and activities described in the annual program plan submitted pursuant to § 102.34 shall not constitute such a change in the State plan as to require amendment of the annual program plan in order to be in conformity with Federal requirements if otherwise made in accordance with the Act, the regulations in this part, and other provisions of the State plan. Such minor deviations and the reasons therefor (such as, for example, a change in the total amount of funds available to the State for programs, services, and activities under the State plan) shall be indicated and explained in the annual report of the State board.

(20 U.S.C. 1263(a)(3)-(6))

(d) *Certification of State plan—(1) Certification by State board.* The annual State plan and any amendments thereto required by paragraph (c) of this section shall include as an attachment a certificate of the officer of the State board authorized to submit the State plan to the effect that the plan or amendment has been adopted by the State board and that the plan or plan as amended will constitute the basis for operation and administration of the vocational education program in which Federal financial participation will be made.

(2) *Certification by State Attorney General.* The State plan and any amendment thereto required by paragraph (c) of this section shall also include as an attachment a certificate by the State's Attorney General, or other official designated in accordance with State law to advise the State board on legal matters, to the effect that the State board named in the plan is the State board which has authority under State law to submit the State plan and to administer or supervise the administration of the vocational education programs described therein as the sole agency responsible for the administration of the plan; and that all the plan provisions with respect to the use of funds under the Act can be carried out by the State.

(20 U.S.C. 1263(a))

(e) *Prerequisites for submission of State plan—(1) General.* The State plan or any amendment thereto required by paragraph (c) of this section shall be submitted to the Commissioner only if the State board has—

(i) Prepared the State plan or amendments thereto in consultation with the State advisory council pursuant to subparagraph (2) of this paragraph;

(ii) Given reasonable notice and afforded reasonable opportunity for a public hearing as described pursuant to subparagraph (3) of this paragraph; and

(iii) Implemented policies and procedures with regard to public information described pursuant to subparagraph (4) of this paragraph.

(2) *Consultation with State advisory council.* The State plan for each fiscal year and any amendment thereto required by paragraph (c) of this section shall be accompanied by a statement of the State advisory council certifying that the State plan or amendment was prepared in consultation with the council.

(20 U.S.C. 1244(b)(1)(B), 1263(a)(1))

(3) *Public hearing.* The State plan for each fiscal year and any amendment thereto required by paragraph (c) of this section shall be accompanied by a statement describing the method by which, and the extent to which, reasonable notice and opportunity for a hearing was offered by the State board prior to the adoption of such plan or amendment, including a description of how and to whom notice of public hearings was given, the manner in which such hearings were conducted, and the results of such hearings.

(4) *Public information.* The State plan shall describe the policies and procedures established by the State board for the purpose of making reasonably available to the public copies of the approved State plan described in paragraph (b) of this section, and amendments thereto, and all statements of general policies, rules, regulations, and procedures issued by the State board concerning the administration of the State plan.

(20 U.S.C. 1263(a)(1), (3))

(f) *Approval by Commissioner.* (1) The Commissioner will not approve a State plan or amendment thereto until he has:

(i) Examined each of its provisions;

(ii) Made specific findings, on the basis of reports submitted to him pursuant to §§ 102.159 and 102.160 and such other reports and information available to him, that each of its provisions complies with the applicable State plan requirements set forth in the Act and the regulations in this part; and

(iii) Determined that its provisions are set forth in sufficient detail to insure that such provisions will be carried out.

(2) After reviewing the State plan or amendment pursuant to subparagraph (1) of this paragraph, the Commissioner shall notify the State board of the granting or withholding of approval in each such case. No final action with respect to a State plan or amendment, other than that of approval, will be taken by the Commissioner unless he first notifies the State board of his proposed action and in connection therewith affords a reasonable opportunity for a hearing on whether the affected plan or amendment meets such requirements.

(20 U.S.C. 1263(a) and (c)(1), (2))

## § 102.32 State board.

(a) *Designation or creation.* Any State desiring to receive Federal funds under the Act shall designate or create by State law a State board which is the sole State agency responsible for the administration of vocational education, or for the supervision of the administration thereof

by local educational agencies, in the State. The State plan shall identify the State board so designated or created and the executive officer thereof.

(20 U.S.C. 1248(8))

(b) *Authority.* The State plan shall set forth the authority of the State board designated or created pursuant to paragraph (a) of this section and shall set forth the State board's authority under State law to submit the State plan and administer the program contained therein. If local educational agencies have any authority for the administration of State plan programs, the State plan shall also indicate the basis for such authority and for the authority of the State board to supervise such administration. Copies of, or citations to, all pertinent laws and interpretations of laws by appropriate State officials or courts shall be included as a part of the State plan.

(20 U.S.C. 1263(a)(2))

#### § 102.33 Long-range program plan.

The State plan shall include a long-range program plan (or, as appropriate, a supplement to or revision of a previously submitted long-range plan) for vocational education in the State. Such plan shall:

(a) Extend over a 5-year period beginning with the fiscal year for which the plan is submitted;

(b) Describe the present and projected vocational education needs of the State; and

(c) Set forth a program of vocational education objectives which affords satisfactory assurance of substantial progress toward meeting the vocational education needs of the potential students in the State.

(20 U.S.C. 1263(a)(4))

#### § 102.34 Annual program plan.

The State plan shall also include an annual program plan as an explanation and justification of the activities that carry out the objectives of the first year of the long-range plan. The annual program plan shall describe:

(a) The content of vocational education programs, services, and activities to be carried out during the year for which Federal funds are sought (whether or not supported with Federal funds under the Act);

(b) The allocation of Federal and State vocational education funds to the programs, services, and activities referred to in paragraph (a) of this section;

(c) How and to what extent such programs, services, and activities will carry out the program objectives set forth in the long-range program plan referred to in § 102.33;

(d) How and to what extent the allocations of Federal funds by the State will take into consideration the criteria set forth in §§ 102.53 through 102.57; and

(e) The extent to which consideration was given to the findings and recommendations of (1) the most recent evaluation report of the State advisory council and

(2) such other evaluation reports and studies as may be applicable.

(20 U.S.C. 1263(a)(5))

#### § 102.35 State administration and leadership.

(a) *Adequate State board staff.* The State board shall provide for a State staff sufficiently qualified by education and experience and in sufficient numbers to enable the State board to plan, develop, administer, supervise, and evaluate vocational education programs, services, and activities under the State plan to the extent necessary to assure quality in all education programs which are realistic in terms of actual or anticipated employment opportunities and suited to the needs, interests, and abilities of those being trained. Particular consideration shall be given to staff qualifications for leadership in programs, services, and activities for disadvantaged persons, handicapped persons, depressed areas, research and training, exemplary programs and projects, consumer and homemaking, cooperative vocational education, curriculum development, and work-study.

(b) *Organization of State board staff.* The State plan shall describe the organizational structure of the State board staff, including a description of its units, the functions assigned to each unit, the number of professional personnel assigned to each unit, and the relationships among the units within the State board staff and with other State agencies and institutions responsible for conducting programs of vocational and technical education. The titles of all State officials who are to have authority in the administration and supervision of the programs, services, and activities shall be given in the State plan. This description shall be sufficient to enable the Commissioner to find that the State board has an adequate staff to provide requisite administration and supervision of the federally aided vocational education programs. The plan shall provide for a full-time State director or a full-time executive officer who shall have no substantial duties outside the vocational education program.

(20 U.S.C. 1262(a)(8), (b))

#### § 102.36 Program evaluation.

(a) The State board shall be responsible for assuring that State and local programs, services, and activities carried out under the State plan will be periodically evaluated with sufficient extensiveness and frequency to enable the State board to effectively carry out its functions under the State plan and fulfill the purposes of the Act.

(b) In carrying out its evaluation responsibilities pursuant to paragraph (a) of this section, the State board shall consider and may utilize the evaluations made by the State advisory council pursuant to § 102.23(c), and such additional evaluations conducted or arranged by the State board and each local educational agency as may be required to carry out

such responsibilities. The results of such periodic evaluations shall be described in the annual report submitted by the State board pursuant to § 102.160, and may provide the basis for the State board's comments on the State evaluation report submitted by the State advisory council pursuant to § 102.159.

(c) The State plan shall describe the State's program for evaluating State and local programs, services, and activities carried out under the State plan. This description shall include:

(1) The agencies and institutions (in addition to the State advisory council pursuant to § 102.23(c)) responsible for making periodic evaluations;

(2) The frequency with which each of the agencies and institutions referred to in subparagraph (1) of this paragraph will make periodic evaluations of the various programs, services, and activities under the State plan carried out at both the State and local levels; and

(3) The procedures which the State will follow, or which it will require local educational agencies to follow, in conducting periodic evaluations, including an outline of the types of evaluations planned and of the criteria to be utilized in evaluating the effectiveness of programs, services, and activities under the State plan supported with funds from any of the allotments under the Act.

(20 U.S.C. 1263(a)(5), (6))

#### § 102.38 Qualifications of personnel.

(a) *Minimum qualifications.* The State plan shall set forth the minimum qualifications for teachers, teacher trainers, supervisors, directors, and all other personnel (including teacher aides) having responsibilities for vocational education and consumer and homemaking education in the State regardless of whether there is to

(c) The State plan shall describe the State's program for evaluating State and local programs, services, and activities carried out under the State plan. This description shall include:

(1) The agencies and institutions (in addition to the State advisory council pursuant to § 102.23(c)) responsible for making periodic evaluations;

(2) The frequency with which each of the agencies and institutions referred to in subparagraph (1) of this paragraph will make periodic evaluations of the various programs, services, and activities under the State plan carried out at both the State and local levels; and

(3) The procedures which the State will follow, or which it will require local educational agencies to follow, in conducting periodic evaluations, including an outline of the types of evaluations planned and of the criteria to be utilized in evaluating the effectiveness of programs, services, and activities under the State plan supported with funds from any of the allotments under the Act.

(20 U.S.C. 1263(a)(5), (6))

### § 102.38 Qualifications of personnel.

(a) *Minimum qualifications.* The State plan shall set forth the minimum qualifications for teachers, teacher trainers, supervisors, directors, and all other personnel (including teacher aides) having responsibilities for vocational education and consumer and homemaking education in the State regardless of whether there is to be Federal financial participation in their salaries. Such qualifications shall contain standards of experience and education and other requirements which are reasonable in relation to the duties to be performed, including recent experience and association with the groups of persons to be served such as disadvantaged persons. Provision shall be made for personnel having unique and relevant experiences in lieu of formal degrees and certifications requiring such degrees.

(b) *Improvement of qualifications.* The State plan shall set forth the State board's policies and procedures which have been developed to improve the qualifications of personnel referred to in paragraph (a) of this section to insure that the personnel needs for programs, services, and activities under the State plan are met. The State plan shall describe the methods by which the State board makes arrangements for preservice and inservice training of personnel meeting the requirements of § 102.9.

(c) *Modification of personnel standards.* The State plan shall set forth the State board's policies and procedures for reviewing and modifying personnel qualification standards to insure that such qualification standards continue to reflect a direct relationship with the need for personnel in vocational education programs carried out under the State plan. Such modifications shall include those deemed necessary for the employment of personnel necessary to carry out research, experimental, developmental, demonstration, or pilot programs, or exemplary programs or projects.

