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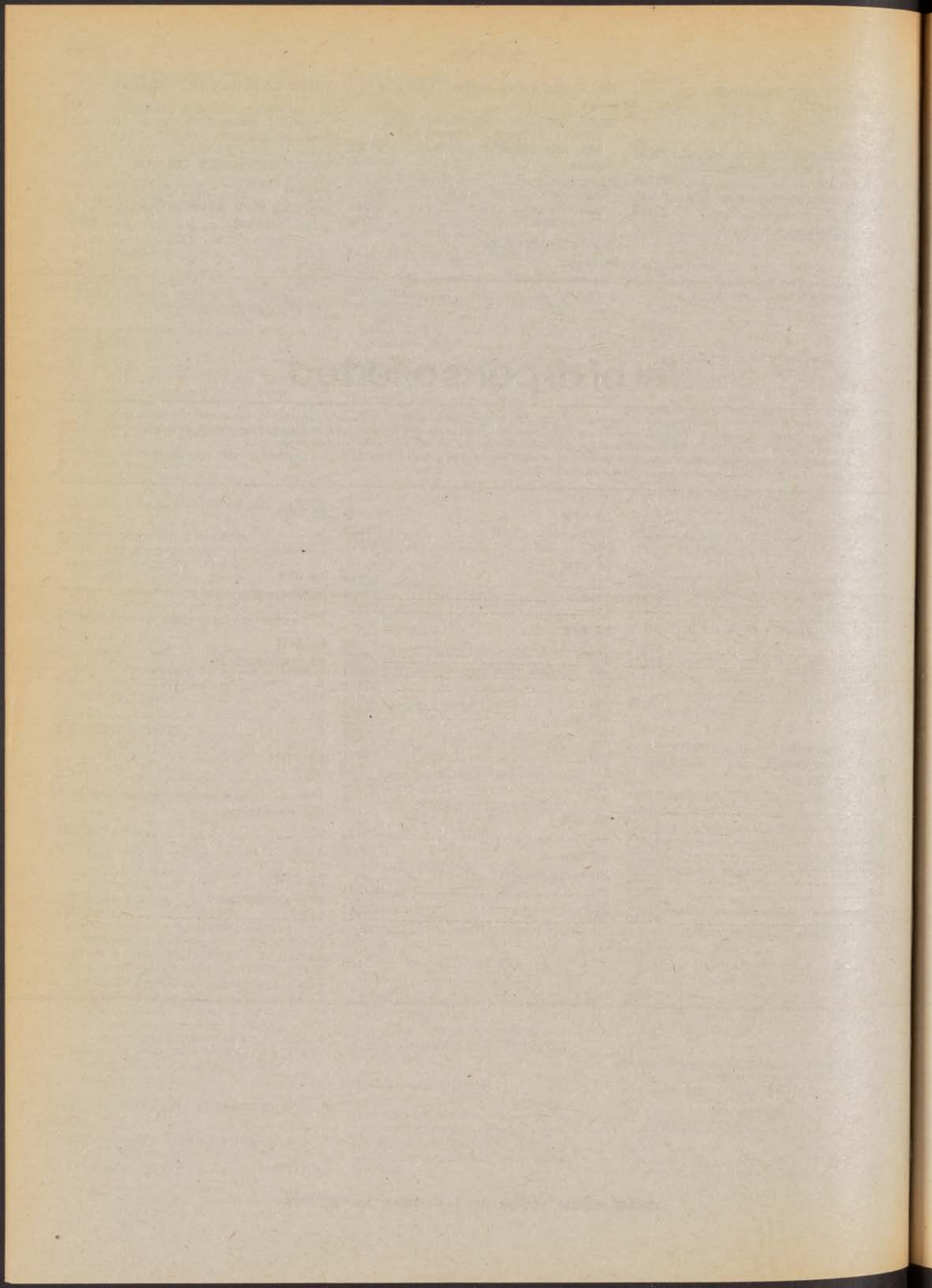
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Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE Department of Housing and Urban Development

Section 213.3384 is amended to reflect the following title change: From one Assistant for Legislative Affairs to one Senior Assistant for Legislative Affairs. Effective on July 26, 1974, § 213.3384 (a) (26) and (27) are amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

- (a) *Office of the Secretary.* * * *
(26) Four Senior Assistants for Legislative Affairs.
(27) Eight Assistants for Legislative Affairs.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 74-17066 Filed 7-25-74; 8:45 am]

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE DE- PARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to amend the list of commuted traveltime allowances, 7 CFR 354, Overtime Services Relating to Imports and Exports, and to consolidate all existing amendments into one list for the convenience of the user. This amendment deletes reference to Andrews AFB, Maryland (within) and when served from Dulles International Airport; Walker AFB, Roswell, New Mexico, served from El Paso, Texas; Greater Southwest International Airport served from Dallas, Texas; Alexandria and Arlington, Virginia, served from Andrews AFB or Dulles International Airport (within) and when served from Andrews AFB. The metropolitan area of San Diego now includes the Mexican border at San Ysidro; Brown, Gillespie and Lindbergh Fields, Imperial Beach; North Island, Miramar and Naval and Civilian Maritime within the San Diego Unified Port District. The allowance has been increased for Newport, Oregon, served from

Coos Bay from 4 to 5 hours; for San Diego, California (including Mexican border at San Ysidro; Brown, Gillespie and Lindbergh Fields, Imperial Beach; North Island, Miramar and Naval and Civilian Maritime within the San Diego Unified Port District) from 1 to 2 hours; and for Camp Pendleton served from San Diego from 2 to 3 hours. Carswell AFB and Meacham Field, Fort Worth, Texas, are now served from Dallas-Fort Worth Regional Airport.

Commuted traveltimes have been established for additional points. Therefore, Seward served from Anchorage has been added under Alaska. Little Rock (within), Little Rock AFB (within), Blytheville AFB (within), and Dardanelle, Pine Bluff, and Ft. Smith served from Little Rock have been added under Arkansas. Sacramento served from Travis AFB and Sacramento Metropolitan Airport served from Travis AFB have been added under California. New Haven served from Groton and Bradley International Airport served from Hadley, Massachusetts, have been added under Connecticut. Ent AFB (Peterson Field) served from Denver has been added under Colorado. The District of Columbia has been added to include Washington, D.C., metropolitan area, including Arlington, Alexandria, and Dulles International Airport, Virginia; Andrews AFB, Maryland; and Washington Navy Yard. Kaanapali, Lahaina, Maui, served from Kahului, Maui, has been added under Hawaii. St. Louis (within), St. Louis International Airport, and Kansas City International Airport have been added under Missouri. McGuire AFB served from Philadelphia, Pennsylvania, has been added under New Jersey. Albuquerque

(within) has been added under New Mexico. Greater Pittsburgh International Airport served from Hollidaysburg has been added under Pennsylvania. Barbour's Cut, Bayport, and Galveston served from Houston; Fabens served from El Paso; Dallas-Fort Worth Regional Airport (within), Dallas-Fort Worth Regional Airport served from Denton and Waxahachie, Dallas (including Love Field) served from Dallas-Fort Worth Regional Airport; Hidalgo served from Brownsville, and Roma served from Hidalgo, Brownsville, and Laredo have been added under Texas. Also added are undesignated ports in Texas served from Houston.

Pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs by 7 CFR 354.1 (37 FR 6327, 6505, 10554) the administrative instructions appearing at 7 CFR 354.2, as amended, February 28, March 19, April 9, July 30, August 21, September 5, November 2, November 20, 1973, and March 1, 1974, (38 FR 5340, 7216, 9006, 20233, 22466, 23934, 30272, 31953; 39 FR 7923) prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further revised to read as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

Each period of overtime and holiday duty, as defined in § 354.1 shall, in addition, include a commuted traveltime period for the respective areas in which employees are located, if such travel is performed solely on account of overtime or holiday service. The prescribed commuted traveltime periods are set forth below:

Commuted traveltime allowances
(In hours)

Location covered	Served from—	Metropolitan area	
		Within	Outside
Alabama:			
Chickasaw	Mobile		2
Mobile		1	
Undesignated ports	Mobile		3
Alaska:			
Anchorage		1	
Seward	Anchorage		6
Undesignated ports	do		3
Arizona:			
Davis-Monthan AFB, Tucson	Nogales		4
Douglas	Nogales	1	
Do			5
Nogales		1	
Phoenix		2	
Do	Nogales		6
Do	Tucson		6
San Luis		2	
Tucson		1	
Do	Nogales		3
Yuma International Airport		1	
Undesignated ports	Nogales		3

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Location covered	Served from—	Metropolitan area	
		Within	Outside
Arkansas:			
Blytheville AFB		1	
Dardanelle	Little Rock		3
Fort Smith	do.		6
Little Rock		1	
Little Rock AFB		1	
Pine Bluff	Little Rock		2
Undesignated ports	Memphis, Tenn		3
Bahamas: Nassau			
Bermuda: Ferry Reach		1	
California:			
Andrade	Calexico		2
Antioch	San Francisco		4
Burbank	Los Angeles		3
Calexico		1	
Camp Pendleton, USMC, Oceanside	San Diego		3
Castle AFB	Merced		1
El Segundo	Los Angeles		2
El Toro MCAS	do.		3
George AFB	do.		4
Gillespie Field	San Diego		1
Hamilton AFB, Novato	Travis AFB		3
Imperial Beach NAS	San Diego		1
Los Angeles (including San Pedro, Los Angeles harbor, Los Angeles International Airport, Long Beach harbor, and Long Beach Municipal Airport)		2	
March AFB	Los Angeles		4
Martinez	San Francisco		3
Mather Field AFB	Travis AFB		3
McCellan AFB	do.		3
Moffett Field NAS, Sunnyvale	San Francisco		3
North Island	San Diego		1
Norton AFB	Los Angeles		4
Ontario	do.		3
Pittsburg	San Francisco		4
Port Chicago	do.		3
Redwood City	do.		2
Richmond	do.		3
Rodeo	do.		3
Sacramento		1	
Do.	Travis AFB		2
Sacramento Metropolitan Airport	do.		3
San Diego (including Mexican border at San Ysidro; Brown, Gillespie and Lindbergh Fields, Imperial Beach; North Island, Miramar and Naval and Civilian maritime within the San Diego Unified Port District)		2	
San Francisco (including Alameda, Oakland, San Francisco International Airport, and Oakland International Airport)		2	
Seal Beach	Los Angeles		2
Stockton		1	
Do.	Travis AFB		3
Tecate	San Diego		2
Travis AFB		1	
Vallejo	San Francisco		2
Undesignated ports	San Diego, Los Angeles, or San Francisco		3
Colorado:			
Denver (including Stapleton International Airport)		2	
Ent AFB (Peterson Field)	Denver		5
Connecticut:			
Bradley Field, Windsor Locks	Boston, Mass		6
Do.	Warwick, R.I.		6
Bradley International Airport, Windsor Locks		1	
Do.	Hadley, Mass		2
Bridgeport	Wallingford		2
Do.	Windsor Locks		3
New Haven	Groton		2
Do.	Wallingford		1
Do.	Windsor Locks		2
New London	Warwick, R.I.		4
Windsor Locks	Wallingford		3
Undesignated ports	Warwick, R.I., or Windsor Locks		3
Delaware:			
Claymont	Wilmington		1
Delaware City	do.		2
Dover		1	
Wilmington	Philadelphia, Pa.		3
Wilmington (including marine terminal and airport)		1	
Undesignated ports	Dover		3
District of Columbia:			
Washington, D.C. metropolitan area (including Arlington, Alexandria, and Dulles International Airport, Va.; Andrews AFB, Md.; and Washington Navy Yard)		2	
Florida:			
Apalachicola	Pensacola		6
Boca Grande	Tampa		5
Eglin AFB	Pensacola		3
Fort Lauderdale		1	
Fort Myers	Tampa		5
Fort Pierce	West Palm Beach		3
Jacksonville		2	
Key West		1	
Marathon	Key West		2
McCoy AFB	Tampa		4
Melbourne	Port Canaveral		2
Miami		2	
Panama City	Pensacola		5
Patrick AFB		1	
Pensacola		1	
Do.	Mobile, Ala.		3
Port Canaveral		1	
Port Everglades		1	
Port St. Joe	Pensacola		6

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27301

Location covered	Served from—	Metropolitan area	
		Within	Outside
St. Petersburg		2	
Sanford NAS	Tampa		5
Tampa		2	
West Palm Beach		1	
Undesignated ports	Jacksonville, Miami, Port Canaveral, or Tampa.		3
Georgia:			
Atlanta		2	
Brunswick	Savannah		4
Columbus	Atlanta		4
Macon	do.		4
Marietta	do.		2
St. Mary's	Jacksonville, Fla.		3
Savannah		2	
Undesignated ports	Atlanta or Savannah		3
Hawaii:			
Barbers Point NAS	Honolulu		2
Hilo		1	
Honolulu		2	
Keenapali, Lahaina, Maui	Kahului, Maui		2
Kahului, Maui		1	
Do.	Honolulu		4
Kaneohe MCAS	do.		2
Keau	Hilo		1
Keahole		1	
Keauhou	Keahole		2
Lihue, Kauai		2	
Do.	Honolulu		5
Schofield barracks, Wahiawa, Oahu	do.		2
Undesignated ports	Hilo, Honolulu, or Keahole		3
Illinois:			
Chicago		3	
Indiana: Indianapolis	Chicago, Ill.		5
Iowa: Des Moines	do.		6
Kentucky: Louisville	Cleveland or Toledo, Ohio		5
Louisiana:			
Barksdale AFB, Shreveport	Baton Rouge		6
Baton Rouge		1	
Buras	New Orleans		4
Burnside	Baton Rouge		2
Convent	do.		2
Donaldsonville	do.		3
England AFB, Alexandria	do.		4
Geismar	do.		2
Lake Charles	Port Arthur, Tex.		3
Morgan City	New Orleans		4
New Orleans		2	
Ostrica	New Orleans		4
Plaquemine	Baton Rouge		2
Port Allen		1	
St. James	Baton Rouge		3
Venice	New Orleans		4
Points on the Mississippi River above the St. Charles Jefferson Parish boundary to and including Gramercy, La.; any point below Chalmette, La., on the east bank; and Belle Chasse, La., and points to and including Port Sulphur on the west bank.			3
Undesignated ports	Baton Rouge or New Orleans		3
Maine:			
Bangor		1	
Bath	Portland		2
Brunswick NAS	do.		2
Bucksport	Bangor		2
Cousins Island	Portland		1
Eastport	Bangor		6
Kittery	Portland		3
Portland		1	
Searport	Bangor		2
Undesignated ports	Bangor or Portland		3
Maryland:			
Aberdeen Proving Ground	Baltimore		3
Annapolis	do.		3
Baltimore		3	
Cambridge	Baltimore		4
Salisbury	do.		4
Undesignated ports	Andrews AFB, Dover, Del., or Dulles International Airport, Va.		3
For other points in Maryland, see D.C. listing.			
Massachusetts:			
Boston		3	
Fall River	Warwick, R.I.		3
New Bedford	do.		4
Otis AFB	do.		5
Plymouth	do.		4
Sandwich	do.		5
Westover AFB, Chicopee	Boston		6
Woods Hole	Warwick, R.I.		6
Undesignated ports	do.		3

RULES AND REGULATIONS

Location covered	Served from—	Metropolitan area	
		Within	Outside
Michigan:			
Bay City	Detroit		5
Detroit (including Detroit Metropolitan Airport, Inkster)		3	
Monroe	Detroit		3
Muskegon	do		6
Do	Kalamazoo		3
Port Huron	Detroit		4
Saginaw	do		5
South Haven	do		6
Minnesota:			
Duluth		1	
Minneapolis-St. Paul		2	
Silver Bay	Duluth		
Mississippi:			
Greenville		1	
Do	Memphis, Tenn.		5
Gulfport	Mobile, Ala.		4
Kessler AFB	do		4
Natchez	Baton Rouge, La.		5
Do	Brookhaven		4
Pascagoula	Mobile, Ala.		3
Vicksburg	Baton Rouge, La.		6
Do	Florence		3
Undesignated ports	Mobile, Ala.		3
Missouri:			
Kansas City	Chicago, Ill.		6
Kansas City International Airport		2	
St. Louis		2	
Do	Chicago, Ill.		6
St. Louis International Airport		2	
Montana:			
Butte International Airport	Billings		6
Do	Butte (or vicinity by inspectors temporarily detailed in excess of 12 hours).	2	
Nebraska: Omaha	Chicago, Ill.		6
Nevada:			
Las Vegas		1	
Reno		1	
New Hampshire:			
Pease AFB	Portland, Maine		3
Portsmouth	do		3
Undesignated ports	Rouses Point, N.Y.		3
New Jersey:			
Atlantic City	Philadelphia, Pa.		3
Burlington	do		3
Lakehurst NAS	McGuire AFB		2
McGuire AFB	Philadelphia, Pa.		3
McGuire AFB, Wrightstown		2	
Paulsboro	Philadelphia, Pa.		3
Trenton	McGuire AFB		3
New Mexico:			
Albuquerque		1	
Holloman AFB, Alamogordo	El Paso, Tex.		4
Undesignated ports	do		3
New York:			
Buffalo		2	
Chateaugay (including Churubusco and Cannon Corners)	Rouses Point		2
Jamaica, Long Island		3	
Lewiston	Buffalo		2
Massena	Ogdensburg		2
Do	Rouses Point		4
New York		3	
Niagara Falls	Buffalo		2
Ogdensburg		1	
Do	Rouses Point		5
Oswego	Buffalo		6
Plattsburgh	Rouses Point		2
Rochester	Buffalo		4
Roosevelt Town	Ogdensburg		2
Do	Rouses Point		4
Rouses Point (including Champlain)		1	
Syracuse	Buffalo		6
Undesignated ports	Buffalo or Rouses Point		3
North Carolina:			
Camp Lejeune	Wilmington		3
Charlotte	Monroe		2
Do	Wilmington		6
Cherry Point	New Bern		2
Do	Wilmington		4
Elizabeth City	Morehead City		6
Do	Norfolk, Va.		3
Morehead City		1	
Do	New Bern		2
Do	Wilmington		4
New River MCAS, Jacksonville	do		2
Pope AFB	do		4
Seymour-Johnson AFB	do		3
Sunny Point Army Terminal, Southport	do		2
Wilmington		1	
Undesignated ports	New Bern, Monroe, Morehead City, or Wilmington.		3
Ohio:			
Akron	Cleveland		2
Cincinnati	Toledo		6
Cleveland		2	
Columbus	Cleveland		6
Fairport Harbor	do		2
Lockbourne AFB	do		6
Lorain	do		2
Toledo		2	
Do	Detroit, Mich.		3
Undesignated ports	Cleveland or Toledo		3

Location covered	Served from—	Metropolitan area	
		Within	Outside
Oregon:			
Astoria		1	5
Do	Portland		
Coos Bay (including North Bend)		1	
Newport	Coos Bay		5
Port Westward	Astoria		2
Portland		2	
Westport	Astoria		2
Undesignated ports	Astoria, Coos Bay, or Portland		3
Pennsylvania:			
Chester	Philadelphia		3
Do	Wilmington, Del.		1
Erie	Buffalo, N.Y., or Cleveland, Ohio		4
Greater Pittsburgh International Airport	Cleveland, Ohio		6
Do	Hollidaysburg		6
Do	Meadville		4
Do	Pittsburgh	2	
Harrisburg International Airport	Carlisle		2
Do	Philadelphia		5
Do	Schuylkill Haven		3
Do	University Park		4
Marcus Hook	Philadelphia		3
Do	Wilmington, Del.		1
Philadelphia		3	
Do	Wilmington, Del.		3
Tullytown	Philadelphia		3
Puerto Rico:			
Aguadilla		1	
Arecibo	San Juan		4
Isabela	Ramey AFB		1
Mayaguez	do		2
Ramey AFB (including Borinquen Airport)		1	
Roosevelt Roads NAS		1	
Do	San Juan		3
San Juan		2	
Rhode Island:			
Davisville NSD	Boston, Mass.		4
Do	Warwick		3
Melville	do		3
Newport	Boston, Mass.		5
Do	Warwick		3
Portsmouth	do		4
Providence	Boston, Mass.		2
Do	Warwick		4
Quonset Point	Boston, Mass.		4
Do	Warwick		3
Saunderstown	do		3
Tiverton	do		4
Warwick		1	
Undesignated ports	Warwick		3
South Carolina:			
Beaufort	Charleston or Savannah, Ga.		3
Charleston		2	
Columbia	Charleston		4
Georgetown	do		3
Greenville-Spartanburg Airport, Columbia	do		6
McEntire NG Air Base, Eastover	do		4
Myrtle Beach AFB	do		4
Shaw AFB, Sumter	do		4
Undesignated ports	do		3
Tennessee:			
Knoxville	Atlanta, Ga.		4
Memphis		1	
Nashville	Memphis		6
Do		1	
Undesignated ports	Atlanta, Ga.		5
Do	Memphis		3
Texas:			
Alamo	Hidalgo		1
Aramas Pass	Corpus Christi		2
Barbours Cut	Houston		3
Bayport	do		3
Baytown	do		2
Beaumont	Port Arthur		2
Brownsville		1	
Carswell Field, Fort Worth	Dallas-Fort Worth Regional Airport		3
Corpus Christi		1	
Corpus Christi NAS	Corpus Christi		1
Dallas		1	
Dallas (including Love Field)	Dallas-Fort Worth Regional Airport		1
Dallas-Fort Worth Regional Airport		1	
Do	Denton		2
Do	Waxahachie		3
Del Rio		1	
Donna	Hidalgo		2
Dyess AFB	Abilene	1	
Eagle Pass		1	
Edinburg	Hidalgo		2
El Paso		1	
Fabens	El Paso		2
Falcon Heights	Roma		1
Freeport	Galveston or Houston		3
Galveston		1	
Do	Houston		4
Gregory	Corpus Christi		1
Harbor Island	do		2
Harlingen	Brownsville		2
Hidalgo		1	
Do	Brownsville		3
Houston (except Houston Intercontinental Airport)		2	
Houston Intercontinental Airport		3	

RULES AND REGULATIONS

Location covered	Served from—	Metropolitan area	
		Within	Outside
Kelly AFB	San Antonio		2
La Feria	Hidalgo		2
Laredo		1	
Love Field	Waxahachie		2
Love Field (Dallas)	Denton		2
McAllen	Hidalgo		1
McEacham Field	Dallas-Fort Worth Regional Airport		2
Mercedes	Hidalgo		2
Mission	do		1
Orange	Port Arthur		2
Pharr	Hidalgo		1
Point Comfort		1	
Do	Corpus Christi		5
Port Arthur		1	
Port Isabel	Brownsville		2
Port Lavaca	Corpus Christi		4
Presidio		1	
Progreso		1	
Do	Brownsville or Hidalgo		2
Randolph AFB	San Antonio		2
Rio Grande City	Roma		1
Rockport	Corpus Christi		2
Roma		1	
Do	Hidalgo		3
Do	Brownsville		5
Do	Laredo		4
San Antonio		1	
San Juan	Hidalgo		1
Texas City	Galveston		1
Weslaco	Hidalgo		2
Undesignated ports	Houston		3
Vermont:			
Albany	Rouses Point, N. Y.	1	
St. Albans (including Highgate Springs and Morses Line)	do		2
Undesignated ports	do		3
Virgin Islands:			
Alexander Hamilton Airport, St. Croix		1	
Charlotte Amalie, St. Thomas		1	
Christiansted, St. Croix		1	
Frederiksted, St. Croix		1	
Virginia:			
Dulles International Airport	Baltimore, Md.		3
Newport News		2	
Norfolk		2	
Quantico MCAS	Andrews AFB, Md., or Dulles International Airport		3
Undesignated ports	Andrews AFB, Md., Dulles International Airport, Newport News, or Norfolk		3
For other points in Virginia, see D.C. listing.			
Washington:			
Anacortes	Blaine		3
Do	Seattle		4
Ault Field	Blaine		4
Do	Seattle		5
Bellingham	Blaine		2
Do	Seattle		5
Blaine		1	
Cherry Point	Blaine		1
Do	Seattle		5
Edmonds	do		2
Everett	do		3
Ferndale	Blaine		2
Do	Seattle		5
Fort Lewis	McChord AFB		1
Grays Harbor	Astoria, Oreg.		3
Do	McChord AFB		4
Do	Seattle		6
Kalama	Portland, Oreg.		3
Longview	Astoria or Portland, Oreg.		3
Lynden	Blaine		2
McChord AFB		1	
Do	Seattle		3
Olympia	McChord AFB		2
Do	Seattle		3
Point Wells		2	
Port Angeles	McChord AFB or Seattle		6
Port Townsend	Seattle		4
Raymond	Astoria, Oreg.		2
SEA TAC Airport		2	
Do	McChord AFB		2
Seattle (except SEA TAC Airport and Point Wells)		1	
Snohomish County Airport	Seattle		2
Sumas	Blaine		2
Tacoma	McChord AFB		1
Do	Seattle		3
Vancouver		2	
Willapa Bay	Astoria, Oreg.		2
Do	McChord AFB		4
Do	Seattle		6
Undesignated ports	Astoria or Portland, Oreg. McChord AFB, or Seattle		3
Wisconsin:			
Green Bay	Milwaukee		6
Kenosha	do		2
Milwaukee		2	
Racine	Milwaukee		2
Superior	Duluth, Minn.	1	
Undesignated ports	Duluth, Minn. or Milwaukee		3

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

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

Effective date. The foregoing amendments shall become effective on July 26, 1974, when it shall supersede 7 CFR 354.2, as amended, February 28, March 19, April 9, July 30, August 21, September 5, November 2, November 20, 1973, and March 1, 1974.

(38 FR 5340, 7216, 9008, 20233, 22466, 23934, 30272, 31953; 39 FR 79230)

Done at Washington, D.C., this 19th day of July 1974.

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

[FR Doc. 74-16958 Filed 7-25-74; 8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—Base Acreage Allotments for 1974 and Succeeding Crops of Upland Cotton

The provisions of §§ 722.401 to 722.450 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). These provisions govern the establishment of base acreage allotments for the 1974 and succeeding crops of upland cotton and related program provisions under sections 344a and 350 of the Act as amended by the Agricultural Act of 1970 and the Agriculture and Consumer Protection Act of 1973. (Pub. L. 91-524, 93-86, 84 Stat. 1358, 87 Stat. 221).

This subpart supersedes the regulations for base acreage allotments for 1971, 1972 and 1973 crops of upland cotton (36 FR 4853, 6733, as amended). However, such superseded regulations shall remain effective with respect to the 1971, 1972 and 1973 crops of upland cotton.

Since farmers and local State and County ASC Committees need to know the provisions of the program for the 1974 crop as soon as possible, it is hereby

found and determined that compliance with the notice and public procedure requirements of 5 U.S.C. 533 (b) and (c) is impracticable and contrary to the public interest. Accordingly, this subpart shall be effective on July 26, 1974.

GENERAL

- Sec. 722.401 Applicability.
- 722.402 Recording base acreage allotments.
- 722.403 Expiration of time limitations.
- 722.404 Definitions.

FARM BASE ACREAGE ALLOTMENTS

- 722.405 Establishment of preliminary allotments.
- 722.406 Establishment of farm base acreage allotments.
- 722.407 Base acreage allotments for new cotton farms.
- 722.408 Release and reapportionment of cotton base acreage allotment.
- 722.409 Base acreage allotments for special farms.
- 722.410 Extra long staple cotton.

NOTICES OF BASE ACREAGE ALLOTMENT

- 722.411 Notice of farm base acreage allotment.
- 722.412 Availability of farm base acreage allotment records.

MISCELLANEOUS PROVISIONS

- 722.413 Determination of acreages.
- 722.414 No credit for overplanting the farm base acreage allotment.
- 722.415 Approval of determinations and additional authority for determination of farm base acreage allotments.

NATURAL DISASTER TRANSFERS

- 722.416 Transfer of farm cotton acreage affected by a natural disaster.

TRANSFER OF BASE ACREAGE ALLOTMENTS—SALE, LEASE, OR BY OWNER

- 722.417 General explanation of transfer of base acreage allotments.
- 722.418 Transfers by sale or lease across county lines.
- 722.419 Applications for transfer.
- 722.420 Amount of base acreage allotment transferable.
- 722.421 Additional conditions and limitations.
- 722.422 County committee action.

RECORDKEEPING REQUIREMENTS

- 722.423 Records and reports.
- 722.424-722.450 [Reserved]

AUTHORITY: Secs. 301, 344a, 350, 375, 52 Stat. 38, as amended, 79 Stat. 1197, as amended, 79 Stat. 1193, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1344b, 1350, 1375.

GENERAL

§ 722.401 Applicability.

The provisions of this subpart apply to the establishment of base acreage allotments for upland cotton for the 1974 and succeeding crops, the transfer of base acreage allotments by sale, lease, or by owner, and related program provisions.

§ 722.402 Recording base acreage allotments.

Farm base acreage allotments shall be rounded to tenths of acres in accordance with the provisions of Part 793 of this chapter.

§ 722.403 Expiration of time limitations.

The provisions of Part 720 of this chapter concerning the expiration of time limitations shall apply to this subpart.

§ 722.404 Definitions.

In determining the meaning of this subpart, unless the context indicates otherwise, words imparting the singular include the plural, words imparting the plural include the singular, words imparting the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present.

(a) *General terms.* Definitions in Part 719 of this chapter shall apply to this subpart.

(b) *Act.* Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.)

(c) *Conservation programs.* Programs under which acreage removed or diverted from the production of cotton is eligible for acreage history under the terms of the statute establishing such program or under the general authority granted under 7 U.S.C. 1838(g).

(d) *Extra long staple cotton.* American-Pima, Sea Island, Sea Land, and all other varieties of the Barbados species of cotton and any hybrid thereof, and any other cotton in which one or more of these varieties predominate, produced in an area designated by the Secretary.

(e) *Farm base acreage allotment.* Cotton base acreage allotment established for a farm.

(f) *History acreage of cotton on the farm.* (For use in establishing farm base acreage allotments, acreage devoted to production of extra long staple cotton shall be excluded.) History acreage of cotton on the farm for 1974 and succeeding crops shall be credited in the amount of the farm base acreage allotment including any portion transferred by temporary adjustment (see paragraph (j) of this section) from the farm but excluding any portion transferred by temporary adjustment to the farm. Such history acreage shall be adjusted to the acreage planted or considered as planted to cotton if less than 90 percent of the farm base acreage allotment before temporary adjustments is planted or considered as planted to cotton. Acreage planted or considered as planted to cotton shall be the sum of the following:

(1) Acreage planted to cotton on the farm in the current year. For purposes of this subparagraph:

(i) It shall include the acreage seeded to cotton plus stub cotton acreage on the farm in the current year, excluding acreage which the county committee determines was planted or cared for in an unworkmanlike manner without the expectation of producing a normal crop under usual conditions.

(ii) If the farm operator fails to file a certification of acreage, the acreage planted to cotton shall be considered to be zero for history acreage purposes in lieu of the rule prescribed in paragraph (f) (1) (i) of this section.

(2) Acreage transferred by temporary adjustment from the farm. (See paragraph (1) of this section).

(3) Acreage on which the planting of cotton was prevented because of a natural disaster as determined by the county committee.

(4) Acreage considered as planted under conservation programs or practices.

(5) Allotment acreage in the eminent domain pool under Part 719 of this chapter.

(6) Acreage temporarily released from the farm.

(7) Acreage not planted because of a quarantine imposed by the county, State, or Federal Government prohibiting the planting of cotton in an area.

(8) Any acreage planted and considered planted to wheat under Part 728 of this chapter, as amended, in excess of the allotment which is not credited to feed grains (except acreage which the county committee determines was not planted to wheat because of drought, flood, or other natural disaster or condition beyond the control of the operator): *Provided*, That wheat in excess of the allotment shall not be considered as planted to cotton for purposes of § 722.405(b) (2);

(9) Any acreage planted and considered planted to feed grains under Part 775 of this chapter, as amended, in excess of the allotment which is not credited to wheat (except acreage which the county committee determines was not planted to feed grains because of drought, flood, or other natural disaster or condition beyond the control of the operator): *Provided*, That feed grains in excess of the allotment shall not be considered as planted to cotton for purposes of § 722.405(b) (2);

(10) Any other acreage planted to annual nonconserving crops, excluding acreage of allotment crops within the applicable allotment, which is not credited to feed grains or wheat: *Provided*, That such nonconserving crops shall not be considered as planted to cotton for purposes of § 722.405(b) (2).

(11) Acreage on federally owned land having a restrictive lease in effect prohibiting production of upland cotton when the land is leased back with uninterrupted possession to the former owner after acquisition under the right of eminent domain.

(g) *New cotton farm.* Farm for which a cotton base acreage allotment is established in the current year and for which there is no history acreage in the base period.

(h) *Nonconserving crop.* As defined in Part 775 of this chapter.

(i) *Old cotton farm.* Farm having acreage history in any one of the years of the base period.

(j) *Temporary adjustment of base acreage allotment.* Includes acreage temporarily transferred by owner, lease, release, and reapportionment.

(k) *Upland cotton.* Any cotton other than extra long staple cotton.

(l) *Base period.* The three years immediately preceding the current year.

FARM BASE ACREAGE ALLOTMENTS

§ 722.405 Establishment of preliminary allotments.

The preliminary allotment shall be established as follows:

(a) *When 90 percent or more of the farm base acreage allotment is planted.* The preliminary allotment shall be the preceding year's base acreage allotment after any permanent adjustment to or from the farm but before any temporary adjustment to or from the farm when 90 percent or more of such farm base acreage allotment is planted or considered planted to cotton.

(b) *When less than 90 percent of the farm base acreage allotment is planted.* The preliminary allotment shall be determined as follows:

(1) *Old cotton farm that was also an old cotton farm in the preceding year.* In the case of an old cotton farm that was also an old cotton farm in the preceding year, the preliminary allotment shall be the larger of the acreage planted and considered planted to cotton in the preceding year or 80 percent of the base acreage allotment for the preceding year after any permanent adjustment to or from the farm but before any temporary adjustment to or from the farm.

(2) *New cotton farm in the preceding year.* In the case of a farm that was a new cotton farm in the preceding year, the preliminary allotment shall be the acreage planted and considered planted to cotton.

§ 722.406 Establishment of farm base acreage allotments.

(a) *County base acreage allotment.* The county base acreage allotment shall be the county share of the State base acreage allotment including allocations from the State reserve to the county for trends and abnormal conditions.

(b) *Initial county reserve.* The county committee may establish an initial county reserve for the uses described in paragraph (h) of this section. Such initial county reserve shall not result in an adjusted county reserve (as described in paragraph (g) of this section) greater than 5 percent of the county base acreage allotment unless the State committee authorizes a larger adjusted county reserve which may not be greater than 10 percent of the county base acreage allotment. The amount of county reserve held in each county is available for inspection at the local ASCS Office.

(c) *Adjusted county base acreage allotment.* The adjusted county base acreage allotment shall be the county base acreage allotment determined as provided in paragraph (a) of this section less the initial county reserve determined as provided in paragraph (b) of this section.

(d) *County base acreage allotment factor.* The county base acreage allotment factor (county factor) shall be determined by dividing the total of the preliminary allotments for the current year for all farms into the adjusted county base acreage allotment.

(e) *Factored base acreage allotments for old farms.* The factored base acre-

age allotment for an old farm shall be determined by multiplying the preliminary allotment by the county factor but shall not be greater than the cropland on the farm.

(f) *Reduction due to cropland limitation.* (1) For 1974, the upland cotton allotment shall be permanently reduced when the operator requests a reduction in the upland cotton allotment in lieu of the feed grain or wheat allotment due to the sum of the basic allotments for all commodities exceeding the cropland. (2) For 1975 and succeeding years the smallest allotment for upland cotton, feed grain, or wheat shall be temporarily reduced first and the reduction shall continue in order of the size of the allotment, unless the operator requests in writing that the reduction be in a different order when the sum of the effective allotments for all commodities exceeds the cropland for the farm.