(20 U.S.C. 1263(a)(7))

### § 102.40 Cooperative arrangements.

(a) *With State employment service.* The State plan shall provide for cooperative arrangements with the public employment service system in the State. Such arrangements shall be approved by the State board and by the State head of such system, and a copy of the agreement between the State board and the State head of such system providing for such arrangements shall be submitted as a part of the State plan. Under such cooperative arrangements:

(1) The employment offices will make available to the State board and local educational agencies occupational information regarding reasonable present and future prospects of employment in the community and elsewhere. The State plan shall provide how such information, along with all other pertinent information available, will be considered by the State board or local educational agencies in providing vocational guidance and counseling to students and prospective

students and in determining the occupations for which persons are to be trained and in providing such training.

(2) *Guidance and counseling personnel of the State board and local educational agencies working through the cooperative arrangement will make available to the local public employment offices information regarding the occupational qualifications of persons having completed or completing vocational education courses in schools. The State plan shall provide how such information will be considered in the occupational guidance and placement of such persons.*

(b) *With State agencies responsible for education of handicapped persons.* The State plan shall provide for cooperative arrangements with the State special education agency, the State vocational rehabilitation agency, or other State agencies having responsibilities for the education of handicapped persons in the State. Such cooperative arrangements shall provide for—

(1) The joint development of a comprehensive plan for the vocational education of handicapped persons in the State which shall provide the basis for the provisions in the State plan relating to vocational education of handicapped persons; and

(2) Coordination of activities of the State board and the other State agencies in the development and administration of the State plan to the extent that handicapped persons are affected, such as, for example, in the review of applications for funds for programs or projects providing benefits to handicapped persons. Copies of agreements between the State board and other agencies providing for the arrangements described herein shall be submitted when executed by the State board for filing with the State plan.

(c) *With other agencies, organizations, and institutions.* The State plan shall provide that in the development of vocational education programs, services, and activities there may be, in addition to the cooperative arrangements referred to in paragraphs (a) and (b) of this section, cooperative arrangements with other agencies, organizations, and institutions concerned with manpower needs and job opportunities, such as institutions of higher education, model city, business, labor, and community action organizations. Copies of agreements between the State board and other agencies, organizations, and institutions, providing for such arrangements described herein shall be submitted when executed by the State board for filing with the State plan.

(d) *With other States.* In order to provide all individuals with ready access to suitable vocational education of high quality with offerings which have been developed in light of actual or anticipated opportunities for employment, the State plan may provide that the State enter into a cooperative arrangement with one or more other States for the conduct and administration of programs, services, and activities under the State plan. The State plan shall describe the policies and pro-

cedures of the State for approval of and participation in such arrangements. Copies of all such cooperative agreements (including joint fiscal arrangements, if any) shall be submitted when executed by the State board of each participating State to the U.S. Office of Education for filing with the State plan.

(20 U.S.C. 1248(1), 1263(a)(8), (9))

### § 102.41 Effective use of program results and experience.

The State plan shall provide that, in planning, developing, and carrying out programs, services, and activities under any part of the Act, effective use will be made of the results and experience of other programs and projects assisted under other parts of the Act, both through allotments to the State under the regulations in this part and its State plan, and through direct grants and contracts by the Commissioner under the regulations in 45 CFR Part 103. The State plan shall also describe the policies and procedures to be followed by the State board in assuring such effective use.

(20 U.S.C. 1263(a)(10))

### § 102.42 State fiscal and accounting procedures.

The State plan shall describe the fiscal control and fund accounting procedures which are in accordance with applicable State and local laws, rules, and regulations and which will assure proper disbursement of and accounting for Federal funds paid to the State under each program included in this part, funds paid by the State to participating local educational agencies and other organizations, agencies, and institutions, and all matching funds.

(20 U.S.C. 1263(a)(12), (17))

### § 102.43 Opportunity for hearing on local applications.

The State plan shall provide that any local educational agency dissatisfied with final action with respect to any application for funds under the Act shall be given reasonable notice and opportunity for a hearing before a board or official designated by the State board for this purpose and specified in the State plan. The State plan shall describe the procedures for affording local educational agencies reasonable notice and opportunity for a hearing, for conducting such hearing, for providing a written record of the hearing, and for informing local educational agencies in writing of the decisions and reasons therefor.

(20 U.S.C. 1263(a)(13))

### § 102.45 Economically depressed or high unemployment areas.

(a) In determining which areas and communities of the State are "economically depressed areas," "economically depressed communities," or "areas of high unemployment" for the purposes of §§ 102.55(b), 102.70(a)(2), and 102.92(c), the State board may rely upon the determinations made by the Secretary of Commerce of areas eligible for designation as "redevelopment areas" pursuant

to Section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161). Information on such areas may be obtained from the Economic Development Administration, Department of Commerce, Washington, D.C. 20230, or from its regional offices.

(b) If the State board determines that the use of such determinations by the Secretary of Commerce is impracticable or undesirable with respect to its State either because the areas so designated are too large in size or too few or many in number, the State board may designate such other areas or communities in the State of smaller size (such as local school district or school attendance areas therein, urban renewal areas, or model city areas) which, on the basis of the most recent information available to it, meet either of the following criteria (or more strict criteria as the State board may deem appropriate):

(1) The current rate of unemployment is at least 6 percent; or

(2) The median family income in the area is not more than 40 percent of the national median.

(c) The State plan shall describe—

(1) The manner in which the State board determines which areas or communities in the State will be designated as economically depressed or high unemployment areas or communities in terms of—

(i) The size or composition of the area to be designated, and

(ii) The criteria to be used by the State board in designating such areas in terms of such factors as the unemployment rate, median family income or other indices of economic depression; and

(2) The sources of information on unemployment rates, median family income, and other indices of economic depression, and the frequency with which this information is updated.

(20 U.S.C. 1263 (a), (b) and 1341(d))

**§ 102.46 Areas of high concentration of unemployed youth or school dropouts.**

(a) In determining which areas of the State are "areas of high concentration of youth unemployment or school dropouts" for the purpose of §§ 102.65, 102.97(a), and 102.111(a), the State board, on the basis of the most recent information available to it, shall designate areas of the State (including local school districts or school attendance areas therein, urban renewal areas, or model city areas) which meet the following criteria (or more strict criteria as the State board may deem appropriate):

(1) The current rate of youth unemployment in the area is at least 12 percent.

(2) The current school dropout rate in the area is in excess of the overall State school dropout rate. For the purpose of this section, the term "school dropout" refers to a student who leaves an elementary or secondary school before graduation from secondary school or completion of a program of studies and without transferring to another school.

(b) The State plan shall describe—

(1) The manner in which the State board determines which areas in the State will be designated as areas of high concentrations of youth unemployment and school dropouts in terms of—

(i) The size or composition of the area to be designated, and

(ii) The criteria used by the State board in designating such areas in terms of such factors as rate of youth unemployment or school dropout rate;

(2) The method of computing the overall State school dropout rate and the school dropout rates in the areas to be designated and the sources of information used in computing such rates; and

(3) The sources of information on youth unemployment rates, the age to be designated and the sources of information, and the frequency with which this information is updated.

(20 U.S.C. 1263(a) (6) (C), (16))

**STATE VOCATIONAL EDUCATION PROGRAMS**  
**§ 102.51 Allocation of funds to part B purposes.**

(a) Funds appropriated under section 102(a) of the Act and allotted to States for the purposes of part B (sections 121-124 of the Act) may be used for vocational education programs, services, and activities for the following groups of persons:

(1) Persons in high school;

(2) Persons who have completed or left high school and who are available for study in preparation for entering the labor market;

(3) Persons who have already entered the labor market and who need training or retraining to achieve stability or advancement in employment (other than persons receiving training allowances under the Manpower Development and Training Act of 1962 (42 U.S.C. 2571-2628) or the Trade Expansion Act of 1962 (19 U.S.C. 1801-1991));

(4) Disadvantaged persons; and

(5) Handicapped persons.

(b) The programs, services, and activities referred to in paragraph (a) of this section include:

(1) Programs of vocational education, as defined in § 102.3, including:

(i) Vocational instruction as provided in § 102.4;

(ii) Vocational guidance and counseling designed to aid vocational education students in the selection of, and preparation for, employment in all vocational areas, as provided for in § 102.8; and

(iii) Vocational education through arrangements with private postsecondary vocational training institutions, as provided for in § 102.5 (b);

(2) Construction of area vocational education schools, as defined in § 102.3; and

(3) Ancillary services and activities to assure quality in all vocational education programs described in subparagraph (1) of this paragraph, as defined in § 102.3.

(20 U.S.C. 1262(a))

(c) The State plan requirements set forth in §§ 102.31 through 102.46 are applicable to State vocational education programs, services, and activities described in paragraphs (a) and (b) of this section. In addition, paragraph (d) of this section and §§ 102.52 through 102.60 require inclusion in the State plan of certain provisions specifically applicable to such programs.

(d) The State plan shall set forth in detail the policies and procedures to be followed by the State board in allocating part B funds in its annual program plan among the programs, services, and activities specified in paragraph (b) of this section, and among the population groups specified in paragraph (a) of this section which are to be served by each of these programs, services, and activities. These policies and procedures shall:

(1) Assure compliance with the percentage requirements specified in § 102.59;

(2) Include the policies and procedures to be followed by the State board and local educational agencies in identifying disadvantaged persons in terms of such factors as those in § 102.3;

(3) Include the policies and procedures to be followed by the State board and local educational agencies in identifying handicapped persons of the various types specified in § 102.3;

(4) Assure that due consideration will be given to the current and projected manpower needs and job opportunities existing in the State; and

(5) Assure that due consideration will be given to the relative vocational education needs of each of the population groups specified in paragraph (a) of this section, particularly disadvantaged or handicapped persons.

(20 U.S.C. 1263(a))

**§ 102.52 Allocation of funds among local educational agencies.**

(a) The State board shall allocate funds allotted to it under part B of the Act among local educational agencies for the purposes specified in § 102.51 in such a manner as to:

(1) Fulfill (i) the statewide matching requirements of § 102.133, (ii) the maintenance-of-effort requirement of § 102.58, and (iii) the reasonable tax effort requirement of § 102.57; and

(2) Maintain compatibility with (i) the long-range objectives set forth in the long-range program plan pursuant to § 102.33, and (ii) the estimated allocation of funds to program purposes made pursuant to § 102.51 and set forth in the annual program plan pursuant to § 102.34.

(b) No funds made available to States under the Act shall be allocated among local educational agencies by matching local expenditures at a percentage ratio uniform throughout the State or by any other method which fails to take into consideration the criteria for allocation of funds set forth in §§ 102.53 through 102.56.

(c) The State plan shall describe in detail the policies and procedures by

which the State board determines how the funds allotted to it under part B of the Act will be allocated among the local educational agencies of the State. This description shall include:

(1) An outline of the procedures by which local applications submitted by local educational agencies pursuant to § 102.60 will be processed, reviewed, and acted upon by the State board;

(2) A statement of any criteria, other than the criteria for allocation of funds set forth in the State plan pursuant to §§ 102.53 through 102.56, which the State board will use in determining the relative priorities of local applications for the purpose of allocating funds; and

(3) A description of the method by which the State board will use the criteria set forth in the State plan pursuant to subparagraph (2) of this paragraph and §§ 102.53 through 102.56, including an explanation of how it will weigh their relative importance in reaching allocation decisions.

(20 U.S.C. 1262, 1263(a))

#### § 102.53 Manpower needs and job opportunities.

(a) In allocating funds among local educational agencies, the State board shall give due consideration to information regarding current and projected manpower needs and job opportunities, particularly new and emerging manpower needs and opportunities on the local, State, and national levels.

(b) In complying with paragraph (a) of this section, the State board shall give particular consideration to those vocational education programs which are best designed to (1) fulfill current or projected manpower needs in existing occupations at the local level by preparing students for current or projected job opportunities in such occupations, or (2) fulfill new and emerging manpower needs at the local, State, and national levels by preparing students for new and emerging job opportunities at such levels.

(c) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board will identify current and projected manpower needs and job opportunities, particularly new and emerging needs and opportunities, on the local, State, and national levels;

(2) What use will be made of the information on manpower needs and job opportunities in the long-range program plan submitted pursuant to § 102.33;

(3) What use will be made of the results of the periodic evaluations referred to in § 102.36;

(4) What use will be made of information obtained through cooperative arrangements entered into pursuant to § 102.40; and

(5) What other information will be relied upon in identifying manpower needs and job opportunities, how it will

be obtained, and how often it will be updated.

(20 U.S.C. 1263(a) (6) (A) (8))

#### § 102.54 Differences in vocational education needs.

(a) In allocating funds among local educational agencies, the State board shall give due consideration to the relative vocational education needs of all the population groups referred to in § 102.51 (a) in all geographic areas and communities in the State, particularly disadvantaged persons, handicapped persons, and unemployed youth.

(26 U.S.C. 1263(a) (6) (B))

(b) In weighing the relative vocational education needs of the State's various population groups, the State board shall give particular consideration to additional financial burdens (other than those which are to be considered pursuant to § 102.58(b)) which may be placed upon certain local educational agencies by the necessity of providing vocational education students, particularly disadvantaged or handicapped students, with special education programs and services such as compensatory or bilingual education, which are not needed in areas or communities served by other local educational agencies in the State.

(20 U.S.C. 1263(a) (6) (C), (E), (G))

(c) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board will identify the vocational education needs, including the need for special education programs and services referred to in paragraph (b) of this section, which must be met by each local educational agency in the State;

(2) What use will be made of the information on vocational education needs in the long-range program plan submitted pursuant to § 102.33;

(3) What use will be made of the results of the periodic evaluations referred to in § 102.36; and

(4) What other information will be relied upon in identifying vocational education needs, how it will be obtained, and how often it will be updated.

(20 U.S.C. 1263(a) (6))

#### § 102.55 Relative ability to provide resources.

(a) In allocating funds among local educational agencies supported in whole or in part with local tax revenues, the State board shall give due consideration to their relative ability to provide the resources necessary to meet the vocational education needs in the areas or communities served by such agencies.

(b) In determining the relative priority of local educational agencies in terms of their ability to provide the resources referred to in paragraph (a) of this sec-

tion, local educational agencies serving areas which the State board has designated as economically depressed or high unemployment areas pursuant to § 102.45 shall be given priority over local educational agencies not serving such areas. Within these two classes of local educational agencies, relative ability to provide such resources may be determined by comparing the wealth of the areas or communities served by each of these agencies in relation to the number of students each is educating (see paragraph (c) of this section), or by comparing the per capita incomes of the areas served by each local educational agency, or by some similar measure which the State board considers fair and equitable to all local educational agencies concerned.

(c) If the State board compares the "wealth per student" of local educational agencies in order to determine their relative ability to provide the resources referred to in paragraph (a) of this section, local wealth may be measured by reference to the equalized assessed value of taxable property in the area served by the agency, or the total taxable income of residents in the area served by the agency, or by any similar method which reasonably measures a local educational agency's ability to provide such resources. "Wealth per student" may then be determined by dividing the figure representing the wealth of the local educational agency by the total number of students that agency educates.

(d) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board determines the relative priority of local educational agencies in terms of their ability to provide the resources referred to in paragraph (a) of this section;

(2) What information is to be relied upon in making this determination; and

(3) What the sources of this information are and how often it is updated.

(20 U.S.C. 1263(a) (6))

#### § 102.56 Relative costs of programs, services, and activities.

(a) In allocating funds among local educational agencies, the State board shall give due consideration to the cost of the programs, services, and activities these local educational agencies provide which is in excess of the cost which may be normally attributed to the cost of education in such local educational agencies.

(b) In determining the relative priority of local educational agencies in terms of costs of education, the State board shall give primary consideration to:

(1) Differences in the cost to local educational agencies of materials and services, such as construction or equipment costs or teachers' salaries, which are due to variations in price and wage

levels or other economic conditions existing in the areas served by the local educational agencies; and

(2) Differences in the amount of excess costs accruing to local educational agencies because of the need for supplying special services (other than those necessary to meet the special vocational education needs of certain population groups, such as disadvantaged or handicapped persons, to be considered pursuant to § 102.54), such as bus transportation for students, or unusual and excessive maintenance costs for outdated buildings and facilities, which are not usually part of the cost of education provided by other local educational agencies in the State.

(c) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board determines the relative priority of local educational agencies in terms of costs of education;

(2) What kind of information is to be relied upon in making this determination; and

(3) What the sources of this information are and how often it is updated.

(20 U.S.C. 1263(a)(6))

#### § 102.57 Reasonable tax effort.

(a) In apportioning funds among local educational agencies supported in whole or in part with local tax revenues, the State board shall assure that no local educational agency which is making a reasonable tax effort, as determined pursuant to paragraphs (b) and (c) of this section, will be denied funds for establishing new vocational education programs solely because it is unable to pay the non-Federal share of the cost of such programs.

(b) For purposes of this section, the tax effort of a local educational agency shall be represented by the ratio between the total annual local tax revenues available to the local area or community served by the agency and the total wealth of such area or community (calculated on the basis of the equalized assessed value of real property, income, or similar measures, as appropriate). In computing local tax effort each State may use whatever means, including reference to an existing tax effort index, it considers fair and equitable to all local educational agencies in the State.

(c) A local educational agency's tax effort may be considered reasonable whenever it is at least equal to the average local tax effort in the State. The average local tax effort in the State shall be represented by the ratio between total annual local tax revenues in the State and total aggregate wealth in the State. However, in States where local educational agencies have been divided into different legal classifications with different taxing authorities, the State may choose to determine the reasonableness of a local educational agency's tax

effort by comparing it with the average tax effort of local educational agencies of the same legal class rather than with the overall average local tax effort in the State.

(d) The State plan shall describe in detail the manner in which the State board assures that paragraph (a) of this section will be complied with in allocating funds among local educational agencies. This description shall include a statement of—

(1) How local tax effort and how each of the factors used in computing local tax effort (e.g., local revenues and local wealth) are measured;

(2) How often the data concerning local revenues and local wealth are updated, or, in the case of States which compile and rely upon a tax effort index, how often the index is updated;

(3) The level of local tax effort which the State board shall consider reasonable and which meets the minimum requirement in the first sentence of paragraph (c) of this section; and

(4) Whether the reasonableness of local tax effort is to be determined by comparing it with the average local tax effort in the State or with the average tax effort of local educational agencies in the same legal class.

(20 U.S.C. 1263(a)(6)(G))

#### § 102.58 Maintenance of effort.

(a) The State plan shall provide assurance that Federal funds made available under part B of the Act will not supplant State or local funds, but will be so used as to supplement and, to the extent practical, increase the amount of State and local funds that would in the absence of such Federal funds be made available for all of the purposes set forth in section 122(a) of the Act, and for each of the purposes set forth in section 122(a)(2), section 122(a)(4)(A), and section 122(a)(4)(B) of the Act, so that all persons in all communities of the State will as soon as possible have ready access to vocational education suited to their needs, interests, and ability to benefit therefrom.

(b) The State plan shall also provide that no payments of Federal funds under the Act will be made in any fiscal year to any local educational agency unless the State board finds that the combined fiscal effort of that agency and the State with respect to the provision of vocational education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year. For the purpose of this paragraph, "combined fiscal effort" means total expenditures of State and local funds with respect to the provision of vocational education by the local educational agency. A combined fiscal effort in the preceding fiscal year shall not be deemed to be a reduction from that in a second preceding fiscal year unless the expenditure for vocational education and ancillary services and activities from State and local funds in the preceding fiscal year is less than that in the second preceding fiscal

year by more than 5 percent. Any such reduction in combined fiscal effort for any fiscal year by more than 5 percent will disqualify a local educational agency unless the local educational agency is able to demonstrate to the satisfaction of the State board that such a reduction was occasioned by unusual circumstances that could not have been fully anticipated or reasonably compensated for by the local educational agency and that the fiscal effort of the local educational agency does not otherwise indicate a diminished fiscal effort. Such unusual circumstances may include in the first preceding fiscal year unforeseen decreases in revenues due to the removal of a large segment of property from the tax rolls or other causes, or transfers to, or combinations with, other local educational agencies of responsibility for the conduct of some or all vocational education activities or services; or, in the second preceding fiscal year, contributions of large sums of money from outside sources on a short-term basis, or unusually large amounts of funds expended for such long-term purposes as the construction and acquisition of school facilities or the acquisition of equipment.

(20 U.S.C. 1263(a)(11))

#### § 102.59 Percentage requirements with respect to uses of Federal funds.

(a) *Application of percentage requirements.* The State plan shall provide that allocations of Federal funds pursuant to § 102.52 shall comply with the following requirements with respect to the use of Federal funds:

(1) *Vocational education for disadvantaged persons.* At least 15 percent of the total allotment for any fiscal year to a State of funds appropriated under section 102(a) of the Act, or 25 percent of that portion of the State's allotment which is in excess of its base allotment, whichever is greater, shall be used only for vocational education for disadvantaged persons.

(2) *Postsecondary vocational education.* At least 15 percent of the total allotment for any fiscal year to a State of funds appropriated under section 102(a) of the Act, or 25 percent of that portion of the State's allotment which is in excess of its base allotment, whichever is greater, shall be used only for postsecondary vocational education.

(3) *Vocational education for handicapped persons.* At least 10 percent of the total allotment for any fiscal year to a State of funds appropriated under section 102(a) of the Act shall be used only for vocational education for handicapped persons.

(20 U.S.C. 1262(c)(1)-(3))

(b) *Definition of base allotment.* As used in this section, the term "base allotment" means the sum of the allotments to a State for fiscal year 1969 from sums appropriated under (1) section 102(a) of the Vocational Education Act of 1963 before its amendment by the Vocational Education Amendments of 1968 (20 U.S.C. 35-35n), (2) the Smith-Hughes

Act (20 U.S.C. 11-15, 16-28), (3) the Vocational Education Act of 1946 (20 U.S.C. 15i-15m, 15o-15q, 15aa-15jj, 15aaa-15ggg), and (4) the Act of March 3, 1931, relating to vocational education in Puerto Rico (20 U.S.C. 30), the Act of March 18, 1950, relating to vocational education in the Virgin Islands (20 U.S.C. 31-33), section 9 of the Act of August 1, 1956, relating to vocational education in Guam (20 U.S.C. 34), and section 2 of the Act of September 25, 1962, relating to vocational education in American Samoa (48 U.S.C. 1667).