(g) *Adjusted county reserve.* The adjusted county reserve is the county base acreage allotment minus the total factored farm base acreage allotments for old farms in the county.

(h) *Use of county reserve.* The county reserve shall be used by the county committee to adjust factored farm base acreage allotments and to establish base acreage allotments for new cotton farms. Farms covered by contracts under the conservation programs shall receive the same consideration as other comparable farms in the county. The county reserve shall not be used to reflect new cropland brought into production after November 30, 1970. The county reserve shall be used by the county committee as follows:

(1) *Determination of acreage needed for new cotton farms.* If any part of the State reserve or the county reserve is to be used for establishing base acreage allotments for new cotton farms, the county committee, with the assistance of the community committees, may estimate from county office records and other available sources of information the number of new cotton farms in the county and an estimate may be made of the cropland on new cotton farms. Such estimates may be used by the State and county committees as a basis for determining the acreage, if any, that will be allocated for establishing base acreage allotments for new cotton farms. In determining the acreage, if any, from the county reserve which is to be used for establishing base acreage allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State reserve for establishing base acreage allotments for new cotton farms.

(2) *Adjustments in farm base acreage allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State reserve to correct inequities in farm base acreage allotments and to prevent hardship. Such reserves may also be used for establishing and adjusting farm base acreage allotments as provided in

paragraph (c) of this section and to provide fair and reasonable base acreage allotments where the county committee had insufficient information to make proper adjustments at the time the original base acreage allotment for the farm was established. Any acreage from the county reserve and any allocation to the county from the State reserve to correct inequities and prevent hardship may be used by the county committee for making adjustments in farm base acreage allotments to correct inequities and to prevent hardship. Such adjustments shall be made so as to establish base acreage allotments which are fair and reasonable in relation to the base acreage allotments established for similar farms in the community taking into consideration for the farm the acreages planted to cotton in the farm base years; the land, labor and equipment available for the production of cotton; crop-rotation practices; the soil and other physical factors affecting the production of cotton; and abnormal conditions of production.

(3) *Base acreage allotments for missed farms and correction of errors.* The remainder of the acreage in the county reserve, after meeting or determining the requirements under paragraph (h) (1) and (2) of this section and the acreage allocated by the State committee from the State reserve for this purpose shall be used by the county committee (i) for establishing base acreage allotments for old cotton farms for which base acreage allotments were not established at the time base acreage allotments were originally established for old cotton farms in the county because of oversight on the part of the county committee, and (ii) for correcting errors in farm base acreage allotments.

(4) *Combined reserves.* The State committee may establish a single reserve not to exceed one percent of the State allotment to be allocated to counties for uses set forth in paragraph (h) (1) and (3) of this section. The county committee may establish a single reserve to be allocated to farms for the purposes set forth in paragraph (h) (1) and (3) of this section.

(i) *Equitable adjustments from State reserve for all old cotton farms.* Under the conservation programs, acreage diverted from the production of cotton shall be considered acreage devoted to cotton for purposes of establishing future State, county, and farm base acreage allotments. In order to prevent inequitable allotments on farms included in such programs, the State reserve for categories other than new farms shall be used to give all old cotton farms equal consideration, whether the farm history resulted from actual seeding of cotton or from acreage history required by law.

(j) *Limitation on adjustments for farms transferring base acreage allotments.* If acreage was transferred from the farm by sale, lease, or by owner in the current or preceding year, the county committee may adjust farm base acreage allotments for such farms with reserve

acreage only in exceptional cases including but not limited to cases where the transferor will not benefit from the adjustment, or the transfer was temporary and allotment has been returned to the farm for the current year. Any such adjustment shall be subject to the approval of a representative of the State committee.

§ 722.407 Base acreage allotments for new cotton farms.

(a) *Written Application.* The farm owner or operator shall file an application for a new cotton farm base acreage allotment at the office of the county committee where the farm is administratively located on or before February 15 of the year for which such allotment is requested.

(b) *Eligibility requirements for owner or operator.* A new cotton farm base acreage allotment may be established if each of the following conditions are met:

(1) *Interest in another farm.* Neither the farm owner nor the farm operator shall own, have any ownership interest in, or operate any other farm in the United States for which an upland cotton base acreage allotment is established for the current year.

(2) *Availability of equipment and facilities.* The farm operator shall own, or have readily available, adequate equipment and any other facilities of production (including irrigation water in irrigation areas) necessary to the production of upland cotton on the farm.

(3) *Income requirement.* The operator must expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming.

(i) *Computing operator's income.* The following shall be considered in computing operator's income:

(A) *Income from farming.* Income from farming shall include the estimated return from the production of the requested allotment and from home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm(s), but shall exclude payments authorized under the cotton program.

(B) *Income from nonfarming.* Nonfarming income shall include but shall not be limited to salaries, commissions, pensions, social security payments and unemployment compensations.

(C) *Spouse's income.* The spouse's farm and nonfarm income shall be used in the computation.

(ii) *Operator a partnership.* If the operator is a partnership, each partner must expect to obtain more than 50 percent of his current year income from farming.

(iii) *Operator a corporation.* If the operator is a corporation, it must have no other major corporate purpose other than ownership or operation of the farm(s). Farming must provide its officers and general manager with more than 50 percent of their expected income.

Salaries and dividends from the corporation shall be considered as income from farming.

(iv) *Special provision for low-income farmers.* The county committee may waive the income provisions in this section provided the county committee determines that the farm operator's income, from both farm and nonfarm sources, will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action.

In waiving the income provisions the county committee must exercise good judgment to see that such determination is reasonable in the light of all pertinent factors, and that this special provision is made applicable only to those who qualify. In making such determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(c) *Eligibility requirements for the farm.* The eligibility requirements for the farm are as follows:

(1) *Available land, type of soil, and topography.* The available land, type of soil, and topography of the land on the farm must be suitable for cotton production. Also continuous production of cotton must not result in an undue erosion hazard.

(2) *Entire allotment permanently transferred by sale or owner.* A farm which includes land from which the entire cotton base-acreage allotment was permanently transferred by sale or owner shall not be eligible for a new cotton farm base-acreage allotment for a period of 5 years beginning with the year in which the transfer became effective.

(3) *Entire allotment permanently released.* A farm which includes land from which the entire cotton base-acreage allotment was permanently released shall not be eligible for a new cotton farm base-acreage allotment for a period of 3 years beginning with the year the release was effective.

(4) *Entire allotment designated by owner for a reconstitution.* A farm which includes land which has no upland cotton base-acreage allotment because the owner did not designate an allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter shall not be eligible for a new cotton farm base-acreage allotment for a period of 3 years beginning with the year in which the reconstitution became effective.

(5) *Eminent domain.* A farm which includes land acquired by an agency having the right of eminent domain for which the entire cotton base-acreage allotment was pooled pursuant to Part 719 of this chapter, which is subsequently returned to agricultural production, shall not be eligible for a new cotton farm base-acreage allotment for a period of

3 years from the date the former owner was displaced.

(d) *Establishment of base-acreage allotments for new cotton farms.* If eligible for a cotton base-acreage allotment, such base-acreage allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton. The allotment so determined for any such farm shall not exceed the smallest of: (1) The factored base-acreage allotments established pursuant to § 722.406 for old cotton farms in the county which are similar except for the acreage planted to cotton during the base period, (2) The base-acreage allotment requested, or (3) acreage of the requested commodity intended to be planted in the current year. The sum of the base-acreage allotments determined by the county committee for new cotton farms shall not exceed the reserves available for such farms in the county. The base-acreage allotments for new cotton farms shall be subject to review and approval by a representative of the State committee.

(e) *Cancellation of new cotton farm base-acreage allotments.* Any farm base-acreage allotment established and any history acreage credit shall be void as of the date the new farm base-acreage allotment was issued if the State committee determines that the applicant knowingly furnished false, incomplete or inaccurate information to obtain the allotment. Any new farm base-acreage allotment established, where incomplete or inaccurate information was unknowingly furnished by the applicant and so determined by the county committee shall be void for the next crop year. However, the cancellation shall not be applicable to the current year or to prior years.

§ 722.408 Release and reapportionment of cotton base acreage allotment.

(a) *Conditions under which farm base acreage allotments cannot be released.* The following farm base acreage allotments shall not be released in whole or in part:

(1) Base acreage allotments for new cotton farms.

(2) The base acreage allotment for an old cotton farm which is owned by the Federal Government and which was leased by an agency of the Federal Government as lessor on condition that no land on the farm shall be planted to cotton.

(3) The base acreage allotment for any farm for which the farm owner has filed a written objection at the office of the county committee prior to the release.

(4) Allotments pooled under Part 719 of this chapter for which an application for transfer has been filed.

(5) The base acreage allotment covered by a conservation program contract.

(b) *Base acreage allotments which may be released and reapportioned—(1) Release of base acreage allotments for the*

current year only. Except as provided in paragraph (a) of this section, all or any part of any farm base acreage allotment for the current year for an old cotton farm, which will not be used may be voluntarily released in writing to the county committee by the applicable closing date. The release shall be made by the farm operator except that base acreage allotments pooled under Part 719 of this chapter may be released only by the displaced owner. Released acreage shall be deducted from the base acreage allotment and a revised notice of farm base acreage allotment shall be issued.

(2) *Permanent release of base acreage allotment.* Except as provided in paragraph (a) of this section and except for pooled base acreage allotment, all or any part of any farm base acreage allotment for the current year for an old cotton farm may be permanently released in writing to the county committee by the owner and operator by the applicable closing date. Released acreage shall be deducted from the farm base acreage allotment and a revised notice of farm base acreage allotment shall be issued.

(c) *Application for reapportioned base acreage allotment.* A written request by the farm operator or owner shall be filed with the county committee by the applicable closing date as a condition of eligibility for consideration by the county committee to have released acreage reapportioned to the farm. In any case where an oral request by the farm operator or owner is made to the county committee by the applicable closing date and the county committee finds that the applicant was prevented by conditions beyond his control from timely filing a written request, such oral request may be considered as timely filed upon filing of a written request within a reasonable period after the closing date. As a condition for the approval of an application for reapportioned base acreage allotment, the application must contain the operator or owner's agreement that the farm will be in compliance with the set-aside requirements of the upland cotton program.

(d) *Reapportionment by county committee.* Released base acreage allotments shall be reapportioned by the county committee on a temporary basis not later than the applicable closing date to other farms receiving farm base acreage allotments in the same county for which timely application is filed in amounts determined by the county committee to be fair and reasonable pursuant to the applicable standards and guidelines under paragraph (e) of this section.

(e) *Standards and guidelines for reapportionment.* The State committee shall establish standards and guidelines for reapportionment to include the limitations in paragraph (e) (1), (2), and (3) of this section to assure uniform application of the basic factors of past acreages of cotton, land, labor, and equipment available for the production of cotton; crop-rotation practices; and soil and other physical facilities affecting the production of cotton. Standards and guidelines established by the State committee

shall be made available to interested parties.

(1) The farm base acreage allotment for any farm to which released base acreage allotment is reapportioned shall not exceed the cropland for the farm.

(2) Base acreage allotments reapportioned to all farms in the county owned, operated or controlled by a member of the community committee or county committee, or an employee of the county committee, for which applications are filed under paragraph (c) of this section, shall be approved on an individual basis by a representative of the State committee only upon a determination that the distribution is fair and equitable, considering acreage allocated to other farms and the acreage requested on such other farms.

(3) Base acreage allotment may not be reapportioned to a farm from which base acreage allotment was transferred by sale, lease, or by owner in the current or prior year except in exceptional cases including but not limited to cases where the transferor will not benefit from the reapportioned base acreage allotment, or the transfer was temporary and base acreage allotment has been returned to the farm for the current year. Any such reapportionment by the county committee shall be subject to approval of a representative of the State committee.

(f) *Surrender of released base acreage to the State committee.* If all the released acreage in a county is not needed in that county, the county committee may surrender, except for released acreage from pooled base acreage, the unused released base acreage to the State committee for reapportionment to other counties. The State committee shall reapportion such surrendered acreage to counties on the basis of abnormal conditions adversely affecting plantings or to correct inequities in farm base acreage allotments and to prevent hardships. Such surrendered acreage shall be reapportioned by the receiving county committee subject to the provisions of paragraphs (c), (d), and (e) of this section.

(g) *Closing dates.* The State committee shall establish applicable closing dates in accordance with Part 731 of this chapter.

(h) *Acreage history.* For the purpose of determining future State and county base acreage allotments, released base acreage allotments will be credited to the State and county in which such base acreage allotments were released. In determining future farm base acreage allotments, the planting in the current year of reapportioned base acreage allotments shall not be considered. Any farm base acreage allotment released for the current year only shall in determining future farm cotton base acreage allotments, be regarded as having been planted on the farm from which such base acreage allotment was released.

§ 722.409 Base acreage allotments for special farms.

(a) *Where the farmowner is displaced by a Federal, State, or other agency having the right of eminent domain.* Farm

base acreage allotments for such acquired land and determination of other farm allotment for such owner shall be governed by Part 719 of this chapter.

(b) *Base acreage allotments for farms operated by publicly-owned agricultural experiment stations.* A farm base acreage allotment shall be established pursuant to the provisions of § 722.406 for a farm operated by a publicly-owned agricultural experiment station.

§ 722.410 Extra long staple cotton.

The provisions of this subpart relating to upland cotton shall not apply to extra long staple cotton.

NOTICES OF BASE ACREAGE ALLOTMENT

§ 722.411 Notices of farm base acreage allotment.

(a) *Initial notice of farm base acreage allotment.* (1) The county committee shall mail a written notice of farm base acreage allotment to the operator of each old cotton farm and each new cotton farm for which a farm base acreage allotment for the current year is established and approved as soon as possible after the farm base acreage allotment is established.

(2) If application for a new cotton farm base acreage allotment is made but the county committee determines that no new farm base acreage allotment shall be established, the county committee shall mail a written notice of "None", as the farm base acreage allotment, to the operator of such farm.

(3) If an old cotton farm loses eligibility for a farm base acreage allotment as an old farm for the current year, the county committee shall mail a written notice of "None", as the farm base acreage allotment, to the operator of such farm showing the reason no farm base acreage allotment was established for the farm.

(b) *Revised notice of farm base acreage allotment.* (1) The county committee shall mail a written notice of revised farm base acreage allotment to the operator of the farm as soon as possible after the county committee determines that a revision is required (i) under this subpart or the regulations governing reconstitution of farms, allotments, and bases in Part 719 of this chapter, (ii) to correct errors committed by the county committee, or (iii) to correct errors caused by fraud or misrepresentation of facts by or on behalf of the producers on the farm.

(2) Such revised notice shall be issued prior to the date when planting of cotton normally becomes general on farms in the county if at all possible but if not possible to do so, such revised notice shall be issued after such date.

(c) *Notice to operator constitutes notice to other person.* (1) Each notice shall contain a statement substantially as follows: "To all persons who as operator, landlord, tenant, or sharecropper will for the crop year shown be interested in the upland cotton produced on the farm for which this base acreage allotment is established". Notice so

given to the operator shall constitute notice to all such persons.

(2) A copy of each notice showing the date of mailing to the operator shall be kept among the records of the county committee. Upon request, a certified copy shall be furnished without charge to any person who as an operator, landlord, tenant, or sharecropper is interested in the cotton produced on the farm in the year for which the notice is issued.

(d) *Farm operator obligation to inform county committee of changes.* The farm operator shall immediately inform the county committee of any change in the ownership, operation, or control of the farm, or any part thereof, and any change in the total land in the farm for a farm with a current farm base acreage allotment.

(e) *Request for reconsideration of farm base acreage allotment.* Each notice shall contain a brief statement of the procedure for filing a request for reconsideration of county committee determinations regarding farm base acreage allotments according to Part 780 of this chapter.

§ 722.412 Availability of farm base acreage allotment records.

(a) The State and county committees shall make available for inspection by owners or operators of farms receiving cotton base acreage allotments, (all records pertaining to the cotton base acreage allotment), including (1) the allocations to the county from the State reserve, and (2) the total amount and distribution of the county reserve.

(b) The State committee shall keep on file at the State office available for examination by any interested cotton producers: (1) the amount of State reserve and authorized uses thereof, and (2) the formula, if any, and data developed and used to apportion State reserve for trends and abnormal conditions.

(c) The provisions of Part 798 of this chapter concerning the availability of information to the public shall be applicable to cotton program records.

MISCELLANEOUS PROVISIONS

§ 722.413 Determination of acreages.

Part 719 of this chapter shall govern the determination of acreages.

§ 722.414 No credit for overplanting the farm base acreage allotment.

Any acreage planted to cotton in the current year in excess of the farm base acreage allotment shall not be taken into account in establishing State, county, and farm base acreage allotments for subsequent crops of cotton.

§ 722.415 Approval of determinations and additional authority for determination of farm base acreage allotments.

(a) *Approval of State reserves, county base acreage allotments, and county reserves.* Determination of State reserves, county base acreage allotments, and county reserves shall be subject to review

and approval by the Administrator, ASCS, or his designee.

(b) *Approval of county committee determinations.* No official notice of farm base acreage allotment shall be mailed to a farm operator of an old or new cotton farm until a representative of the State committee has reviewed and approved the farm base acreage allotment. The representative of the State committee may revise or require revisions of any determination made under this subpart. Such prior review shall not be required for revised farm base acreage allotments resulting from: (1) Reconstitution of farms, (2) release of base acreage allotments, and (3) reapportionment of base acreage allotment, except as provided in § 722.408(e) (2) of this subpart, and except that the State committee may require prior approval by its representative before notices are issued.

(c) *Additional authority for determination of farm base acreage allotments.* In addition to the authority established in this subpart for determination of farm base acreage allotments for both old and new farms, including revised base acreage allotments to correct errors, such determinations may be made by the Secretary, Undersecretary, Administrator of ASCS, or the Deputy Administrator. A notice conforming to the requirements of § 722.411 executed by any of the foregoing officials and mailed to the operator of the farm shall be deemed to meet the requirements of § 722.411.

(d) *Supervisory authority of State committee.* The State committee may take any action required to be taken by the county committee which the county committee fails to take and the State committee may correct or require the county committee to correct any action taken by such committee which is not in accordance with this subpart. The State committee may also require the county committee to withhold taking any action which is not in accordance with this subpart.

NATURAL DISASTER TRANSFERS

§ 722.416 Transfer of farm cotton acreage affected by a natural disaster.

(a) *General authority.* The Deputy Administrator shall determine for any year those counties affected by a natural disaster or a condition beyond the control of producers within the meaning of section 350(h) of the act which prevents the timely planting or replanting of a portion of the farm cotton base acreage allotments in the county. A condition beyond the control of producers is a quarantine imposed by the county, State, or Federal Government which prohibits the planting of cotton. The county committee shall post in the county office a notice of any such determination affecting the county and, to the extent practicable, shall give general publicity in the county to such determination.

(b) *Application for transfer.* The owner or operator of a farm in a county designated for any year under paragraph (a) of this section may file a written

application for transfer of cotton acreage within the farm cotton base acreage allotment for such year to another farm in the same county or in a nearby county in the same or another State if such acreage cannot be timely planted or replanted because of the natural disaster or a condition beyond the control of producer. The application shall be filed with the county committee for the county in which the farm affected by such disaster or condition is located. If the application involves a transfer to a nearby county, the county committee for the nearby county shall be consulted before action is taken by the county committee receiving the application.

(c) *Amount of transfer.* The acreage to be transferred shall not exceed the smaller of (1) the farm base acreage allotment established under this subpart less such acreage planted to cotton and not destroyed by the natural disaster, or (2) the acreage requested to be transferred.

(d) *County committee approval.* The county committee shall approve the transfer if it finds that the following conditions have been met:

(1) All or part of the farm base acreage allotment for the farm from which the acreage is to be transferred could not be timely planted or replanted because of the natural disaster or the condition beyond the control of producers and planting was not prohibited by the lease in case of lands owned by the Federal Government.

(2) One or more producers of cotton on the farm from which the acreage is to be transferred will be a bona fide producer engaged in the production of cotton on the farm to which the acreage is to be transferred and will share in the crop or in the proceeds of the cotton. Such sharing shall be in the manner customary in the area in order to establish the status of such producer as a bona fide producer on the farm to which the acreage is to be transferred.

(e) *Cancellation of transfer.* If a transfer is approved under this section and it is later determined that the conditions in paragraph (d) of this section have not been met, the county committee, State committee or the deputy administrator may cancel such transfer. Action by the county committee to cancel a transfer shall be subject to the approval of the State committee or its representative.

(f) *Acreage history credits and eligibility as an old cotton farm.* Any acreage transferred under this section shall be deemed planted on the farm from which transferred for purposes of acreage history credit and of determining eligibility as an old cotton farm, whether or not such acreage was actually planted.

(g) *Closing dates.* The closing date for filing applications for transfers with the county committee shall be the end of the normal planting period as determined by the State committee. Notwithstanding such closing date requirement, the county committee may accept applications filed after the closing date upon a determination by the county committee

that the failure to timely file an application was the result of conditions beyond the control of the applicant and a representative of the State committee approves such determination.

TRANSFER OF BASE ACREAGE ALLOTMENTS— SALE, LEASE, OR BY OWNER

§ 722.417 General explanation of transfer of base acreage allotments.

Transfers of base acreage allotments are authorized for the 1974 and succeeding crops. All or part of a farm base acreage allotment may be transferred. Transfers by sale are permanent transfers of base acreage allotment and related history from one farm to another farm. Transfers by lease are temporary transfers from one farm to another farm for the term of the lease (which may not extend beyond 1977 except for temporary transfers approved during the years 1966 through 1970 for a term of years extending beyond 1977), and the related history is maintained to support the leased base acreage allotment on the farm and in the county from which leased. Transfers by an owner to any other farm owned or controlled by him in the same State may be either permanent transfers of base acreage allotment or transfers for a term of years designated by the owner (which may not extend beyond 1977 except for temporary transfers approved during the years 1966 through 1970 for a term of years extending beyond 1977) and related history would be transferred on a permanent basis or maintained in a manner similar to least transfers. Transfers by sale and lease may be made only to farms in the same county except as provided in § 722.418.

§ 722.418 Transfers by sale or lease across county lines.

Transfers by sale or lease across county lines within the same State may be authorized by the county committee of the county from which the allotment is to be transferred if the committee (a) finds that a demand for such base acreage allotment no longer exists in such county, and (b) approves any transfers of base acreage allotments to farms outside such county. The county committee shall make its determination and announce it no later than the date that original allotment notices are mailed in the county. In making its finding whether a demand for base acreage allotments no longer exists in the county, the county committee should consider any factor reasonably related to such a demand. A strong indication that such demand no longer exists in the county would be (1) that a majority of the producers voting in the last transfer referendum voted to approve transfers from the county, (2) that released acreage was surrendered to the State committee in a prior year, or (3) that the price offered for transferred cotton is substantially less in the county than it is for cotton transferred out of county. The county committee may make separate determinations for transfers by sale and transfers by lease. For example, a county committee may determine that there is a basis for permitting

out-of-county transfers by lease but not by sale. The county committee may prescribe an initial period during which only transfers within county will be approved. After this period out-of-county transfers may be approved. This period may not extend beyond February 1 or such later date as may be approved by the Deputy Administrator. To the extent practicable, the county committee shall give general publication to determinations under this section. The original determination by the county committee shall be the final one and should contain a summary of the facts upon which based. The original determination of the county committee shall not be subject to reconsideration by the county committee. In those counties where out-of-county transfers are not authorized, a member of the county committee may not receive any acreage by transfer or reapportionment until a determination has been made by a representative of the State committee that the acreage involved is reasonable compared with acreage transferred or reapportioned to similar farms in the county.

§ 722.419 Records of transfer.

(a) *Persons eligible to file records of transfers—(1) Sale or lease.* The owner and operator of any farm for the current year for which an upland cotton base acreage allotment is or will be established for the year in which the transfer is to take effect is eligible to file a record of sale or lease of all or part of such base acreage allotment to any other owner or operator of a farm for transfer to such farm. If the owner and operator of the farm from which transfer by sale or lease is to be made are different persons, both such persons shall execute the record. Either the owner or operator of the receiving farm is required to sign the transfer. A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located, they may be witnessed in any county office convenient to the owner's or operator's residence. The requirement that signature be witnessed for producers who are ill, infirm, reside in distant areas, or are in other similar situations or may be unduly inconvenienced may be waived, provided the county office mails form ASCS-375 for the required signature.

(2) *By owner.* The owner of any farm for which an upland cotton base acreage allotment is or will be established for the year in which the transfer is to take effect is eligible to file a record of transfer of such base acreage allotment from the farm to another farm owned or controlled by such owner in the same State. The county committee shall approve a transfer under this subparagraph requested on a nonpermanent basis to a farm controlled but not owned by the applicant only if such applicant will be the operator of the farm to which transfer is to be made for each of the years

for which the transfer is requested. However, if the county committee determines that the applicant is prevented from remaining the operator of such farm for which such transfer has been approved due to conditions beyond his control, the transfer shall remain in effect. Conditions beyond his control shall include, but are not limited to death, illness, incompetency, or bankruptcy of such person.

(b) *When records to be filed.* Records of transfer may be filed during the period beginning on the date original notices of base acreage allotment are mailed to farm operators and ending on the date established by the State committee as the closing date for release and requests for reapportionment of base acreage allotment according to § 722.408(g). The State committee may authorize a record of transfer to be filed after the closing date upon a finding that the producer was prevented from filing for reasons beyond his control.

(c) *Where records to be filed.* Records shall be filed with the county committee of the county where the farm to which the base acreage allotment is to be transferred is located, but the county office of the county where the farm from which the base acreage allotment is to be transferred is located is hereby authorized to receive records on behalf of such county committee and shall forward a copy of each record to such county committee.

§ 722.420 Amount of base acreage allotment transferable.

(a) *General.* All or part of the upland cotton base acreage allotment established for a farm may be transferred to another farm.

(b) *Productivity adjustments.* For the purpose of the adjustments in this paragraph, the word "yield" means the current payment yield established for the farm for the year the transfer is to take effect. The county committee shall determine the amount of base acreage allotment to be transferred by sale, lease, and by owner, where productivity adjustment is required under this paragraph as follows:

(1) Multiply the transferred acres by the payment yield for the transferring farm. The result is the number of pounds transferred.

(2) Divide the pounds transferred by the payment yield for the receiving farm. The result is the number of acres by which the allotment on the receiving farm is to be increased. The county committee shall establish a payment yield on nonallotment farms receiving cotton allotment transfers. The payment yield shall be based on actual production records if available for the farm (the immediate three preceding years). The actual yield may be adjusted for any of the three years for abnormal conditions. If actual production is not available for any year or years used in establishing the payment yield, the county committee shall appraise a yield for the applicable year which is comparable to similar farms, similarly operated in

the area. The amount of base acreage allotment which may be transferred is limited to the cropland on the receiving farm less the receiving farm's originally established allotment. In the case of temporary transfers of base acreage allotment for 2 or more years by lease or by owner, the productivity adjustment and amount of base acreage allotment so transferred shall be redetermined by the county committee each year the transfer remains in effect.

(c) *Permanent allotment transfers to non-allotment farms.* The COC shall make annual adjustments in the total farm allotment for three years following the year the initial transfers to the non-allotment farm were effective. The adjustment shall be made in any year during this period that the receiving farm's payment yield is increased or decreased by more than 10 percent from the prior year payment yield. The acres transferred shall be decreased by an acreage that will offset the increase in payment yield from the prior year.

(d) *Permanent transfers to allotment farms.* The COC shall make annual review for the next three years to determine if downward adjustments should be made in the acreage transferred. If the total acreage permanently transferred to a farm exceeds the originally established basic allotment for the farm by more than the smaller of 100 percent or 100 acres, the COC shall adjust the allotment in any year during the three year period that the receiving farm's payment yield increases by more than 10 percent from the prior year payment yield. The acres transferred shall be decreased by an acreage that will offset the increase in payment yield from the prior year.

(e) *Operator's statement on adjustments.* For each allotment subject to an adjustment under paragraphs (c) and (d) of this section, the operator shall be put on notice that the acreage will be adjusted if required for the next three years.

(f) *No transfer of reapportioned acreage.* No transfer of base acreage allotment under section 344a of the act shall be made of base acreage allotment reapportioned to a farm under section 350 (f) of the act.

(g) *No transfer of new farm base acreage allotment.* No transfer of base acreage allotment under section 344a of the act shall be made from a farm which received a new farm base acreage allotment in the current year or within the 3 immediately preceding crop years.

(h) *Transfer of pooled allotments.* Base acreage allotments established for a farm as pooled allotment under section 378 of the act may be transferred under section 344a of the act on a permanent basis during the 3-year life of the pooled allotment or for a term of years not to exceed the remaining number of crop years of such 3-year period.

(i) *Transfers Redetermined for 1974.* In any case in which a transfer of base acreage allotment was made in 1972 and

1973 and the 1974 allotment resulting from such transfer has been cancelled because the allotment resulting from the transfer has not been established in conformity with applicable regulations, the transfer shall be redetermined for 1974 in accordance with and subject to all the provisions of the regulations in this part that apply to transfers that are newly made in 1974: *Provided*, That (1) the total pounds transferred shall be increased by the percentage increase in the national cotton allotment since the year originally transferred, and (2) if, in the establishment of the payment yield for the receiving farm, (i) the actual yield for 1971, 1972, or 1973 is abnormally high because the cotton was produced by extraordinary cultural practices not normally carried out in the area and the cotton acreage produced was not of economic size and was only a very small part of the total farm or (ii) there is no cotton production on the receiving farm in any year upon which the payment yield is based, the yield for any such year shall be disregarded and a yield shall be appraised for any such year based on yields on other similar farms.

§ 722.421 Additional conditions and limitations.

(a) *Same State.* No transfer under section 344a of the act shall be made from a farm to a farm in another State or to a person for use in another State.

(b) *Consent of lienholder.* No transfer under section 344a of the act shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder.

(c) *New farm eligibility.* Any farm from which the entire farm base acreage allotment is transferred under section 344a of the act shall not be eligible for a new cotton farm base acreage allotment during the 5 years following the year for which such transfer is made.

(d) *Farms in conservation programs.* Transfer by sale or lease from a farm covered by a conservation reserve contract, cropland adjustment agreement, or other similar land utilization agreement shall be made subject to an appropriate adjustment in the rates of payment under such contract or agreements but no adjustment shall be made in such contract or agreements on the farm to which transfer by sale or lease is made.

(e) *Limitation on transfers to and from a farm.* No transfer of base acreage allotment under section 344a of the act for any year shall be made (1) from a farm receiving base acreage allotment by transfers under section 344a of the act for such year, or (2) to a farm which has had base acreage allotment transferred from it under section 344a of the act for such year.

(f) *No permanent transfers by sale or by owner from farms to which transfer by sale or by owner within 3 years.* No permanent transfer by sale or by owner shall be made from any farm to which allotment was permanently transferred by sale or by owner within the three immediately preceding crop years.

(g) *Transfer of acreage history.* Transfer of base acreage allotment under section 344a of the act shall have the effect of transferring the acreage history attributable to such base acreage allotment, except that in the case of transfer by lease, the amount of base acreage allotment so transferred shall be determined for each year of the lease on the basis of the county factor of the county from which transferred and upon the expiration of the lease the transferred base acreage allotment shall be considered for purposes of establishing future base acreage allotments to have been planted on the farm from which such base acreage allotment is transferred.

(h) *Federally owned land.* No transfer under section 344a of the act shall be made from any land owned by the United States, or any agency or instrumentality wholly owned by the United States, except that the transfer may be approved in cases where the land is leased back with uninterrupted possession to the former owner after acquisition by an agency having the right of eminent domain. For such transfers, the Government agency or instrumentality is not required to sign the record of transfer.

(i) *Set-aside requirements.* As a condition for approval of a request for transfer of base acreage allotment, the operator or owner of the farm to which the base acreage allotment is to be transferred must agree to comply with the set-aside requirements of the upland cotton program when set-aside is in effect.

§ 722.422 County committee action.

(a) *Approval of transfers.* The county committee shall approve transfers of base acreage allotment only if it determines that a timely filed application has been received and that the transfer complies with the requirements of §§ 722.417 to 722.421 and this section. If the transfer is made between counties, the approval of both county committees shall be required. No transfer under section 344a of the act shall be effective until approval as provided under this paragraph is obtained.

(b) *Notice of revised base acreage allotments.* The county committee shall issue revised notice of base acreage allotment for each farm affected by the transfer of base acreage allotment.

(c) *Cancellation, withdrawal, or revision of transfer agreement—(1) Cancellation.* If the county committee determines that the conditions applicable to any transfer of base acreage allotments under §§ 722.417 to 722.421 and this section have not been met, the county committee shall cancel the transfer and issue revised notices of base acreage allotment showing the reason for cancellation.

(2) *Withdrawal or minor revisions.* Where the county committee determines that it is clearly in the best interest of all the producers and that effective operation of the program will not be impaired, the county committee may permit withdrawal or minor revisions of transfers upon written request by all

parties to the transfer, provided that (i) temporary transfers may be withdrawn or revised during any year of the agreement before cotton is planted, and (ii) permanent transfers may be withdrawn or revised only during the first year of the agreement before cotton is planted.

RECORDKEEPING REQUIREMENTS

§ 722.423 Records and reports.

The recordkeeping and reporting requirements for upland cotton are contained in §§ 722.85 to 722.95 of the cotton marketing quota regulations.

§§ 722.424—722.450 [Reserved]

Effective date: July 26, 1974.

Signed at Washington, D.C. on July 22, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 74-17152 Filed 7-25-74; 8:45 am]

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

[Lemon Reg. 649]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period July 28-Aug. 3, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.949 Lemon Regulation 649.

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

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues about unchanged from last week. Average f.o.b. price was \$6.30 per carton the week ended July 20, 1974, compared to \$6.02 per carton the previous week. Track and rolling supplies at 140 cars were down 40 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 23, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 28, 1974, through August 3, 1974, is hereby fixed at 275,000 cartons.

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

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

Dated: July 24, 1974.

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

[FR Doc.74-17260 Filed 7-25-74; 8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cooperative Marketing Associations, Price Support Eligibility Regs., Amdt. 2]

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

MISCELLANEOUS AMENDMENTS

On June 13, 1973, Commodity Credit Corporation published a notice of proposed rulemaking in the FEDERAL REGISTER (38 FR 15521) giving notice of proposed changes in the regulations of Commodity Credit Corporation relating to cooperative marketing association eligibility requirements for price support. The notice proposed enlarging the list of commodities on which Commodity Credit Corporation would make loans to and purchases from approved cooperative marketing associations. The notice also proposed changes in some of the eligibility requirements to be met by cooperative marketing associations desiring to obtain Commodity Credit Corporation price support.

Four comments were received regarding the proposed changes in eligibility requirements and 211 comments were received regarding the expansion of the list of commodities. No decision has yet been made as to whether Commodity Credit Corporation will make loans to and purchases from approved cooperative marketing associations on the additional commodities listed in the notice of rulemaking. However, Commodity Credit Corporation has adopted most of the proposed changes in the price support eligibility requirements for cooperative marketing associations except for editorial changes and other changes which are in accordance with the comments received or which do not impose substantially different requirements.

The regulations are changed as follows:

1. The first sentence of paragraph (a) of § 1425.2 is amended to change the designated office responsible for administering the provisions of this subpart. The amended paragraph reads as follows:

§ 1425.2 Administration.

(a) *Responsibility.* The Program Operations Division, ASCS, will administer the provisions of this subpart under the general direction and supervision of the Deputy Administrator, Programs, in accordance with program provisions and policy determined by Commodity Credit Corporation. In the field, the provisions

of this subpart will be administered by the State and County Agricultural Stabilization and Conservation Committees and, where applicable, the Agricultural Stabilization and Conservation Service Commodity Office. As used in this part, the term "CCC" means the Commodity Credit Corporation and the term "ASCS" means the Agricultural Stabilization and Conservation Service.

2. The first four sentences of paragraph (a) of § 1425.3 are amended to change office designations, and paragraph (b) of § 1425.3 is amended to divide it into six paragraphs (b) through (g). These six paragraphs redefine the term "approved cooperative", change the documentation required to be submitted annually and currently, add a provision for suspension of a cooperative under certain circumstances, add provisions for termination of approval by CCC and forfeiture of unredeemed collateral, and add a provision for voluntary termination by a cooperative. The amended § 1425.3 reads as follows:

§ 1425.3 Application.

(a) *Initial approval.* A cooperative which desires approval to obtain price support shall submit an application for a determination of eligibility with respect to each of the commodities listed herein for which approval is sought. An application form and related questionnaire and a copy of the regulations appearing in this subpart may be obtained from the Program Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. Inquiries relating to such documents should also be addressed to the Program Operations Division. The cooperative shall forward its application and required information to the Director, Program Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. Applications with respect to each of the commodities listed herein and supporting material shall be submitted on or before the applicable date listed below of the calendar year in which the cooperative requests approval to participate in the price support program for commodities marketed thereafter, or by such later date as the Executive Vice President, CCC, may authorize to alleviate hardship.

Commodity	Date
Cotton.....	Aug. 1.
Dry edible beans.....	July 1.
Honey.....	Aug. 1.
Rice.....	Sept. 1.
Soybeans.....	Aug. 1.
Tung oil.....	Aug. 1.

If price support program regulations for a commodity not listed above require a cooperative to obtain approval under this subpart to be eligible for price support, the latest date for filing an application for approval with respect to such commodity shall be specified in such program regulations. Information submitted in connection with an application relative to trade secrets or financial

or commercial operations or dealing with the financial condition of an applicant cooperative shall be kept confidential by the officers and employees of CCC and the Department of Agriculture and shall not be released except to the extent CCC determines such action is necessary for the conduct of the price support program.

(b) *Approved cooperatives.* A cooperative shall be considered as an "approved cooperative" for the purposes of this paragraph (b) if:

(1) It is unconditionally approved to participate in a price support program with respect to the 1971 or any subsequent crop of a commodity; or

(2) It is conditionally approved to participate in a price support program with respect to the 1971 or any subsequent crop of a commodity and has satisfied the conditions of approval. An approved cooperative may participate in the price support program for such commodity until its approval is suspended or terminated by the Executive Vice President, CCC, or his designee.

(c) *Annual information.* Annually, an approved cooperative shall furnish, when requested by the Director, Program Operations Division:

(1) An audit report to include any accompanying notes, schedules or exhibits, certified by a certified public accountant as fairly representing the financial condition of the cooperative.

(2) A statement showing the total capital interest in the cooperative owned by active members, and the total capital interest owned by inactive and non-members by each separate category.

(3) The names of any active members who own in excess of 10 percent of the capital of the cooperative and the amount so owned.

(4) The quantity of each commodity delivered to the cooperative for marketing and the portion thereof received from active members.

(5) The quantity of each commodity tendered to CCC for loan and the quantity redeemed.

(d) *Current information.* An approved cooperative shall furnish to the Director, Program Operations Division, immediately:

(1) Any changes in its articles of incorporation, bylaws, resolutions, or marketing agreement.

(2) Any changes in officers, directors, or principal employees and conflict of interest statements in accordance with § 1425.8(d).

(3) Any change in pooling operations with an explanation of the change and why such change was necessary.

(4) Additional information as may be requested at any time in connection with its continued approval under this subpart.

(e) *Suspension.* A cooperative may be suspended by CCC from further participation in the price support program if it is determined that it has not operated in accordance with representations made in its application for approval, has not complied with the regulations, or

has failed to bring into compliance deficiencies noted during an administrative review or an audit of its operations under a price support program. Such suspension may be lifted upon receipt of documents indicating that the condition has been corrected and that the cooperative complies with the provision of this subpart which served as the basis of the suspension.

(f) *Termination.* CCC shall have the right at any time, by giving the cooperative at least 5 days written notice, to terminate the right of the cooperative to tender commodities to CCC for loan and to mature all outstanding loans by making demand for payment by the date specified in such notice, which shall not be earlier than 10 days after such termination date. If the cooperative has loans outstanding, such loans shall be redeemed not later than such maturity date or title to the commodity shall, without a sale thereof, vest in CCC, and CCC shall have no obligation to pay for any market value the commodity may have in excess of the amount of the loans, plus interest and charges.

(g) *Voluntary termination.* An approved cooperative may at any time, upon written notice to CCC, voluntarily terminate its approval to participate in a price support program: *Provided*, that the cooperative does not have any outstanding loans at the time of voluntary termination.

3. Section 1425.14 is amended to provide that loan proceeds shall be distributed to members participating in a price support pool on the basis of the quality and quantity of commodity delivered by each member less any authorized charges which are necessary to condition the commodity or otherwise make it eligible for loan and to permit reallocation of proceeds withheld from certain members. The amended section reads as follows:

§ 1425.14 Distribution of proceeds.

(a) *Loan advances.* If price support is obtained from CCC on any part of the commodity in a pool, the loan proceeds shall be distributed to members participating in such pool on the basis of the quantity and quality of the commodity delivered by each member less any authorized charges for services performed by and/or paid for by the cooperative which are necessary to condition the commodity or otherwise make the commodity eligible for loan.

(b) *Ratable distribution.* If price support is obtained from CCC on any part of the commodity in a pool, the proceeds of such pool shall be distributed only to members participating in such pool ratably on the basis of the quantity and quality of the commodity delivered by each member which is included in such pool or on such other fair and reasonable basis as the Executive Vice President, CCC, may approve. The cooperative shall submit with its application a detailed description of the method by which proceeds from a pool on which price support is obtained will be distributed. Such method shall assure CCC that proceeds

obtained through price support will not accrue to persons other than eligible producer members.

(c) *Unclaimed funds.* A cooperative which has attempted to distribute the applicable part of its capital interest (as defined in § 1425.4(a)) in accordance with its articles of incorporation and bylaws to producer members described in paragraph (b) of this section and has given notice of such distribution both by publication and personal letter addressed to such members, may provide for reallocation of such undistributed capital interest, to the extent permitted by the law of the State applicable to such distribution, to its members and patrons on an equitable basis if: (1) The period of limitation for the payment of debts has run commencing on the date the capital interest was declared to be payable by the cooperative; (2) the cooperative, prior to the lapse of such period of limitation, has given the affected member a 30-day notice of the expiration of such period of the amount payable to him by certified mail, return receipt requested, at the member's last known address as reflected on the books of the cooperative; and (3) no claim for payment of such capital interest is made within the period of limitations described above.

The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: July 26, 1974.

Signed at Washington, D.C., on July 22, 1974.

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

[FR Doc. 74-17153 Filed 7-25-74; 8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 12, Amdt. 12]

PART 121—SMALL BUSINESS SIZE STANDARDS REGULATION

Sales of Government-Owned Timber

In order to clarify the meaning of various provisions of § 121.3-9(b) of Part 121, Chapter I, Title 13 of the Code of Federal Regulations, § 121.3-16, *Interpretations*, is hereby amended by revising paragraph (b) to read as follows:

§ 121.3-16 Interpretations.

(b) *Section 121.3-9 of Part 121, "Sales of Government-Owned Timber."* (1) For the purpose of the 30 percent rule set forth in § 121.3-9(b)(2)(ii), the term "sell" includes but is not limited to (i) the exchange of sawlogs for sawlogs on a product-for-product basis with or without monetary adjustment, and (ii) an indirect transfer such as the sale of the assets of (or a controlling interest in) a concern after it has been awarded one or more set-aside sales of timber.

Under the latter circumstances, if, after being awarded a set-aside sale of timber a small business concern merges with or becomes subject to the control of a large business, so much of such timber (or sawlogs therefrom) shall be sold to one or more small businesses as is necessary for compliance with the 30 percent (50 percent in Alaska) restriction.

(2) The provision in § 121.3-9(b)(3) (that a concern which is not going to resell timber or sawlogs shall agree that, in manufacturing products from sawlogs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify as small) assumes that the successful bidder will remain a small business until the products have been manufactured. Accordingly, if, after acquiring the set-aside sale the bidder is purchased by, becomes controlled by, or merged with a large business, so much of such timber (or sawlogs therefrom) as is necessary shall be sold to one or more small businesses for compliance with the 30 percent (50 percent in Alaska) restriction.

(3) Any concern that self-certifies as a small business for the purpose of award under a small business set-aside sale of Government timber is expected to maintain evidence that it did so in good faith. Accordingly, such a concern will have to maintain for a period of 3 years the name, address, and size status of each concern to whom the timber or sawlogs were sold or disposed, and the log species, grades, and volumes involved. Such concern, and any subsequent small business concern that acquires the sawlogs, also shall require its small business purchasers to maintain similar records for a period of 3 years.

Effective date. This amendment shall become effective on July 26, 1974.

Dated: July 12, 1974.

(Catalog of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Businesses.)

LOUIS F. LAUN,
Acting Administrator.

[FR Doc. 74-17118 Filed 7-25-74; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-WE-32-AD; Amdt. 39-1904]

PART 39—AIRWORTHINESS DIRECTIVES Certain General Dynamics Models 340 and 440 Series Airplanes

There have been numerous cracks found in the fuselage stringers in areas adjacent to beltframe attachments on General Dynamics Models 340 and 440 series airplanes that could result in reduced frame effectiveness and subsequent serious damage of overall fuselage structure.

Since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued to require inspection of

the fuselage stringers and the belt-frames at stringer attachment for cracks on General Dynamics Model 340 and 440 series airplanes including those modified for turbo-propeller power.

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

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

GENERAL DYNAMICS. Applies to General Dynamics Model 340 and 440 series airplanes, certificated in all categories, including those modified for turbo-propeller power.

Compliance required as indicated.

To prevent loss of structural integrity of the frame, due to longitudinal cracks in the stringer or beltframe at the beltframe attach points, accomplish the following:

(a) For airplanes with more than 52,000 hours' time in service as of the effective date of this A.D., perform an initial inspection of the stringer to frame attachments per (g) (1), below, within 300 hours' additional time in service, unless already accomplished within the last 4,700 hours' time in service, and thereafter, perform the inspection described in (g) (2) below, at intervals not to exceed 5,000 hours' time in service.

(b) For airplanes with more than 42,000 hours' time in service, up to and including 52,000 hours' time in service as of the effective date of this A.D., perform an initial inspection of the stringer to frame attachments per (g) (1), below, within 1,500 hours' additional time in service, unless already accomplished within the last 3,500 hours' time in service, and thereafter, perform the inspection described in (g) (2), below, at intervals not to exceed 5,000 hours' time in service.

(c) For airplanes with more than 35,000 hours' time in service up to and including 42,000 hours' time in service as of the effective date of this A.D., perform an initial inspection of the stringer to frame attachments per (g) (1), below, within the next 3,000 hours' time in service, unless already accomplished within the last 4,500 hours' time in service, and thereafter perform the inspection described in (g) (2), below, at intervals not to exceed 7,500 hours' additional time in service. See (f), below, for reduction in repetitive inspection interval.

(d) For airplanes with more than 25,000 hours' time in service up to and including 35,000 hours' time in service as of the effective date of this A.D., perform an initial inspection of the stringer to frame attachment per (g) (1), below, within the next 3,000 hours' time in service, unless already accomplished within the last 7,000 hours' time in service, and thereafter perform the inspection described in (g) (2), below, at intervals not to exceed 10,000 hours' time in service. See (f), below, for reduction in repetitive inspection interval.

(e) For those airplanes with less than 25,000 hours' time in service on the effective date of this A.D., and have not previously been inspected for cracks, perform the initial inspection described in (g) (1), below, within 3,000 hours' additional time in service after accumulating 25,000 hours' time in service. Repetitive inspections must be performed per (g) (2), below, at the intervals required by (a) through (d), above. For those aircraft which have been previously in-

spected for cracks per (g) (1), below, accomplish the repetitive inspections per (g) (2), below, at the intervals required by (a) through (d), above. The first inspection per (g) (2) must be accomplished before accumulating 28,000 hours' total time in service or 10,000 additional flight hours from the inspection per (g) (1), whichever occurs later.

(f) The second inspection, for airplanes affected by paragraphs (c) and (d), above will be within the 7,500 or 10,000 hours' time in service as specified; however, for subsequent inspections, the interval will be based upon the airplane time in service at the time of the last inspection rather than the total time in service which results in the airplane reaching the next category. If the last inspection was accomplished when the airplane had more than 42,000 hours' time in service, all subsequent inspections must be at intervals not to exceed 5,000 hours' additional time in service.

(g) (1) Perform a close, visual, above the floor level, inspection of the stringers and beltframes for evidence of cracks at all stringer to beltframe attach points between stations 140 and 889.

(2) Perform a close visual inspection of all stringer to frame attachment (above and below floor level) for evidence of cracks between stations 140 and 889.

(3) If cracks are found in any of these inspections, repair in accordance with applicable structural repair manual prior to further flight.

(h) Equivalent inspections and repairs may be approved by the Chief, Aircraft Engineering Division, upon the submission of adequate substantiating data.

(i) This A.D. may be amended to modify the repetitive inspection intervals if substantiating data is presented to the Chief, Aircraft Engineering Division, FAA Western Region.

(j) If cracks are found as a result of the inspections performed in compliance with this A.D., report the findings to the Chief, Aircraft Engineering Division, FAA Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, (Reporting approved by the Bureau of Budget under BOB No. 04-R-0174).

Identify part number, total hours' time in service on the part and time in service since last inspection; number, size and location of crack(s); total time on the aircraft, serial number of the aircraft.

(k) Airplanes may be flown to a base for the accomplishment of maintenance required by this A.D. per FAR's 21.197 and 21.199.

This amendment becomes effective on August 2, 1974.

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

Issued in Los Angeles, California on July 18, 1974.

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

[FR Doc.74-17078 Filed 7-25-74;8:45 am]

[Airworthiness Docket No. 74-WE-33-AD; Amdt. 39-1905]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-8 Series Airplanes

Amendment 692 (29 FR 2877), AD 64-5-2 to the Regulations of the Administrator (ROA), as amended by Amend-

ment 727 (29 FR 5943) to the ROA, requires inspection for nicks, scratches, and impact dents on McDonnell Douglas Model DC-8 main landing gear bogie beams. A major DC-8 operator has requested that the 1000 hour time in service repetitive inspection interval of AD 64-5-2 be increased to 3000 hours' time in service, based on 10 years of service experience under the A.D. without a single failure or significant damage due to nicks, scratches, and impact dents. The agency has determined that essentially the same service experience exists for the rest of the DC-8 fleet. Therefore, the AD is being further amended to extend the repetitive inspection interval to 3000 hours' time in service.

Since this amendment is relieving in nature 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 the Federal Aviation Regulations, Amendment 692 (29 FR 2877), AD 64-5-2 to the ROA, as amended by Amendment 727 (29 FR 5943) to the ROA, is further amended by rewriting paragraph (a) to read as follows:

(a) Within 1000 hours' time in service after the effective date of this AD, as amended, for bogie beam assemblies having more than 1000 hours' time in service as of the effective date of this AD, as amended, and prior to the accumulation of 2000 hours' time in service for bogie beam assemblies having less than 1000 hours' time in service as of the effective date of this AD, as amended, and thereafter at intervals not to exceed 3000 hours' time in service, accomplish the inspection and rework outlined in (b).

This amendment becomes effective August 2, 1974.

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

Issued in Los Angeles, California on July 18, 1974.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.74-17079 Filed 7-25-74;8:45 am]

[Airspace Docket No. 74-EA-36]

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

Alteration of Control Zone

On page 18800 of the FEDERAL REGISTER for May 30, 1974, the Federal Aviation Administration published a proposed rule which would alter the Lewisburg, W. Va., Control Zone (39 FR 399).

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

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. September 12, 1974.

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

Issued in Jamaica, N.Y., on July 10, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

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

[FR Doc.74-17080 Filed 7-25-74;8:45 am]

[Airspace Docket No. 74-SW-34]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Tulsa, Okla. (Riverside Airport), control zone.

On May 1, 1974, FR Doc. 74-9902 was published in the FEDERAL REGISTER (39 FR 15099) altering the Tulsa, Okla. (Riverside Airport), control zone effective 0901 Gmt, July 18, 1974. Subsequent to publication of this document, it was determined to retain the existing VOR/DME RWY 36L instrument approach procedure to the Riverside Airport. This requires retention of the existing southwest extension of the control zone to contain the aircraft within controlled airspace.

Also, subsequent to publication of Document 74-9902, the name of the Riverside TVOR was changed to Glenpool TVOR, and commissioning will be delayed until October 10, 1974.

Since this action is minor in nature and one upon which the public would not have particular reason to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 g.m.t., October 10, 1974, as hereinafter set forth.

In § 71.171 (39 FR 354), the Tulsa, Okla. (Riverside Airport), control zone is amended to read:

TULSA, OKLA. (RIVERSIDE AIRPORT)

Within a 5-mile radius of Riverside Airport (latitude 36°02'19" N., longitude 95°59'00" W.), within 2 miles each side of the Glenpool TVOR 349° radial extending from the 5-mile radius zone to the TVOR and within 2.5 miles each side of the Tulsa VORTAC 223° radial extending from the 5-mile radius zone to 21 miles southwest of the VORTAC. This control zone is effective during 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.

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

Issued in Fort Worth, Tex., on July 11, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.74-17085 Filed 7-25-74;8:45 am]

[Airspace Docket No. 74-SW-27]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Eagle Pass, Tex.

On June 11, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 20500) stating the Federal Aviation Administration proposed to designate the Eagle Pass, Tex., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 10, 1974, as hereinafter set forth.

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

EAGLE PASS, TEX.

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

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

Issued in Fort Worth, Tex., on July 18, 1974.

JOHN A. DUFFICY,
Acting Director,
Southwest Region.

[FR Doc.74-17082 Filed 7-25-74;8:45 am]

[Airspace Docket No. 74-SW-30]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the 700-foot transition area at Intracoastal City, La.

On June 11, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 20500) stating the Federal Aviation Administration proposed to

alter the Intracoastal City, La., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 10, 1974, as hereinafter set forth.

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

INTRACASTAL CITY, LA.

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

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

Issued in Fort Worth, Tex., on July 18, 1974.

JOHN A. DUFFICY,
Acting Director,
Southwest Region.

[FR Doc. 74-17084 Filed 7-25-74;8:45 am]

[Airspace Docket No. 74-SW-24]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Leeville, La.

On May 30, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 18800) stating the Federal Aviation Administration proposed to designate the Leeville, La., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 12, 1974, as hereinafter set forth.

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

LEEVILLE, LA.

That airspace extending upward from 700 feet above the surface within 3.5 miles either side of the Leeville, La., VORTAC 275° radial extending from the VORTAC to 14 miles west of the VORTAC.

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

Issued in Fort Worth, Tex., on July 11, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.74-17087 Filed 7-25-74;8:45 am]

[Airspace Docket No. 74-SW-23]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the McAllen, Tex., transition area.

On May 30, 1974, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (39 FR 18801) stating the Federal Aviation Administration proposed to alter the transition area at McAllen, Tex.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 12, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the McAllen, Tex., transition area is amended to read:

McALLEN, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Miller International Airport (latitude 26°10'40" N., longitude 98°14'25" W.); within 3.5 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius area to 11.5 miles east of the VOR; within 4 miles south and 5 miles north of the McAllen VOR 321° radial extending from the 5-mile radius area to 18.5 miles northwest of the McAllen VOR; and within 2 miles each side of the localizer (latitude 26°09'59" N., longitude 98°13'53" W.) back course 141° radial extending from the 5-mile radius area to 5.5 miles southeast of the localizer, excluding the portion outside the United States.

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

Issued in Fort Worth, Tex., on July 11, 1974.

A. H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.74-17086 Filed 7-25-74;8:45 am]

[Airspace Docket No. 74-SW-28]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Morgan City, La.

On June 11, 1974, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (39 FR 20501) stating the Federal Aviation Administration proposed to designate the Morgan City, La., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 10, 1974, as hereinafter set forth.

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

MORGAN CITY, LA.

That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Tibby, La., VORTAC 281° radial extending from 11.5 miles west of the VORTAC to 23 miles west of the VORTAC. (Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on July 18, 1974.

JOHN A. DUFFICY,
Acting Director,
Southwest Region.

[FR Doc.74-17083 Filed 7-25-74;8:45 am]

[Airspace Docket No. 74-SW-29]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Sabine Pass, Tex.

On June 11, 1974, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (39 FR 20501) stating the Federal Aviation Administration proposed to designate the Sabine Pass, Tex., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 10, 1974, as hereinafter set forth.

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

SABINE PASS, TEX.

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

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

Issued in Fort Worth, Tex., on July 18, 1974.

JOHN A. DUFFICY,
Acting Director,
Southwest Region.

[FR Doc.74-17081 Filed 7-25-74;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

PART 1512—REQUIREMENTS FOR BICYCLES

Banning of Hazardous Bicycles; Establishment of Safety Requirements

Correction

In FR Doc. 74-15315 appearing at page 26100 in the issue of Tuesday, July 16, 1974, the following changes should be made:

1. In § 1512.5(e) (3), the figure "0.56 (22 in.)" in the second line should read "0.56 mm (22 in.)".
2. In § 1512.18(b) (2), the figure "7.8 mm 5/16 in." in the second line should read "7.8 mm (5/16 in.)".

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ASPARTAME

In the *FEDERAL REGISTER* of March 5, 1973 (38 FR 5921), notice was given that a petition (FAP 3A2885) had been filed by G. D. Searle & Co., Box 5110, Chicago, IL 60680, proposing the issuance of a food additive regulation to provide for the safe use of aspartame (L-aspartyl-L-phenylalanine methyl ester) in foods as a nutritive substance with intense sweetness and with flavor-enhancing properties.

Subsequently, the petitioner amended the petition by proposing additionally the safe use of L-leucine, for technological purposes, in tablets containing aspartame.

The Commissioner of Food and Drugs has evaluated the data in the petition, and other relevant material, and concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of the petitioned additives. Because the appearance of this new sweetener is expected to elicit considerable public interest, a discussion of the new regulation is set forth in this preamble.

1. Aspartame is the methyl ester of a synthetic dipeptide of two amino acids, i.e., L-aspartic acid and L-phenylalanine. The chemical terminology for designation of aspartame has been revised slightly in order to be consistent with the terminology employed by Chemical

Abstracts Service: 1-methyl N-L-aspartyl-L-phenylalanine

2. Aspartame is intensely sweet—about 180 times as sweet as sugar. When consumed, it is metabolized as a protein, unlike sugar which is metabolized as carbohydrate. Like sugar or protein, aspartame provides approximately 4 calories per gram; however, because of its greater sweetness, if aspartame is employed as a sweetener in place of sugar it will provide only about 1/180th of the calories that would be provided by the use of a quantity of sugar yielding equivalent sweetness. Aspartame differs from saccharin, which may be used as a sweetening agent in certain foods pursuant to § 121.4001 (21 CFR 121.4001), in that saccharin provides no calories. However, because of its intense sweetness, the amount of aspartame needed to sweeten food satisfactorily may often be so small that its caloric contribution will be minute and insignificant.

3. Aspartame cannot be substituted for sugar without restriction. Prolonged cooking temperatures (such as, for example, those encountered in frying and baking) can cause significant breakdown of aspartame to diketopiperazine, with a consequent loss of sweetness. The order below does not approve any use of aspartame which would pose any prospect of appreciable breakdown to diketopiperazine.

4. The Commissioner approves the following uses of aspartame as a sweetener:

(a) Use in dry, free-flowing sugar substitutes for table use (not to include use in cooking) in package units not to exceed the sweetening equivalence of 2 teaspoonfuls of sugar.

(b) Use in sugar substitute tablets for sweetening hot beverages, including coffee and tea.

(c) Use in cold breakfast cereals.

(d) Use in chewing gum.

(e) Use in dry bases for: beverages, instant coffee and tea, gelatins, puddings, fillings, and dairy product analog toppings.

5. The Commissioner also approves use of aspartame as a flavor enhancer in chewing gum.

6. The Commissioner concludes that aspartame is safe for the above listed uses, under the conditions set forth in the regulation. A copy of all of the extensive research data on which this safety judgment is based has been placed on file, available for public inspection, in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Of principal significance, the petitioner submitted 2-year feeding studies with aspartame in rats and dogs and a lifetime feeding study in in-utero exposed rats. These chronic feeding studies provide sufficient support for the long term safety of the uses of aspartame permitted by the food additive regulation. These long term feeding studies, evaluated conservatively, reveal a "no effect" level for aspartame at least as high as 2 grams per kilogram of body weight. Employing a 100-fold safety factor, and applying this figure to the average 60-

kilogram man, an acceptable intake level of at least 1.2 grams of aspartame per day results. A daily diet including the foods which may be sweetened with aspartame in accordance with this order might lead to a probable maximum ingestion of 1.3-1.7 grams of aspartame per day. Considering the conservativeness of the "no effect" level derived from the animal tests and the 100-fold safety factor employed in relating the tests to man, the Commissioner concludes that the uses approved by this regulation constitute an acceptable daily intake of aspartame with an ample margin of safety. Research data involving humans confirm safety for at least this level of consumption.

7. Diketopiperazine (5 benzyl-3, 6-dioxo-2-piperazineacetic acid) is the breakdown derivative of aspartame, routinely present in the sweetener at levels up to about 1 percent of the aspartame. At such levels the safety of diketopiperazine is shown by the safety studies on aspartame mentioned above. Additional data on diketopiperazine itself support a judgment that the substance is safe in aspartame, when used in accordance with the regulation, up to a level of at least 2 percent, and accordingly, the final order authorizes use of aspartame which contains no more than 2 percent diketopiperazine. None of the uses of aspartame authorized by the order below would be likely to result in significant breakdown of aspartame to higher levels of diketopiperazine. The Commissioner is not aware of any studies which indicate any toxicological problems with diketopiperazine, even at higher levels; however, he advises that any future requests for uses of aspartame which involve a prospect at significant breakdown to higher levels of diketopiperazine will be required, prior to approval, to demonstrate affirmatively that the anticipated higher levels are safe. The Commissioner understands that long term feeding studies of diketopiperazine are in progress.

8. In the digestive tract, aspartame is hydrolyzed to L-aspartic acid and L-phenylalanine, two amino acids which occur naturally in food protein. Both of these amino acids have previously been approved as safe for addition to food so as to improve the biological quality of protein, under §§ 121.101 and 121.1002 (21 CFR 121.101 and 121.1002). The amounts of L-aspartic acid and L-phenylalanine which would enter the diet from the uses permitted by this order are nutritionally insignificant and too small to pose any risk of amino acid imbalance.

9. The regulation also permits the use of L-leucine as a lubricant in the manufacture of tablets containing aspartame for sweetening hot beverages, at a level not to exceed 3.5 percent of the weight of the tablet. L-leucine, like L-aspartic acid and L-phenylalanine, is an amino acid which occurs naturally in food protein and which has been approved as safe for addition to food so as to improve the biological quality of protein, in §§ 121.101 and 121.1002. The amount of L-

leucine which would enter the diet from the use permitted by this order is nutritionally insignificant and too small to pose any risk of amino acid imbalance.

10. The Commissioner recognizes that L-phenylalanine intake must be restricted by persons with phenylketonuria (PKU), an inborn error in metabolism. Since L-phenylalanine is a naturally occurring amino acid found in many foods, a person with PKU is already accustomed to checking all of his dietary intake so as to minimize consumption of the substance. The Commissioner has determined that in order to assure the safe use of aspartame in food, all finished foods containing aspartame must include an appropriate warning to phenylketonurics that the food contains L-phenylalanine. This order provides in detail the requirements for such warnings. The petitioner submitted studies showing that the uses of aspartame authorized by the regulation will not result in elevation of phenylalanine blood levels; nevertheless, in the judgment of the Commissioner, the aforementioned warning is necessary in the interest of safety.

11. High levels (3 and 4 grams per kilogram of body weight) of aspartame, when fed to infant monkeys, have been reported by one investigator to be associated with toxic manifestations. The same results were reported by the investigator when L-phenylalanine was fed at similarly high levels. These test levels are far in excess of the ingestion levels of aspartame and its L-phenylalanine component which could be expected to result from this regulation, as discussed in paragraphs 6 and 8 of this preamble. In any event, none of the uses approved by the order would be likely to result in consumption of significant levels of aspartame by human infants. The long term feeding studies cited in paragraph 6 of this preamble demonstrate the safety of aspartame under the conditions of use approved by the order.

12. The Commissioner is aware of data indicating that high oral intubation dosages and subcutaneous injections of monosodium glutamate may have a toxic effect on newborn animals, and he is aware that L-aspartic acid (treated in paragraph 8 of this preamble) has been reported to act similarly to monosodium glutamate. However, the newborn infant animal is a hypersensitive subject, and in any event subcutaneous injection of a compound is an inappropriate method of investigating its safety as a food additive and the oral intubation dosages of monosodium glutamate involved, i.e., over 1 gram per kilogram of body weight in the newborn animal, were greatly in excess of the levels of aspartic acid which can be expected to result from the uses of aspartame permitted by the regulation, i.e., 0.013 milligram per kilogram of body weight. Furthermore, none of the uses of aspartame approved by this order involves the feeding of newborn infants. A copy of the *Scientific Literature Review on Glutamates*, February 8, 1974, which reviews the scientific literature regarding

monosodium glutamate, is on public file in the office of the Hearing Clerk.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding a new section to Subpart D as follows:

§ 121.1258 Aspartame.

The food additive aspartame may be safely used in food in accordance with good manufacturing practice as a sweetening agent or for an authorized technological purpose in foods for which standards of identity established under section 401 of the act do not preclude such use under the following conditions:

(a) Aspartame is the chemical

1-methyl N-L-α-aspartyl-L-phenylalanine ($C_{15}H_{19}N_2O_5$).

(b) The additive meets the following specifications:

(1) Not less than 98.0 percent and not more than the equivalent of 102.0 percent $C_{15}H_{19}N_2O_5$ (aspartame), calculated on the dried basis (4 hours at 105° C), as determined by the following analytical method.

APPARATUS

Titration vessel. Glass beaker or flask, 150 milliliters.

Buret. 50 milliliters with 0.1-milliliter graduations, equipped with tetrafluoroethylene polymer stopcock.

Aluminum foil.

Optional equipment. Magnetic stirrer and tetrafluoroethylene polymer-coated magnetic bar.

REAGENTS

Lithium metal.

Methyl alcohol. Absolute, A.C.S. reagent grade.

Benzene. Anhydrous, A.C.S. reagent grade.

Thymol blue (thymolsulfonephthalein). A.C.S. reagent grade.

Ethyl alcohol. 95 percent.

Benzoic acid. A.C.S. reagent grade, of specified purity dried at 80° C.

N,N-Dimethylformamide. A.C.S. reagent grade.

Lithium methoxide solution. 0.1 normal; dissolve 600 milligrams of lithium metal in 150 milliliters of absolute methyl alcohol and 850 milliliters of benzene. Filter the solution if cloudy.

Thymol blue solution. Dissolve 100 milligrams of thymol blue in 100 milliliters of 95 percent ethyl alcohol. Filter if necessary.

PROCEDURE

General instructions. Perform in triplicate both the standardization of the lithium methoxide solution and the titration of the sample. Perform one titration of the solvent blank, i.e., N,N-dimethylformamide. Cover the titration vessel with aluminum foil while dissolving the samples and throughout the titration to decrease carbon dioxide absorption.

Titration of solvent blank. Add 35 milliliters of N,N-dimethylformamide to the titration vessel. Add 5 drops of the thymol blue solution and titrate the mixture with lithium methoxide solution to an end point indicated by a color change from yellow to blue.

Determination of normality of the lithium methoxide solution. Place a weighed sample of benzoic acid (approximately 80 milligrams) in the titration vessel, add 35 milliliters of N,N-dimethylformamide and dissolve the sample. Add 5 drops of thymol blue solution to the dissolved sample and titrate with the lithium methoxide solution to an end point indicated by a color change from yellow to blue.

Titration of the aspartame sample. Place a weighed sample of aspartame (approximately 150 milligrams dried at 105° C for 4 hours and stored in a desiccator) in the titration vessel, add 35 milliliters of N,N-dimethylformamide and dissolve the sample. Add 5 drops of thymol blue solution to the dissolved sample and titrate with the lithium methoxide solution to an end point indicated by a color change from yellow to blue.

CALCULATIONS

$$N = \frac{J}{(122.12) (S-B)}$$

Percent aspartame in sample =

$$\frac{(294.3) (A-B) (N)}{K} \times 100$$

Where:

N=Accurate normality of the lithium methoxide solution.

S=Milliliters of lithium methoxide solution required to titrate the benzoic acid.

A=Milliliters of lithium methoxide solution required to titrate the aspartame sample.

B=Milliliters of lithium methoxide solution required to titrate the solvent blank.

J=Milligrams of benzoic acid standard.

K=Milligrams of aspartame sample.

(2) Specific rotation, $[\alpha]_D^{25}$, shall be between +12.5° and +17.5°, calculated on the dried basis (4 hours at 105° C) in accordance with the test for optical rotation described in the "Food Chemicals Codex," 2nd Ed. (1972),¹ page 939. Weigh accurately about 4 grams of sample and dissolve it in sufficient 15N formic acid to make exactly 100 milliliters of solution, and complete the determination of the rotation in a 100-millimeter tube within 30 minutes after preparing the solution.

(3) 5-Benzyl-3,6-dioxo-2-piperazine-acetic acid (diketopiperazine) not to exceed 2.0 percent as determined by the following analytical method:

APPARATUS

Gas chromatograph. With hydrogen flame ionization detector and designed for handling glass columns with on-column injection (Micro-Tek 220 or equivalent). Chromatograph conditions should be optimized to obtain maximum resolution for the specific instrument used. To preclude buildup of silicon oxide, clean the detector with acetone frequently. Approximate operating conditions are:

Column temperature: 200° C.

Detector temperature: 275° C.

Inlet temperature: 200° C.

Carrier gas (helium) flow rate: 75 milliliters per minute.

¹ Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave., NW., Washington, DC 20037.

Hydrogen and air flow to burner: Optimize to give maximum sensitivity.

Sample size: 3 microliters.

Elution time: 7-9 minutes.

Recorder: 1 millivolt full scale (for the Micro-Tek 220, the attenuation is 16x10).

Chromatograph column: 6 feet x 4 millimeters I.D. glass column packed with OV-1 on 80-100 mesh Supelcoport (Supelco, Inc., or equivalent). Condition the column overnight at 250° C before readjustment and equilibration to the operation conditions.

Oven. Capable of maintaining 80±1° C for 30 minutes.

Glass manifold. Suitable for evaporating samples to dryness over steam bath; the apparatus may have an optional gas flow over the sample to enhance the rate of solvent evaporation.

Vials. 2-dram size with tetrafluoroethylene polymer-lined cap.

REAGENTS

N,N-Dimethylformamide. A.C.S. reagent grade.

N,O-Bis(trimethylsilyl) acetamide.

Silylation reagent. Dilute by volume three parts N,O-bis(trimethylsilyl) acetamide with two parts N,N-dimethylformamide. Prepare fresh before use.

Methyl alcohol. Anhydrous, A.C.S. reagent grade.

5-Benzyl-3,6-dioxo-2-piperazineacetic acid. Specifications: Purity, not less than 99 percent; minimum melting point, 243° C; specific rotation of a 1 percent solution (in acetic acid), between -9° and -11°; total impurities determined by thin layer chromatography, less than 0.5 percent; impurities determined by gas chromatography, less than 1 percent for any single impurity. A sample of the reagent and test procedures for verification of specifications may be obtained from Food Chemicals Codex, National Academy of Sciences, 2101 Constitution Ave., NW., Washington, DC 20418.