(20 U.S.C. 1262(c) (4))

(c) *Waiver of percentage requirements.* The percentage requirements in subparagraphs (1) and (2) of paragraph (a) of this section may be waived for any State by the Commissioner for any fiscal year upon his finding that the requirements impose a hardship or are impractical in their application with respect to that State. Such a finding will be made only upon the request of the State submitted through its State board as a part of its annual program plan or amendment thereto.

(20 U.S.C. 1262(c) (1), (2))

(d) *Vocational education meeting more than one percentage requirement.* If an expenditure for vocational education falls within more than one of the categories for which there is a percentage requirement, the total amount of the expenditure may be counted as an expenditure for vocational education in one of the categories, or prorated to each of the categories in any manner which the State board deems reasonable and proper so long as the aggregate amount prorated to the categories in which the expenditure falls does not exceed the total amount of the expenditure.

(20 U.S.C. 1262(c))

#### § 102.60 Content of local applications.

(a) Applications from local educational agencies shall include the following:

(1) A description of the proposed programs, services, and activities (including evaluation activities) for which funds under the State plan are being requested;

(2) A justification of the amount of Federal and State funds requested, and information on the amounts and sources of other funds available for the programs, services, and activities;

(3) Information indicating that the application has been developed in consultation with the educational training resources available in the area to be served by the applicant local educational agency;

(4) Information indicating that the programs, services, and activities proposed in the application will make substantial progress toward preparing the persons to be served for a career;

(5) A plan, extending 5 years from the date of the application, for meeting the vocational education needs of potential students in the area or community to be served by the local educational agency,

which plan shall be related to the comprehensive area manpower plan, if any, in that area; and

(6) Information indicating the means by which the programs, services, and activities proposed in the application will make substantial progress toward meeting the needs set forth in the application pursuant to subparagraph (5) of this paragraph.

(b) The application shall also contain such other information as may be required by the State board in determining allocations of funds pursuant to §§ 102.51 and 102.52, and in determining whether the programs, services, and activities proposed therein will otherwise meet all other applicable requirements in the Act, the regulations in this part, and the State plan.

(c) The State plan shall describe in detail the information which the State board will require local applications to contain in order to meet the requirements of paragraphs (a) and (b) of this section.

(20 U.S.C. 1263(a) (6) (F))

#### VOCATIONAL EDUCATION PROGRAMS FOR THE DISADVANTAGED

##### § 102.64 State plan provisions—general.

Funds appropriated under section 102 (b) of the Act and allotted to States for the purpose of section 122(a) (4) (A) of the Act may be used only for vocational education programs for disadvantaged persons. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to vocational education programs for the disadvantaged assisted with funds under section 102(b) of the Act. In addition, §§ 102.65 through 102.67 require inclusion in the State plan of certain provisions specifically applicable to such programs for the disadvantaged.

(20 U.S.C. 1242(b), 1262(a) (4) (A))

##### § 102.65 Areas of allocation.

The State plan shall provide that allotments made to the State from sums appropriated under section 102(b) of the Act will be allocated within the State to vocational education programs for disadvantaged persons located in areas of the State with a high concentration of youth unemployment or school dropouts, as determined pursuant to § 102.46.

(20 U.S.C. 1263(a) (6) (C), (16))

##### § 102.66 Participation of students in private nonprofit schools.

The State plan shall set forth the policies and procedures to be followed in vocational education programs or projects for disadvantaged persons approved and funded under section 102(b) of the Act which assure that, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which such a program or project is designed to meet, provision has been made for the participation of such students in

accordance with the requirements of § 102.7.

(20 U.S.C. 1263(a) (16))

#### VOCATIONAL EDUCATION RESEARCH AND PERSONNEL TRAINING

##### § 102.70 State plan provisions—general.

(a) Funds available to the State board pursuant to section 131(b) of part C of the Act shall be used for the establishment and operation of the State research coordination unit; and for making grants to any college, university, local educational agency, or other public or non-profit private agency or institution, and entering into contracts with any private agency, organization, or institution, for—

(1) Vocational education research and personnel training programs;

(2) Developmental, experimental, or pilot programs developed by such institutions and agencies and designed to meet the special vocational needs of youths, particularly disadvantaged youths in economically depressed communities as determined pursuant to § 102.45; and

(3) The dissemination of information derived from the foregoing programs or from research and demonstrations in the field of vocational education, such as those reported in products of the Educational Resources Information Center (ERIC) and related agencies.

(20 U.S.C. 1281(b))

(b) The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to programs and activities assisted with Federal funds under section 131(b) of the Act. In addition §§ 102.71 through 102.73 require the inclusion in the State plan of certain provisions specifically applicable to such programs and activities.

(20 U.S.C. 1263(a) (4)-(6))

##### § 102.71 State research coordination unit.

(a) The State plan shall provide for the establishment or designation in the State of a State research coordination unit. The State plan shall indicate the name of the unit and shall describe its staff, organization, and functions with respect to vocational education research and personnel training programs, developmental, experimental, or pilot programs, and dissemination activities.

(b) In describing the organization of the unit the State plan shall indicate the place of the unit in the organizational structure of the State government and the relationship of the unit with other State board units and other State agencies and institutions responsible for conducting programs of vocational educational research and dissemination. When the functions of the research coordination unit are carried out by an agency or institution other than the State board, the State plan shall provide for cooperatively developed written agreements between the State board and the

agency or institution which is carrying out such functions.

(20 U.S.C. 1281(b), 1263(a) (4)-(6), (9))

#### § 102.72 Application procedures.

(a) *Submittal of applications.* The State plan shall describe the policies and procedures to be followed in submitting applications to the State board for grants and contracts under part C of the Act. Such policies and procedures will assure that—

(1) Applications will describe the nature, duration, purpose, and plan of the project, the use to be made of the results in regular programs of vocational education, the qualifications of the personnel staff who will be responsible for the program or project, a justification of the amount of grant or contract funds requested, the portion of the cost to be borne by the applicant, and such other pertinent information as the State board may require; and

(2) Applications will be executed and submitted to the State board by an individual authorized to act for the applicant.

(b) *Review of applications.* The State plan shall describe the policies and procedures to be used by the State board in reviewing applications for grants and contracts which have been recommended by the State research coordination unit of the State advisory council. Such policies and procedures shall assure that the applications will be reviewed in terms of such pertinent factors as—

(1) Relevance to priority areas in vocational education specified in the long-range program plan and to vocational education programs, services, and activities described in the annual plan;

(2) Adequacy and competence of personnel designated to carry out the program or project;

(3) Adequacy of facilities;

(4) Reasonableness of cost estimates;

(5) Expected potential of the proposed program or project being made a part of the regular vocational education program; and

(6) The expected potential for utilizing the results of the proposed program or project in exemplary or regular vocational education programs.

(c) *Action on applications.* The State plan shall describe the policies and procedures to be followed by the State board in acting on applications. Such policies and procedures shall assure that the State board will—

(1) Either (i) approve the application in whole or in part, (ii) disapprove the application, or (iii) defer action on the application for such reasons as lack of funds or a need for further evaluation;

(2) Provide that any deferral or disapproval of an application will not preclude its reconsideration or resubmission;

(3) Notify the applicant in writing of the disposition of the application; and

(4) Include, in the award letter for any State board grant or contract award, the approved budget and grant or contract

award conditions which the applicant will accept in accordance with State law.

(20 U.S.C. 1281(b), 1263(a) (6) (A)-(D) and (12))

#### § 102.73 Notification to Commissioner.

(a) The State plan shall provide that within 15 days after the State board's approval of a grant or contract, the State board shall forward 3 copies of the approved proposal for which the grant or contract was made to the Commissioner via the appropriate regional office. The following information shall be attached to each copy submitted: (a) Amount of Federal funds under section 131(b), other Federal vocational funds, and State/local funds obligated for the project and (b) fiscal year to which the obligation is charged.

(b) The State board shall submit three copies of the final report for each completed project funded under section 131 (b) to the appropriate regional office and, upon approval, the regional office shall forward two copies to the Commissioner.

(20 U.S.C. 1263(a) (6), (12), (17))

#### § 102.74 Coordination procedures.

The State board shall submit to the Commissioner two copies of a semi-annual Research Activity Report and a copy to the appropriate regional office on or before July 15 and January 15 of each year. This report shall contain the following information: (1) titles of projects funded during the previous six months, name of principal investigator and institution, start and end dates of projects and the amount of Federal/State and local funds; (2) identification of projects completed during the previous six months that may have significance for the Commissioner or other States; (3) identification of other significant research-related activities during the previous six months; and (4) identification of major research and development projects or activities planned for the next six months.

(20 U.S.C. 1263(a) (6), (12), (17))

#### EXEMPLARY PROGRAMS AND PROJECTS

#### § 102.76 State plan provisions—general.

(a) In order to stimulate, through Federal financial support new ways to create a bridge between school and earning a living for young people who are still in school, who have left school either by graduation or by dropping out, or who are in postsecondary programs of vocational preparation, and to promote cooperation between public education and manpower agencies, funds available to the State board pursuant to section 142(d) of part D of the Act may be used for making grants or contracts to develop, establish, and operate exemplary and innovative occupational programs or projects which are designed to broaden occupational aspirations and opportunities for youths, particularly disadvantaged youths, and to serve as models for use in vocational education programs.

(20 U.S.C. 1301, 1302(d))

Such programs or projects may, among others, include—

(1) Those designed to familiarize elementary and secondary school students with the broad range of occupations for which special skills are required and the requisites for careers in such occupations;

(2) Programs or projects for students providing educational experiences through work during the school year or in the summer;

(3) Programs or projects for intensive occupational guidance and counseling during the last years of school and for initial job placement;

(4) Programs or projects designed to broaden or improve vocational education curriculums;

(5) Exchanges of personnel between schools and other agencies, institutions, or organizations participating in activities to achieve the purposes of this part, including manpower agencies and industry;

(6) Programs or projects for young workers released from their jobs on a part-time basis for the purpose of increasing their educational attainment; and

(7) Programs or projects at the secondary level to motivate and provide preprofessional preparation for potential teachers for vocational education.

(20 U.S.C. 1303(a) (2) (A)-(G))

(b) Grants for such programs or projects may be made to local educational agencies, or other public or nonprofit private agencies, organizations, or institutions; and contracts for such programs and projects may be entered into with public or private agencies, organizations, or institutions, including business and in industrial concerns.

(20 U.S.C. 1302(d))

(c) The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to exemplary programs and projects in vocational education assisted with funds under section 142(d) of the Act. In addition, §§ 102.77 through 102.81 require the inclusion in the State plan of certain provisions specifically applicable to such programs and projects.

(20 U.S.C. 1303(b) (2))

(d) No financial assistance may be given under part D of the Act to any program or project for a period exceeding three years.

(20 U.S.C. 1305)

#### § 102.77 Application procedures.

(a) *Submittal of applications.* The State plan shall describe the policies and procedures to be required by the State board in submitting applications to it for grants and contracts under part D of the Act for exemplary programs and projects meeting the requirements of §§ 102.78 through 102.80. Such policies and procedures shall assure that—

(1) Applications will describe the nature, duration, purpose, and plan of the project, the use to be made of the results in regular programs of vocational

education, the qualifications of the personnel staff who will be responsible for the program or project, a justification of the amount of grant or contract funds requested, the portion of the cost (if any) to be borne by the applicant, and such other pertinent information as the State board may require; and

(2) Applications will be executed and submitted to the State board by an individual authorized to act for the applicant.