PROCEDURE

Preparation of the standard. Place a weighed sample of 5-benzyl-3,6-dioxo-2-piperazineacetic acid (25 milligrams) into a 50-milliliter volumetric flask. Add methyl alcohol to dissolve the solid standard and dilute to volume. Dilute a 10-milliliter portion of the above solution to 50 milliliters with methyl alcohol in another 50-milliliter volumetric flask. The concentration of this standard solution is 0.1 milligram per milliliter. Pipet 2 milliliters of the standard solution into a 2-dram vial and evaporate the solvent to dryness. Add 1 milliliter of the silylation reagent to the dried sample, cap the vial tightly, shake and place in an 80° C oven for 30 minutes. Remove from oven, shake vial 15 seconds and cool to room temperature. Inject 3 microliters of this solution into the gas chromatograph and measure the peak height. The standard should be injected either immediately before or after each sample for proper quantification.

Preparation of the aspartame sample. Place a weighed sample of aspartame (approximately 10 milligrams) into a 2-dram vial. Add 1 milliliter of silylation reagent to the vial, cap tightly, shake and place in an 80° C oven for 30 minutes. Remove from oven, shake vial 15 seconds and cool to room temperature. Inject 3 microliters of this solution into the gas chromatograph and measure the subject compound peak height.

CALCULATION

Milligrams of 5-benzyl-3,6-dioxo-2-piperazineacetic acid

$$\text{in aspartame} = \frac{\text{peak height of aspartame sample}}{\text{peak height of standard sample}} \times 0.2$$

Percent 5-benzyl-3,6-dioxo-2-piperazineacetic acid in

$$\text{aspartame} = \frac{\text{milligrams of subject compound in aspartame}}{\text{milligrams of aspartame sample}} \times 100.$$

(c) The additive may be used as a sweetener in the following foods:

(1) Dry, free-flowing sugar substitutes for table use (not to include use in cooking) in package units not to exceed the sweetening equivalent of 2 teaspoonfuls of sugar.

(2) Sugar substitute tablets for sweetening hot beverages, including coffee and tea. L-leucine may be used as a lubricant in the manufacture of such tablets at a level not to exceed 3.5 percent of the weight of the tablet.

(3) Cold breakfast cereals.

(4) Chewing gum.

(5) Dry bases for:

(i) Beverages.

(ii) Instant coffee and tea.

(iii) Gelatins, puddings, and fillings.

(iv) Dairy product analog toppings.

(d) The additive may be used as a flavor enhancer in chewing gum.

(e) To assure safe use of the additive, in addition to the other information required by the act:

(1) The principal display panel of any intermediate mix of the additive for manufacturing purposes shall bear a statement of the concentration of the additive contained therein;

(2) The label of any food containing the additive shall bear, either on the principal display panel or on the information panel, the following statement: **PHENYLKETONURICS: CONTAINS PHENYLALANINE**

The statement shall appear in the labeling prominently and conspicuously as compared to other words, statements, designs or devices and in bold type and on clear contrasting background in order to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(3) When the additive is used in a sugar substitute for table use, its label shall bear instructions not to use in cooking or baking.

(f) If the food containing the additive purports to be or is represented for special dietary uses, it shall be labeled in compliance with Part 125 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time on or before August 26, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally

sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on July 26, 1974.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1).))

Dated: July 22, 1974.

SHERWIN GARDNER,
Acting Commissioner
of Food and Drugs.

Note: Incorporation by reference approved by the Director of the Federal Register July 10, 1973.

[FR Doc. 74-17093 Filed 7-24-74; 8:45 am]

SUBCHAPTER C—DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS FOR VETERINARY USE; TESTS AND METHODS OF ASSAY

Correction

In FR Doc. 74-12379 appearing at page 18771 of the issue for Thursday, May 30, 1974, on page 18788 the heading of Part 146e is incomplete, and should read as set forth above.

SUBCHAPTER D—DRUGS FOR HUMAN USE
PART 452—MACROLIDE ANTIBIOTIC DRUGS

Erythromycin Ethylcarbonate Monographs Revocation

In a notice of proposed rulemaking published in the FEDERAL REGISTER of February 28, 1974 (39 FR 7801), the Commissioner of Food and Drugs proposed that the antibiotic drug regulations be amended by revoking the monographs providing for certification of erythromycin ethylcarbonate since no requests for certification of the antibiotic drug have been received since 1967. Interested persons were invited to submit their comments in response to the proposal within 60 days. No comments were received. Subsequently, antibiotic drug regulations were recodified into a new Subchapter D—Drugs for Human Use, published in the FEDERAL REGISTER of May 30, 1974 (39 FR 18922). Accordingly the Commissioner concludes that the antibiotic drug regulations should be amended as set forth below.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act

(sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 452 (which includes the former Part 148e) is amended by revoking § 452.20 (formerly 148e.2) *Erythromycin ethylcarbonate*, § 452.120a (formerly 148e.11) *Erythromycin ethylcarbonate for oral suspension*, and § 452.120b (formerly 148e.23) *Erythromycin ethylcarbonate for pediatric drops* and reserving them for future use.

Effective date. This order shall become effective on August 26, 1974.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).)

Dated: July 22, 1974.

MARY A. MCENIRY,
Assistant to the Director for
Regulatory Affairs, Bureau
of Drugs.

[FR Doc. 74-17094 Filed 7-25-74; 8:45 am]

Title 24—Housing and Urban Development

[Docket No. R-74-279]

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

Interest Rate Change

The following amendments are being made to this chapter to change the maximum interest rate which may be charged on a mortgage insured by this Department from 8 3/4 percent to 9 percent. The Secretary has determined that such change is necessary to meet the mortgage market, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public procedure are unnecessary and that said cause exists for making this amendment effective July 8, 1974.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

1. In § 203.20 paragraph (a) is revised to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent per annum with respect to mortgages insured on or after July 8, 1974.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. In § 203.74 paragraph (a) is revised to read as follows:

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9

percent per annum with respect to loans insured on or after July 8, 1974.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Section 205.50 is revised to read as follows:

§ 205.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after July 8, 1974.

(Sec. 1011, formerly sec. 1010, 79 Stat. 464, 12 U.S.C. 1749j; renumbered P.L. 89-754, sec. 401(a), 80 Stat. 1271)

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

In § 207.7 paragraph (a) is revised to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after July 8, 1974.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713).

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

1. In § 213.10 paragraph (a) is revised to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 9 percent per annum with respect to mortgages or supplementary loans upon completion) on or after July 8, 1974.

2. In § 213.511 paragraph (a) is revised to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent per annum with respect to mortgages insured on or after July 8, 1974.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

In § 220.576 paragraph (a) is revised to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9 percent per annum with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after July 8, 1974.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

In § 221.518 paragraph (a) is revised to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after July 8, 1974. Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

In § 232.29 paragraph (a) is revised to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after July 8, 1974.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

In § 234.29 paragraph (a) is revised to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent per annum with respect to mortgages insured on or after July 8, 1974.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Section 235.540 is revised to read as follows:

§ 235.540 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent per annum with respect to mortgages insured on or after July 8, 1974.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 235, 82 Stat. 477; 12 U.S.C. 1715z)

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Section 236.15 is revised to read as follows:

§ 236.15 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after July 8, 1974.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 236, 52 Stat. 498; 12 U.S.C. 1715z-1)

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Section 241.75 is revised to read as follows:

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9 percent per annum with respect to loans insured on or after July 8, 1974. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 241, 82 Stat. 508; 12 U.S.C. 1715z-b)

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Section 242.33 is revised to read as follows:

§ 242.33 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after July 8, 1974. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 242, 82 Stat. 5999; 12 U.S.C. 1715z-7)

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

In § 244.45 paragraph (a) is revised to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after July 8, 1974.

(Sec. 1104, 80 Stat. 1275; 12 U.S.C. 1749aaa-3)

Effective date. These amendments are effective as of July 8, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing
Production and Mortgage
Credit.

[FR Doc.74-17105 Filed 7-25-74; 8:45 am]

Title 34—Government Management**CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION****SUBCHAPTER B—PROCUREMENT MANAGEMENT****PART 212—GOVERNMENT-WIDE PROCEDURES FOR PROCESSING PREAWARD PROTESTS AGAINST CONTRACT AWARD****Applicability and Scope
Correction**

In FR Doc. 74-16688 appearing at page 26641 in the issue of Monday, July 22, 1974, the reference in the second line of § 212.4(c) (5) (ii) to "paragraph (c) (4) (i)" should read "paragraph (c) (5) (i)".

Title 45—Public Welfare**SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION****PART 14—MINIMUM STANDARDS OF OPERATION FOR STATE AGENCIES FOR SURPLUS PROPERTY****Rescinding; Rescission of Suspension**

On June 28, 1967, the Department published in the FEDERAL REGISTER (32 FR 9167) § 14.15 of this Part, a temporary suspension of the first sentence of §§ 14.6(c) and 14.11(a). These regulations require that the State Agencies for Surplus Property maintain accurate accountability records of all donable property handled by them and impose certain duties on the State Agencies for Surplus Property with respect to utilization and compliance of donated personal property. The Department has now determined that the conditions which warranted such temporary suspension of the regulations no longer exist and has determined to rescind the temporary suspension.

This rescission affects only the internal operations of the State Agencies for Surplus Property, which have been notified of the Department's determina-

tion to rescind the suspension. Since the general public is not affected by this rescission, it is not necessary or meaningful to request public comment.

Therefore, effective October 1, 1974, § 14.15 of Part 14 of Title 45 Subtitle A is hereby rescinded.

Dated: July 22, 1974.

FRANK CARLUCCI,
Acting Secretary of Health,
Education, and Welfare.

[FR Doc.74-17150 Filed 7-25-74; 8:45 am]

CHAPTER XII—ACTION**PART 1203—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

On June 14, 1973, ACTION published in the FEDERAL REGISTER a notice of proposed rulemaking, 38 FR 15632. The notice pertained to regulations to effectuate the provisions of Title VI of the Civil Rights Act of 1964, to the end that a person in the United States shall not, on the ground of race, color, national origin, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under a program or activity receiving Federal assistance from ACTION. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

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

Effective date. These regulations are effective July 26, 1974.

Approved May 31, 1974.

By direction of the Director.

MICHAEL P. BALZANO, Jr.,
Director, ACTION.

OFFICE OF THE ATTORNEY GENERAL**SUBJECT: REGULATION OF ACTION IMPLEMENTING TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

On May 31, 1974, the Director of ACTION adopted the attached regulation implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to d-4. Pursuant to Executive Order 11764 (1974), which delegates to the Attorney General responsibility for giving final approval to agency regulations implementing Title VI, I hereby approve the attached regulation.

Dated: July 17, 1974.

WM. B. SAXBE,
Attorney General.

Sec.	Purpose.
1203.1	Application of this part.
1203.2	Definitions.
1203.3	Discrimination prohibited.
1203.4	Assurances required.
1203.5	Compliance information.
1203.6	Conduct of investigations.
1203.7	Procedure for effecting compliance.
1203.8	Hearings.
1203.9	Decisions and notices.
1203.10	Judicial review.
1203.11	Effect on other regulations, forms, and instructions.
1203.12	

Appendix A—Activities to which this part applies.

Appendix B—Activities to which this part applies when a primary objective of the Federal financial assistance is to provide employment.

AUTHORITY: Sec. 602, 78 Stat. 252; 42 U.S.C. 2000d-1.

§ 1203.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as title VI), to the end that a person in the United States shall not, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under a program or activity receiving Federal financial assistance from ACTION.

§ 1203.2 Application of this part.

(a) This part applies to each program for which Federal financial assistance is authorized under a law administered by ACTION, including the federally assisted programs listed in appendix A to this part. It also applies to money paid, property transferred, or other Federal financial assistance extended under a program after the effective date of this part pursuant to an application approved before that effective date. This part does not apply to:

- (1) Federal financial assistance by way of insurance or guaranty contracts;
- (2) Money paid, property transferred, or other assistance extended under a program before the effective date of this part, except when the assistance was subject to the title VI regulations of an agency whose responsibilities are now exercised by ACTION;
- (3) Assistance to any individual who is the ultimate beneficiary under a program; or
- (4) Employment practices, under a program, of an employer, employment agency, or labor organization, except to the extent described in § 1203.4(c).

The fact that a program is not listed in appendix A to this part does not mean, if title VI is otherwise applicable, that the program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to appendix A to this part.

(b) In a program receiving Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under that property are included as part of the program receiving that assistance, the nondiscrimination requirement of this part extends to a facility located wholly or in part in that space.

§ 1203.3 Definitions.

Unless the context requires otherwise, in this part:

(a) "Applicant" means a person who submits an application, request, or plan required to be approved by ACTION, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means that application, request, or plan.

(b) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

(c) "Federal financial assistance" includes:

(1) Grants and loans of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in the property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by the sale or lease to the recipient; and

(5) A Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) "Primary recipient" means a recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(e) "Program" includes a program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training or other services whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid, or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance are deemed to include a service, financial aid, or other benefits provided (1) with the aid of Federal financial assistance, (2) with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet the matching requirements or other conditions which must be met in order to receive the Federal financial assistance, or (3) in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(f) "Recipient" may mean any State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual in any State, the District of Columbia, the Commonwealth of Puerto Rico, or territory or possession of the United States, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but the term does not include any ultimate beneficiary under a program.

(g) "Director" means the Director of ACTION or any person to whom he has delegated his authority in the matter concerned.

§ 1203.4 Discrimination prohibited.

(a) *General.*—A person in the United States shall not, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, a program to which this part applies.

(b) *Specific discriminatory actions prohibited.*—(1) A recipient under a program to which this part applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin—

(i) Deny a person a service, financial aid, or other benefit provided under the program;

(ii) Provide a service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of a service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of an advantage or privilege enjoyed by others receiving a service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies an admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided a service, financial aid, or other benefit provided under the program;

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program; or

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under a program or the class of persons to whom, or the situations in which, the services, financial aid, other benefits, or facilities will be provided under a program, or the class of persons to be afforded an opportunity to participate in a program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

(3) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of

the prohibition in paragraph (a) of this section.

(4) (i) In administering a program regarding which the recipient had previously discriminated against persons on the ground of race, color, or national origin, the recipient shall take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of prior discrimination a recipient in administering a program may take affirmative action to overcome the effect of conditions which resulted in limiting participation by persons of a particular race, color, or national origin.

(c) *Employment practices.*—(1) When a primary objective of a program of Federal financial assistance to which this part applies is to provide employment, a recipient or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, or national origin in its employment practices under the program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, lay-off, termination, rates of pay, or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). A recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to race, color, or national origin. The requirements applicable to construction employment under a program are those specified in or pursuant to part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Federal financial assistance to programs under laws funded or administered by ACTION which have as a primary objective the providing of employment include those set forth in appendix B to this part.

(3) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the ground of race, color, or national origin in the employment practices of the recipient tends, on the ground of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this part applies, the provisions of subparagraph (1) of this paragraph apply to the employment practices of the recipient to the extent necessary to assure equality of opportunity to and non-discriminatory treatment of beneficiaries.

(d) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program to which this part applies, on the ground of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of title VI of this part.

§ 1203.5 Assurances required.

(a) *General.*—(1) An application for Federal financial assistance to carry out a program to which this part applies, except a program to which paragraph (d) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of Federal financial assistance pursuant to the application, contain or be accompanied by, assurances that the program will be conducted or the facility operated in compliance with the requirements imposed by or pursuant to this part. Every program of Federal financial assistance shall require the submission of these assurances. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurances shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In other cases, the assurances obligate the recipient for the period during which the Federal financial assistance is extended to the program. In the case where the assistance is sought for the construction of a facility or part of a facility, the assurances shall extend to the entire facility and to the facilities operated in connection therewith. ACTION shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. The assurances shall include provisions which give the United States the right to seek judicial enforcement.

(2) When Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose involving the provision of similar services or benefits. When no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include a covenant in any subsequent transfer of the property. When the property is obtained from the Federal Government, the covenant may also include a condition coupled with a right to be reserved by ACTION to revert title to the property in the event of a breach of the covenant where, in the discretion of ACTION, such a condition and right of reverter is appropriate to

the program under which the real property is obtained and to the nature of the grant and the grantee. In the event a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on property for the purposes for which the property was transferred, ACTION may agree, on request of the transferee and if necessary to accomplish the financing, and on conditions as he deems appropriate, to subordinate a right of reversion to the lien of a mortgage or other encumbrance.

(b) *Assurances from Government agencies.*—In the case of an application from a department, agency, or office of a State or local government for Federal financial assistance for a specified purpose, the assurance required by this section shall extend to any other department, agency, or office of the same governmental unit if the policies of the other department, agency, or office will substantially affect the project for which Federal financial assistance is requested. That requirement may be waived by the responsible ACTION official if the applicant establishes, to the satisfaction of the responsible ACTION official, that the practices in other agencies or parts or programs of the governmental unit will in no way affect (1) its practices in the program for which Federal financial assistance is sought, or (2) the beneficiaries of or participants in or persons affected by the program, or (3) full compliance with this part as respects the program.

(c) *Assurance from academic and other institutions.*—(1) In the case of an application for Federal financial assistance by an academic institution, the assurance required by this section extends to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required by an academic institution, detention or correctional facility, or any other institution or facility, relating to the institution's practices with respect to admission or other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to these individuals, is applicable to the entire institution or facility unless the applicant establishes, to the satisfaction of the responsible ACTION official, that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program of the institution or facility for which Federal financial assistance is sought, or the beneficiaries of or participants in the program. If the assistance sought is for the construction of a facility or part of a facility, the assurance shall extend to the entire facility and to facilities operated in connection therewith.

(d) *Continuing State programs.*—Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance

to which this part applies (including the programs listed in appendix A to this part) shall as a condition to its approval and the extension of Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with the requirements imposed by or pursuant to this part, and (2) provide or be accompanied by provision for methods of administration for the program as are found by ACTION to give reasonable guarantee that the applicant and all recipients of Federal financial assistance under the program will comply with the requirements imposed by or pursuant to this part.

§ 1203.6 Compliance information.

(a) *Cooperation and assistance.*—ACTION, to the fullest extent practicable, shall seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.*—Each recipient shall keep records and submit to ACTION timely, complete, and accurate compliance reports at the times, and in the form and containing the information ACTION may determine necessary to enable it to ascertain whether the recipient has complied or is complying with this part. In the case of a program under which a primary recipient extends Federal financial assistance to other recipients, the other recipients shall also submit compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part. In general, recipients should have available for ACTION racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs.

(c) *Access to sources of information.*—Each recipient shall permit access by ACTION during normal business hours to its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. When information required of a recipient is in the exclusive possession of another agency, institution, or person and this agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.*—Each recipient shall make available to participants, beneficiaries, and other interested persons the information regarding the provisions of this part and its applicability to the program under which the recipient received Federal financial assistance, and make this information available to them in the manner, as ACTION finds necessary, to apprise the persons of the protections against discrimination assured them by title VI and this part.

§ 1203.7 Conduct of investigations.

(a) *Periodic compliance reviews.*—ACTION may from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.*—Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this part may by himself or by a representative file with ACTION a written complaint. A complaint shall be filed not later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by ACTION.

(c) *Investigations.*—ACTION will make a prompt investigation whenever a compliance review, report, complaint, or other information indicates a possible failure to comply with this part. The investigation will include, when appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible non-compliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.*—(1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, ACTION will so inform the recipient and the matter will be resolved by voluntary means whenever possible. If it has been determined that the matter cannot be resolved by voluntary means, action will be taken as provided for in § 1203.8.

(2) If an investigation does not warrant action pursuant to paragraph (d) (1) of this section, ACTION will so inform, in writing, the recipient and the complainant, if any.

(e) *Intimidatory or retaliatory acts prohibited.*—A recipient or other person shall not intimidate, threaten, coerce, or discriminate against an individual for the purpose of interfering with a right or privilege secured by section 601 of title VI of this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential, except to the extent necessary to carry out the purposes of this part, including the conduct of an investigation, hearing, or judicial proceeding arising thereunder.

§ 1203.8 Procedure for effecting compliance.

(a) *General.*—(1) If there appears to be a failure or threatened failure to comply with this part, and if the non-compliance or threatened non-compliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by other means authorized by law.

(2) Other means may include, but are not limited to, (i) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce the rights of the

United States under a law of the United States (including other titles of the Civil Rights Act of 1964) or an assurance or other contractual undertaking, and (ii) an applicable proceeding under State or local law.

(b) *Noncompliance with § 1203.5.*—If an applicant fails or refuses to furnish an assurance required under § 1203.5 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. ACTION shall not be required to provide assistance in that case during the pendency of the administrative proceedings under this paragraph. Subject, however, to § 1203.12, ACTION shall continue assistance during the pendency of the proceedings where the assistance is due and payable pursuant to an application approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.*—An order suspending, terminating, or refusing to grant or to continue Federal financial assistance shall not become effective until—

(1) ACTION has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by informal voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part;

(3) The action has been approved by the Director pursuant to § 1203.10(e); and

(4) The expiration of 30 days after the Director has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for the action.

An action to suspend or terminate or refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which the noncompliance has been so found.

(d) *Other means authorized by law.*—An action to effect compliance with title VI by other means authorized by law shall not be taken by ACTION until—

(1) ACTION has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of a notice to the recipient or person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take corrective action as may be appropriate.

§ 1203.9 Hearings.

(a) *Opportunity for hearing.*—When an opportunity for a hearing is required by § 1203.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of notice within which the applicant or recipient may request of ACTION that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated time and place. The time and place so fixed shall be reasonable and subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set is deemed to be a waiver of the right to a hearing under section 602 of title VI and § 1203.8 (c) and consent to the making of a decision on the basis of the information available.

(b) *Time and place of hearing.*—Hearings shall be held at the offices of ACTION in Washington, D.C., at a time fixed by ACTION unless it determines that the convenience of the applicant or recipient or of ACTION requires that another place be selected. Hearings shall be held before the Director, or at his discretion, before a hearing examiner appointed in accordance with section 3105 of title 5, United States Code, or detailed under section 3344 of title 5, United States Code.

(c) *Right to counsel.*—In all proceedings under this section, the applicant or recipient and ACTION have the right to be represented by counsel.

(d) *Procedures, evidence, and record.*—

(1) The hearing, decision, and an administrative review thereof shall be conducted in conformity with sections 554 through 557 of title 5, United States Code, and in accordance with the rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments, and briefs, requests for findings, and other related matters. Both ACTION and the applicant or recipient are entitled to introduce relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible

evidence available and to subject testimony to test by cross-examination shall be applied where determined reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. Documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. Decisions shall be based on the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.*—In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under title VI, ACTION may, by agreement with the other departments or agencies, when applicable, provide for the conduct of consolidated or joint hearings, and for the application to these hearings of rules or procedures not inconsistent with this part. Final decisions in these cases, insofar as this regulation is concerned, shall be made in accordance with § 1203.10.

§ 1203.10 Decisions and notices.

(a) *Procedure on decisions by hearing examiner.*—If the hearing is held by a hearing examiner, the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Director for a final decision, and a copy of the initial decision or certification shall be mailed to the applicant or recipient. When the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days after the mailing of a notice of initial decision, file with the Director his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Director may, on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. On the filing of the exceptions or of notice of review, the Director shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision, subject to paragraph (e) of this section, shall constitute the final decision of the Director.

(b) *Decisions on record or review by the Director.*—When a record is certified to the Director for decision or the Director reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or when the Director conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of the recipient's contentions, and a written copy of the final decision of the Director will be sent

to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.*—When a hearing is waived pursuant to § 1203.9, a decision shall be made by ACTION on the record and a written copy of the decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.*—Each decision of a hearing examiner or the Director shall set forth a ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by ACTION.*—A final decision by an official of ACTION other than by the Director, which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or title VI, shall promptly be transmitted to the Director, who may approve the decision, vacate it, or remit or mitigate a sanction imposed.

(f) *Content of orders.*—The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain the terms, conditions, and other provisions as are consistent with and will effectuate the purposes of title VI and this part, including provisions designed to assure that Federal financial assistance will not thereafter be extended under the programs to the applicant or recipient determined by the decision to be in default in its performance of an assurance given by it under this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies ACTION that it will fully comply with this part.

(g) *Post-termination proceedings.*—(1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of the order for eligibility, or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) An applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request ACTION to restore fully its eligibility to receive Federal financial assistance. A request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g) (1) of this section. If ACTION determines that those requirements have been satisfied, it shall restore the eligibility.

(3) If ACTION denies a request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes ACTION is in error. The applicant or recipient shall be given an expeditious hearing, with a decision

on the record in accordance with the rules or procedures issued by ACTION. The applicant or recipient shall be restored to eligibility if it proves at the hearing that it satisfied the requirements of paragraph (g) (1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section remain in effect.

§ 1203.11 Judicial review.

Action taken pursuant to section 602 of title VI is subject to judicial review as provided in section 603 of title VI.

§ 1203.12 Effect on other regulations, forms, and instructions.

(a) *Effect on other regulations.*—Regulations, orders, or like directions issued before the effective date of this part by ACTION which impose requirements designed to prohibit discrimination against individuals on the ground of race, color, or national origin under a program to which this part applies, and which authorizes the suspension or termination of or refusal to grant or to continue Federal financial assistance to an applicant for or recipient of assistance under a program for failure to comply with the requirements, are superseded to the extent that discrimination is prohibited by this part, except that nothing in this part relieves a person of an obligation assumed or imposed under a superseded regulation, order, instruction, or like direction, before the effective date of this part. This part does not supersede any of the following (including future amendments thereof): (1) Executive Order 11246 (3 CFR, 1965 Supp.) and regulations issued thereunder or (2) any other orders, regulations, or instructions, insofar as these orders, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in a program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.*—ACTION shall issue and promptly make available to all interested persons forms and detailed instruction and procedures for effectuating this part as applied to programs to which this part applies, and for which it is responsible.

(c) *Supervision and coordination.*—ACTION may from time to time assign to officials of ACTION, or to officials of other departments or agencies of the Government with the consent of the departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI and this part (other than responsibilities for final decision as provided in § 1203.10), including the achievement of effective coordination and maximum uniformity within ACTION and within the executive branch in the application of title VI and this part to similar programs and in similar situations. An action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as

though the action had been taken by ACTION.

APPENDIX A—PROGRAMS TO WHICH THIS PART APPLIES

1. Grants for the development or operation of retired senior volunteer programs pursuant to section 601 of the Older Americans Act of 1965, as amended (42 U.S.C. 3044).

2. Grants for the development and operation of foster grandparents projects pursuant to section 611 of the Older Americans Act of 1965, as amended (42 U.S.C. 3044b).

APPENDIX B—PROGRAMS TO WHICH THIS PART APPLIES WHEN A PRIMARY OBJECTIVE OF THE FEDERAL FINANCIAL ASSISTANCE IS TO PROVIDE EMPLOYMENT

1. Grants for the development or operation of retired senior volunteer programs pursuant to section 601 of the Older Americans Act of 1965, as amended (42 U.S.C. 3044).

2. Grants for the development and operation of foster grandparents projects pursuant to section 611 of the Older Americans Act of 1965, as amended (42 U.S.C. 3044b).

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Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. SA-2]

PART 231—RAILROAD SAFETY APPLIANCE STANDARDS

On October 2, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 27302) stating that the Federal Railroad Administration (FRA) was considering amendment of Part 231, Railroad Safety Appliance Standards, through prescribed safety appliance standards for locomotives engaged in switching service.

Interested persons were invited to participate in this rule-making proceeding by submitting written comments before October 31, 1973. The notice also scheduled a public hearing for November 1, 1973, in Washington, D.C. In response to several requests, the period for filing of written comments was extended to December 31, 1973 and the hearing was rescheduled for January 8, 1974 in Washington, D.C. A notice to this effect was published in the FEDERAL REGISTER on October 30, 1973 (38 FR 23397). This notice also proposed amendments of the rule proposed in the initial notice. The public hearings were held as rescheduled on January 8, 1974 in Washington, D.C.

After considering all of the comments submitted in writing and made at the hearings, FRA has decided that the proposed amendments should be adopted with a number of significant changes. In addition, several editorial changes and minor clarifying modifications of language have been made. Comments were submitted by railroads, railroad equipment manufacturers and labor organizations. These comments were of considerable assistance to FRA in development of the final rule.

Section 231.30(a) (1) and (2). The proposed "built cut-off dates" for locomotives have been changed from December 31, 1974 and January 1, 1975 to March 31, 1975 and April 1, 1975, respectively, to provide sufficient production lead time for locomotive manufacturers to make necessary design changes to comply with this rule.

Several commenters contended that the proposed requirement that existing locomotives be retrofitted before January 1, 1977 did not provide sufficient time for accomplishment of this task. They requested that the retrofit period be extended to January 1, 1979. On further consideration, FRA believes that additional time is required and has extended this period for one year to January 1, 1978.

Section 231.30(a) (4). The retrofit program completion date has been changed from January 1, 1977 to January 1, 1978 to correspond with § 231.30(a) (1) and (2).

Section 231.30(b). Several commenters suggested changes to the definition of switching service. After carefully considering these comments FRA has decided that further clarification is necessary. Accordingly, this paragraph has been amended by adding a new subparagraph (1) to define the term "locomotives used in switching service" as meaning a locomotive regularly assigned to yard switching service. In addition, the definition of the term "switching service" has also been changed to expressly exclude movement of a train or part of a train within a yard by the road locomotive and the placement of locomotives or cars in a train or their removal from a train en route to its destination.

Section 231.30(c). In the NPRM, FRA proposed that switching steps on all locomotives must be at least 24 inches wide and 10 inches deep and that the back stop must be at least 4 inches high. These dimensions evoked numerous comments. One commenter suggested that the size of the switching step be increased to a minimum width of 30 inches and a minimum depth of 12 inches, and that the height of the back stop be extended to the full height between steps.

Railroads and locomotive manufacturers expressed concern about requiring both new and existing locomotives to be equipped with switching steps of the proposed dimensions. Many railroads pointed out that some existing locomotives do not have sufficient space to accommodate switching steps of these dimensions without fouling wheels or infringing upon established minimum clearances. After considering these divergent comments, FRA has decided to require only new locomotives built after March 31, 1975 to be equipped with switching steps of the proposed 24 inch minimum width and 10 inch minimum depth. Because of the lack of space and clearance problems with respect to existing locomotives, switching steps on locomotives built before April 1, 1975 will be required to provide a minimum area of 180 square inches, 75% of the area

required for switching steps on new locomotives. In addition, steps on existing locomotives must be at least 18 inches wide and 8 inches deep. FRA believes these dimensions are consistent with safety and can be obtained without extensive modification or undue cost. FRA believes that the proposed 4 inch minimum height of back stop will provide safe footing without impairing ready access to adjacent locomotive appurtenances. Accordingly, the proposed 4 inch minimum height for back stop has been adopted.

One railroad stated that the proposed switching step height of 12 to 15 inches above top of rail did not provide sufficient clearance in electrified territory where propulsion current is delivered to locomotives by a third rail. FRA agrees and has amended this provision to prescribe a height of 19 to 22 inches above the top of rail for locomotives that operate in such territory.

The proposed requirement that a switching step be located at each corner of the locomotive has been clarified to require that a step be located on each side near each end of the locomotive.

Many commenters took exception to the proposed requirement that the vertical clearance over the full depth of the tread surface of the switching step must be unobstructed and free for use for a vertical distance of at least 7 feet. Locomotive manufacturers pointed out that this would cause the remaining steps to be almost vertical if the end platform area were to be retained. FRA has concluded that allowing no more than 10 percent of the tread surface area to be obstructed would not adversely affect the safety of employees using this step in switching operations and, at the same time, would improve the safety of all employees using the stairway to the locomotive end platform.

In response to several comments criticizing the proposed requirement making steel the only authorized material to be used in switching steps, this provision has been changed to allow the use of other material of equivalent or better strength and deflection characteristics.

One commenter suggested that the safety tread surface requirement be clarified to specify that this surface may not be more than 1/2 inch from the outside edge of the step. FRA believes that the safety tread surface should extend to within 1/2 inch of each edge of the step and has modified this provision accordingly.

Section 231.30(d). The "built" dates for locomotives in this paragraph has been changed to correspond with those in § 231.30(a) (1) and (2).

Section 231.30(e). Several commenters were concerned about the proposed 4 inch minimum hand clearance requirement for vertical handholds. They contended that compliance with this requirement would result in obstructing the passage of existing locomotives through close clearances on many industrial sidings. FRA has changed this provision to require 2 1/2 inches minimum

hand clearance for vertical handholds on locomotives built before April 1, 1975. However, a minimum of 4 inches hand clearance will be required for vertical handholds on new locomotives built after March 31, 1975. In addition, this paragraph has been changed to specify the material to be used, manner of fastening, and minimum diameter of vertical handholds and the locomotive "built" dates have been changed to correspond to § 231.30(a) (1) and (2).

Section 231.30(f). Several commenters expressed concern about the proposed requirement that uncoupling mechanisms be capable of being operated from the end platform. They questioned the safety and practicality of this operation and urged that all references to it be removed from the regulation. FRA believes that while operation of an uncoupling mechanism from the end platform may be more convenient in some instances, it is generally a hazardous undertaking and that safety considerations must take preference over convenience. Accordingly, the proposed requirement that the uncoupling mechanism be capable of being operated from the end platform of locomotives has been deleted.

Section 231.30(g). Several commenters contended that the proposed requirement that horizontal end handholds must be located not less than 30 nor more than 36 inches above the top of the rail would place these handholds in the middle of an area occupied by air hoses. They suggested addition of a provision allowing the uncoupling lever to be considered as a horizontal end handhold. FRA has concluded that the proposed rule should be changed to provide that an uncoupling lever which meets the requirements of this paragraph may also serve as a horizontal end handhold. In addition, the maximum height of the end handhold above the top rail has been changed from 36 to 52 inches.

Section 231.30(h). Several commenters questioned the need for requiring that locomotives used in switching service otherwise conform with § 231.16. They pointed out that appending this section to the rule adopted in this proceeding would be inappropriate because it refers only to items such as footboards which would be eliminated and special accessories on obsolete equipment. FRA agrees and has deleted this paragraph.

This amendment is issued under the authority of the Safety Appliance Acts (secs. 2, 4 and 6, 27 Stat. 531, as amended, secs. 1 and 3, 32 Stat. 943, as amended, secs. 1-6, 36 Stat. 298-299, as amended, sec. 6 (e) and (f), 80 Stat. 939; 45 U.S.C. 2, 4, 6, 8, 10, 11-16, 49 U.S.C. 1655).

In consideration of the foregoing, 49 CFR Part 215 is amended as set forth below effective September 1, 1974.

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

JOHN W. INGRAM,
Administrator.

1. Part 231 is amended by adding a new § 231.30 as follows:

§ 231.30 Locomotives used in switching service.

(a) **General requirements.** (1) Except as provided in paragraph (a) (3) of this section, each locomotive used in switching service built after March 31, 1975, must be equipped as provided in this section.

(2) Except as provided in paragraph (a) (3) of this section, after December 31, 1977, each locomotive used in switching service built before April 1, 1975, must be equipped as provided in this section.

(3) Each steam locomotive used in switching service must be equipped as provided in § 231.16.

(4) Before December 1, 1974 each railroad that is in operation on September 1, 1974 and has in service locomotives to which this section applies shall submit to the Federal Railroad Administrator for approval three copies of a program to bring these locomotives into compliance with this section by January 1, 1978. Each railroad that commences operations after September 1, 1974, shall submit three copies of a program to the Administrator for approval at least 90 days before the date it commences operation.

(b) **Definitions.** (1) "Locomotives used in switching service" means a locomotive regularly assigned to yard switching service.

(2) "Switching service" means the classification of cars according to commodity or destination; assembling of cars for train movements; changing the position of cars for purposes of loading, unloading, or weighing; placing of locomotives and cars for repair or storage; or moving of rail equipment in connection with work service that does not constitute a road movement. However, this term does not include movement of a train or part of a train within yard limits by the road locomotive and the placement of locomotives or cars in a train or their removal from a train by the road locomotive while en route to the train's destination.

(3) "Safety tread surface" means that portion of antiskid surface of a switching step that actually contacts shoe or boot.

(4) "Uncoupling mechanism" means the arrangement for operating the coupler lock lift, including the uncoupling lever and all other appurtenances that facilitate operation of the coupler.

(c) **Switching steps.** (1) **Number.** Each locomotive used in switching service must have four (4) switching steps.

(2) **Dimensions.** Each switching step must have—

(i) On locomotives built after March 31, 1975, a minimum width of twenty-four (24) inches; and a minimum depth of ten (10) inches;

(ii) On locomotives built prior to April 1, 1975, a minimum area of one hundred eighty (180) square inches and be at least eighteen (18) inches wide, eight (8) inches deep;

(iii) A minimum height of back stop of four (4) inches above the safety tread surface;

(iv) A height of not more than fifteen (15) inches or less than twelve (12) inches measured from top of rail to the safety tread surface. However, on locomotives that operate on track where a third rail is used for delivery of propulsion current, each step must have a height of not more than twenty-two (22) inches nor less than nineteen (19) inches measured from the top of the running rail to the safety tread surface of the switching step.

(3) **Location.** Switching steps must be located on each side near each end of locomotives used in switching service. The bottom step of the stairway at these locations may also serve as a switching step provided it meets all the requirements of this section.

(4) **Manner of application.** (i) Switching steps must be supported by a bracket at each end and fastened to the bracket by two bolts of at least one-half (½) inch diameter or by a weldment of at least twice the strength of a bolted attachment.

(ii) Vertical clearance over ninety percent (90%) of the entire area of the switching step must be unobstructed and free for use for a vertical distance of at least seven (7) feet.

(5) **Material.** (i) Steel or other material of equivalent or better strength and deflection characteristics, anti-skid, safety design, having at least fifty percent (50%) of the tread surface as open space.

(ii) When the step material creates a second level safety tread surface, the maximum difference in surface levels may not exceed three-eighths (¾) of an inch.

(iii) The safety tread surface must extend to within one-half (½) inch of each edge of the step.

(d) **End footboards and pilot steps prohibited.** (1) Each locomotive (except steam) used in switching service built after March 31, 1975, may not be equipped with end footboards or pilot steps.

(2) After December 31, 1977, each locomotive (except steam) used in switching service built before April 1, 1975, may not be equipped with end footboards or pilot steps.

(e) **Vertical handholds.** Each switching step must be provided with two (2) vertical handholds or handrails, one on each side of the switching steps stairway.

(1) On locomotives built after March 31, 1975, both handholds or handrails must—

(i) Be constructed of wrought iron, steel or other material of equivalent strength and durability which is at least one (1) inch in diameter and be securely fastened to the locomotive with one-half (½) inch or larger bolts or rivets;

(ii) Begin at points equidistant from the safety tread surface of the switching step and not less than twenty-four (24) nor more than thirty (30) inches above the safety tread surface;

(iii) Extend upward for equal distance of at least thirty-six (36) inches;

(iv) Provide at least four (4) inches of usable hand clearance throughout their entire height.

(2) On locomotives built before April 1, 1975, both handholds or handrails must—

(i) Be constructed of wrought iron, steel or other material of equivalent strength and durability which is at least seven-eighths ($\frac{7}{8}$) inch in diameter and be securely fastened with one-half ($\frac{1}{2}$) inch or larger bolts or rivets;

(ii) Begin at points equidistant from the safety tread surface of the switching step and not less than twenty-four (24) nor more than thirty (30) inches above the safety tread surface;

(iii) Extend upward for equal distances of at least thirty-six (36) inches;

(iv) Provide at least two and one-half ($2\frac{1}{2}$) inches usable hand clearance throughout their entire height.

(f) *Uncoupling mechanisms.* Each locomotive used in switching service must have means for operating the uncoupling mechanism in safety from switching step and ground level. No part of the uncoupling mechanism may extend into the switching step or stairway opening or end platform area when the mechanism is in its normal position or when it is operated.

(g) *Horizontal end handholds.* Each locomotive used in switching service must have four (4) horizontal end handholds.

(1) A horizontal end handhold must—

(i) Be constructed of wrought iron, steel or other material of equivalent strength and durability which is at least five-eighths ($\frac{5}{8}$) inch in diameter and be securely fastened to the locomotive with one-half inch or larger bolts or rivets;

(ii) Be placed near each side on each end of the locomotive not less than thirty (30) nor more than fifty-two (52) inches above the top of the rail with the outer end of the handhold not more than sixteen (16) inches from the nearer side of the locomotive.

(iii) Be at least fourteen (14) inches long; and

(iv) Provide at least two (2) inches usable hand clearance throughout its entire length.

(2) An uncoupling lever may also serve as a horizontal end handhold if it complies with the requirements of this paragraph. When an uncoupling lever also serves as the horizontal end handhold, it is considered to be securely fastened if its securement brackets are attached to the locomotive by one-half ($\frac{1}{2}$) inch or larger bolts or rivets and its movement between those brackets is limited to the rotation necessary for performance of the uncoupling function.

[FR Doc.74-17140 Filed 7-25-74; 8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1192]

PART 1033—CAR SERVICE

Erie Lackawanna Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service

Board, held in Washington, D.C., on the 23d day of July 1974.

It appearing, that the Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees (EL) is unable to operate over its line between Binghamton, New York, and Scranton, Pennsylvania, because of the collapse of a tunnel; that the Lehigh Valley Railroad Company (John F. Nash and Robert C. Haldeman, Trustees) (LV) has consented to the use of its line between Waverly, New York, and Pittston Jct., Pennsylvania, a distance of approximately ninety miles by the EL; that such use of the aforementioned tracks of the LV by the EL is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein 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:

§ 1033.1192 Service Order No. 1192.

(a) *Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees, authorized to operate over tracks of Lehigh Valley Railroad Company (John F. Nash and Robert C. Haldeman, Trustees).* The Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., (EL) be, and it is hereby, authorized to operate over tracks of the Lehigh Valley Railroad Company (John F. Nash and Robert C. Haldeman, Trustees) (LV) between Waverly, New York and Pittston Jct., Pennsylvania, a distance of approximately ninety miles.

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

(c) *Rates applicable.* Inasmuch as this operation by the EL over tracks of the LV is deemed to be due to carrier's disability, the rates applicable to traffic moved by the EL over these tracks of the LV shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., July 24, 1974.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1974, 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 copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the 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 shall 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, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-17158 Filed 7-25-74; 8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Clear Lake National Wildlife Refuge, Calif.

The following special regulation is issued and is effective on August 24, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

CALIFORNIA

CLEAR LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Clear Lake National Wildlife Refuge, California, is permitted on the area designated by signs as open to hunting, and is delineated on a map available at the refuge headquarters, Route 1, Box 74, Tulelake, California 96134, and from the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

Hunting of big game is permitted during the period August 24 through September 2, 1974, in accordance with all applicable State regulations subject to the following special conditions:

(a) *Species permitted to be taken:* One adult male antelope bearing horns longer than its ears.

(b) *Only five permittees shall be allowed on the Peninsula "U" section of the refuge at any one time.* This area will be open on the following days during the hunt: August 24, 25, and 31, and September 1 and 2, 1974. Entrance to this area will be granted at the gate entrance located on the Clear Lake Road, on a first-come, first-served basis. This station will be opened from 6:00 a.m. to one hour after sundown. The antelope take from the Peninsula will be limited to a specific number based on the number of animals on the area. This area of the refuge will be closed when this quota is reached even though the season may still be open.

The provisions of these special regulations are effective through September 2, 1974.

L. EDWARD PERRY,
Acting Regional Director,
Fish and Wildlife Service.

[FR Doc.74-17096 Filed 7-25-74; 8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Idaho

The following regulations are issued and are effective on September 1, 1974. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Idaho.

General Conditions: Hunting shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of the refuge hunting maps. No vehicle travel is permitted except on maintained roads and trails. Maps are available at refuge headquarters and from the office of the Regional Director, 1500 Northeast Irving Street, Portland, Oregon 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds, except pigeons and doves, may be hunted on the following refuge area:

Kootenai National Wildlife Refuge, Star Route #1, Box 160, Bonners Ferry, Idaho 83805.

Special Conditions: 1. Hunting permitted only Sundays, Tuesdays, Thursdays, and Saturdays.

2. The use of 12-gauge soft iron shot shells sold at refuge headquarters is required.

Migratory game birds except snipe, pigeons, and doves may be hunted on the following refuge areas:

Grays Lake National Wildlife Refuge, P.O. Box 837, Soda Springs, Idaho 83276.

Special Condition: The use of air-thrust boats is prohibited.

Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

Bear Lake National Wildlife Refuge, P.O. Box 837, Soda Springs, Idaho 83276.

Special Condition: The use of air-thrust boats is prohibited.

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651.

Special Conditions: 1. Snipe, pigeons and doves may be hunted in the Snake River Island sector only.

2. No goose hunting permitted in the Lake Lowell sector.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

Special Conditions: 1. Cottontail rabbit may also be hunted.

2. Upland game hunting permitted only during waterfowl hunting season.

Kootenai National Wildlife Refuge, Star Route #1, Box 160, Bonners Ferry, Idaho 83805.

Special Condition: Pheasants only may be hunted on Sundays, Tuesdays, Thursdays and Saturdays during the regular state season.

Bear Lake National Wildlife Refuge, P.O. Box 837, Soda Springs, Idaho 83276.

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Special Condition: Pheasant and sage grouse only may be hunted.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651.

Special Condition: Upland game mammals may be hunted on the Snake River Islands sector only.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Special Condition: Antelope only may be hunted.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651.

Special Condition: Deer may be hunted on the Snake River Island sector only.

Kootenai National Wildlife Refuge, Star Route #1, Box 160, Bonners Ferry, Idaho 83805.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1975.

L. EDWARD PERRY,
Acting Regional Director,
Fish and Wildlife Service.

[FR Doc.74-17123 Filed 7-25-74;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE; NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Part 245—Offshore Shrimp Fisheries

On page 5491 of the FEDERAL REGISTER of February 13, 1974 (39 FR 5491), there were published interim regulations concerning the Conservation of Shrimp resources in certain waters off Brazil. These regulations were issued under authority of the Offshore Shrimp Fisheries Act of 1973 (the "Act") (P.L. 93-242, 87 STAT 1061) which implements a Treaty between the United States and the Federative Republic of Brazil.

Because of the need for immediate guidance with respect to provisions contained in the regulations, and due to the requirement of issuing permits and the required receipt of said permits by officials of Brazil ten (10) days prior to the commencement of fishing operations, it was found impracticable to issue a notice of proposed rulemaking under subsection 5 U.S.C. 553(b) or subject these regulations to the effective date of limitation of U.S.C. 553(d). Therefore, under the provisions of 5 U.S.C. 553(d)(3) and 553(b)(B) these regulations became effective on February 13, 1974. Notwithstanding the foregoing, interested persons were given 30 days in which to submit comments, views, or objections regarding these regulations. No such comments, views, or objections have been received and the interim regulations are hereby adopted without change.

Regulations referred to in § 245.6(a) (4) of these regulations will be promulgated at a later date.

Effective date: This part becomes effective on July 22, 1974.

Issued at Washington, D.C., and dated July 22, 1974.

JOHN W. TOWNSEND, Jr.,
Acting Administrator.

[FR Doc.74-17059 Filed 7-25-74;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 AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN BROCCOLI

Proposed United States Standards for Grades

Correction

In FR Doc. 74-14249 appearing at page 22959 in the issue of Tuesday, June 25, 1974, the heading on the second column in Table V (§ 52.637), now reading "Number of short spears", should read "Number of short spears or spears".

[7 CFR Part 919]

PEACHES GROWN IN MESA COUNTY, COLORADO

Expenses and Rate of Assessment for the 1973-74 Fiscal Period

This notice invites written comment relative to the proposed expenses of \$1,000 and rate of assessment of \$0.0072 per cwt. of peaches to support activities of the Administrative Committee for the 1973-74 fiscal period under Marketing Order No. 919.

Consideration is being given to the following proposals submitted by the Administrative Committee, established under the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Administrative Committee during the period December 1, 1973, through November 30, 1974, will amount to \$1,000.

(2) That there be fixed, at \$0.0072 per cwt. of peaches, the rate of assessment payable by each handler in accordance with § 919.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 12, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing

Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 22, 1974.

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

[FR Doc. 74-17102 Filed 7-25-74; 8:45 am]

Forest Service

[36 CFR Parts 251, 252, 293]

MINERAL RESOURCES ON NATIONAL FOREST LANDS

Use Under U.S. Mining Laws

Correction

In FR Doc. 74-16284 appearing at page 26038 of the issue for Tuesday, July 16, 1974, make the following changes:

a. In the last line of § 252.14(a), page 26041, "administration" should read "administrative".

b. In lines 12-14 of § 252.15(b), page 26041, the phrase "was included in the National Wilderness" has been inadvertently printed twice. One of these should be deleted.

c. In the fourth line of § 293.15(c), page 26042, "garthering" should read "gathering".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-SW-35]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Durant, Okla.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 26, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented

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

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

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

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

DURANT, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eaker Field (latitude 33°56'30" N., longitude 96°24'00" W.), and within 3 miles each side of a 151°T (159°M) bearing from the Durant NDB (latitude 33°56'32" N., longitude 96°23'54" W.) extending from the 5-mile radius area to 9 miles SE of the NDB.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Eaker Field Airport, Durant, Okla.

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

Issued in Fort Worth, Texas, on July 11, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc. 74-17088 Filed 7-25-74; 8:45 am]

Federal Railroad Administration

[49 CFR Part 232]

[Docket PB-4, Notice No. 2]

POWER OR TRAIN BRAKES

Installation, Inspection, Testing and Maintenance; Advance Notice of Proposed Rulemaking

The Federal Railroad Administration (FRA) is studying possible courses of action with respect to revision of Part 232—Rules, Standards, and Instructions for Installation, Inspection, Maintenance and Repair of Power or Train Brakes and has under consideration a petition filed by the Association of American Railroads (AAR) for amendment and recodification of Part 232. Except for addition of § 232.19 prescribing

air brake tests on run-through and unit run-through trains (49 CFR 232.19), these rules have not been amended since they were issued in 1958.

In Notice No. 1 of this proceeding published in the March 16, 1971 issue of the *FEDERAL REGISTER* (36 FR 4994), FRA solicited public participation and comment on the need for revision of Part 232, in whole or in part, and the nature of revisions considered necessary or desirable to resolve any difficulties arising under existing provisions. Four communications were received. Two commenters declined to make any substantive suggestions. One commenter suggested amendment of § 232.12(d) to provide for body-mounted brake systems which have a maximum travel of 10 inches. This suggested change is also under consideration.

The AAR, in its comments, resubmitted a comprehensive and detailed petition for amendment and recodification of Part 232. Attached to this petition was an appendix containing the text of its proposed amendments and explanatory notes. This appendix is appended to this notice.

The purpose of this notice is to solicit comments on the changes requested by AAR. In reviewing the AAR proposed changes, one should keep in mind that some require up-dating to take into account more recent developments in braking systems and operating practices, such as the new rule for air brake tests on run-through and unit run-through trains (49 CFR 232.19).

FRA also solicits further comments on the need for revision of Part 232 and suggested changes in this Part in light of technological developments and changes in operating conditions since 1958.

Communications should identify the docket number and notice number and be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before November 1, 1974 will be considered by FRA in development of a notice of proposed rule making. Comments received after that date will be available both before and after the closing date for communications for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

This advance notice is issued under the authority of the Power or Train Brakes Safety Appliance Act of 1958 (72 Stat. 86; 45 U.S.C. 9) and § 1.49(c) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(c)).

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

JOHN W. INGRAM,
Administrator.

[FR Doc.74-17141 Filed 7-25-74; 8:45 am]

CIVIL AERONAUTICS BOARD

(EDR-276A, SPDR-37A, ODR-8A; Docket No. 26810)

CHARTER FLIGHTS

[14 CFR Parts 207, 208, 212, 214, 217, 241, 249, 369, 389]

Extension of Time for Comments

JULY 23, 1974.

The Board, by circulation of notice of proposed rulemaking, EDR-276, SPDR-37, ODR-8, dated June 18, 1974, and published at 39 FR 22430 (June 24, 1974) gave notice that it had under consideration the enactment of a new Part 369 of the Special Regulations which would establish a new class of charter designated as a "Special Event Charter" as well as implementing amendments to Parts 207, 208, 212, 214, 217, 241, and 249 of the Economic Regulations and Part 389 of the Organization Regulations. Interested persons were invited to participate by submission of twelve (1) copies of written data, views or arguments pertaining thereto to the Docket Section of the Board on or before July 25, 1974, and reply comments on or before August 9, 1974.

By letter dated July 18, 1974, counsel for American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc., has requested a 7-day extension of time for filing of initial and reply comments. In support of the request, counsel states, inter alia, that additional time is needed for coordination within carrier groups of responses to the proposal as well as coordination with their home offices in foreign countries on the part of foreign air carriers which have indicated an intention to submit comments.

The undersigned finds that good cause has been shown for granting the requested extension. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for filing initial and reply comments until August 1, 1974, and August 16, 1974, respectively.

(Section 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates Division.

[FR Doc.74-17147 Filed 7-25-74; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 15, 81, 83]

[Docket No. 20074]

RADIO RECEIVERS

Minimum Requirements for Maritime Services; Extension of Time

In the matter of amendment of Parts 2, 15, 81 and 83 of the Commission's rules

to establish minimum performance requirements for radio receivers employed at coast stations or used aboard ships and operating on frequencies in the band 156-162 MHz in the Maritime Service.

1. The Land Mobile Section of the Communications Division of the Electronics Industries Association (EIA) has filed a request for a 60-day extension of time for filing comments in the above-entitled matter.

2. The Commission, in this proceeding (39 FR 21166, June 19, 1974), is proposing a broad variety of technical standards to govern receivers employed for maritime use. Specifically, these standards would establish methods of measurement and minimum performance requirements for such receivers.

3. EIA has stated that the additional time is needed to further analyze and discuss the Commission's proposals with other interested parties, including EIA members. EIA further states that this process is now going on and that useful comments should be finalized and submitted, either via the Association or through individual members, within the next sixty days.

4. In view of EIA's previous experience and interest in the preparation of test procedures for electronic equipment, a 60-day extension appears reasonable and should allow sufficient time for EIA to file useful comments.

5. In view of the foregoing, it is ordered, By the Chief, Safety and Special Radio Services Bureau, pursuant to authority delegated in § 0.331(a)(4) of the Commission's rules, That all interested parties may file comments in the above-entitled matter on or before September 17, 1974, and reply comments on or before October 1, 1974.

Adopted: July 18, 1974.

Released: July 19, 1974.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special
Radio Services Bureau.

[FR Doc.74-17106 Filed 7-25-74; 8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 546]

[Docket No. 71-74]

QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS

Extension of Time for Filing Petition for Reconsideration

At the request of counsel for Concordia Lines and Maritime Fruit Carriers, time for filing petition for reconsideration in this proceeding is enlarged to and including August 20, 1974.¹

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-17160 Filed 7-25-74; 8:45 am]

¹ Initial notice of proposed rulemaking in this matter was published August 11, 1971 (36 FR 14765); extensions of time for comments were published on August 31, 1971 (36 FR 17449), Nov. 10, 1971 (36 FR 21524), and Dec. 23, 1971 (36 FR 25827).

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1124]

[Ex Parte 277 (Sub-No. 1)]

ADEQUACY OF INTERCITY RAIL PASSENGER SERVICE

Penalties for Violations

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of July, 1974.

It appearing, that by order of the Commission, dated April 26, 1971, this rule-making proceeding was instituted for the purpose of implementing section 801 of the Rail Passenger Service Act of 1970 (PL 91-518) relating to the Commission's authority to prescribe regulations for the quality of intercity rail passenger service;

And it further appearing, that pursuant to the prior reports and orders of the Commission appearing at 344 I.C.C. 758 and 346 I.C.C. 75, the Commission promulgated certain regulations, which regulations now appear as part 1124, Regulations for the Adequacy of Intercity Rail Passenger Service, of Chapter X of Title 49 of the Code of Federal Regulations, and that § 1124.23 provides that "Any carrier which the Commission finds to be in violation of any of these regulations shall be subject to the penalties prescribed in section 801 of the Rail Passenger Service Act, unless * * *", and that § 1124.26 provides that "where the Commission finds that a violation of these regulations has occurred, * * *";

And it further appearing, that under the above regulations, a formal finding must be made that a violation of a substantive regulation exists before corrective measures can be taken, that deter-

mination of such an administrative finding would unduly delay the quick resolution of disputes and make futile any attempts at informal resolution of disputes; and that this delay would not be in the interest of the traveling public, the carrier, or the Commission;

And it further appearing, that in order to simplify, expedite, and make more flexible the Commission resolution of disputes arising under the regulations for the adequacy of intercity passenger service, it is necessary for the above described enforcement regulations to be amended;

And it further appearing, that for the above stated reasons, the Commission has tentatively concluded that § 1124.23 should be revised to read as follows:

§ 1124.23 Prescription of penalties for carriers in violation.

Any carrier in violation of any of these regulations shall be subject to the penalties prescribed in section 801 of the Rail Passenger Service Act of 1970, unless such carrier takes corrective action as prescribed by the Commission (in the manner set forth elsewhere in these regulations), or in a manner acceptable to the Commission and passenger, provides satisfaction to passengers injured as a result of the violation.

and that § 1124.26 should be revised to read as follows:

§ 1124.26 Execution of penalties against carriers in violation.

Where the Commission staff determines that a violation of these regulations has occurred, the matter may be referred to the Department of Justice for appropriate enforcement under section 801 of the Rail Passenger Service Act or the Commission may take such other steps as it deems appropriate in the circumstances, including among others, informal or formal steps to settle the

matter in dispute on a fair and equitable basis.

And it further appearing, that due to the increasing number of complaints received from travelers alleging violations of the regulations for the adequacy of intercity rail passenger service, good cause exists for making the proposed amendment effective in less than 30 days from the date of its publication in the FEDERAL REGISTER:

It is ordered, That because of the expedited nature of this proceeding and the lack of any necessity for oral hearing in order to dispose of the matters involved, all interested parties are invited to file verified statements of fact, briefs and statements of position respecting the proposed amendments described above on or before 15 days from the date of service of this order;

It is further ordered, That a copy of this order be served upon AMTRAK, all other parties of record each public utility commission or board or similar regulatory body of each State, the Secretary of the Department of Transportation, the Association of American Railroads, and all Class I railroads; that a copy be posted in the Office of the Secretary of this Commission and in each field office; and that a copy of this order be delivered to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

NOTE: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[FR Doc.74-17154 Filed 7-25-74;8:45 am]

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mercally available solely because of legal or political circumstances.

Submarginal—The portion of Subeconomic Resources which would require a substantially higher price (more than 1.5 times the price at the time of determination) or a major cost-reducing advance in technology.

Hypothetical resources—Undiscovered resources that may reasonably be expected to exist in a known mining district under known geologic conditions. Exploration that confirms their existence and reveals quantity and quality will permit their reclassification as a Reserve or Identified-Subeconomic resource.

Speculative resources—Undiscovered resources that may occur either in known types of deposits in a favorable geologic setting where no discoveries have been made, or in as yet unknown types of deposits that remain to be recognized. Exploration that confirms their existence and reveals quantity and quality will permit their reclassification as Reserves or Identified-Subeconomic resources.

[FR Doc.74-17120 Filed 7-25-74;8:45 am]

**Bureau of Land Management
AREA MANAGERS, ELKO DISTRICT,
NEVADA**

Delegation of Authority in General

Under authority of Bureau Order 701, dated July 23, 1964, and as amended, and subject to the limitations in Part III of that order, the Area Managers administering the Elko Resource Area (heretofore known as Tuscarora and Humboldt), and the Wells Resource Areas (heretofore known as the Contact and Currie) of the Elko District, Nevada, are authorized to act on the following matters within their respective areas of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the Elko District Manager:

DELEGATIONS OF AUTHORITY IN SPECIFIC MATTERS

Sec. 3.3 Fiscal Affairs.

(d) **Trespass.** Determine liability and issue notice of grazing trespass; recommend as to acceptance of settlement offer made.

Sec. 3.7 Range Management. (a) **Grazing District Administration**

(1) Within grazing districts in the Resource Area, the issuance of licenses and permits to graze or trail livestock.

(2) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(3) Expenditure of funds appropriated by Congress or contributed by individuals, associations, advisory boards, or others for the construction, purchase, or maintenance of range improvements.

(d) Soil and moisture conservation including control of Halogeton glomeratus.

(e) Controlled brush burning in accordance with plans and specifications approved by the State Director.

(f) Protection of wild free-roaming horses and burros.

SEC. 3.8 Forest Management. (a) Disposition of forest products including sales of timber not exceeding \$100 in value.

SEC. 3.9 Land Use.

(g) Disposition of materials other than forest products, not exceeding \$100 in value.

SEC. 3.10 Designation of Action Officials. (a) Area Managers may, by written order, designate qualified employees of the Resource Area to perform the functions of the Area Manager in his absence.

(b) Each employee who serves in such capacity in (a) above, shall prepare a memorandum to be kept in the district office showing the date and hour of the commencement and termination of each period of his service in that capacity.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through use of Form 1213-1 District Office Authority and Responsibility Guide.

This order, revoking previous delegations including the most recent published April 16, 1974 (39 FR 13691), will become effective on July 26, 1974.

Dated: May 17, 1974.

E. F. SPANG,
Acting State Director, Nevada.

Approved: July 22, 1974.

GEORGE L. TURCOTT,
Associate Director.

[FR Doc.74-17125 Filed 7-25-74;8:45 am]

[R 1370]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

JULY 17, 1974.

Notice of Forest Service, U.S. Department of Agriculture, application, R 1370 for withdrawal and reservation of land for administrative sites was published as FR Doc. No. 68-5260 on page 6746 of the issue for May 2, 1968. The applicant agency has cancelled its application insofar as it affects the following described land:

SAN BERNARDINO MERIDIAN, CALIFORNIA

SAN BERNARDINO NATIONAL FOREST

Camp Angelus Station Administrative Site

T. 1 N., R. 1 W.,
Sec. 27, NW¼ of lot 2.

City Creek Station Administrative Site

T. 1 N., R. 3 W.,
Sec. 10, lot 3, NW¼SE¼.

Morton Peak Lookout Administrative Site

T. 1 S., R. 2 W.,
Sec. 12, SE¼SW¼ of lot 2, SW¼SE¼ of lot 2, NW¼NE¼ of lot 7, NE¼NW¼ of lot 7.

Pine Bench Job Corps Administrative Site

T. 1 S., R. 1 E.,
Sec. 32, lots 1 and 2.

The area described aggregates approximately 182.57 acres in San Bernardino County, California.

Therefore, pursuant to the regulations contained in 43 CFR Part 2350, such lands at 10 a.m. on August 27, 1974, will be relieved of the segregative effect of the above-mentioned application.

CHARLES L. SCHAEFER,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-17127 Filed 7-25-74;8:45 am]

[R 1938]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JULY 17, 1974.

Notice of Forest Service, U.S. Department of Agriculture, application, R 1938 for withdrawal and reservation of land for administrative site was published as FR Doc. No. 68-15033 on page 18713 of the issue for December 18, 1968. The applicant agency has cancelled its application.

SAN BERNARDINO MERIDIAN, CALIFORNIA

SAN BERNARDINO NATIONAL FOREST

Bautista Administrative Site

T. 6 S., R. 2 E.,

Sec. 7, S½S½ of lot 3, N½N½ of lot 4.

The area described aggregates approximately 20.75 acres in Riverside County, California.

Therefore, pursuant to the regulations contained in 43 CFR Part 2350, such lands at 10 a.m. on August 27, 1974, will be relieved of the segregative effect of the above-mentioned application.

CHARLES L. SCHAEFER,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-17128 Filed 7-25-74;8:45 am]

[R 1983]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JULY 17, 1974.

Notice of Forest Service, U.S. Department of Agriculture, application, R 1983 for withdrawal and reservation of land for campground was published as FR Doc. No. 69-749 on page 944 of the issue for January 22, 1969. The applicant agency has cancelled its application.

SAN BERNARDINO MERIDIAN, CALIFORNIA

SAN BERNARDINO NATIONAL FOREST

Tool Box Spring Campground

T. 6 S., R. 3 E.,

Sec. 34, NW¼.

The area described aggregates approximately 160.00 acres in Riverside County, California.

Therefore, pursuant to the regulations contained in 43 CFR Part 2350, such lands at 10 a.m. on August 27, 1974, will

be relieved of the segregative effect of the above-mentioned application.

CHARLES L. SCHAEFER,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-17129 Filed 7-25-74; 8:45 am]

[R 1715]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

July 17, 1974.

Notice of Forest Service, U.S. Department of Agriculture, application, R 1715 for withdrawal and reservation of land for water source was published as FR Doc. No. 69-34 on pages 156 and 157 of the issue for January 4, 1969. The applicant agency has canceled its application.

SAN BERNARDINO MERIDIAN, CALIFORNIA

SAN BERNARDINO NATIONAL FOREST

Kenworthy Spring Site

T. 6 S., R. 3 E.,

Sec. 25, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described aggregates approximately 20.75 acres in Riverside County, California.

Therefore, pursuant to the regulations contained in 43 CFR Part 2350, such lands at 10 a.m. on August 27, 1974, will be relieved of the segregative effect of the above-mentioned application.

CHARLES L. SCHAEFER,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-17130 Filed 7-25-74; 8:45 am]

NATIONAL ADVISORY BOARD ON WILD FREE-ROAMING HORSES AND BURROS

Notice of Meeting

Notice is hereby given that the National Advisory Board for Wild Free-Roaming Horses and Burros will hold a meeting on September 18, 19, and 20 at the Holiday Inn, 1000 East 6th, Reno, Nevada, beginning at 8:30 a.m. The agenda for the meeting will include:

September 18—An aerial field trip southeast of Reno to view wild horse and burro management problems. The Advisory Board will leave Reno at 7 a.m. and is scheduled to return to Reno at 5 p.m. Since this tour is primarily by air, no provisions have been made for the general public to participate in the field trip.

September 19—(1) Introduction and welcome; (2) Public comments; (3) BLM management plans and problems with wild horses and burros in the States of Wyoming, Colorado, California, and Nevada; (4) Murderer's Creek Wild Horse Management Plan, Forest Service; (5) Forest Service management plans and problems in Nevada.

September 20—(1) Research projects; (2) Agency reports on (a) Report to Congress, (b) Oversight hearing, (c) Research and research needs, (d) Advisory Board administrative matters.

The meeting will be open to the public. Time has been set aside from 4 to 5 p.m., September 19, for brief statements by members of the public. Those persons wishing to make an oral statement must inform the Advisory Board Chairman in writing prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Dr. C. Wayne Cook. Written statements may be submitted at the meeting or mailed to Dr. Cook, the Director (330), Bureau of Land Management, Washington, D.C. 20240.

Additional details can be obtained by contacting the Office of Public Affairs, Bureau of Land Management, Federal Building, Room 3008, 300 Booth Street, Reno, Nevada 89502.

Minutes of the meeting will be available for public inspection 60 days after the meeting at the Office of the Director (330), Bureau of Land Management, Interior Building, Washington, D.C. 20240.

GEORGE L. TURCOTTE,

Associate Director.

July 19, 1974.

[FR Doc.74-17126 Filed 7-25-74; 8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-162]

KAISER STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Kaiser Steel Corporation has filed a petition to modify the application of 30 CFR 75.1403-10(b) to its Sunny-side Mines Nos. 1 and 2 located at Sunny-side, Utah.

30 CFR 75.1403-10(b) provides:

Cars on main haulage roads should not be pushed except where necessary to push cars from side tracks located near the working section to the producing entries and rooms, where necessary to clear switches and side tracks, and on the approach to cages, slopes, and surface inclines.

Petitioner seeks to modify said standard to permit Petitioner to push empty cars from the main slopes in each mine into the entries leading off the main slopes to a central loading point.

Petitioner believes the alternate method will at all times guarantee no less than the same measure of protection afforded the miners at the affected mines by standard 30 CFR 75.1403-10(b), and further believes the application of the standard results in diminution of safety to miners in the affected mines.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 26, 1974. Such requests or comments must be filed with the Departmental Hearings Branch—OHA, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84138. Copies of the petition

are available for inspection at that address.

JAMES R. RICHARDS,

Director, Office of Hearings and Appeals.

July 18, 1974.

[FR Doc.74-17119 Filed 7-25-74; 8:45 am]

Office of the Secretary

[INT DES 74-72]

LOWER SAINT CROIX NATIONAL SCENIC RIVERWAY, MINNESOTA-WISCONSIN

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 for a proposed Master Plan for Lower Saint Croix National Scenic Riverway, Minnesota-Wisconsin.

The statement considers plans for the acquisition, preservation and use of the Lower Saint Croix National Scenic Riverway. Proposals include the establishment of a riverway boundary of 13,650 acres to be purchased in fee or through easement or to be controlled through zoning.

Written comments on the environmental statement are invited and will be accepted on or before September 9, 1974. Comments should be addressed to the Superintendent, Saint Croix National Scenic Riverway, at the address given below.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Superintendent,
Saint Croix National Scenic Riverway,
P.O. Box 579,
St. Croix Falls, Wisconsin 54024

Regional Director,
Midwest Regional Office,
National Park Service,
1709 Jackson Street,
Omaha, Nebraska 68102

Chicago Field Office,
National Park Service,
2510 Dempster Street,
Suite 214,
Des Plaines, Illinois 60016

Minnesota-Wisconsin Boundary Area Commission,
619 Second Street,
Hudson, Wisconsin 54016

Dated: June 26, 1974.

STANLEY D. DOREMUS,

Deputy Assistant Secretary of the Interior.

[FR Doc.74-17113 Filed 7-25-74; 8:45 am]

[INT DES 74-74]

WEST BEACH UNIT, INDIANA DUNES NATIONAL LAKESHORE, INDIANA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared

a draft environmental statement on the proposed comprehensive design, West Beach Unit, Indiana Dunes National Lakeshore. The statement considers the development, management, and preservation procedures of the area.

Written comments on the environmental statement are invited and will be received by the Superintendent at the address listed below on or before September 9, 1974.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Mid-Atlantic Regional Office,
National Park Service,
143 South Third Street,
Philadelphia, Pennsylvania 19106
Superintendent,
Indiana Dunes National Lakeshore,
Route 2, Box 139A,
Chesterton, Indiana 46304
Midwest Regional Office,
National Park Service,
1709 Jackson Street,
Omaha, Nebraska 68102

Dated: July 5, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.74-17114 Filed 7-25-74; 8:45 am]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice 84]

RICE; ARKANSAS, LOUISIANA, AND MISSISSIPPI

Extension of Time for Filing Applications

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for rice crop insurance for the 1975 crop year in all counties in Arkansas, Louisiana, and Mississippi where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 21, 1975. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL]

M. R. PETERSON,
Manager, Federal Crop
Insurance Corporation.

[FR Doc.74-17104 Filed 7-25-74; 8:45 am]

Office of the Secretary

COMMODITY EXCHANGE, INC.,
NEW YORK, NEW YORK

Order Vacating Designation as a Contract Market

Pursuant to section 7 of the Commodity Exchange Act (7 U.S.C. 11), I hereby vacate the designation of the Commodity Exchange, Inc., of New York, New York, as a contract market for hides effective November 1, 1974. The said exchange, which was designated as a contract market for hides on June 18, 1968,

has requested that such designation be vacated.

Issued this 23d day of July 1974.

RICHARD L. FELTNER,
Assistant Secretary for
Marketing and Consumer Services.