(b) *Review of applications.* The State plan shall describe the policies and procedures to be used by the State board in reviewing applications for grants and contracts. Such policies and procedures shall assure that the applications will be reviewed in terms of such pertinent factors as—

(1) Impact on meeting vocational education needs of disadvantaged youth;

(2) Impact on reducing youth unemployment;

(3) Extent to which the project promotes cooperation between public education and manpower agencies;

(4) Relevance to priority areas in vocational education specified in the long-range program plan and to vocational education programs, services, and activities described in the annual plan;

(5) Adequacy and competence of personnel designated to carry out the program or project;

(6) Adequacy of facilities;

(7) Reasonableness of cost estimates;

(8) Expected potential of the proposed program or project being made a part of the regular vocational education program;

(9) Extent to which the project is of sufficient scope and duration to make a significant contribution to vocational education; and

(10) Adequacy of project evaluation plans.

(c) *Action on applications.* The State plan shall describe the policies and procedures to be followed by the State board in acting on applications. Such policies and procedures shall assure that the State board will—

(1) Either (i) approve the application in whole or in part, (ii) disapprove the application, or (iii) defer action on the application for such reasons as lack of funds or a need for further evaluation;

(2) Provide that any deferral or disapproval of an application will not preclude its reconsideration or resubmission;

(3) Notify the applicant in writing of the disposition of the application; and

(4) Include, in the award letter for any State board grant or contract award, the approved budget and grant or contract award conditions which the applicant will accept in accordance with State law.

(20 U.S.C. 1263 (a), 1302 (d))

#### § 102.78 Coordination with other programs.

The State plan shall provide that grants or contracts for exemplary pro-

grams or projects under part D of the Act will be made only if the State board determines, on the basis of information in the application, that effective procedures will be followed by grantees and contractors to assure that the planning, development, and operation of such programs and projects are coordinated with other programs and projects carried out under grants or contracts pursuant to this part and with other publicly and privately operated programs having the same or similar purpose as such programs or projects, such as those supported under titles I and III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. Ch. 24).

(20 U.S.C. 1303 (b) (1) (A))

#### § 102.79 Participation of students in private nonprofit schools.

The State plan shall set forth the policies and procedures to be followed with respect to grants or contracts for exemplary programs or projects approved and funded under part D of the Act which assure that, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which such a program or project is designed to meet, provision has been made for the participation of such students in accordance with the requirements in § 102.7.

(20 U.S.C. 1303 (b) (1) (B))

#### § 102.81 Notification to Commissioner.

(a) The State plan shall provide that within fifteen days after the State board's approval of a grant or contract, the State board shall forward three copies of the approved proposal for which the grant or contract was made to the Commissioner via the appropriate regional office. The following information shall be attached to each copy submitted: (1) Amount of Federal funds under section 142(d), other Federal vocational funds, and State/local funds obligated for the project and (2) fiscal year to which the obligation is charged.

(b) The State board shall submit three copies of the final report for each completed project funded under section 142(d) to the appropriate regional office and, upon approval, the original office shall forward two copies to the Commissioner.

(20 U.S.C. 1263 (a) (6) and (17))

#### CONSUMER AND HOMEMAKING EDUCATION

##### § 102.91 State plan provisions—general.

Funds allotted to the States for the purpose of part F of the Act may be used for consumer and homemaking programs, and for ancillary services and activities to assure quality in such programs. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to consumer and homemaking education programs assisted under part F of the Act. In addition, §§ 102.92 and 102.93 require the inclusion in the State

plan of certain provisions specifically applicable to such programs.

(20 U.S.C. 1341)

##### § 102.92 Procedures for establishing and operating consumer and homemaking programs.

The State plan shall describe the policies and procedures to be followed by the State for the establishing and operating of consumer and homemaking programs which meet the requirements in § 102.93 and which are administered either directly by the State board or by local educational agencies pursuant to applications approved by the State board. Such description shall include:

(a) The procedures to be followed by the State board in initiating and undertaking consumer and homemaking programs over which it will have direct administrative responsibility;

(b) The procedures to be followed by the State board in receiving, reviewing, and acting upon local applications for allocation of funds to such programs; and

(c) An assurance that at least one-third of the Federal funds allotted to the State under part F of the Act shall be used for consumer and homemaking programs in economically depressed areas or areas with high rates of unemployment, as determined pursuant to § 102.45.

(20 U.S.C. 1341)

##### § 102.93 Requirements.

The State plan shall provide that the State board will approve a consumer and homemaking program only if it meets the following requirements:

(a) The program will encourage greater consideration to the social and cultural conditions and needs, especially in economically depressed areas;

(b) The program will encourage preparation for professional leadership in home economics and consumer education;

(c) The program will be designed for youth and adults who have entered or are preparing to enter the work of the home;

(d) The program will be designed to prepare such youth and adults for the role of homemaker or to contribute to their employability in the dual role of homemaker and wage earner; and

(e) The program will include consumer education as an integral part thereof, including promotion of nutritional knowledge and food use and the understanding of the economic aspects of food use and purchase.

(20 U.S.C. 1341)

##### § 102.94 Ancillary services and activities.

In addition to the general provisions in the State plan with regard to State administration and leadership pursuant to § 102.35, program evaluation pursuant to § 102.36 and teacher training pursuant to § 102.38(b), the State plan shall describe its procedures for providing or making arrangements for the provision

of the other ancillary services and activities necessary to assure quality in all consumer and homemaking education programs, such as curriculum development, research, special demonstration and experimental programs, development of instructional materials, and provision of equipment.

(20 U.S.C. 1341)

#### COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

##### § 102.96 State plan provisions—general.

In order to prepare young people for employment through (a) providing meaningful work experience combined with formal education enabling students to acquire knowledge, skills, and appropriate attitudes, (b) removing the artificial barriers which separate work and education, and (c) involving educators with employers, creating interaction whereby the needs and problems of both are made known, thereby making it possible for occupational curricula to be revised to reflect current needs in various occupations, funds allotted to the States for the purpose of part G of the Act may be used for the expansion of cooperative vocational education programs, and for ancillary services and activities which are necessary to assure quality in such programs. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to cooperative vocational education programs assisted under part G of the Act. In addition, the State board shall include provisions in its State plan for the establishment of cooperative vocational education programs through local educational agencies, with participation of public and private employers, as required by §§ 102.97 through 102.104.

(20 U.S.C. 1351, 1353)

##### § 102.97 Approval of cooperative vocational education programs.

The State plan shall describe the policies and procedures to be followed by the State board in receiving, reviewing, and approving applications for the development and operation of cooperative vocational education programs submitted by local educational agencies which meet the requirements of § 102.98. Such description shall—

(a) Set forth the principles for determining the priority to be accorded applications from local educational agencies for cooperative vocational education programs, with preference being given to applications submitted by local educational agencies serving areas of high concentrations of youth unemployment or school dropouts, as determined pursuant to § 102.46; and

(b) Provide, insofar as financial resources are available, for the undertaking of programs in the order determined by the application of such principles.

(20 U.S.C. 1353)

##### § 102.98 Requirements of cooperative vocational educational programs.

The State plan shall provide that the State board will approve a cooperative

vocational education program only if it meets the following requirements:

(a) *Purpose.* The program meets the definition of a cooperative vocational education program in § 102.3, and will be administered by the local educational agency with the participation of public or private employers providing on-the-job training opportunities that would not otherwise be available.

(b) *On-the-job training standards.* The program provides on-the-job training that (1) is related to existing career opportunities susceptible of promotion and advancement, (2) does not displace other workers who perform such work, (3) employs and compensates student-learners in conformity with Federal, State, and local laws and regulations and in a manner not resulting in exploitation of the student-learner for private gain; and (4) is conducted in accordance with written training agreements between local educational agencies and employers, copies of which shall be submitted to the State for filing with the local application.

(c) *Other requirements.* The program will be carried out in a manner consistent with the provisions set forth in the State plan pursuant to §§ 102.99 through 102.104.

(20 U.S.C. 1353)

##### § 102.99 Identification of jobs.

The State plan shall provide that cooperative vocational education programs will be approved only if the State board determines, on the basis of information in local applications, that necessary procedures have been established for cooperation with employment agencies, labor groups, employers, and other community agencies in identifying suitable jobs for persons who enroll in cooperative vocational education programs.

(20 U.S.C. 1353(a)(2))

##### § 102.100 Additional costs to employers and students.

(a) *Additional costs to employers.* The State plan shall set forth the policies and procedures which the State board will require local educational agencies with approved cooperative vocational education programs to follow in determining the added costs to employers for on-the-job training of students, and shall identify the categories of eligible costs for reimbursement to employers. Such policies and procedures shall be designed to assure—

(1) That the payment of added employer costs will be made only when it is apparent that, without such reimbursement, employers will not be able to provide quality on-the-job training;

(2) That such added employer costs will include only that part of the compensation of students which represents the difference between the compensation to be paid and the fair dollar value of services rendered by the student, as determined by the negotiation between local educational agencies and employers;

(3) That such added employer costs will not include the cost of construction of facilities, purchases of equipment, and other capital costs which would inure to the benefit of employers; and

(4) That such added employer costs shall be set forth in training agreements required by § 102.98(b)(4), identifying and justifying the cost factors applied, the amount of funds to be paid, and the duration of reimbursement.

(b) *Costs to students.* The State plan shall set forth policies and procedures which the State board will require local educational agencies with approved vocational education programs to follow in reimbursing students or paying on behalf of students unusual costs resulting from their participation in a cooperative vocational education program. The State plan shall also identify such costs, and shall specify when and under what circumstances payments for such costs will be made either to the student as reimbursement or directly to a vendor as payment for goods and services. Such policies and procedures will be designed to assure that payments will be made only for those costs which—

(1) Are not usually required of students preparing for the field of employment for which cooperative vocational education is being provided, such as, special tools, equipment and clothing, transportation, and safety and other protective devices; and

(2) Do not have the effect of underwriting personal obligations and expenses which students in similar circumstances are usually expected to assume.

(20 U.S.C. 1351, 1353)

##### § 102.101 Participation of students in nonprofit private schools.

The State plan shall set forth the policies and procedures to be followed in cooperative vocational education programs approved and funded under part G of the Act which assure that, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which such a program is designed to meet, provision has been made for the participation of such students in accordance with the requirements of § 102.7.

(20 U.S.C. 1353(a)(6))

##### § 102.103 Evaluation and follow-up procedures.

The State plan shall set forth the policies and procedures which the State board will require local educational agencies with approved cooperative vocational education programs to follow in providing for continuous supervision and evaluation of on-the-job training programs and for follow-up of students who have participated in such programs.

(20 U.S.C. 1353(a)(8))

##### § 102.104 Ancillary services and activities.

In addition to the general provisions in the State plan with regard to State administration and leadership pursuant to § 102.35, program evaluation pursuant

to § 102.36, and teacher training pursuant to § 102.38(b), the State plan shall describe its procedures for providing or making arrangements for the provisions of other ancillary services necessary to assure quality in all cooperative vocational education programs, such as pre-service and inservice training of teacher coordinators and development of instructional materials.