[FR Doc.74-17103 Filed 7-25-74; 8:45 am]

Packers and Stockyards Administration

HANNIBAL SALES CO., INC. ET AL.

Depositing of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility number, name, location of stockyard, and date of posting

- MO-137 Hannibal Sales Co., Inc., Hannibal, Missouri, May 8, 1959.
- MO-160 Maryville Auction Co., Inc., Maryville, Missouri, May 9, 1959.
- NY-104 Empire Livestock Marketing Cooperative, Inc. (Market 2), Bath, New York, Feb. 17, 1971.
- NY-146 Empire Livestock Marketing Cooperative, Inc., Watertown, New York, Aug. 8, 1960.
- OH-120 Fremont Livestock Exchange, Fremont, Ohio, July 8, 1959.
- OK-149 Meeker Livestock Auction, Meeker, Oklahoma, Oct. 9, 1962.
- TN-171 Rhea County Livestock Auction Company, Inc., Dayton, Tennessee, Nov. 2, 1972.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly depositing a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective on July 26, 1974.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C. this 22d day of July 1974.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and
Reports Branch, Livestock
Marketing Division.

[FR Doc.74-17101 Filed 7-25-74; 8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Organization Order 40-1, Amdt. 2; Transmittal 198]

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Organization and Functions

This order, effective June 30, 1974, further amends the material appearing

at 39 FR 1871 of January 15, 1974; and 39 FR 13015 of April 10, 1974.

Department Organization Order 40-1, dated November 12, 1973, is hereby further amended as follows:

1. In sec. 4. Staff offices, Paragraph .03 is added to read as follows:

.03 The Domestic Business Policy Analysis Staff (DBPAS), shall serve as the Department's principal organization to assist Federal decision makers to identify effective means of achieving Federal policy objectives in the domestic business policy area. The staff will be headed by a Director who will report directly to the Assistant Secretary for Domestic and International Business. In carrying out the domestic business policy analysis function, the staff shall:

a. Conduct studies which will (1) help identify significant impacts on the economy or the free enterprise system of potential or actual Federal actions; and (2) help identify alternative means of achieving desired national objectives in a way which will minimize adverse consequences; and

b. Analyze implications for the economy and the functioning of the free enterprise system of (1) potential major new Federal statutes, regulations, programs, or other actions; and (2) the elimination or modification of existing Federal statutes, regulations, programs or other actions.

2. In sec. 6. Directorate of Administrative Management, In the first paragraph delete the words "—a mainline component of DIBA—" from line 5.

3. In sec. 9. The Bureau of Domestic Commerce, Paragraph .02, change title to read "The Office of Policy Research."

4. The organization chart attached to this amendment as Exhibit 1 supersedes the organization chart dated March 25, 1974.¹

5. The list of Locations of Regional and District Offices attached to this amendment as Exhibit 2 supersedes the list dated November 12, 1973. A copy of Exhibit 2 is attached to the original of this document on file in the Office of the Federal Register.

HENRY B. TURNER,
Assistant Secretary
for Administration.

[FR Doc.74-17151 Filed 7-25-74; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with

¹ A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. FDA/NIDA Drug Abuse Research Advisory Committee.	August 8 and 9, 8 a.m., Medical College of Wisconsin, 561 North 15th St., Milwaukee, Wis.	Open August 8, closed August 9. John A. Scigliano, Ph.D., Room 10B-04, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3504.

Purpose. Advises FDA on action to be taken on Notices of Claimed Investigational New Drugs for substances with abuse potential; advises NIDA on supplies of substances for clinical studies, on quantities of substances for animal and in vitro studies beyond the maximum amount available by NIDA staff action, and on requests for any amount of substances which involve protocols containing unique problems.

Agenda. Open session: Summary of the teratology of marihuana in animals; state of the art of the quantitative evaluation of cannabinoids in biological fluids; marihuana chemistry-analytical methodology; report on the Utrecht International Conference on Marihuana; Naxalone as a diagnostic for narcotic dependence; tour of medical facilities—Medical College of Wisconsin. Closed session: Review of confidential protocols.

Committee name	Date, time, place	Type of meeting and contact person
2. Obstetrics and Gynecology Advisory Committee.	August 21 and 22, 9 a.m., Conference Room E, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—A. T. Gregoire, Ph.D., Room 14B-04, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3490.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed

for marketing for use in the practice of obstetrics and gynecology.

Agenda. Safety aspects of intrauterine devices and the treatment of *Trichomonas vaginalis* in the male.

Committee name	Date, time, place	Type of meeting and contact person
3. Gastrointestinal Drugs Advisory Committee.	August 26 and 27, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open August 26, 9 a.m. to 10 a.m., closed August 26, after 10 a.m., closed August 27. Wm. H. Bachrach, M.D., Room 16B-20, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4740.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for the treatment of gastrointestinal diseases.

Agenda. Open session: Orientation of new committee and introduction of chairman; remarks and presentation of charter by FDA staff. Closed session: Discussion of chenodeoxycholic acid (related INDs: 4516, 8006, 7716, 8344, 9329, 9515, 10-412); also discussion of IND 9-899.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and

Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and

frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above,

that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: July 23, 1974.

SHERWIN GARDNER,
Acting Commissioner of
Food and Drugs.

[FR Doc. 74-17091 Filed 7-25-74; 8:45 am]

**National Institutes of Health
NATIONAL HEART AND LUNG ADVISORY
COUNCIL**

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of a special meeting of the National Heart and Lung Advisory Council, September 19 and 20, 1974, National Institutes of Health, Building 31, Conference Room 10, at 9 a.m. This meeting, which will be open to the public, is for discussion of the implementation of the National Heart, Blood Vessel, Lung, and Blood Diseases Program and the Council's Annual Report on the progress of the Program toward the accomplishment of its objectives. Attendance by the public will be limited to space available.

Summaries of the meeting and rosters of the Council members will be furnished by Mr. Hugh J. Lee, Information Office, National Heart and Lung Institute, Building 31, Room 5A21, telephone (301) 496-4236. Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, Westwood Building, Room 5A18, telephone (301) 496-7416, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.346, 13.374, and 13.382, National Institutes of Health.)

Dated: July 22, 1974.

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

[FR Doc. 74-17065 Filed 7-25-74; 8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-155]

CONSUMERS POWER CO.

Issuance of Amendment to Facility License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-6 issued to the Consumers Power Company which revised Technical Specifications

for operation of the Big Rock Point Nuclear Plant located in Charlevoix County, Michigan. This amendment is effective as of its date of issuance.

The amendment permits the removal of the four lower rollers on fifteen peripheral control rods in the Big Rock Point Nuclear Plant.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated June 28, 1974, (2) Amendment No. 6 to License No. DPR-6, with Change No. 43, and (3) the concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

A copy each of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 18th day of July 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch No. 2, Directorate of
Licensing.

[FR Doc. 74-17098 Filed 7-25-74; 8:45 am]

[Docket Nos. STN 50-488, STN 50-489, STN 50-490, STN 50-491, STN 50-492, and STN 50-493]

DUKE POWER CO.

Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Reports

Duke Power Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application which was docketed on May 24, 1974, for authorization to construct and operate six pressurized water nuclear power reactors at its Perkins and Cherokee sites. The application was tendered on March 29, 1974. Following a preliminary review for completeness, the application—the Preliminary Safety Analysis Report, General and Financial Information and the Antitrust Information—was found to be acceptable for docketing on May 21, 1974. However, the Environmental Reports were not sufficiently complete for docketing and Duke Power Company filed revised Environmental Reports on June 17, 1974. The revised Reports were found to be acceptable on July 5, 1974. This application has been

filed utilizing two approaches of the Commission's Standardization Policy for nuclear power plants—the "reference system" and "duplicate plant" concepts. (See "Licensing of Duplicate Nuclear Power Plants; Review of Standard Nuclear Power Plant Designs," Notice of Proposed Rules, 39 FR 13668, April 16, 1974.) The application references the standard nuclear steam supply system design of Combustion Engineering's Standard Safety Analysis Report (CESSAR), Docket No. STN 50-470, which is currently under staff review. The remainder of the plant design, with the exception of some specific site features, consists of identical duplicates for all six units. Docket Nos. STN 50-488, STN 50-489, and STN 50-490 have been assigned to Units 1, 2, and 3, respectively, at the Perkins site and STN 50-491, STN 50-492, and STN 50-493 have been assigned to Units 1, 2, and 3, respectively, at the Cherokee site. These docket numbers should be referenced in any correspondence relating to this application.

The Perkins site is located in the southeast portion of Davie County, North Carolina, on the Yadkin River about 11 miles west of Lexington, 12 miles north of Salisbury and about 17 miles southeast of Winston-Salem. The Cherokee site is located in the eastern portion of Cherokee County, South Carolina, on the west bank of the Broad River about 6 miles southeast of Blacksburg and 21 miles northeast of Spartanburg.

Each of the proposed nuclear units, designated by the applicant as the Perkins Nuclear Station, Units 1, 2, and 3, and the Cherokee Nuclear Station, Units 1, 2, and 3, are designed for initial operation at approximately 3800 megawatts thermal with a net electrical output of approximately 1280 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, Regulation, on or before September 17, 1974. The request should be filed in connection with Docket Nos. STN 50-488-A, STN 50-489-A, STN 50-490-A, STN 50-491-A, STN 50-492-A, and STN 50-493-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, at the Davie County Public Library, 416 N. Main Street, Mocksville, North Carolina 27028, and at the Cherokee County Library, Gaffney, South Carolina 29340.

Duke Power Company has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, separate Environmental Reports for the Perkins and Cherokee

Stations. The reports discuss environmental considerations related to the proposed construction of the Perkins and Cherokee Stations. The reports are being made available for public inspection at the aforementioned locations, and are being made available at the Clearinghouse and Information Center, 116 West Jones Street, Raleigh, North Carolina 27603, at the Piedmont Triad Council of Governments, P.O. Box 8945, Greensboro, North Carolina 27410, at the Office of the Governor, Division of Administration, Wade Hampton Office Building, Columbia, South Carolina 29201, and at the South Carolina Appalachian Council of Governments, Drawer 6668, 11 Regency Hills Drive, Greenville, South Carolina 29606.

After the Environmental Reports have been analyzed by the Commission's Director of Regulation or his designee, draft environmental statements related to the proposed action will be prepared by the Commission. Upon preparation of the draft environmental statements, the Commission will, among other things, cause to be published in the *FEDERAL REGISTER* a summary notice of availability of the draft statements. The summary notice will request comments from interested persons on the proposed action and on the draft statements. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare final environmental statements, the availability of which will be published in the *FEDERAL REGISTER*.

Dated at Bethesda, Maryland, this 8th day of July 1974.

For the Atomic Energy Commission.

OLAN D. PARR,
Chief,
Light Water Reactors Group 1-3.

[FR Doc.74-16500 Filed 7-18-74; 8:45 am]

[Docket Nos. STN 50-498 and STN 50-499]

HOUSTON LIGHTING AND POWER ET AL.

Receipt of Application for Construction Permits, Facility Licenses, and Availability of Applicants' Environmental Report

Houston Lighting and Power Company, the City of San Antonio, Central Power and Light Company, and the City of Austin (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed July 5, 1974, for authorization to construct and operate two generating units utilizing two pressurized water reactors. The application was tendered on May 17, 1974. Following a preliminary review for completeness, the application was accepted on June 20, 1974, for docketing. Docket Nos. STN 50-498 and STN 50-499 have been assigned to the application and should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicants as the South Texas Project, Units 1 and 2 are located on the west side of the Colorado River, in south central Matagorda County, Texas and are designated for initial operation at approximately 3800 megawatts (thermal) each, with a net electrical output of approximately 1250 megawatts each.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 17, 1974. The request should be filed in connection with Docket Nos. STN 50-498-A and STN 50-499-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Matagorda County Courthouse, 1700 7th Street, Bay City, Texas.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report dated July 1, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities is being made available for public inspection at the aforementioned locations and at the Division of Planning Coordination, Office of the Governor, P.O. Box 12428, Capitol Station, Austin, Texas 78711, and at the Houston-Galveston Area Council, 3311 Richmond Avenue, Houston, Texas 77006.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the *FEDERAL REGISTER* a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the *FEDERAL REGISTER*.

Dated at Bethesda, Maryland, this 5th day of July 1974.

For the Atomic Energy Commission.

A. W. DROMERICK,
Acting Chief, Light Water Reactors Project Branch 1-1,
Directorate of Licensing.

[FR Doc.74-16501 Filed 7-18-74; 8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Provisional Operating License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 4 to Provisional Operating License No. DPR-17 issued to the Niagara Mohawk Power Corporation which revised the Technical Specifications for operation of the Nine Mile Point Nuclear Station Unit 1 located in Oswego County, New York.

The amendment revised the Technical Specifications to redefine the conditions for operability of the Average Power Range Monitoring rod block system to make the requirements consistent with the assumptions used in the rod withdrawal reanalysis and also revised the maximum control rod worth and scram insertion times to make them consistent with the generic reanalysis of the control rod drop accident.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations, and the Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated November 15, 1973, (2) Amendment No. 4 to License No. DPR-17, with an attachment, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego City Library at 120 East Second Street, Oswego, New York 13126.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 16th day of July 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch No. 2, Directorate of
Licensing.

[FR Doc.74-17097 Filed 7-25-74; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24283]

AIR CARRIER REORGANIZATION INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on September 20, 1974, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., July 22, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.
[FR Doc.74-17142 Filed 7-25-74;8:45 am]

[Docket No. 25513; Order 74-7-95]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare Matters

Issued under delegated authority, July 22, 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 Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned C.A.B. Agreement Number 24521.

This agreement would increase all fares between Ireland and other points within Europe/Africa/Middle East by 50 U.K. Pence in each direction in order to recover increased landing charges and passenger load fees at Irish Airports. We are approving the agreement to the extent that it involves normal first-class and economy fares, which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolution, which is incorporated in Agreement C.A.B. 24521, is adverse to the public interest or in violation of the Act: 200 (Mail 213) 003w.

Accordingly, it is ordered, That: Agreement C.A.B. 24521 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.

[SEAL] EDWIN Z. HOLLAND,
Secretary.
[FR Doc.74-17145 Filed 7-25-74;8:45 am]

[Docket No. 25709; Order 74-7-96]

PHILIPPINE AIR LINES, INC.

Order Regarding Schedules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d 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 heretofore granted the requested authorization through July 20, 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 22, 1974.

This Order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.
[FR Doc.74-17146 Filed 7-25-74;8:45 am]

[Docket No. 26350]

SITMAR CRUISES, INC.

Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding has been postponed, at the request of Sitmar Cruises, Inc., from August 6, 1974 (39 FR 24689, July 5, 1974), to August 28, 1974, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., July 23, 1974.

[SEAL] MILTON H. SHAPIRO,
Administrative Law Judge.
[FR Doc.74-17144 Filed 7-25-74;8:45 am]

[Docket No. 23944]

SUPPLEMENTAL RENEWAL PROCEEDING

Change in Date of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter heretofore assigned to be held before the Board on September 18, 1974, (39 FR 22291, June 21, 1974), has been rescheduled and will be held on September 17, 1974, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., July 22, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.
[FR Doc.74-17143 Filed 7-25-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

NEW JERSEY STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of

the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey State Advisory Committee (SAC) to this Commission will convene at 6:30 p.m. on August 8, 1974, at the Robert Treat Hotel, 50 Park Place, Newark, New Jersey 07101.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purposes of this meeting shall be to (1) review first draft of the new Jersey Prison Report and (2) officially transfer the operations of the New Jersey SAC to the Northeastern Regional Office.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.74-17149 Filed 7-25-74;8:45 am]

NEW MEXICO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Mexico State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on August 5, 1974, in Room 215, Airport Marina at 2910 Yale Boulevard, Albuquerque, New Mexico 87119.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

This is an emergency meeting based on extenuating circumstances and recent changes in the Farmington, New Mexico, area regarding the civil rights of American Indians.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 23, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.17148 Filed 7-25-74;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Addition to Procurement List

Notice of proposed addition to Procurement List 1974, November 29, 1973 (38 FR 33038) was published in the FEDERAL REGISTER on July 10, 1973 (38 FR 18405).

Pursuant to the above notice the following service is added to Procurement List 1974.

SERVICE

Industrial Class 7349:	Price
Janitorial Service (RF), Boise Inter-agency Fire Center, Boise, Idaho	Price list available from Bureau of Land Management, Department of Interior, Portland, Oregon

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc. 74-17139 Filed 7-25-74; 8:45 am]

DEFENSE MANPOWER COMMISSION

NOTICE OF MEETINGS

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on August 7 and 8, 1974, to be briefed by the Navy Department and on August 9, 1974, to be briefed by the Marine Corps. The briefings will be held at 9 a.m. at locations in the Pentagon to be identified by the briefers.

The Commission was established by Public Law 93-155 to, among other things, conduct a comprehensive study and investigation of the overall manpower requirements of the Department of Defense on both a short and long term basis with a view to determining what the manpower requirements are currently and will likely be over the next ten years, and how manpower can be more effectively utilized in the Department of Defense.

In carrying out its study and investigation, the Commission has been directed to give special consideration to:

(1) The effectiveness with which civilian and active duty personnel are utilized, particularly in headquarters staffing and in the number of support forces in relation to combat forces;

(2) Whether the pay structure, including fringe benefits, is adequate and equitable at all levels;

(3) The distribution of grades within each armed force and the requirements for advancement in grade;

(4) The cost effectiveness and manpower utilization of the United States Armed Forces as compared with the armed forces of other countries;

(5) Whether the military retirement system is consistent with overall Department of Defense requirements and is comparable to civilian retirement plans;

(6) The methods and techniques used to attract and recruit personnel for the armed forces, and whether such methods and techniques might be improved or new and more effective ones utilized;

(7) The implications for the ability of the armed forces to fulfill their mission as a result of the change in the socio-economic composition of military enlistees since the enactment of new recruiting policies provided for in Pub. L. 92-129 and the implications for national policies of this change in the composition of the armed forces; and

(8) Such other matters related to manpower as the Commission deems pertinent to the study and investigation authorized by this title.

Attendant to these responsibilities, section 703(c) of the Act charged the Commission with the responsibility to "establish appropriate measures to insure the safeguarding of all classified information submitted to or inspected by it in carrying out its duties * * *". The briefings will be informational in nature and concerned with a wide variety of topics relating to the manpower systems of the services involved. The presentations to be provided at the briefings will contain classified information concerning military force structures programmed through 1980, which will contain information on proposed personnel plans in the area of personnel requirements, training, utilization, management, and costs which have not yet been approved by the services.

These briefings will include, among other things, presentations on the Operational Technical Managerial System, Surface Warfare Officer Corps, Submarine Warfare Officer Study, Aviation Warfare Officer Study, Enlisted Advancement System, Enlisted Performance, Evaluation System, Enlisted Retention Program, Enlisted Manning Recruiting and Manpower Requirements.

The briefings must be held under conditions which are conducive to an unrestricted presentation of information and materials while safeguarding classified information. The briefers have informed the Commission that all portions of the briefings will cover information which is classified and that since classified information will be integrated throughout both the briefings and question-answer periods it would be impractical to separate this information for purposes of separate presentations. This complete presentation of all relevant information on each subject area is a necessity if the briefings are to fulfill the purpose of a thorough indoctrination of the Commission members.

Therefore, in accordance with provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget that these briefings fall within Exemption (1) of 5 U.S.C. 552(b), and will not be open to the public.

Dated: July 24, 1974.

LESTER E. HUBBELL,
Acting Executive Director.

[FR Doc. 74-17275 Filed 7-25-74; 8:59 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/87; FRL 240-8]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR

31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the Federal Register a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before September 24, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the Federal Register of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after September 24, 1974.

APPLICATIONS RECEIVED

EPA Reg. No. 11556-21. Chemagro, Div., of Baychem Corp., Box 4913, Kansas City MO 64120. CHEMAGRO CO-RAL (COUMPHOS) ANIMAL INSECTICIDE 25 PERCENT WETTABLE POWDER. Active Ingredients: O,O-Diethyl O-(3-chloro-4-methyl-2-oxo-(2H)-1-benzopyran-7-yl) phosphorothioate 25.0 percent; Related Organic Phosphates 1.3 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3770-GNO. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. TOMATO DUST COMBINATION INSECTICIDE-FUNGICIDE DUST. Active Ingredients: Manganese 1.20 percent; Zinc 0.15 percent; Ethylene bisdithiocarbamate (C₂H₄N₂S₂) 4.65 percent; Carbaryl 1-naphthyl methylcarbamate 5.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3770-GNI. Economy Products Co., Inc. DIAZINON 14G GRANULAR INSECTICIDE. Active Ingredients: O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothionate 14 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3770-GRR. Economy Products Co., Inc. VMI LIVESTOCK POULTRY & PREMISE SPRAY RABON 50 PERCENT WETTABLE POWDER INSECTICIDE. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 50.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5-AL. Empire Laboratories Inc., 1335 Chattahoochee Ave, NW, Atlanta, GA 30318. F. S. C. CONTAINS MALATHION FOR HIGH KILL, KILLS FLIES, GNATS, AND MOSQUITOS. Active Ingredients: Petroleum Distillate 57.50 percent; Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 21.20 percent; Beta-butoxy beta'-thioxyano diethyl ether 0.80 percent; N-octyl bicycloheptene dicarboximide 0.26 percent; Piperonyl butoxide, Technical 0.16 percent; Pyrethrins 0.08 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1791-GE. North Coast Chemical Co., 6300 17th Ave., South, Seattle WA 98108. MEGASOL 64 CLEANER-DEODORIZER-DISINFECTANT - FUNGICIDE. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 2.25 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 2.25 percent; Sodium Carbonate 3.00 percent; Tetrasodium ethylenediamine tetraacetate 1.00 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1791-GG. North Coast Chemical Co. NORTHCOS MEGASOL 256 CONCENTRATED DETERGENT-SANITIZER, FUNGICIDE, DISINFECTANT-DEODORIZER. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 6.25 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 6.25 percent; Tetrasodium ethylenediamine tetraacetate 3.60 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1791-GN. North Coast Chemical Co. NORTHCOS MEGASOL 128 CONCENTRATED DETERGENT-SANITIZER - FUNGICIDE-DISINFECTANT-DEODORIZER. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 4.5 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 4.5 percent; Tetrasodium ethylenediamine tetraacetate 2.0 percent; Sodium Carbonate 4.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1791-GR. North Coast Chemical Co. NORTHCOS DAIRY-SAN MULTI-PURPOSE CLEANER-SANITIZER. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 5.0 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl

ammonium chlorides 5.0 percent; Phosphoric Acid 30.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 201-157. Shell Chemical Co., A Div., of Shell Oil Agricultural Div., 1700 K St., Washington DC 20006. AZODRIN 5 WATER MISCIBLE INSECTICIDE. Active Ingredients: Dimethyl phosphate of 3-hydroxy-N-methyl-cis-crotonamide 55 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 400-RNU. Uniroyal Chemical, Div. of Uniroyal, Inc., Amity Rd., Bethany CT 06525. COMITE AGRICULTURAL MITICIDE (EAST AND WEST OF THE ROCKY MOUNTAINS). Active Ingredients: 2-(p-tert-butylphenoxy)cyclohexyl 2-propynyl sulfite 75.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14775-EG. Asgrow Kilgore Co., The Upjohn Co., PO Drawer D, Plant City FL 33566. ASGROW ENDOPHOS 2-1 EMULSIVE THIODAN 2 PHOSDRIN 1 INSECTICIDE. Active Ingredients: Endosulfan - (hexachlorohexahydro - methano - 2, 4,3-benzodioxathiepin oxide) 22.70 percent; Alpha Isomer of 2-Carbomethoxy-1-methylvinyl dimethyl phosphate 6.64 percent; Related Compounds 4.43 percent; Xylene 60.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 550-I. Van Waters & Rogers, PO Box 3200, San Francisco CA 94119. VW&R STAIN CONTROL-II. Active Ingredients: Sodium Salt of Tetrachlorophenol 14.88 percent; Sodium Salt of Pentachlorophenol 9.12 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13360-E. Willetts & Co., PO Box 48, Whiteville NC 28472. WILLCO MILDEW REMOVER. Active Ingredients: Sodium Hypochlorite 5.87 percent. Method of Support: Application proceeds under 2(a) of interim policy.

REPUBLISHED ITEMS

The following items represent a correction and/or change in the list of Applications Received published in the Federal Register of July 12, 1974 (39 FR 25687).

EPA File Symbol 34289-R. TKO Chemical Co., 303 S. 5th St., St. Joseph MO 64501. CLEARLAKE AQUATIC WEED AND ALGAE CONTROL. Active Ingredients: Dipotassium salt of endothall 40.3 percent. Published as dipotassium.

EPA Reg. No. 400-87. Uniroyal Chemical, Div. of Uniroyal, Inc., Agricultural Chemicals, R & D, Amity Rd., Bethany CT 06525. SOLO GRANULAR HERBICIDE 25/50. Published as 25/40.

Dated: July 20, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc. 74-17054 Filed 7-25-74; 8:45 am]

[FRL-240-6]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Comments

Pursuant to the requirements of section 102(2) (C) of the National Environ-

mental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of June 1, 1974 and June 30, 1974.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: July 16, 1974.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I.—Draft environmental impact statements for which comments were issued between June 1, 1974, and June 30, 1974.

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-A6509-NC	Management of Pisgah National Forest, Transylvania County, Forks French Broad and Davidson River units, N.C.	LO-1	E
D-AFS-A6508-MT	Badlands planning unit, Custer National Forest, Mont.	ER-2	I
D-AFS-A6508-UT	Enterprise planning unit, Utah	ER-2	I
D-AFS-A6504-MT	North Fork planning unit, Flathead National Forest, Mont.	LO-2	I
D-AFS-A08023-FL	Appalachicola National Forest, 230 kV transmission line, Fla.	LO-1	E
D-REA-A08025-00	230 kV transmission facility, Colorado and Wyoming	ER-2	I
D-REA-A07085-AZ	Apache Station combustion turbine No. 3, Coconino County, Ariz.	LO-2	J
D-SCS-A36303-MI	Indian Creek watershed, Lapeer, Sanilac, Tuscola Counties, Mich.	LO-2	F
D-SCS-A36388-00	Emergency watershed protection program	LO-2	A
D-SCS-A34124-LA	Bayou Bonne Idee watershed, Morehouse Parish, La.	LO-2	G
D-SCS-A36405-MT	City of Browning watershed project, Glacier County, Mont.	LO-1	I
D-ASC-A36308-00	Emergency conservation measures program	LO-2	A
D-AFS-A61252-NM	Proposed Taos ski valley, Carson National Forest, N. Mex.	ER-2	G
Atomic Energy Commission:			
D-AEC-A06128-DE	Summit power station, units 1 and 2, New Castle County, Del.	ER-2	A
D-AEC-A06132-SC	Allied-General Nuclear Services, UF6 facility, Barnwell nuclear fuel plant, Barnwell, S.C.	ER-2	A
D-AEC-A06127-IL	Byron Station, units 1 and 2, Ill.	ER-2	F
Department of Commerce:			
D-NOA-A60051-00	Waiver of moratorium, importation of South African sealskins.	ER-2	A
D-NOA-A60037-OR	Proposed estuarine sanctuary grant award, South Sloth Coos Bay, Oreg.	LO-1	K
D-NOA-A90081-HI	Field test, submarine sand recovery system, Hawaii	ER-2	J
Corps of Engineers:			
D-COE-A36360-IL	MSD's flood and pollution control plan, Chicago, Ill.	ER-2	F
D-COE-A35138-VA	Maintenance dredging of Deep Creek, Accomack County, Va.	LO-2	D
D-COE-A32504-TX	Texas City channel, maintenance dredging, Tex.	ER-2	G
D-COE-A35133-CA	Maintenance dredge, Moss Landing Harbor, Calif.	ER-2	J
D-COE-A34122-KS	Cedar Point Lake, Cedar Creek, Chase County, Kans.	ER-2	H
D-COE-A36389-PA	Saw mill run, flood protection project, Pittsburgh, Pa.	LO-2	D
D-COE-A36359-OH	Mill Creek local protection project, Ohio	ER-2	F
D-COE-A34123-AR	Operation and maintenance for Beaver Lake, Ark.	LO-2	G
D-COE-A36103-AS	Ta'u boat harbor, Mann'a Islands, American Samoa	LO-1	J
D-COE-A36101-MI	Coal unloading facility, Marquette, Mich.	ER-2	F
D-COE-A34131-CO	Trinidad Lake project, Purgatoire River, Colo.	LO-2	I
D-COE-A36386-MN	South Branch Wild Rice River, Felton Ditch, Minn.	LO-2	F
D-COE-A36396-IA	Maquoketa River and Kitty Creek local flood protection, Iowa	LO-2	H
D-COE-A36142-NY	Maintenance of Great South Bay channel, Patchogue River, N.Y.	LO-2	C
D-COE-A32505-PR	Ponce Harbor, Puerto Rico	LO-1	C
D-COE-A34118-UT	Little Dell Lake, Utah	ER-2	I
D-COE-A35137-MO	Blue River basin projects, Missouri and Kansas	ER-2	H
D-COE-A35143-PR	San Juan Harbor, maintenance dredging, Puerto Rico	LO-1	C
D-COE-A35134-FL	Jacksonville Harbor, maintenance dredging, Fla.	3	E
D-COE-A36397-MO	Wears Creek flood protection, Jefferson City, Mo.	LO-2	H
D-COE-A02057-AK	Offshore oil and gas development in Cook Inlet, Alaska	ER-2	K
D-COE-A32497-VA	Captain's Cove development, Accomack County, Va.	EU-1	D
D-COE-A36385-MO	St. Johns Bayou and New Madrid floodway, Mo.	ER-2	H
Department of Defense:			
D-UAF-A85017-FL	150 Family housing units, Eglin AFB, Fla.	3	E
Federal Power Commission:			
D-FPC-A03052-00	El Paso Gas Co., Refugio-Waha project (pipeline), Tex.	LO-2	G
General Services Administration:			
D-GSA-A80016-KS	Construction—Courtthouse, Federal building and parking, Topeka, Kans.	LO-1	H
D-GSA-A81100-WA	Peace Arch border station, Pacific Highway, Blaine, Wash.	LO-1	K
Department of Housing and Urban Development:			
D-HUD-A89143-TN	Highland Hills area, renewal plan, Greeneville, Tenn.	LO-2	E
International Boundary and Water Commission:			
D-IBW-A36394-CA	Tijuana River flood control project, San Diego County, Calif.	LO-2	J
Pennsylvania Avenue Development Corporation:			
D-PAD-A89142-DC	Pennsylvania Avenue plan, 1974, Washington, D.C.	LO-2	D
Department of Interior:			
D-BLM-A02055-LA	OCS sale No. 36, general lease sale offshore, La.	ER-2	A
D-BPA-A05440-OR	Wholesale power rate increase, Oreg.	ER-1	K
D-IBR-A34125-TX	Palmetto Bend project, Navidad River, Tex.	ER-1	G
D-NPS-A61256-00	Proposed Klondike Gold Rush National Historical Park, Alaska and Washington	LO-1	K
D-SFW-A61250-VA	Proposed Back Bay Wilderness Area, Virginia Beach, Va.	LO-1	D
D-SFW-A61257-DE	Proposed Bombay Hook Wilderness Area, Del.	LO-1	D

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Transportation:			
D-FAA-A52057-00	Noise standards, propeller-driven small airplanes	ER-2	A
D-FAA-A51358-WA	Seattle-Tacoma International Airport, Seattle, Wash.	LO-1	K
D-FAA-A51354-MI	Gladwin Airport, Gladwin, Mich.	LO-1	F
D-FHW-A42240-MS	Yazoo County, U.S. 49-W, Yazoo City Bypass, Miss.	LO-2	E
D-FHW-A42227-ND	F-2-0630() 024 Streeter Street North, N. Dak.	LO-1	I
D-FHW-A42255-ID	Sterling road to Springfield, State Route 39, Idaho	LO-1	K
D-FHW-A42244-AL	Randolph and Cleburne Counties, improvement of U.S. 431, Ala.	LO-2	E
D-FHW-A42214-WV	I-64, Appalachian Corridor L, Raleigh County, W. Va.	ER-2	D
D-FHW-A42198-MN	I-94, Stearns County, interchange with TH 52, Collegeville, Minn.	LO-2	F
D-FHW-A42234-OK	Upgrading of U.S. 62, McClain County, Bailey Turnpike, Okla.	LO-2	G
D-FHW-A42230-WY	Scoop 6435, Rock Springs circumferential route, Sweetwater County, Wyo.	LO-1	I
D-FHW-A42212-OH	U.S. 22, I-77 to Salt Creek, Lake St., Guernsey County, Ohio	LO-2	F
D-FHW-A42251-MT	I-10-3(7)168 and I-90-3(2)170, Garrison east and west, Mont.	LO-1	I
D-FHW-A42232-WA	Randall Road Interchange, S.R. 101, Wash.	LO-1	K
D-FHW-A42205-OR	Divide-Anlauf section Pacific Highway, I-5, Oreg.	LO-1	K
D-FHW-A42241-IA	U.S. 71 expressway, Buena Vista and Sac Counties, Iowa	LO-2	H
D-FHW-A42236-OK	I-440 from west of May Ave. to I-35 in Oklahoma City, Okla.	LO-2	G
D-FHW-A42248-FL	Duval County, Jacksonville, 103d St. and Timuquana Rd., Fla.	LO-2	E
D-FHW-A42326-NH	Route 101-A, Amherst-Nashua, N.H.	ER-2	B
D-FHW-A42243-TX	Loop 427, Lake Dr. west of Taylor U.S. 79 east, Williamson County, Tex.	LO-2	G
DS-FHW-A42265-KS	I-70 between Fairlawn Ave. and Gage Blvd., Topeka, Shawnee County, Kans.	LO-1	H
DS-DOT-A41455-KS	U.S. 60, Miami County, Kans.	LO-1	H
DS-DOT-A41411-IA	Freeway 518, Black Hawk and Bremer Counties, Iowa	LO-1	H

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

*Environmental Impact of the Action***LO—Lack of Objection.**

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations.

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory.

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

*Adequacy of the Impact Statement***Category 1—Adequate.**

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information.

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate.

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—Final environmental impact statements for which comments were issued between June 1, 1971, and June 30, 1974

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-SCS-A36300-MS	Sledge Bayou watershed project and flood control, Mo.	EPA generally agreed with the project as proposed. However, EPA raised several points warranting comment.	E
Department of Commerce:			
F-DOC-A03049-HI	Honolulu Harbor terminal annex of foreign trade, Hawaii.	EPA agreed with the project as proposed	J
F-DOC-A69003-FL	Inter-American Center Authority, Interama, Dade County, Fla.	EPA generally agreed with the project as proposed, however, recommended several factors for further consideration.	E
F-DOC-A03048-HI	Proposed expansion of foreign trade, subzone 2A, Hawaii.	EPA agreed with the project as proposed	J
F-EDA-A28004-NH	Water filtration and treatment plant in the city of Berlin, N.H.	EPA generally agreed with the project as proposed. EPA emphasized, however, concern that all NPDES requirements should be met and permit limitations complied with.	B

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers: F-COE-A25025-NY:	Construction permit, Consolidated Edison Corp., unit #6, Astoria, N.Y.	EPA generally agreed with the project as proposed. EPA's comments on the draft statement were adequately answered.	C
F-COE-A30071-NY:	Beach erosion control, East Rockaway Inlet to Rockaway Inlet, N.Y.	Questions raised by EPA on the draft statement were adequately answered. However, EPA still recommends reconsideration of an alternative other than that chosen as the proposed project.	C
F-COE-A36275-NY:	Flood control project, Saw Mill River, Yonkers, N.Y.	EPA generally agreed with the project as proposed. EPA emphasized support for the alternate of a diversion tunnel to the Hudson River as the most environmentally sound approach to flood control.	C
F-COE-A32360-00:	Inland waterway, Delaware River to Chesapeake Bay, Delaware and Maryland.	EPA made several recommendations on the project and requested that the COE keep EPA apprised of certain activities relative to completion of the waterway.	D
General Services Administration: F-GSA-A81122-CA:	North American Rockwell Building, Laguna Niguel, Orange County, Calif.	EPA expressed serious environmental reservations to the occupancy of the North American Rockwell building as described in the final statement and delineated an action plan which should be considered by GSA to mitigate our environmental concerns.	A
Department of Health, Education, and Welfare: F-FHW-A81005-NV:	Replacement community health facility, Indian Health Service, Nev.	EPA agreed with the project as proposed.	J
Department of Interior: F-IBR-A39082-CA:	El Dorado Main No. 2, El Dorado County, Calif.	EPA expressed concern that the final statement did not adequately respond to several comments raised during the review of the draft statement. EPA has reservations on the Bureau of Reclamation's proceeding with the proposed project until the additional information is presented.	J
Department of Transportation: F-CGD-A41274-WV:	Ohio River bridge project, Huntington, W. Va.	EPA urged the Coast Guard to document important environmental impacts to aid in the decisionmaking.	D
F-FAA-A51330-MI:	Fillmore County Airport, Preston, Mich.	EPA agreed with the project as proposed.	F
F-FAA-A51330-MI:	Two Harbors Municipal Airport, Two Harbors, Mich.	EPA agreed with the project as proposed.	F
F-FAA-A51306-MN:	Thief River Falls Airport, Pennington County, Minn.	EPA agreed with the project as proposed.	F
F-FHW-A42044-MN:	U.S. 10, Otter Tail County, Minn.	EPA agreed with the project as proposed.	F
F-FHW-A41909-GA:	Troup, Harris, Muscogee Counties, Columbus and Lagrange, Ga.	EPA generally agreed with the project as proposed. However, EPA requested that more detailed information be provided on the noise impacts of the project.	E
F-FHW-A41990-NV:	U.S. 95, Goldfield to Tonopah, Esmeralda and Nye Counties, Nev.	EPA agreed with the project as proposed.	J
F-FHW-A41525-WI:	I-90, LaCrosse Tomah Road, LaCrosse County, French Island rest area, Wis.	EPA agreed with the project as proposed.	F
F-FHW-A41965-CA:	Victoria Avenue project, Olivas Park Drive to Doris Drive, Calif.	EPA agreed with the project as proposed.	J
F-FHW-A41916-WI:	East Price county line, CTH F, Oneida and Vilas Counties, Wis.	EPA agreed with the project as proposed.	F
F-UMT-A51314-PA:	Airport high speed rail line, Philadelphia, Pa.	EPA agreed with the project as proposed.	D
TENNESSEE VALLEY AUTHORITY: F-TVA-A82062-00:	Vector control program	EPA generally agreed with the project as proposed. However, EPA raised several points warranting comment.	E

APPENDIX IV.—Regulations, legislation and other Federal agency actions for which comments were issued between June 1, 1974, and June 30, 1974

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture: R-DOA-89107-00:	7 CFR Parts 620, 621, 622, 623, 624—water resources program.	The proposed regulations are generally adequate. However, EPA suggested modification of several sections which would help strengthen the regulations from an environmental point of view.	A
Department of Transportation: R-FAA-80003-00:	14 CFR Part 91—civil aircraft fleet noise requirements, notice of proposed rulemaking.	EPA considered the NPRM to be a substantial step in the right direction towards reducing aircraft noise.	A

APPENDIX V

SOURCE OF COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

B. Director of Public Affairs, Region I, Room 2303, John F. Kennedy Federal Building, Boston, MA 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, NY 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 8th and Walnut Streets, Philadelphia, PA 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street, NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, MO 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 918, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.74-17053 Filed 7-25-74;8:45 am]

UNIROYAL CHEMICAL

Notice of Filing of Petition Regarding Pesticide Chemical

Correction

In FR Doc. 74-14777 appearing on page 23303 of the issue for Thursday, June 27, 1974, in the 11th line "peanut may" should read "peanut hay".

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE (CTAC), PANEL 5 (CABLE FREQUENCY PLANNING)

Notice of Meeting

JULY 18, 1974.

Pursuant to sec. 10 of the Federal Advisory Committee Act, 5 U.S.C. App. I § 10 (Supp. II, 1972), notice is hereby given of a meeting of the CTAC Panel 5 (Cable Frequency Planning) on August 8, 1974, to be held at 2025 M Street, NW, Washington, D.C.—Room 6331. The meeting is scheduled to commence at 10:00 a.m.

The agenda is as follows:

(1) Discussion and review of working minutes of March 22, 1974, CTAC Panel 5 meeting.

(2) Review of the activities of CTAC Panel 5 work groups, including report from Work Group 4 (Computer Evaluation) which was not heard at March 22, 1974, meeting.

(3) Discussion of material received by CTAC Panel 5 chairman during interim March 22-August 8, 1974, including Electronic Industries Association-Cable Television Systems Committee (EIA-CTSC) Engineering Bulletin.

(4) Review of U.S. Department of Commerce-Institute for Telecommunication Sciences (DOC-ITS) work.

(5) Task assignment for outline draft of CTAC Panel 5 report to CTAC Steering Committee.

(6) New business.

(7) Scheduling of next meeting.

Adjourn.

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. A. M. Rutkowski, FCC, 1919 M Street, NW, Washington, D.C. 20554—(202) 632-9797.

Dated: July 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-17107 Filed 7-25-74;8:45 am]

[FCC 74-796]

AM AND FM STATION LICENSEES

Composite Week for Program Log Analysis

JULY 22, 1974.

The following dates will constitute the composite week for use in the preparation of program log analysis submitted with renewal applications for AM and FM station licenses which have termination dates in 1975.

Sunday, December 9, 1973.

Monday, May 20, 1974.

Tuesday, November 27, 1973.

Wednesday, March 20, 1974.

Thursday, August 23, 1973.

Friday, April 26, 1974.

Saturday, February 2, 1974.

COMPOSITE WEEK FOR COMMERCIAL

TELEVISION LICENSEES AND PERMITTEES

The composite week dates to be used in the preparation of the Annual Programming Report, FCC Form 303-A, required to be filed February 1, 1975, by commercial television licensees and permittees will be announced in November 1974. For commercial television stations with license expiration dates of February 1 and April 1, 1975, the composite week dates previously used in preparing the 1974 Annual Programming Report should also be used in Answering Questions 4, 10 and 11, which relate to public service announcements and commercial practices, of revised Section IV-B of FCC Form 303. Stations with 1975 expiration dates of June 1 and thereafter will use the composite week dates that will be subsequently announced in answering Questions 4, 10 and 11 of revised Section IV-B of FCC Form 303.

Action by the Commission July 17, 1974.¹

FEDERAL COMMUNICATIONS COMMISSION,¹

VINCENT J. MULLINS,
Secretary.

[FR Doc.74-17108 Filed 7-25-74;8:45 am]

¹ Commissioners Wiley (Chairman), Lee, Reid, Hooks and Quello with Commissioners Washburn and Robinson not participating.

[FCC 74R-265 Docket Nos. 19991, 19992; File Nos. BRCT-71, BFCT-4527]

RKO GENERAL, INC. AND MULTI-STATE COMMUNICATIONS, INC.

Application for Construction Permits

In re Applications of RKO General, Inc. (WOR-TV), New York, New York, For Renewal of Broadcast License; Multi-State Communications, Inc., New York, New York; For Construction Permit for New Television Broadcast Station.

1. Before the Review Board is a motion to delete issues, filed April 25, 1974, by Multi-State Communications, Inc. (Multi-State), seeking deletion of the following issues designated by the Commission in its Order, FCC 74-328, released April 10, 1974:¹

1. To determine with respect to the application of Multi-State:

a. Whether James Torres has sufficient funds to meet the stock subscription commitment to the applicant.

b. The amount of paid-in capital available to the applicant.

d. The cost of rental or construction of the applicant's main studio facilities.

g. Assuming that all of the funds upon which the applicant relies will be available to it, how the applicant will obtain sufficient additional funds to be used for the construction and first three months operation of the station.

2. The Commission in its designation Order questioned whether James C. Torres, a stockholder in Multi-State, had sufficient funds to fulfill his stock subscription agreement calling for Mr. Torres' purchase of thirty shares of Multi-State stock at a total cost of \$8,250. Seeking deletion of Issue 1(a), Multi-State contends that the Commission overlooked petitioner's amendment of May 3, 1973, which contains a guarantee by a fellow stockholder in Multi-State, Mr. Abraham Miller, which reads:

For value received and in consideration of the acceptance by the corporation of the foregoing subscription, the undersigned guarantees to the corporation the full performance and observance of all covenants, conditions, and agreements therein provided by the subscriber, James C. Torres, and expressly agrees that this guarantee shall not be terminated or affected by reason of the institution of any action or proceeding against the subscriber and/or extension of time for the payment of shares called from time to time, by the Board of Directors, and the undersigned expressly consents to any such extensions of time.

According to Multi-State, Mr. Miller subscribed to purchase \$16,500 of Multi-State stock and submitted a balance sheet indicating that he had available liquid assets in excess of \$57,000. Moreover, the applicant asserts that the most recent

¹ The Board also has before it for consideration the following related pleadings: (a) opposition, filed May 20, 1974, by RKO; (b) opposition filed May 20, 1974, by the Broadcast Bureau; (c) reply, filed June 7, 1974, by Multi-State.

amendment to its application, dated April 18, 1974, shows that Mr. Torres' stock has been fully paid for and that such stock has been issued to him. Consequently, Multi-State argues that Issue 1(a) has been mooted and should be deleted. The Broadcast Bureau, in opposing the motion to delete, maintains that the motion is premature, since the April 18, 1974, amendment, upon which Multi-State relies, has not yet been accepted by the Presiding Judge. Furthermore, the Bureau avers that deletion is inappropriate here, since the basis for the deletion is information contained in a post-designation order amendment.

3. The Review Board is of the view that Issue 1(a) should be deleted. While we agree with the Broadcast Bureau's contention that ordinarily issues will not be deleted based on information contained in post-designation amendments, it appears here that the Commission overlooked the guarantee of Abraham Miller contained in the pre-designation amendment of May 3, 1973.² A perusal of Mr. Miller's balance sheet reveals that he has sufficient liquid assets to meet both his own and Mr. Torres' stock commitments. Therefore, this information—the guarantee and Mr. Miller's balance sheet—eliminates any doubt as to Mr. Torres' ability to meet his commitment to Multi-State and, accordingly, the issue will be deleted. *Cf. Centreville Broadcasting Co.*, FCC 71R-62, 21 RR 2d 216 (1971).

4. In its designation Order, the Commission questioned whether the applicant would have at its disposal the full amount of paid-in capital, \$302,000, originally specified in its application. This uncertainty resulted in the Commission designating Issue 1(b). In its pleading, movant asserts that a current balance sheet reflecting the existence of \$302,000 in paid-in capital was contained within the amendment Multi-State submitted on April 18, 1974. Consequently, Multi-State contends that the deletion of Issue 1(b) is dictated by this amendment. As indicated above, the Review Board has consistently held that it will not delete issues based upon information contained in post-designation order amendments, absent special circumstances. See, e.g., *Radio Antilles, Inc.*, 20 FCC 2d 252, 17 RR 2d 613 (1969), and cases cited therein. Although Multi-State's April 18, 1974, amendment may provide a means by which to demonstrate the availability of the \$302,000 at hearing, it does not warrant resolution of a factual question on the basis of a motion to delete. See *Orange Nine, Inc.*, 8 FCC 2d 637, 10 RR 2d 489 (1967). Therefore, the request to delete Issue 1(b) will be denied.

5. The Commission specified Issue 1(d) because it found that while Multi-

State's application included an allocation of \$300,000 for the rental of the transmitter site and building, it did not contain any reference to the cost associated with the construction or leasing of the applicant's main studio facilities. According to Multi-State, its amendment of March 9, 1973, clearly distinguished between a \$100,000 allocation for rental of space for the transmitter and antenna, and an additional \$200,000 allotment for the leasing of a building to house its studio facilities. Consequently, petitioner avers that Issue 1(d) was erroneously designated and should be deleted. The Review Board will not grant the motion to delete Issue 1(d). Multi-State's March 9, 1973, amendment lists, under operating expenses, the following:

Rent:	
Space (transmitter and antenna) -	\$100,000
Building -	200,000

The amendment does not contain the explanatory material provided in Multi-State's motion to delete or any other indication that the word "Building" was meant to refer to a studio rather than a transmitter. Consequently, we agree with the Broadcast Bureau that Multi-State's failure to sufficiently specify whether funds had been allocated for studio facilities created a substantial ambiguity. Given this ambiguity, we cannot find that the Commission's designation of Issue 1(d) was mistaken. In so holding, we adhere to our long standing policy that uncertainties should be resolved at the evidentiary hearing, rather than on the basis of post-designation pleadings. A contrary approach "would be disruptive of the orderly and efficient disposition of the Commission's business." *Viking Television, Inc.*, 16 FCC 2d 1015, 15 RR 2d 968 (1968). See also, *Belo Broadcasting Corp.*, 42 FCC 2d 173, 28 RR 2d 87 (1973); and *Summit Broadcasting*, 18 FCC 2d 83, 16 RR 2d 434 (1969).

6. On the basis of data submitted in Multi-State's application, the Commission determined that the applicant would require at least \$4,240,871 for the construction and operation of the station for three months, exclusive of revenues. In addition, the Commission stated that Multi-State had neither furnished it with information supporting its claim that it could obtain an antenna for the price (\$100,000) indicated, nor with the costs associated with the construction or leasing of its studio facilities. Consequently, the Commission questioned how the applicant would obtain sufficient additional funds to construct and operate the station for three months. In support of its request for deletion of Issue 1(g), Multi-State asserts that the Commission overstated the applicant's overall financial needs for the three month period in question. According to Multi-State, it will not have to make either interest or principal payments on its equipment contract during this time period. Furthermore, movant contends that the amount of interest due on its bank loan during the initial three months is substan-

tially lower than the figure arrived at by the Commission. Citing its own calculations, movant alleges that its three month costs will be only \$4,099,150, and that it will have a surplus of available funds in an amount of \$215,102.37. Consequently, Multi-State argues that the issue should be deleted.

7. The request for deletion of Issue 1(g) will be denied. We agree with both RKO and the Broadcast Bureau that Multi-State has not addressed itself to the fundamental question that led the Commission to designate Issue 1(g)—how the applicant will obtain sufficient additional funds to meet its construction and operating expenses for the first three months in light of its failure to allocate funds for the purchase of its antenna and the leasing or construction of its main studio facilities. As indicated previously (see paragraph 5, *supra*), petitioner has provided no adequate basis for deleting the issue regarding studio costs; nor has movant demonstrated that the Commission overlooked or misconstrued information relative to antenna costs either. Rather, the deficiencies respecting the antenna and studio costs were specifically referred to in the designation Order. *Cf. Edward G. Atsinger, III*, 30 FCC 2d 493, 22 RR 2d 236 (1971). Therefore, we believe the Commission's analysis was a reasoned one. See *Atlantic Broadcasting Co.*, 5 FCC 2d 717, 8 RR 2d 991 (1966). Finally, even accepting Multi-State's own calculations, the applicant has not shown that its alleged surplus is sufficient to meet these substantial unallocated costs. Consequently, the Review Board will not delete Issue 1(g).

8. Accordingly, it is ordered, That the motion to delete issues, filed on April 25, 1974, by Multi-State Communications, Inc., is granted to the extent herein indicated, and is denied in all other respects, and that Issue 1(a) in this proceeding is deleted.

Adopted: July 18, 1974.

Released: July 23, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc. 74-17111 Filed 7-25-74; 8:45 am]

[FCC 74R-257; Docket No. 19865; File No. BPH-8051, et al.]

JERRY LAWRENCE ET AL.

Application for Construction Permits

In re Applications of Jerry Lawrence, Santa Paula, California (Docket No. 19865, File No. BPH-8051); William F. Wallace and Anne K. Wallace, joint tenants, Santa Paula, California (Docket No. 19866, File No. BPH-8105); Clark Ortone, Inc., Fillmore, California (Docket No. 19867, File No. BPH-8111); Class A Broadcasters, Inc., Fillmore, California (Docket No. 19868, File No. BPH-8234).

² The Commission in its designation Order made no reference to the guarantee provided by Mr. Miller. In fact, its only reference to Mr. Torres' financial status consists of the statement that "the applicant has failed to show how Mr. James C. Torres will obtain sufficient funds to meet his stock subscription commitment in the amount of \$8,250."

1. The above-captioned mutually exclusive applications for new FM broadcast stations were designated for consolidated hearing on a variety of issues by Commission Order, FCC 73-1198, 38 FR 32971, published November 29, 1973. Presently before the Review Board is a further petition to enlarge issues, filed May 28, 1974, by Class A Broadcasters, Inc. (Class A),¹ requesting the addition of an *ex parte* issue against William F. and Anne K. Wallace (the Wallaces).

2. In its petition, Class A observes that although the final date for filing petitions to enlarge in this proceeding was December 14, 1973, the document which gave rise to the instant petition was dated December 18, 1973, and was filed with the Commission on December 20, 1973. The document, a copy of which is attached to the petition, is addressed to the Review Board and signed by William F. Wallace. It was submitted before the Wallaces retained legal counsel.² Class A asserts that it received a copy of a letter, dated January 28, 1974, addressed to the Executive Director of the Commission and filed by counsel for the Wallaces referring to the subject document as an "inadvertent" written *ex parte* communication. Thereafter, on March 22, 1974, Class A requested a copy of the communication from the Executive Director. In response, Class A received a letter from the Executive Director, dated April 23, 1974, stating that the submission in question had been placed in a file associated with, but not made a part of, the instant consolidated proceeding. Class A claims that it diligently pursued its inquiry with the Executive Director, but since he has taken no further action on the matter, Class A decided to file the instant petition. With regard to the merits, Class A contends that the document filed December 20, 1973, by the Wallaces is a prohibited *ex parte* presentation as defined by the Commission's *Rules Governing Ex Parte Communications*, 1 FCC 2d 49, 5 RR 2d 1681 (1965). Class A notes that the Wallaces did not file a notarized statement relating to the circumstances of the presentation, pursuant to Section 1.1241 (e) of the Commission's Rules, and, since the Wallaces are principals of standard broadcast station KAAP (formerly KQIQ), Santa Paula, California, they cannot argue that they are unfamiliar with the Rules. Therefore, Class A submits that inquiry into all the circumstances surrounding the alleged *ex parte* presentation is appropriate. The Broadcast Bureau, in its comments, supports addition of an issue.

3. In opposition, the Wallaces concede that the document they submitted qualifies "technically" as a prohibited *ex parte* communication, but argue that it was the result of an "innocent mistake". As an attachment to their opposition, the Wallaces include the affidavit of Mrs. Anne K. Wallace, dated April 8, 1974, attempting to explain the submission of the document in question. The Wallaces contend that since the violation was unintentional, and since they voluntarily brought the matter to the attention of the Executive Director and the parties, a disqualifying issue should not be added. Furthermore, the Wallaces declare that the Review Board should refuse to permit Class A to litigate the same factual question already reviewed by the Executive Director.

4. Class A argues, in reply, that several questions of fact are left unresolved by the affidavit of Anne K. Wallace, and that no statement has been submitted by William F. Wallace, the signer of the document. In addition, Class A avers that the Review Board is not precluded from making its own determination of whether the facts and circumstances warrant the addition of an issue.

5. The Review Board agrees with the Broadcast Bureau that Class A did not act diligently in filing the instant motion. Although Class A was aware of the Wallaces' submission since January 28, 1974, it did not contact the Executive Director until two months later and waited until mid-May to file its petition. Nevertheless, the Board is persuaded that the petition raises serious public interest questions which should be explored at the hearing. See *The Edgefield-Saluda Radio Co. (WJES)*, 5 FCC 2d 148, 8 RR 2d 611 (1966). Contrary to the Wallaces' assertion, the Rules do not prevent a party from petitioning the Review Board for the addition of an issue after pursuing an inquiry with the Executive Director. "Section 1.1251 provides for the imposition of sanctions. . . . This provision does not, of course, preclude a party from raising the same questions on the record of the restricted proceeding." *Rules Governing Ex Parte Communications*, supra, 1 FCC 2d at 62, 5 RR 2d at 1697. Equally unavailing is the Wallaces' position that an issue should not be added because the communication was unintentional.³ Intent is not a factor in determining whether an *ex parte* offense has occurred but rather "is a factor in determining whether (and what) sanctions should be

imposed."⁴ *Rules Governing Ex Parte Communications*, supra, 1 FCC 2d at 56, 5 RR 2d at 1691.⁵ The Wallaces' submission dealt with the merits of the instant proceeding; it was submitted after designation for hearing; and it was not served on the other parties. As licensees of an existing broadcast station, the Wallaces are responsible for knowledge of and compliance with the Commission's Rules. *WKTS, Inc.*, 30 FCC 2d 621, 622, 22 RR 2d 291, 292 (1971). Consequently, the Review Board believes that an evidentiary inquiry concerning the Wallaces' submission is required.

6. Accordingly, it is ordered, That the further petition to enlarge issues, filed May 28, 1974, by Class A Broadcasters, Inc., IS GRANTED; and

7. It is further ordered, That the issues in this proceeding are enlarged by addition of the following issue:

To determine whether William F. and Anne K. Wallace have engaged in conduct prohibited by the Commission's *ex parte* Rules, and, if so, the effect thereof on the applicant's basic and/or comparative qualifications to be a Commission licensee.

8. It is further ordered, That the burden of proceeding with the introduction of evidence under the issue added herein shall be on Class A Broadcasters, Inc., and that the burden of proof shall be on William F. and Anne K. Wallace.

Adopted: July 16, 1974.

Released: July 19, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,⁶

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc. 74-17110 Filed 7-25-74; 8:45 am]

[FCC 74R-259; Docket No. 19978,
File No. BPH-8055 et al]

KOWL, INC. ET AL.

Application for Construction Permits

In re applications of KOWL, Inc., South Lake Tahoe, California (Docket No. 19978, File No. BPH-8055), New World Broadcasting Company, South Lake Tahoe, California (Docket No. 19979, File No. BPH-8077); Entertainment Enterprises, Inc., South Lake Tahoe, California (Docket No. 19980 File No. BPH-8117).

1. The above-captioned mutually exclusive applications were designated for hearing by Memorandum Opinion and Order, 39 FR 12846, published April 8, 1974. Now before the Review Board is a petition to enlarge issues, filed April 23, 1974, by New World Broadcasting Company (hereinafter New World) requesting *Suburban* issues against KOWL,

¹For this reason, we are following the Broadcast Bureau's suggestion and framing the issue on a basic and/or comparative basis. In its reply, Class A concurs in this result.

²See also *Voice of Reason, Inc.*, 37 FCC 2d 686, 709, 25 RR 2d 645, 672 (1972), review denied FCC 74-476, released May 8, 1974.

³Board Member Pincock absent.

¹Also before the Board are the following related pleadings: (a) comments, filed June 17, 1974, by the Broadcast Bureau; (b) opposition, filed June 17, 1974, by William F. and Anne K. Wallace; and (c) reply, filed June 27, 1974, by Class A.

²In the document, Mr. Wallace requests that if the Commission does not look favorably on the Wallaces' application, all applications in this proceeding should be denied and FM Channel 244A, as well as all other possible FM channels, should be deleted from the table of assignments for Santa Paula and Fillmore, California.

³The Wallaces cite *American Broadcasting Companies, Inc.*, 23 FCC 2d 136, 19 RR 2d 36 (1970), in support of their contention that their unintentional violation of the Rules does not merit addition of an issue. However, the factual situation in the cited case is clearly distinguishable, since the Review Board there found that the applicant offered a "convincing explanation" that the *ex parte* presentations made to the Commission as a result of the applicant's efforts to secure the endorsement of public officials were wholly inadvertent and occurred despite precautions on the part of the applicant.

Inc. (hereinafter KOWL) and Entertainment Enterprises, Inc. (hereinafter EEI).¹

2. *Requested Suburban issue against KOWL.* New World alleges that KOWL's *Suburban* showing is deficient in at least three significant respects: (a) KOWL has failed to list significant groups in the area proposed to be served; (b) the applicant has failed to demonstrate that it selected a random sample in conducting its survey of the general public; and (c) KOWL has failed to list the anticipated time segment, duration and frequency of broadcast of its proposed program schedule, and what proposed programming will deal with specific needs. As an underlying proposition in raising the above deficiencies, New World maintains that KOWL may not rely on the *Suburban* community survey which accompanied its renewal application for standard broadcast station KOWL, filed September 2, 1971.² The Board is in agreement with the Bureau that KOWL basically relies on the community profile submitted with its renewal application and this information, based on the 1970 Census and a study compiled by the Department of Economic Development, appears to remain a valid overview of the South Lake Tahoe area. Moreover, the Board is of the view that KOWL can rely on its community survey submitted with its renewal application. Question and Answer 2 to the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971), states that "prior filings within the year previous to the tender of the present application will generally be acceptable" and the Report & Order to the *Primer* states that the information can be no older than 18 months. KOWL's renewal application was filed on September 2, 1971 and a sample sheet of the community leader survey is dated March 4, 1971, 6 months prior to the filing date. KOWL's FM application was tendered August 23, 1971, within one year of the prior filing, and the prior survey appears to be no older than 18 months from the time the FM application was filed. Although the Board is of the view that KOWL's amendment to its survey, filed September 18, 1973, cures most of the deficiencies alleged by petitioner, our evaluation, discussed below, does take into account some of the information submitted in KOWL's renewal application.

3. The Board will deny New World's request for a *Suburban* issue against KOWL. First, although the applicant did not separately list the specific organizations within each significant group, there

is no requirement that this be done,³ and we are of the view that the demographic material submitted with KOWL's renewal application, coupled with the community leaders interviews from the various organizations represented in KOWL's amended survey, reflect compliance with the *Primer's* requirement that the applicant contact leaders from the significant groups in its service community.⁴ See *Belo Broadcasting Corp.*, 42 FCC 2d 1011, 28 RR 2d 732 (1973), reconsideration granted in part, 44 FCC 2d 707, 29 RR 2d 323 (1974). In the absence by petitioner of a specific and adequately supported allegation that a significant group has been omitted (*Primer*, Q. & A. 10), the Board cannot find that KOWL has failed to comply with the requirements of the *Primer* as set forth in Q. & A. 9 and 10. We are also of the view that New World has, contrary to petitioner's allegations, revealed its methodology for conducting its general public survey. In its amended survey, the applicant points out that "110 members of the general public in the area were surveyed; selection of the survey group was made at random using" local telephone directories. We agree with the Bureau that this methodology comports with the requirements set forth in the Commission's Report and Order adopting the *Primer*, Q. & A. 13(b). Also see *Belo Broadcasting Corp.*, *supra*. Finally, New World's allegation that KOWL failed to set forth the specific information regarding its proposed programming (*Primer*, Q. & A. 29) is without merit and again reflects a failure by petitioner to take into account KOWL's amended survey. As noted by the Bureau, KOWL's proposed programming, as amended, does comply with the requirements of the *Primer* (i.e., description, anticipated time segment, duration and frequency of broadcast of program or program series, and community problems to be treated). In light of the above, the Board will deny the requested *Suburban* issue against KOWL.

4. *Requested Suburban Issue against EEI.* New World maintains that although EEI lists several general categories of significant groups in its community, it fails to specify the name of any one of them and therefore the Commission has no basis for determining whether the applicant contacted community leaders representing those significant organizations. Since New World has failed to

specify what significant group has been omitted, however, the Board finds that, standing alone, this allegation is insufficient to warrant the addition of a *Suburban* issue. Also see our discussion at paragraph 3, *supra*. New World also maintains, however, that of the significant groups listed by EEI, EEI failed to contact any leader(s) from a labor organization, women's group, charitable organization or educational institution. We agree with EEI that the chairman of the American Cancer Society represented a leader of a charitable organization and that the principal of a high school represented consultation with a member of an educational institution. However, it appears that no member of a women's group⁵ was contacted and we question whether the president of a local fireman's association is a *bona fide* representative of a labor organization. In addition, we agree with petitioner that EEI has failed to specify in its proposed programming either the particular needs which the program is intended to serve⁶ and/or the specific frequency and time segment as required by the *Primer*, Q. & A. 29. In light of the above deficiencies, the Board will add a limited *Suburban* issue against EEI.⁷

5. *Accordingly, it is ordered.* That the petition to enlarge issues filed on April 23, 1974, by New World Broadcasting Company, is granted to the extent indicated below, and is denied in all other respects; and

6. *It is further ordered.* That the issues in this proceeding are enlarged to include the following issue:

To determine, with respect to the application of Entertainment Enterprises, Inc.,

(a) Whether the applicant has interviewed community leaders representing the significant groups listed in its community survey;

(b) Whether the means proposed by the applicant to meet ascertained problems complies with Commission requirements.

(c) Whether, in light of the evidence adduced pursuant to (a) and (b), the applicant has complied with the Commission's requirements to ascertain community problems and propose programming to meet those problems.

7. *It is further ordered.* That the burden of proceeding with the introduction of evidence and the burden of proof with respect to the issue specified herein

¹EEI maintains that "no such organization has as yet developed to the same degree of widespread community involvement as other organizations contacted."

²See *Middle Georgia Broadcasting Co.*, 30 FCC 2d 796, 22 RR 2d 524 (1971).

³With respect to EEI's survey of the general public, the Board agrees with the Bureau that since EEI utilized the local telephone directory in conducting a random sampling of the general public (see Report & Order adopting the *Primer*, Q. & A. 13(b)), the applicant's additional method of conducting interviews at two local shopping centers does not render the survey deficient. Moreover, EEI states in its opposition that only twelve of the sixty-two interviews of members of the general public were conducted at the shopping centers.

⁴Also before the Board are the following related pleadings: (a) opposition, filed June 12, 1974, by KOWL; (b) opposition, filed June 12, 1974, by EEI; and (c) comments, filed June 12, 1974, by the Broadcast Bureau.

⁵In the FM application under consideration here, filed August 23, 1971, KOWL stated that there had been no change in the problems or substance of its prior ascertainment effort and therefore no ascertainment survey was being filed with the FM application.

⁶This point is illustrated in the Report adopting the *Primer* where the Commission points out that "if an applicant finds that there are ten labor unions in the community, the 'group' we consider significant is that of unions generally, and each union is not considered a separate group."

⁷In its demographic exhibits, KOWL states that legalized gambling is a main attraction in Lake Tahoe. Although a representative leader from that industry was not interviewed in its amended survey, the Vice President and General Manager of Harvey's Casino was interviewed in connection with the 1971 renewal application. With regard to racial and ethnic groups, the applicant has specifically noted the absence of any particular racial or ethnic community and this appears to be supported by the 1970 Census data.

SHALL BE on Entertainment Enterprises, Inc.

Adopted: July 16, 1974.

Released: July 19, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,*

[SEAL] VINCENT J. MULLINS,
Secretary.

* Board Member Pincock absent.

[FR Doc.74-17109 Filed 7-25-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 176]

H. F. AHMANSON & CO.

Receipt of Application for Permission To
Acquire Control of Savings and Loan
Association

JULY 22, 1974.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from H. F. Ahmanson & Company, Los Angeles, California, a unitary savings and loan holding company, for approval of acquisition of control of the Royal Savings and Loan Association, Los Angeles, California, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by a purchase for cash of assets of Royal Savings and Loan Association. Following said acquisition it is proposed that Royal Savings and Loan Association be merged into Home Savings Association, an insured subsidiary of the applicant. As part of the proposed transaction Home Savings and Loan Association will assume certain liabilities of Royal Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before August 26, 1974.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.74-17133 Filed 7-25-74;8:45 am]

FEDERAL MARITIME COMMISSION AMERICAN EXPORT LINES, INC., ET AL. Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements,

including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before 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.

American Export Lines, Inc.

Sea-Land Service, Inc.

United States Lines, Inc.

Self-Policing and Discussion Agreement

Notice of Agreement Filed by:

Howard A. Levy, Esq.
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 10138, among the above named carriers, provides that said carriers (1) may meet and discuss tariff rates, rules, equipment utilization and other matters relating to the carriage of U.S. military and government civilian household goods, personal effects and unaccompanied baggage moving other than under container shipping agreements between the respective carriers and the Military Sealift Command; (2) will establish a self-policing system to cover movements of the above-described cargo and will appoint the Executive Director of the Associated North Atlantic Freight Conferences as the enforcement authority therefor; and (3) may meet to discuss the operation and administration of the above self-policing system.

Dated: July 23, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-17161 Filed 7-25-74;8:45 am]

JB INTERNATIONAL SERVICES AND FORWARDERS

Applications for Independent Ocean Freight Forwarder License

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should

not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

JB International Services & Forwarders, Jose Buceta d/b/a, 4208 W. 159th Street, Lawndale, California 90260.

Air-Sea Forwarders of New York, Inc., 167-43 Porter Road, Jamaica, New York 11434.

OFFICERS

Erwin Rautenberg, President.
Jerome W. Shepard, Vice President.
Erika M. Gudgell, Treasurer.
Emil G. Juestrich, Secretary.
Louis R. Terrile, Asst. Treasurer.
Louis F. Romanello, Asst. Secretary.
Transportation International Ltd., 9687 W. Allen Street, Rosemont, Illinois 60018.

OFFICERS

Christopher Ringling, President/Treasurer.
Aldon Marciniak, Vice President/Secretary.
Inter-Continental Freight Services, Inc., 2676 Coyle Avenue, Elk Grove Village, Illinois 60007.

OFFICERS

Donald N. Clement, President.
Leslie M. Shearer, Vice President.
Eugene A. Wilhelm, Secretary/Treasurer.

Dated: July 23, 1974.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-17162 Filed 7-25-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8851]

ALABAMA POWER CO.

Order Accepting for Filing and Suspending
Proposed Rate Increase, Providing for
Hearing, Establishing Procedures, and
Permitting Interventions

JULY 18, 1974.

On June 17, 1974, Alabama Power Company filed in Docket No. E-8851 a proposed increase in its wholesale rates for sales of electricity to Municipal and Cooperative customers in the state of Alabama. The requested increase in rates would, if approved, increase Alabama's revenues from jurisdictional sales and service by \$12,624,197 annually based on the 12-month period ending June 30, 1975, assuming that the company's FPC Electric Tariff, Original Volume No. 1, was applicable to all delivery points. Alabama requests that its proposed rate increase be made effective on July 17, 1974, or the earliest date thereafter as permitted by existing contracts with its customers.

In support of the requested increase in rates, Alabama states that under existing rates, its return on rate base from jurisdictional sales during the test period would be 1.29 percent from its sales to municipal customers, and 1.30 percent from its sales to rural electric cooperatives. Alabama states that such rates of return are below its imbedded cost of

debt and are inadequate to attract capital required by the company to pay for necessary expansions of its electric plant.

Notice of Alabama's filing was issued on June 27, 1974, providing for protests or petitions to intervene to be filed on or before July 12, 1974. A number of protests were received from individuals and municipalities which would be affected by Alabama's requested rate increase. On June 28, 1974, the municipal and cooperative customers¹ filed a joint protest, petition to intervene, and motion for hearing and suspension of Alabama's proposed increase. The customers argue that the proposed increase in rates is excessive, and they request that it be suspended for the maximum statutory period of five months. The petitions to intervene will be granted.

Based on our review of Alabama's proposed rate increase, including the documents, information, and studies submitted therewith as required by the Commission's regulations, and the protests received, we find that the requested increase may be excessive or otherwise unlawful under the Federal Power Act, and that accordingly the proposed increase should be suspended and set for hearing.