(20 U.S.C. 1353(a)(4))

#### WORK-STUDY PROGRAMS FOR VOCATIONAL EDUCATION STUDENTS

##### § 102.110 State plan provisions—general.

Funds allotted to the States for the purpose of part H of the Act may be used for work-study programs for vocational education students, and for the development and administration of that part of the State plan applicable to such programs. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to the vocational education work-study program assisted with Federal funds under part H of the Act. In addition, §§ 102.111 through 102.113 require inclusion in the State plan of certain provisions specifically applicable to such programs.

(20 U.S.C. 1372(a))

##### § 102.111 Policies and procedures for approval of work-study programs.

The State plan shall describe the policies and procedures to be followed by the State board in receiving, reviewing, and approving work-study programs submitted by local educational agencies which meet the requirements of § 102.112. Such description shall:

(a) Set forth principles for determining the priority to be accorded applications from local educational agencies for work-study programs, giving preference to applications submitted by local educational agencies serving communities with high concentrations of youth unemployment or school dropouts, as determined pursuant to § 102.46; and

(b) Provide, insofar as financial resources are available, for the undertaking of such programs in the order determined by the application of such principles.

(20 U.S.C. 1372(a)(3))

##### § 102.112 Requirements of work-study programs.

The State plan shall provide that the State board will approve a work-study program only if it meets the following requirements:

(a) *Administration.* The work-study program will be administered by the local educational agency and made reasonably available (to the extent of available funds) to all qualified youths in the area served by such agency who are able to meet the requirements in paragraph (b) of this section.

(20 U.S.C. 1372(a)(1), (b)(1))

(b) *Eligible students.* Employment under the work-study program will be

furnished only to a student who (1) has been accepted for enrollment or, if he is already enrolled, is in good standing and in full-time attendance in a program which meets the standards prescribed by the State board and the local educational agency for vocational education programs under the Act; (2) is in need of the earnings from such employment to commence or continue his vocational education program; and (3) is at least 15 years of age and less than 21 years of age at the date of the commencement of employment and is capable in the opinion of the appropriate school authorities of maintaining good standing in his school program while employed under the work-study program.

(20 U.S.C. 1372(b)(2))

(c) *Limitation on hours and compensation.* (1) No student will be employed during an academic year or its equivalent for more than fifteen hours in any week during which classes in which he is enrolled are in session. The compensation for such employment will not exceed \$45 in any calendar month or \$350 in any calendar academic year or its equivalent. However, in the case of a student attending a school which is not within reasonable commuting distance from his home, his compensation may not exceed \$60 in any month or \$500 per academic year or its equivalent. For the purposes of this paragraph, "academic year" means a period of nine months (exclusive of the summer term) interrupted by the equivalent of one month of vacation.

(2) A student attending a class on a full-time basis in the summer school term shall be limited to fifteen hours of employment per week and the monthly compensation of \$45 or \$60 as described in subparagraph (1) of this paragraph. If the student is not attending classes during the summer, there is no limitation upon his hours of employment or the amount of compensation which he may earn. The total of his summer earnings shall not be limited by, or have the effect of limiting the compensation paid to him for the academic year pursuant to subparagraph (1) of this paragraph.

(20 U.S.C. 1372(b)(3))

(d) *Employment for public agency or institution.* Employment under work-study programs will be for the local educational agency or for some other public agency or institution (Federal, State, or local) pursuant to a written arrangement between the local educational agency and such other agency or institution, and work so performed will be adequately supervised and coordinated and will not supplant present employees of such agency or institution who ordinarily perform such work. In those instances where employment under work-study programs is for a Federal agency or institution, the written arrangement between the local educational agency and the Federal agency or institution will state that students so employed are not Federal employees for any purpose.

(20 U.S.C. 1372(b)(4), 1374)

(e) *Maintenance of effort.* In each fiscal year during which a work-study program remains in effect, the local educational agency will expend for employment of its students (whether or not in employment eligible for assistance under this section) an amount in State or local funds that is at least equal to the average annual expenditure for work-study programs of a similar nature during the three fiscal years preceding the fiscal year in which the work-study program of such local educational agency was approved.

(20 U.S.C. 1372(b)(5))

##### § 102.113 Use of funds for State plan development and administration.

The State plan shall provide that the amount of Federal funds used to pay the cost of developing those provisions in the State plan applicable to work-study programs and the cost of administering such provisions after their approval by the Commissioner will not exceed one percent of the State's allotment under part H of the Act for vocational work-study programs, or \$10,000, whichever is greater.

(20 U.S.C. 1372(a)(2), 1373(a))

#### Subpart D—Federal Financial Participation

##### GENERAL

##### § 102.121 Application of Federal requirements.

Federal funds may be used to share only in expenditures which are made in accordance with the State plan and which meet the requirements of the Act and the regulations in this part. State and local funds used to match the Federal funds must also meet such requirements. As used in these regulations, phrases such as "expenditures may be made under the plan \* \* \*" or "funds may be expended \* \* \*" mean that the Federal allotments are available for payment of the Federal share thereof during the applicable period.

(20 U.S.C. 1263)

##### § 102.132 Federal share of expenditures under State plan.

The Federal share of expenditures incurred for the following purposes under the State plan and payable to the States from their allotments shall not exceed—

(a) Fifty percent of State and local expenditures for State vocational education programs under part B of the Act except that the Federal share shall be:

(20 U.S.C. 1264(a))

(1) One hundred percent for programs for the disadvantaged in areas of high concentration of youth unemployment and school dropouts under part B of the Act and financed with funds under section 102(b) of the Act; and

(20 U.S.C. 1264(a)(1))

(2) One hundred percent for all programs under part B of the Act undertaken in the Trust Territory of the Pacific Islands and in American Samoa;

(20 U.S.C. 1264(a)(2))

(b) Seventy-five percent of expenditures for State research coordination units under part C of the Act;

(20 U.S.C. 1281(b)(1))

(c) Ninety percent of expenditures for vocational education research and personnel training programs, developmental, experimental, and pilot programs, and dissemination activities under part C of the Act;

(20 U.S.C. 1281(b)(2))

(d) One hundred percent of expenditures for exemplary programs and projects under part D of the Act;

(20 U.S.C. 1302(d))

(e) Fifty percent of expenditures for consumer and homemaking programs under part F of the Act except that the Federal share shall be 90 percent for such programs in economically depressed or high unemployment areas, as determined pursuant to § 102.45;

(20 U.S.C. 1341(c))

(f) One hundred percent of expenditures for cooperative vocational education programs under part G of the Act; and

(20 U.S.C. 1354)

(g) Eighty percent of expenditures for vocational work-study programs under part H of the Act.

(20 U.S.C. 1373(a))

**§ 102.133 Non-Federal share of expenditures under State plan.**

(a) *Amount.* The non-Federal share of State and local expenditures under the State plan shall be the difference between the Federal share meeting the requirements of § 102.132 and the total expenditures for the purposes for which the Federal share is paid.

(b) *Statewide application.* The non-Federal share of expenditures under the State plan may be on a statewide basis. It is not necessary that Federal funds be matched by non-Federal funds for each school, class, program, or activity or, in the case of funds allotted under part B, for each of the purposes in section 122(a) of the Act. Only the total expenditures from each allotment to the State (or portion thereof subject to the same Federal share percentage limitation) will be considered in determining the required non-Federal share of such expenditures.

(c) *Federal conditions and requirements.* The non-Federal share of expenditures under the State plan shall be made only for programs, services, and activities which meet all of the conditions and requirements of the Act, the regulations in this part, and the State plan. This means that every school, class, program, or activity supported in whole or in part by non-Federal funds required to match Federal funds must meet the same conditions and requirements as those supported by Federal funds.

**§ 102.135 Allowable expenditures for construction of area vocational education schools.**

(a) Funds appropriated under section 102(a) of the Act and allotted to States for the purposes of part B of the Act may be used for the construction of area vocational education schools undertaken by the State board, or by local educational agencies with the approval of the State board. There can be no Federal financial participation in any expenditures for construction of such school facilities prior to the approval of such construction by the State board except expenditures for the acquisition of land pursuant to subparagraph (3) of this paragraph and expenditures for architectural, engineering, and inspection services pursuant to subparagraph (5) of this paragraph. Such funds may be used for expenditures in the following categories:

(1) Erection of new buildings to the extent they will include such school facilities and initial equipment as defined in § 102.3;

(2) Acquisition, expansion, alteration, and remodeling (as distinguished from the maintenance and repair) of existing buildings to the extent they will include such school facilities and initial equipment as defined in § 102.3;

(3) Acquisition, within one year prior to approval of construction by the State board, of the fee, leasehold, or other interest in land on which there is to be construction of new buildings or expansion of existing buildings;

(4) Site grading and improvement of land on which there is to be construction of new buildings and expansion of existing buildings; and

(5) Architectural, engineering, and inspection services rendered subsequent to the date of site selection.

(b) For the purposes of paragraph (a) of this section, "acquisition" includes all expenses (other than interest and carrying charges on bonds) related to the acquisition of land or school facilities (from sources other than the State board or local educational agency) if such expenses constitute an actual disbursement or transfer of public funds in accordance with usual procedures generally applicable to all State and local agencies and institutions.

(20 U.S.C. 1248 (3) and (4), 1262(a) (5))

**§ 102.136 Allowable expenditures for vocational education for disadvantaged persons.**

Funds appropriated under section 102 (b) of the Act and allotted to States for the purpose of section 122(a) (4) (A) of the Act may be applied only to expenditures that are reasonably attributable to vocational education programs for disadvantaged persons.

(20 U.S.C. 1262(a) (4))

**§ 102.137 Allowable expenditures for research and training programs.**

Funds appropriated under section 102 (a) of the Act and allotted to the States

for use by State boards for the purposes of part C of the Act may be applied only to expenditures that are reasonably attributable to the establishment and operation of State research coordination units, and to programs or projects for which grants or contracts as described in § 102.70(a) are made.

(20 U.S.C. 1281(b))

**§ 102.138 Allowable expenditures for exemplary programs and projects.**

Funds appropriated under section 142 of the Act and allotted to States for use by State boards for the purposes of part D of the Act may be applied only to expenditures that are reasonably attributable to the exemplary programs or projects for which grants or contracts as described in § 102.76(a) are made.

(20 U.S.C. 1302(d))

**§ 102.140 Allowable expenditures for consumer and homemaking education.**

Funds appropriated and allotted to States under part F of the Act may be applied only to expenditures that are reasonably attributable to consumer and homemaking programs, and ancillary services and activities necessary to assure quality in such programs.

(20 U.S.C. 1341(a))

**§ 102.141 Allowable expenditures for cooperative vocational education.**

Funds appropriated and allotted to States under part G of the Act may be applied only to expenditures in categories such as the following which are reasonably attributable to cooperative vocational education programs and ancillary services and activities necessary to assure quality in such programs:

(a) [Reserved]

(b) Reimbursement of employers for necessary added costs incurred by them in providing cooperative work experience to vocational education students as provided for in § 102.100(a); and

(c) Payment of unusual expenses incurred by students as a result of their enrollment in a cooperative vocational education program as provided for in § 102.100(b).

(20 U.S.C. 1352(a), 1353(a))

**§ 102.142 Allowable expenditures for vocational work-study programs.**

Funds appropriated and allotted to States under part II of the Act for work-study programs for vocational education students may be applied only to the following categories of expenditures:

(a) Compensation of students employed in work-study programs;

(b) Expenditures reasonably attributable to—

(1) Development of those provisions in the State plan applicable to vocational work-study programs pursuant to §§ 102.110 through 102.113 which are incurred before the effective date of such provisions; and

(2) Administration of those provisions in the State plan applicable to work-study programs.

(20 U.S.C. 1371-1373)

**§ 102.143 Allowable expenditures for State planning, administration, and evaluation.**

Funds appropriated and paid to States under section 102(c) of the Act may be used only for the development and administration of State plans under all parts of the Act pursuant to subpart C of this part, the activities of State advisory councils pursuant to subpart B of this part, the evaluation of programs, services, and activities under the State plan pursuant to § 102.36, and dissemination of the results of such evaluations. Such funds may be applied to expenditures which are reasonably attributable to such activities.

(20 U.S.C. 1262(b))

**§ 102.145 Allowable expenditures under more than one State allotment.**

The availability of funds appropriated and allotted under one part or section of the Act for a particular purpose or for a particular category of expenditures shall not preclude the use of funds appropriated and allotted under other parts or sections of the Act for the same purpose or category of expenditure: *Provided*, That all of the conditions and requirements applicable to the use of funds appropriated and allotted under all such parts and sections of the Act are met.

(20 U.S.C. 1262, 1263(a))

**Subpart E—Payments and Reports**

**§ 102.151 Conditions for payments to States.**

Payments to States under the Act will be made only after the Commissioner determines that:

(a) The State has on file in the Office of Education a State plan (including the long-range and annual program plan for the fiscal year of the allotment from which payment is to be made) which was adopted by the State board after consultation with the State advisory council and approved by the Commissioner;

(20 U.S.C. 1263, 1264)

(b) The State has certified to the Commissioner the establishment and membership of a State advisory council pursuant to § 102.21(c); and

(20 U.S.C. 1244(b)(2))

(c) Total State and local expenditures for "vocational education" (as defined in § 102.3) in that State for the preceding fiscal year were not less than total State and local expenditures for vocational education in the second preceding fiscal year. Total State and local expenditures for vocational education in the preceding fiscal year shall not be deemed to be reduced from those in the second preceding fiscal year unless the per-student expenditure for vocational education within the State in the preceding fiscal year is less than that in the second

preceding fiscal year by more than 5 percent.

(20 U.S.C. 1263(a)(11), 1264(c))

**§ 102.152 Withholding of payments.**

Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State board, determines on the basis of information available to him that (a) the State plan has been so changed that it no longer complies with any State plan requirements in the Act and the regulations in this part, or (b) in the administration of the State plan, there is a failure to comply substantially with any such requirement, the Commissioner will notify such State board that no further payments will be made to the State until he is satisfied that the State has complied with such requirements. At his discretion, the Commissioner may notify the State board that payment of Federal funds will be limited to support of programs under the State plan or portions of the State plan not affected by the State's failure to comply with such requirements.

(20 U.S.C. 1263(c)(2))

**§ 102.153 Payment to State advisory council.**

Upon his approval of the budget submitted by the State advisory council pursuant to § 102.23(e), the Commissioner will pay the amount requested by the State advisory council in its approved budget: *Provided*, That such amount does not exceed the maximum entitlement of the State advisory council determined pursuant to section 104(c) of the Act and applicable appropriation acts.

(20 U.S.C. 1242(c), 1244(d), 1264(b))

**§ 102.156 Transfer of allotments.**

(a) Any portion of the amount allotted to any State for any fiscal year from funds appropriated under section 102(a) of the Act for the purposes of part B or part C of the Act which the Commissioner determines will not be required for such purposes in the period during which such allotment is available may, upon the approval of the Commissioner pursuant to paragraph (c) of this section, be transferred to or combined with one or more of the other allotments to the State for the same fiscal year under the Act. The amount so transferred is subject to the same conditions and requirements as the allotment to which it is transferred, and is no longer subject to the conditions and requirements as the allotment from which it was transferred. Thus, any reference in this part to "funds allotted under the Act" refers also to transferred funds included as a part of an allotment under the Act.

(b) A State board desiring to transfer funds from its allotment of funds appropriated under section 102(a) of the Act to another allotment under the Act shall submit as part of its annual State plan or amendment thereto a request for such a transfer. Such request shall indicate how the annual plan will be

affected by the transfer and will provide information to permit application of the following criteria:

(1) The need for the funds to be transferred is substantially greater for the purpose of the allotment to which the transfer will be made than for the purposes of part B or part C of the Act, as the case may be;

(2) The transfer will permit a use of funds for a purpose or in a manner which would not be permitted under part B or part C of the Act;

(3) The funds to be transferred will be used effectively for the purpose of the allotment to which they are to be transferred; and

(4) The transfer of funds will result in the most effective use of such funds.

(c) The Commissioner will approve the State board's request for transfer of funds if he is satisfied that the transfer will meet the criteria set forth in paragraph (b) of this section; otherwise, he will disapprove such request. Such approval or disapproval will be based on information submitted by the State board with its request pursuant to paragraph (b) of this section, or on any other estimates, reports, and information available to the Commissioner which have been submitted by the State board or obtained by the Commissioner through independent investigation.

(20 U.S.C. 1243(c), 1263(a)(5), (6), (12), (17))

**§ 102.157 Reallotment.**

(a) (1) Any amount of any State's allotment under any part of the Act except part D which the Commissioner determines is not required for carrying out the State's plan under that part and which has not been transferred to another allotment within the State pursuant to § 102.156 will be available for reallotment to other States on such dates as the Commissioner may fix for the purpose for which the amount was originally allotted.

(2) Any amount of any State's allotment under parts B and F of the Act which the State is required by §§ 102.59 and 102.92(c) to expend for a particular purpose (i.e., vocational education for disadvantaged persons, vocational education for handicapped persons, postsecondary vocational education, or consumer and homemaking education in economically depressed and high unemployment areas) and which the Commissioner determines will not be expended for such purpose shall be available for reallotment to other States only for such purpose.

(3) The amount of any reallotment pursuant to subparagraphs (1) and (2) of this paragraph shall be deemed to be part of the State's allotment for such fiscal year. Thus, any reference in this part to "funds allotted under the Act" refers also to reallotted funds included as a part of an allotment under the Act.

(b) Any determination by the Commissioner pursuant to paragraph (a) of this section will be made on the basis of

(1) a certified statement submitted by the State affirming that the State does not require the full amount of one or more of its original allotment(s) to carry out its plan, (2) reports and information acquired by the Commissioner either from the State or from independent investigation indicating that the State does not require the full amount of one or more of its original allotment(s), or (3) both. Within a reasonable time prior to the date fixed for reallocation of funds, the Commissioner will notify the State of his determination affecting the State's allotment(s) and either modify the amount certified for payment to the State or, if payment has already been made, direct the State to return to the United States whatever amount the Commissioner determines the State does not need.

(c) Reallocations will be made to other States in proportion to their original allotment for the fiscal year in which the original allotment was made; except that, subject to the provisions in paragraph (d) of this section, such reallocations to such other States will be reduced to the extent which the Commissioner estimates such State needs and will be able to use under its plan without delay for such fiscal year. The total of such reductions will then be reallocated among those States not suffering such a reduction in proportion to their original allotment except to the extent specified in the preceding sentence, and then reallocated as many times as necessary to exhaust such amount. Such estimate by the Commissioner will be made on the basis of (1) the certified statement submitted by the State pursuant to paragraph (b) of this section affirming that the State does not require the full amount of its original allotment to carry out its plan, (2) a request for reallocation by the State and its support-

ing certified statement indicating the amount of additional funds it needs and will be able to use effectively to carry out its plan, (3) reports and information acquired by the Commissioner either from the State board or from independent investigation, or (4) any or all of the above. Within a reasonable time before the date fixed for reallocation, the Commissioner will notify the State of the amount of reallocated funds (if any) the State shall receive.

(b) Any State which the Commissioner has determined, either on the basis of certified statements from the State or from other reports or information available to him, (1) does not require the full amount of its original allotment to carry out its plan, or (2) does not need or will not be able to use effectively the full amount of its proportionate share of funds to be reallocated, may, on or before the date fixed for reallocation, request that the Commissioner reconsider his determination affecting the original allotment or anticipated reallocation to such State, and submit with its request additional supporting information and data. If the Commissioner's determination is based in whole or in part on certified statements submitted by the State itself, the State may submit to the Commissioner an amendment to such certification on or before the date fixed for reallocation. The Commissioner, in making his reallocation of funds to the States, will take into consideration all such amendments and additional information furnished by the State with its request for reconsideration of the Commissioner's determination. All decisions made by the Commissioner regarding the reallocation of funds are final once reallocation is made.

(20 U.S.C. 1243(c), 1341(a)(2), 1352(b)(2), 1371(b)(2))

#### § 102.159 Annual evaluation report.

(a) The State board shall submit to the Commissioner and the National Advisory Council on or before October 1 of each year an annual evaluation report prepared by the State advisory council pursuant to § 102.23(c) in accordance with procedures established by the Commissioner. This report shall contain (1) the results of the evaluations by the State advisory council of the effectiveness of programs, services, and activities carried out under the State plan in the year under review in meeting the program objectives set forth in the long-range and annual program plans required by §§ 102.33 and 102.34; and (2) such recommended changes in the content and administration of the State's programs, services, and activities as may be deemed by the State advisory council to be warranted by its evaluation results.

(b) The annual evaluation report of the State advisory council may be accompanied by such comments of the State board as it deems appropriate. These comments may include, among other matters, the results of evaluations by the State board, local educational agencies, and other agencies and institutions of programs, services, and activities under the State plan which support, supplement, or differ with the evaluation results of the State advisory council.  
(20 U.S.C. 1244(b)(1)(D))

#### § 102.161 Final reports of programs or projects.

The State board shall submit to the Commissioner copies of final reports of programs or projects conducted by grantees or contractors under parts C and D of the Act.

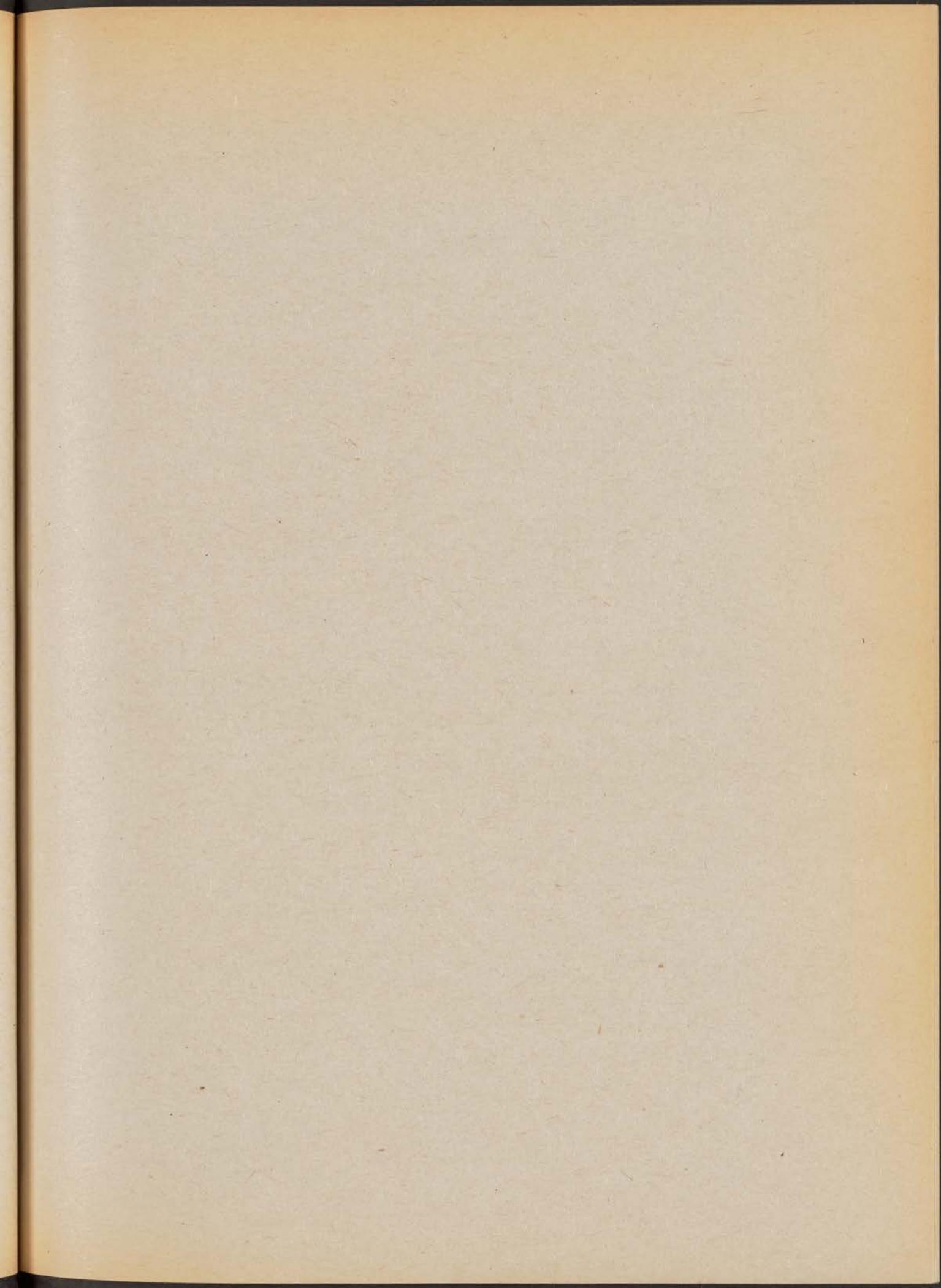
(20 U.S.C. 1263(a)(17))

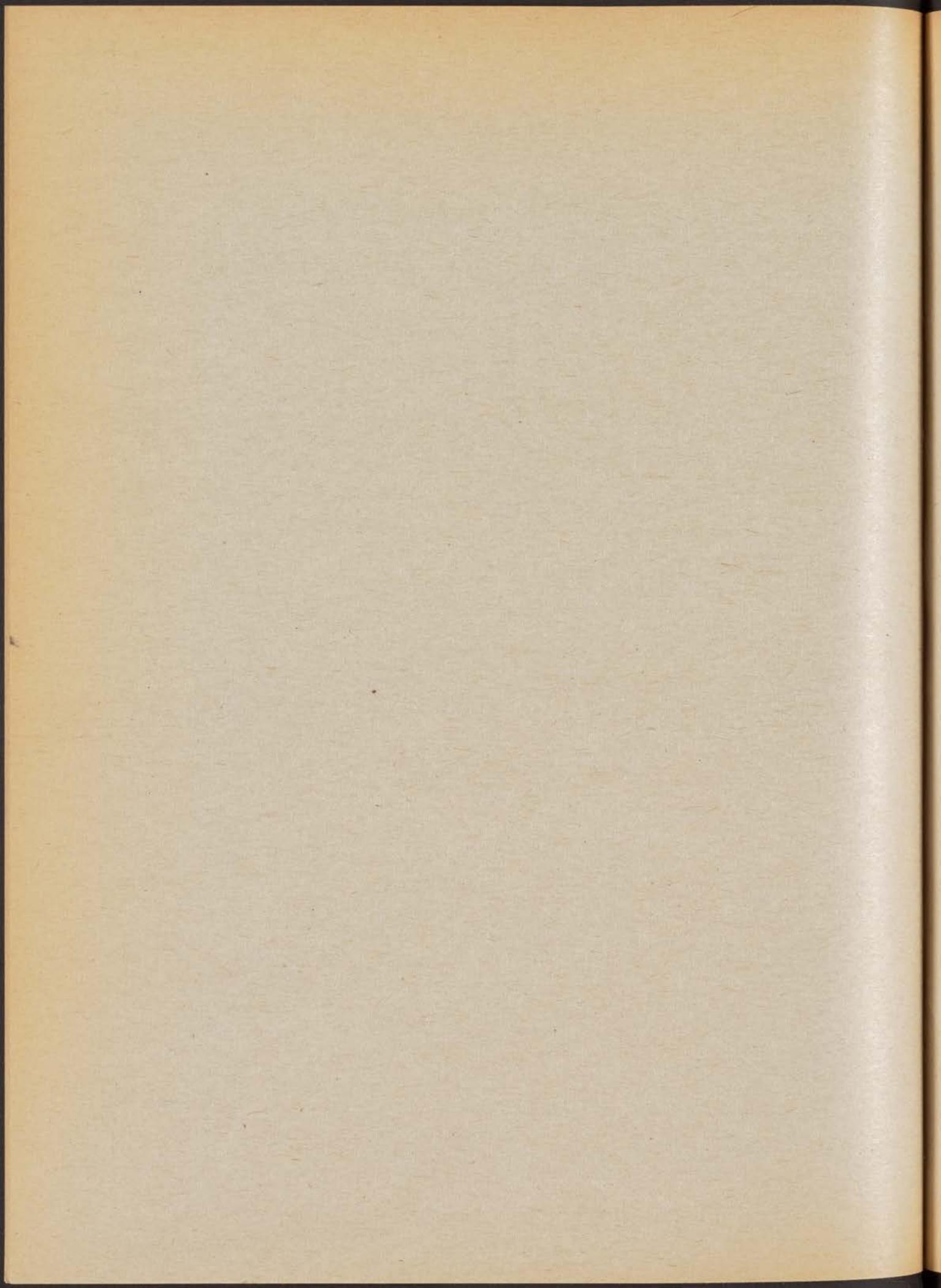
[FR Doc.74-16756 Filed 7-23-74; 8:45 am]

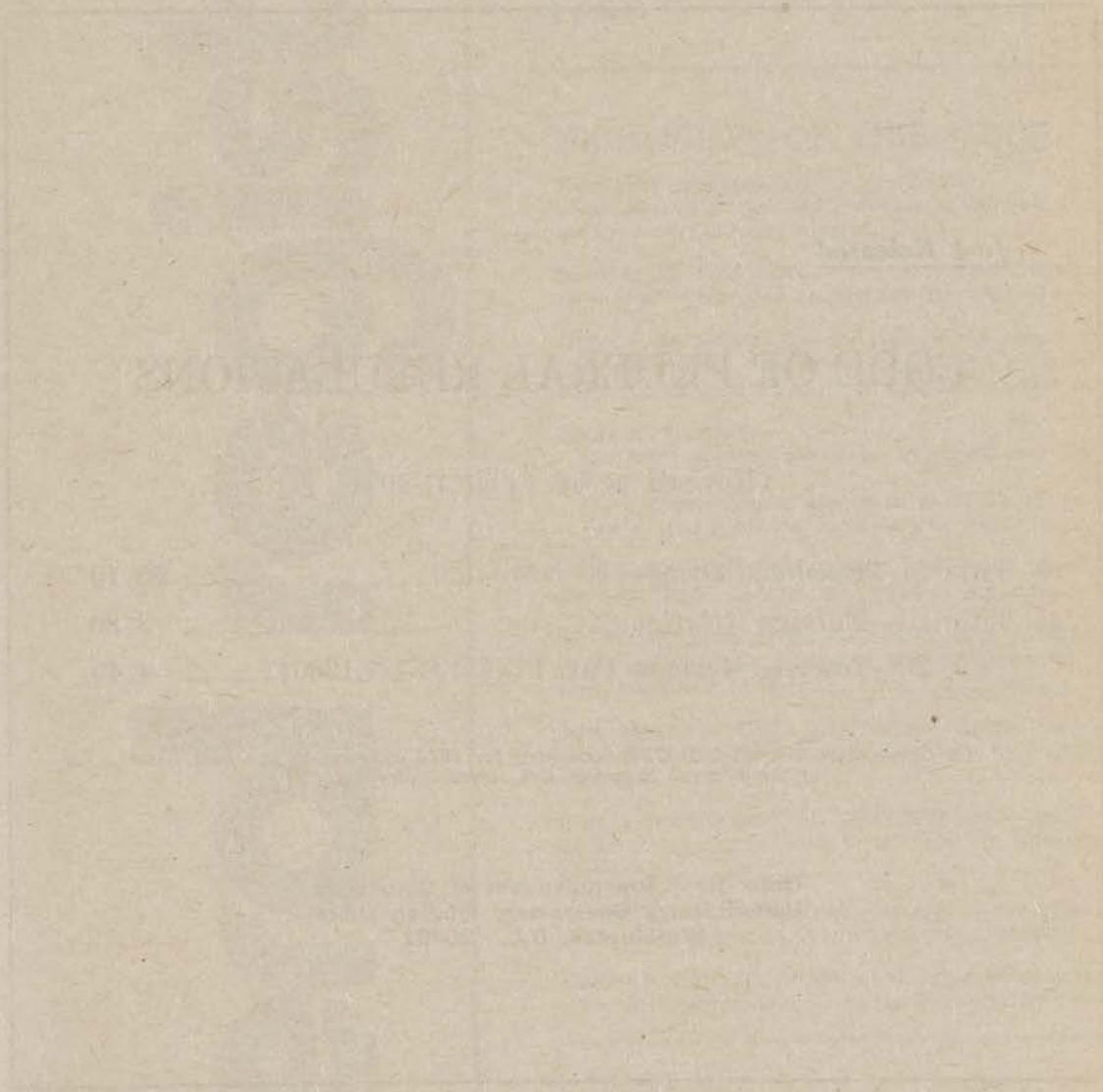
The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be clearly documented and verified. The text continues to describe various methods for ensuring the integrity of the data, including regular audits and cross-checking of entries.

In the second section, the author details the specific procedures for handling discrepancies. It outlines a step-by-step process for identifying errors, investigating their causes, and implementing corrective measures. The goal is to minimize the risk of future mistakes and ensure the overall reliability of the system.

The final part of the document provides a summary of the key findings and recommendations. It reiterates the need for consistent adherence to the established protocols and encourages ongoing communication and collaboration among all team members. The document concludes with a statement of commitment to transparency and accountability.







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