Alabama requests that its proposed increase be accepted for filing and made effective on July 17, 1974, without suspension, due to the possibility that Alabama will not be able to sell any additional bonds or preferred stock as a result of an alleged inadequacy of its fixed charge coverage ratios. Alabama claims, as a result, that its construction program may be jeopardized. The intervenors argue, however, that Alabama's claim of inadequate earnings relates to the prospective test period ending June 30, 1975. They point out that Alabama's overall return for 1973 was 8.51 percent, and that its profits during 1973 reached an all-time high. We find that Alabama has not demonstrated that its overall ability to finance needed construction will be significantly impaired unless its rate increase in this docket is accepted without suspension. We must weigh the interests of Alabama's rate payers as well in determining the appropriate action to be taken. In the absence of a clear and present emergency, such as the demonstrated inability of a utility to carry out needed construction, or its inability to meet normal financial obligations, and where, in addition, we find that a proposed rate may not be just and reasonable, then under such circumstances we believe that general rate increases, such as that proposed here by

Alabama, should be suspended and permitted to become effective thereafter subject to refund pending hearing and decision. We shall so provide.

Alabama's filing herein was received by the Commission on June 17, 1974. On July 3, 1974, a letter over the signature of the Commission's Secretary was sent to Alabama advising that the filing was deficient under the Commission's applicable regulations, and stating that a filing date would not be assigned until certain additional information was submitted. The required additional information was submitted by Alabama on July 12, 1974. Accordingly, Alabama's application will be assigned a filing date of July 12, 1974. For purposes of determining the suspension period for an effective date of the proposed rate increase, we believe the facts of this case warrant an exercise of discretion on the part of the Commission. The deficiency in the filing was cured by the submission by Alabama of one page of additional peak demand information. Such information was submitted promptly by Alabama following notification by the Commission's Secretary. We do not believe it is necessary or reasonable under the circumstances to use the above-noted deficiency as a basis for imposing a suspension period in excess of the maximum statutory period which would have applied had Alabama's application been accepted for filing on June 17, 1974, the original date of submittal. The result of such action would be to deprive Alabama of any increased revenues, which may ultimately be found to be just and reasonable, for an additional period representing the delay from June 17, the original date of submission, until July 12, 1974, the formally assigned filing date. We will instead suspend the proposed increase for a period of 5 months from the originally proposed effective date of July 17, 1974. This represents a suspension of approximately 4 months and 5 days from August 12, 1974, the indicated effective date based on a filing date of July 12, 1974.

The Commission finds:

It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates proposed in this docket by Alabama, and that the proposed increased rates should be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly Sections 205, 206, 308, and 309 thereof, and the Commission's rules and regulations, a hearing shall be held to determine the justness and reasonableness of the rates proposed herein by Alabama Power Company.

(B) Pending hearing and decision thereon, Alabama's proposed increased rates under its Rate Schedules REA-1 and MUN-1 are hereby accepted for filing as of July 12, 1974, suspended, and

permitted to become effective thereafter on December 18, 1974, subject to refund.

(C) On or before October 29, 1974, the Commission staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors shall be served on or before November 29, 1974. Any rebuttal evidence by Alabama shall be served on or before December 31, 1974. Cross-examination of the evidence shall commence on January 13, 1974, at 10 a.m. at a hearing room at the Federal Power Commission, Washington, D.C.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see delegation of authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedural matters not provided for by this order, and shall conduct the hearing in accordance with the Commission's rules and regulations and the terms of this order.

(E) The parties referred to in this order as having filed petitions to intervene, are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) The Secretary shall cause prompt publication of this order in the *FEDERAL REGISTER*.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-17067 Filed 7-25-74; 8:45 am]

ALASKA POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON ECONOMIC ANALYSIS AND LOAD PROJECTIONS

Order Designating Chairman

JULY 22, 1974.

The Federal Power Commission, by order issued August 25, 1972, established the Alaska Power Survey Technical Advisory Committees.

2. *Membership.* A Chairman of the Technical Advisory Committee on Economic Analysis and Load Projections is designated to replace the former Chairman, Dr. Dale A. Swanson, deceased. The designee, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Dr. Franklin L. Orth, Assistant Professor, Department of Economics, University of Alaska.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17071 Filed 7-25-74; 8:45 am]

¹ Baldwin County Electric Membership Corporation; Clarke-Washington EMC; Coosa Valley Electric Cooperative, Inc.; Dixie Electric Cooperative, Inc.; Pea River Electric Cooperative, Inc.; Pioneer Electric Cooperative, Inc.; Tallapoosa River Electric Cooperative, Inc.; Wiregrass Electric Cooperative, Inc.; the Cities of Alexander City, Dothan, Fairhope, LaFayette, Lanett, Luverne, Opelika, Piedmont, Troy, and Tuskegee, Alabama; and the Utility Boards of the Cities of Foley and Sylacauga, Alabama.

[Project No. 2206]

CAROLINA POWER & LIGHT CO.**Notice of Application for Non-Project Use of Project Property**

JULY 23, 1974.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Carolina Power & Light Company (Correspondence to: Mr. J. A. Jones, Executive Vice President, Carolina Power & Light Company, Raleigh, North Carolina 27602) for permission to use property within the boundary of constructed Project No. 2206, known as the Yadkin-Pee Dee Project, located on the Pee Dee River in Anson, Richmond, Stanly and Montgomery Counties, North Carolina, for a non-project purpose.

Applicant requests permission to maintain two existing microwave towers on Project No. 2206 lands in Anson and Montgomery Counties. One tower is located 800 feet northeast of the Tillery Development dam and the other tower is located 400 feet northwest of the Blewett Falls Development powerhouse.

The Tillery tower installation consists of a guyed tower 303 feet high supporting two parabolic microwave antennas, associated transmission lines, and an 8 foot x 12 foot fiberglass building.

The Blewett Falls tower installation consists of a guyed tower 383 feet high supporting two parabolic microwave antennas, associated transmission lines, and an 8 foot x 12 foot fiberglass building.

Applicant asserts that these microwave towers are needed to maintain reliable communications throughout the Applicant's service area.

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 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.74-17062 Filed 7-25-74; 8:25 am]

[Project No. 2206]

CAROLINA POWER & LIGHT CO.**Notice of Application for Non-Project Use of Project Property**

JULY 23, 1974.

Public notice is hereby given that application has been filed under the Fed-

eral Power Act (16 U.S.C. 791a-825r) by Carolina Power & Light Company (Correspondence to: Mr. J. A. Jones, Executive Vice President, Carolina Power & Light Company, Raleigh, North Carolina 27602), for permission to use property within the boundary of constructed Project No. 2206, known as the Yadkin-Pee Dee Project, located on the Pee Dee River in Anson and Richmond Counties, North Carolina, for a non-project purpose.

Applicant requests permission to operate and maintain four internal combustion turbine generators (ICTGs) and associated equipment constructed during the Summer, 1971 within the boundary of Project No. 2206, in Anson County.

The ICTG installation, located about 300 feet south of the Blewett Falls powerhouse, consists of four 17,500 kw units. Each unit is located in a 72-foot x 11-foot metal building. Auxiliary equipment includes: a step-up transformer, power lines crossing the forebay to the switching station, 2 auxiliary transformers, a CO2 building, fuel oil facilities including a 1,000,000 gallon storage tank, and a control house.

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 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.74-17061 Filed 7-25-74; 8:45 am]

[Docket No. CP73-302]

COLUMBIA GAS TRANSMISSION CORP.**Notice of Extension of Time**

JULY 18, 1974.

The State of Ohio Environmental Protection Agency and the United States Environmental Protection Agency filed requests on July 5 and July 9, 1974, respectively, for an extension of time to file comments on the Draft Environmental Impact Statement mailed on June 10, 1974.

Upon consideration, notice is hereby given that the extension requested by the United States Environmental Protection Agency is granted to and including August 15, 1974, within which comments may be filed on the draft environmental statement, by all parties. Since the above extension has been granted, it is unnecessary to grant the motion of

the Ohio Environmental Protection Agency.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-17069 Filed 7-25-74; 8:45 am]

[Docket No. E-8650]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.**Notice of Further Extension of Time and Postponement of Hearing**

JULY 18, 1974.

On July 2, 1974, Counsel for the City of Westerville requested an indefinite extension of the procedural dates fixed by notice issued June 21, 1974, in the above-designated matter. On July 8, 1974, Staff Counsel filed comments and submitted proposed procedural dates.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of prepared testimony and exhibits by Interveners, August 15, 1974.

Service of rebuttal testimony and exhibits by Columbus and Southern Ohio Electric Company, August 29, 1974.

Hearing, September 10, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17068 Filed 7-25-74; 8:45 am]

[Docket No. RP73-84]

EL PASO NATURAL GAS CO.**Notice of Extension of Time and Postponement of Hearing**

JULY 19, 1974.

On June 5, 1974, Staff Counsel filed a motion for deferral of the procedural dates fixed by notice issued May 23, 1974, in the above-designated matter pending receipt of requested data from El Paso Natural Gas Company (El Paso). On June 21, 1974, a notice was issued deferring the procedural dates pending further notice. On July 1, 1974, Staff Counsel filed a motion to establish the procedural dates. The motion states that El Paso has no objection to the proposed schedule.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of Staff's Evidence, July 23, 1974.

Service of Intervener's Evidence, August 6, 1974.

Service of Company's Rebuttal Evidence, August 20, 1974.

Hearing, August 27, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17070 Filed 7-25-74; 8:45 am]

[Docket No. RI74-177]

A. O. PHILLIPS**Notice of Extension of Time and Postponement of Hearing**

JULY 19, 1974.

On July 10, 1974, Staff Counsel filed a motion for an extension of the pro-

cedural dates fixed by order issued July 3, 1974, in the above-designated matter. The motion states that Counsel for the Estate of A. O. Phillips concurs in the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Evidence and Testimony by Phillips, September 3, 1974.
Hearing, September 12, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17072 Filed 7-25-74; 8:45 am]

[Docket Nos. CP74-290 and CP74-291]

NORTHERN BORDER PIPELINE CO.

Notice of Applications; Correction

JULY 11, 1974.

In The Notice of Applications issued May 30, 1974 and Published in the FEDERAL REGISTER on June 14, 1974, 39 FR 20819, line 14: Change "3,376,000" to "3,500,000" Page 20820, Paragraph 2, line 4: Change "3,376,000" to "3,782,000" and Page 20820, Paragraph 2, line 18: Delete "not".

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17073 Filed 7-25-74; 8:45 am]

[Docket No. CP74-258]

SOUTH TEXAS NATURAL GAS GATHERING CO. AND COASTAL STATES GAS PRODUCING CO.

Order Granting Intervention, Setting Hearing Date and Establishing Procedure

JULY 22, 1974.

On March 13, 1974, South Texas Natural Gas Gathering Company (South Texas) and Coastal States Gas Producing Company (Coastal States) filed in Docket No. CP74-258 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange and transportation of natural gas between the applicants, all as more fully set forth in their application.

The applicants request authorization to exchange and transport gas pursuant to an agreement between them dated January 1, 1963, as amended September 18, 1967. Under this arrangement, Coastal States delivers gas into South Texas' system, subject to the availability of such excess capacity as may exist from time to time in the South Texas facilities, and South Texas redelivers such volumes transported at various delivery points as may be mutually agreed upon by the parties, from time to time. Furthermore, the agreement provides that upon the mutual agreement of the parties, and upon Coastal States requesting that any volumes of gas delivered by Coastal States to South Texas are to be redelivered at Trans-Valley Station on South Texas' system, such volumes of gas will be considered as exchange gas.

Coastal States will pay South Texas 1 cent per Mcf per 100 miles for volumes transported, but there is no charge to either party for the exchange service to be performed. The application states that South Texas will operate the interconnecting and measuring facilities at delivery points. The applicants state further that gas is presently being transported by South Texas for Coastal States from a point on the South Texas line near the Santellana Field to a point near Falfurrias, Texas.

The applicants state that the proposed service is a continuation of service which has been provided for some years by South Texas by means of its existing facilities, and that the instant application is filed pursuant to the Commission's Opinion No. 683 and order issued January 14, 1974, in Docket No. CP67-349 (51 FPC ____).

On May 7, 1974 Natural Gas Pipeline Company of America (Natural) filed an untimely petition to intervene. In its petitions, Natural asserted that this exchange agreement may involve a discriminatory rate and may impair South Texas' ability to deliver contracted volumes to Natural.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

(2) The untimely intervention of Natural may be in the public interests, although such intervention may not serve as the cause for any delay in the proceedings.

The Commission orders:

(A) The joint application for a certificate of public convenience and necessity filed in Docket No. CP74-258 is hereby set for hearing.

(B) Natural is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further*, That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the provisions of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on September 4, 1974 at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(D) On or before August 21, 1974, applicants shall file with the Commission

and serve upon all parties, the Office Of Administrative Law Judges and Commission staff, their testimony and exhibits in support of their application.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17075 Filed 7-25-74; 8:45 am]

[Docket No. RP72-91 (Phase II), et al.]

SOUTHERN NATURAL GAS CO.

Order Accepting for Filing, Making Subject To Refund Proposed Change in Rates, Consolidating Proceedings, and Prescribing Procedures

JULY 19, 1974.

Southern Natural Gas Company (Southern), on June 7, 1974, tendered for filing proposed changes in its FPC Gas Tariff¹ to become effective July 22, 1974. Southern states that the proposed change would reflect additional advance payments which would increase the jurisdictional cost of service by \$3,646,670.

This filing was noticed on June 19, 1974, with petitions to intervene due on or before June 26, 1974. The Commission Staff filed comments on June 26, 1974, stating that the advances contained in Southern's filing had not been shown to be reasonable and appropriate as required by Order No. 499 and the order denying rehearing thereof. No other protests or comments have been received.

Our review of this filing indicates that the advances contained therein have not been shown to be reasonable and appropriate in that they may be in excess of costs for exploration, development and production incurred by the producer within a reasonable time from the date such amounts would be included in Southern's rate base.² We also note that Southern's advance payment filing was made pursuant to Southern's Stipulation and Agreement, Article III in Docket No. RP72-91, et al., approved by Commission order issued July 28, 1973. In accordance with the terms of that agreement, proposed advance payment tracking filings cannot be suspended, but can be made subject to refund. We note further that by order issued June 28, 1974,³ we set for hearing a rate filing by Southern to determine, *inter alia*, the reasonableness and appropriateness of the advance

¹ Eighth Revised Sheet No. A to Sixth Revised Volume No. 1.

² Order No. 499, — FPC —, issued December 28, 1973, in Docket No. RM74-4: rehearing denied, — FPC —, issued February 22, 1974.

³ Southern Natural Gas Company, Docket Nos. RP73-64 and RP72-91, issued June 28, 1974.

payments contained therein. Accordingly, we shall accept for filing Southern's June 7, 1974, filing; permit it to become effective, subject to refund; set a hearing thereon; and consolidate for purposes of hearing and decision the trial concerning the instant filing with the proceeding ordered by the June 28, 1974, order.⁴

In light of this action, we shall revise the procedural dates prescribed in our June 28, 1974, order.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission consolidate for hearing the issue of advance payments contained in the instant filing, with the similar issue set for hearing by our order of June 28, 1974, and that the procedural dates as established by that order be modified as hereinafter ordered.

The Commission orders:

(A) Southern's proposed rate increase is accepted for filing and will be permitted to become effective July 22, 1974; Provided, however, that the increase is hereby made subject to refund pending a determination of the lawfulness, reasonableness and appropriateness of such payments in the consolidated proceedings as hereinafter ordered.

(B) The trial of the issue of the reasonableness and appropriateness of the rates contained in the June 7 filing is hereby consolidated for purposes of hearing and decision with the hearing established into the lawfulness of the advance payments included in the May 16 filing as established in our order of June 28.

(C) The procedural dates as established in our June 28 order are modified as hereinafter set forth.

(D) The hearing established by ordering paragraph (A) of our June 28 order shall be held on December 10, 1974, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates to be charged as a result of the advance payments included in Southern's May 16, 1974 and June 7, 1974 filings, and as fully set forth in the June 28, 1974 order.

(E) On or before September 12, 1974, Southern shall file its direct testimony and exhibits. On or before October 29, 1974, the Commission Staff shall file its intervenor testimony and exhibits shall be filed on or before November 12, 1974, and any rebuttal testimony and exhibits by Southern shall be filed on or before November 26, 1974.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-17074 Filed 7-25-74; 8:25 am]

⁴ See Footnote 3.

[Docket No. E-8798]

WESTERN MASSACHUSETTS ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Denying Motions To Reject, Permitting Interventions and Establishing Procedures.

JULY 19, 1974.

On May 16, 1974, as completed on June 21, 1974, Western Massachusetts Electric Company (WMECO) tendered for filing a proposed tariff¹ applicable to its six wholesale customers.² WMECO states that the proposed tariff change would effect an increase in jurisdictional revenues of \$544,171 based on estimated sales for the twelve months ended June, 1975. WMECO proposes an effective date of June 15, 1974.

In support of the proposed rate increase WMECO states that the proposed rate changes are necessary to earn a sufficient return in order to attract new capital and maintain its financial integrity.

Notice of the filing was issued on May 30, 1974, and July 5, 1974, with protests and petitions to intervene due on or before July 19, 1974. On May 31, 1974, a motion to reject was filed by Chester and Russell in which they allege that WMECO's May 16, 1974, filing is deficient. On June 11, 1974, WMECO filed a response to the motion to reject which included additional material curing the deficiencies in its May 16, 1974, filing. On June 6, 1974, Chester, Russell and Westfield (Cities) filed a protest, petition to intervene and motion to reject in which they allege that the proposed rate of return is excessive and is based on inflated rate base, cost of service, and estimates of future expenses. Cities also allege that the partial requirements section of the proposed tariff prevents them from participating in the New England Power Pool; that the proposed rate tariff contains a rate structure radically different from the present rate structure necessitating a five month suspension period to allow Cities time to redesign their retail rate structures; and that the more restrictive power factor requirements are not necessary. Cities request that if the filing is not rejected that it be suspended for five months and set for hearing.

On June 13, 1974, WMECO filed a response to Cities' petition which denied the validity of Cities' arguments that the proposed tariff be rejected or suspended for five months. WMECO requests a suspension period of one day.

On July 3, 1974, Cities filed a supplementary petition asking for a denial of WMECO's request for an effective date of June 15, 1974 and alleging that

¹ See Appendix A for designations.

² The tariff is applicable to Fletcher Gas and Electric (Fletcher); New York State Electric and Gas Corporation (NYSE&G); Massachusetts Electric Company (MECO); The Town of Chester (Chester), the City of Westfield (Westfield), and the Town of Russell (Russell), Massachusetts.

WMECO's cost of service date for 1974 shows a 12.02 percent rate of return for wholesale customers under the proposed tariff and a 8.25 percent rate of return for retail customers without providing any justification for the difference. With respect to this latter allegation, we note that the scope of this proceeding is limited to the determination of just and reasonable rates for WMECO's jurisdictional customers. Cf. *Southern California Edison Co.*, Docket No. E-8176, Order Denying Rehearing, issued September 21, 1973. Our review of the remainder of the allegations made by Cities indicates that they are not appropriate for summary disposition and should therefore be developed in the evidentiary proceeding hereinafter ordered. MECO and NYSE&G filed petitions to intervene on June 9, 1974, and July 7, 1974, respectively, making no specific allegations.

As indicated above, WMECO has cured the deficiency by its June 21, 1974, filing and therefore grounds for its rejection no longer exist. Our review of the filing indicates that the proposed rates may result in excess revenues and that the proposed increases have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall, therefore, set the matter for hearing, and order that the filing be suspended for the full statutory period.

As to WMECO's request for an effective date of June 15, 1974, we believe good cause does not exist to waive the notice requirements of the Commission's regulations, and we shall assign June 21, 1974, the date WMECO cured the deficiency in its original tender, as the filing date for WMECO's proposed changes.

The Commission finds:

(1) The proposed tariff change, tendered by WMECO on May 16, 1974, should be accepted for filing as of June 21, 1974, as hereinafter ordered.

(2) The motions to reject filed by Cities should be denied.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in WMECO's revised tariff proposed in this docket, and that the tendered tariff be suspended as hereinafter provided.

(4) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(5) Good cause does not exist to grant WMECO's request for a June 15, 1974, effective date.

(6) Participation in this proceeding of the above-named petitioners to intervene may be in the public interest.

The Commission orders:

(A) The motions to reject filed by Cities are hereby denied.

(B) Pursuant to the authority of the Federal Power Act, particularly Section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18

CFR Chapter I), a public hearing shall be held on December 10, 1974, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the revised tariff proposed herein.

(C) WMECO's request for a June 15, 1974, effective date is denied and the filing shall be suspended from July 31, 1974, 30 days after the filing was completed.

(D) On or before October 8, 1974, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before October 29, 1974. Any rebuttal evidence by WMECO shall be served on or before November 18, 1974.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, shall preside at the hearing in the proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.8 of the Commission's Rules of Practice and Procedure.

(G) Pending hearing and a final decision thereon, WMECO's proposed tariff, tendered on May 16, 1974, is accepted for filing as of June 21, 1974, and suspended for five months and the use thereof deferred until December 21, 1974.

(H) The above named petitioners to intervene are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however, That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene.*

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A DESIGNATION

Western Massachusetts Electric Company
FPC Electric Tariff
Volume No. 1

Supersedes (as supplemented):

Rate Schedule FPC No. 24.....	Other Party ¹
Rate Schedule FPC No. 25.....	Town of Chester.
Rate Schedule FPC No. 33.....	Town of Russell.
	New York State Electric
	& Gas Corporation.
Rate Schedule FPC No. 45.....	Massachusetts Electric
	Company.
Rate Schedule FPC No. 67.....	City of Westfield.
Rate Schedule FPC No. 22.....	Fletcher Gas & Electric.

¹ These are the only parties served under the instant tariff.

[FR Doc.74-17076 Filed 7-25-74; 8:45 am]

[Docket No. RP74-100]

NATIONAL FUEL GAS SUPPLY CORP. FPC Gas Tariff Filing

JULY 23, 1974.

Take notice that on June 28, 1974, United Natural Gas Company (United) tendered for filing on behalf of National Fuel Gas Supply Corporation the latter's FPC Gas Tariff, Original Volume No. 1 conditional upon receipt of the requisite regulatory approvals for the realignment of the major operating subsidiaries of National Fuel Gas Company (Iroquois Gas Corporation, Pennsylvania Gas Company and United Natural Gas Company).

According to United, prior to the proposed realignment, authorization for which was requested in FPC Docket No. CP73-294, each of the three operating companies carried on gas production, purchase, transmission, storage and distribution functions. United states that upon realignment, the supply functions, including gas production, purchase, interstate transmission, storage, and sale

for resale, and related properties and personnel are to be assigned to National Fuel Gas Supply Corporation (Supply Corporation), and distribution functions and related properties and personnel are to be assigned to National Fuel Gas Distribution Corporation (Distribution Corporation). Both of these companies will be wholly owned subsidiaries of National Fuel Gas Company.

United states that this filing is made to establish the rates at which National Fuel Gas Supply Corporation is to sell natural gas at wholesale to the Distribution Corporation and to non-affiliated purchasers. United further states that the rates proposed include an overall rate of return of 9.25 percent, and that the rates filed for the Supply Corporation were designed as a uniform one-zone commodity rate per Mcf of gas effective in New York, Pennsylvania and Ohio, with an additional surcharge per Mcf for all gas sold in New York, in conformity with the terms of Stipulation filed with the Federal Power Commission in Docket No. CP73-294.

United states that copies of the filing were served upon the Company's juris-

dictional customers and the regulatory commissions of the states of New York, Ohio and Pennsylvania.

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 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17276 Filed 7-25-74; 10:40 am]

FEDERAL RESERVE SYSTEM DUNMIRE AGENCY, INC.

Order Approving Acquisition of Additional Shares of Bank

The Dunmire Agency, Inc., Spring Hill, Kansas, 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 an additional 10 shares, representing one percent of the voting shares, of The State Bank of Spring Hill, Spring Hill, Kansas ("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 section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant acquired Bank in January 1965 and became a bank holding company as a result of the 1970 Amendments to the Act. Applicant, whose sole shareholder is also president of Bank, presently owns 49.4 per cent of the outstanding voting shares of Bank and proposes to acquire an additional one per cent of Bank's shares. Applicant also engages directly in certain insurance agency activities, and such activities are exempt from the prohibitions of section 4 of the Act by virtue of section 4(c)(ii) of the Act.

Bank (deposits of \$7.3 million) is the only banking institution in Spring Hill, an agriculturally oriented community located 22 miles southwest of Kansas City.¹ Bank is the fifth largest of seven banks in the Miami County banking market with approximately 11 percent of the total commercial bank deposits therein.

¹ All banking data are as of December 31, 1973.

Upon consummation of the proposal, Applicant would own a majority of the voting shares of Bank, the 273rd largest bank in Kansas, holding one-tenth of one percent of the total deposits in commercial banks in the State. Based on the facts of record, the Board concludes that approval of the proposal would not eliminate any existing or potential competition, nor have an adverse effect on other area banks.

The financial and managerial resources and future prospects of Applicant and Bank are considered to be generally satisfactory, and consistent with approval of the proposal. In view of the fact that Applicant now controls the policies of Bank, Applicant's acquisition of a majority of Bank's voting shares would have no effect on the convenience and needs of the community to be served; however, such considerations 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, 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 Kansas City pursuant to delegated authority.

By order of the Board of Governors,² effective July 19, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-17124 Filed 7-25-74;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Authorization for Domestic Open Market Operations

In accordance with § 271.5 of its rules regarding availability of information, notice is given that at its meeting on July 16, 1974, the Committee amended paragraph 1(b) of its authorization for domestic open market operations to read as follows:

"To buy or sell in the open market, from or to acceptance dealers and foreign accounts maintained at the Federal Reserve Bank of New York, on a cash, regular, or deferred delivery basis, for the account of the Federal Reserve Bank of New York at market discount rates, prime bankers' acceptances with maturities of up to nine months at the time of acceptance that (1) arise out of the current shipment of goods between countries or within the United States, or (2) arise out of the storage within the United States of goods under contract of sale or expected to move into the channels of trade within a reasonable time and that are secured throughout their life by a warehouse receipt or similar document conveying title to the underlying goods; provided that the aggregate amount of bankers' acceptances held

at any one time shall not exceed \$500 million."

NOTE.—For paragraph 3 of this authorization, see 35 FR 447, for paragraph 2, see 36 FR 19277, and for the remainder of the authorization, see 32 FR 9584.

By order of the Federal Open Market Committee, July 19, 1974.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.74-17132 Filed 7-25-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR RESEARCH MANAGEMENT IMPROVEMENT

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463) notice is hereby given of a meeting of the Advisory Panel for Research Management Improvement to be held at 8:30 a.m. on August 22 and 23, 1974, in Room 704 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of the Panel is to advise the Foundation of the impact of its support programs on the management of research at universities, colleges, and independent non-profit research institutions and to review and evaluate proposals and projects in the program. The agenda for this meeting shall include a discussion on future directions of Research Management Improvement Program on August 22, 8:30 a.m. to 12 p.m. and review and evaluation of specific proposals and projects on August 22, 1 p.m. to 5 p.m. and on August 23, 8:30 a.m. to 5 p.m.

The morning portion of the August 22 session will be open to the public. Individuals who wish to attend should inform Ms. Jean T. DeBell, Program Director, Research Management Improvement Program by telephone (202-632-5913) or by mail (Room 706, 1800 G Street NW., Washington, D.C. 20550). The remainder of this meeting (August 22, 1 to 5 p.m.; August 23, 8:30 a.m. to 5 p.m.) will not be open to the public because at this meeting the panel will be engaged in the review and evaluation of pending proposals involving the consideration and discussion of proprietary information concerning scientific research submitted in confidence to the Foundation. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this portion of the meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of P.L. 92-463.

For further information concerning this panel, individuals may contact Ms. DeBell at the above address. Summary minutes relative to the open portion of the meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street NW., Washington, D.C. 20550.

JOHN E. KIRSCH,
Acting Assistant Director
for Administrative Operations.

JULY 22, 1974.

[FR Doc.72-17090 Filed 7-25-74;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 23, 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 (20-395-4529).

NEW FORMS

DEPARTMENT OF THE TREASURY

Departmental:

"Long-Term" Liabilities to, and Claims on "Foreigners" in Selected Countries Not Listed Separately on Form B-3, Form B-3a, Monthly, Hulett, Bankers and banking institutions.

Purchases and Sales of "Long-Term" Domestic Securities by "Foreigners" in Selected Countries Not Listed Separately on Form S-1, Form S-1a, Monthly, Hulett, Bankers, brokers and dealers.

"Short-term" Dollar Claims on "Foreigners" in Selected Countries Not Listed Separately on Form B-2, Form B-2a, Monthly, Hulett, Bankers and banking institutions.

"Short-term" Dollar Liabilities to "Foreigners" in Selected Countries Not Listed Separately on Form B-1, Form B-1a, Monthly, Hulett, Bankers and banking institutions.

REVISIONS

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Quality Measurement Survey—1973 Occupational Injuries and Illnesses Survey, Form BLS 3026 QMS, Singletime, Ellett, Selected respondents to 1973 Occupational Injuries and Illnesses Survey.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-17245 Filed 7-25-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5513]

COLUMBIA GAS SYSTEM, INC.

Proposal by Holding Company To Purchase Common Stock

JULY 22, 1974.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 20

² Voting for this action: Governors Brimmer, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Mitchell.

Montchanin Road, Wilmington, Delaware 19807, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9, 10 and 12 of the Act and Rules 43, 45(b) (1) and 50(a) (3) promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia proposes to acquire up to 40,000 shares of the common stock of Columbia Alaskan Gas Transmission Corporation ("Columbia Alaskan"), a newly-organized Delaware corporation which has no other issued securities or outstanding capital. Columbia Alaskan is authorized to issue 40,000 shares of common stock, par value \$25 per share, for a total capitalization of \$1,000,000. Upon consummation of the purchase, Columbia Alaskan will become a wholly-owned subsidiary of Columbia. The proceeds of the sale of its common stock to Columbia will be used by Columbia Alaskan to meet required expenditures incurred in its participation in projects for development of proven gas reserves in the Arctic regions of Alaska and Canada and for transportation thereof to markets in the United States.

The proposed transaction is only one step in a much larger project which involves Columbia's participation with other gas producers in an overall gas pipeline project ("Project"). Specifically, Columbia's participation in the Project is designed to provide it and its service area with the benefit of transmission facilities for importation of an estimated six (6) trillion cubic feet of natural gas from the BP Oil Corporation's ("BP") proven reserves in the Prudhoe Bay on the North Slope of Alaska. Columbia, through its wholly-owned subsidiary, Columbia Gas Transmission Corporation ("Columbia Transmission"), has obtained rights in such gas in an arrangement with BP heretofore approved by the Commission (see Holding Company Act Release No. 17213, dated August 2, 1971) which involved advance payments by Columbia Transmission to BP of up to \$200 million. In addition to the aforementioned proven reserves in which Columbia Transmission has an interest, there is gas reserve potential estimated to range from 350 to 400 trillion cubic feet. In all, 31 trillion cubic feet have been proven. The Project has been designed to transport gas supplies of such magnitude to the lower 48 states.

Columbia's participation in the overall Project can best be characterized into two projects. One is the Gas Arctic Project, in which Columbia's interests will be represented by Columbia Transmission's membership in the Gas Arctic/Northwest Project Study Group, a venture which includes 11 U.S. and 16 Canadian companies. The second is the Northern Border Project, in which Columbia's interest will be represented by Columbia Alaskan's membership in a general part-

nership ("Northern Border") with five other gas utility and pipeline companies. Essentially, this breakdown of the Project into two parts reflects a breakdown of the proposed pipeline itself into two different geographical sections.

The Gas Arctic pipeline, which has a designed capacity of 4.5 billion cubic feet per day and is estimated to cost \$5.7 billion, represents that part of the overall Project which will transcend Alaska and Canada, and accordingly will be comprised of two legs of the pipeline, the first of which contemplates transmission of gas by Alaskan Arctic Gas Pipeline Company from Prudhoe Bay, Alaska, to the Alaskan-Canadian border whereat the second leg will commence with the transmission of gas by Canadian Arctic Gas Pipeline Company, Limited, through Canada to two points near the Canadian U.S. border, Caroline, Alberta and Monchy, Saskatchewan.

It is at the Monchy point that the Northern Border Project commences. This part of the overall Project, which is to have a designed capacity of 3.5 billion cubic feet per day and is estimated to cost \$1.8 billion, represents that part of the Project extending through the United States to a terminal near Delmont, Pennsylvania. The general partners of Northern Border, other than Columbia Alaskan, whose related companies are also members of the Gas Arctic Project, are or will be affiliates or subsidiaries of American Natural Gas Company, a registered holding company, Northern Natural Gas Company, Texas Eastern Transmission Corporation, Natural Gas Pipeline Company of America, and Panhandle Eastern Pipeline Company.

The General Partnership Agreement ("Partnership Agreement") provides, among other things, that Columbia Alaskan's obligations thereunder are contingent upon Commission approval of the proposed financing contained herein and that Columbia Alaskan will contribute its share to the capital requirements of Northern Border, over a period of years, conditional upon receiving all necessary regulatory approvals. Any such future capital contributions will be the subject of further applications to this Commission. Northern Border will be succeeded, pursuant to the terms of the Partnership Agreement, by Northern Border Pipeline Corporation, a Delaware corporation which will issue its 1,000 shares of capital stock to the partners in relation to each partner's share of total capital investment in Northern Border.

A statement of the fees, commissions, and expenses incurred or to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 15, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons

for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-17099 Filed 7-25-74; 8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

JULY 19, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America 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 21, 1974 through July 30, 1974:

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-17135 Filed 7-25-74; 8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

JULY 19, 1974.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from July 21, 1974 through July 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 74-17136 Filed 7-25-74; 8:45 am]

[File No. 500-1]

UNAC INTERNATIONAL CORP. Notice of Suspension of Trading

JULY 19, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of UNAC International Corp. 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 22, 1974 through July 31, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 74-17137 Filed 7-25-74; 8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP. Notice of Suspension of Trading

JULY 19, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development 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 21, 1974 through July 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 74-17138 Filed 7-25-74; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1075; Amdt. 2]

ARKANSAS

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Arkansas as a major

disaster area following tornadoes beginning on or about June 6, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following additional areas: City of Sparkman, Dallas County, and Hot Spring and Johnson Counties. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines. (See 39 FR 22195 and 24441.)

Applications may be filed at the:

Small Business Administration
District Office
600 West Capital Street
Little Rock, Arkansas 72201

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than September 16, 1974.

Dated: July 19, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc. 74-17117 Filed 7-25-74; 8:45 am]

[Notice of Disaster Loan Area 1074; Amdt. 2]

MINNESOTA

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Minnesota as a major disaster area following heavy rains and flooding beginning on or about April 10, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following additional County: Koochiching, and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines. (See 39 FR 22196 and 24441.)

Applications may be filed at the:

Small Business Administration
District Office
Plymouth Building
12 South Sixth Street
Minneapolis, Minnesota 55402

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than September 16, 1974.

Dated: July 18, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc. 74-17115 Filed 7-25-74; 8:45 am]

[Notice of Disaster Loan Area 1070; Amdt. 2]

OKLAHOMA

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Oklahoma as a major disaster area following severe storms and flooding beginning on or about June 7, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following addi-

tional County: Pittsburg, and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines. (See 39 FR 22196 and 24692.)

Applications may be filed at the:

Small Business Administration
District Office
50 Penn Place, Suite 840
Oklahoma City, Oklahoma 73118

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than September 16, 1974.

Dated: July 18, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc. 74-17116 Filed 7-25-74; 8:45 am]

WATER RESOURCES COUNCIL

STANDING STATE ADVISORY COMMITTEE

Notice of Renewal

Notice is hereby given that the Standing State Advisory Committee to the Water Resources Council is renewed for the period terminating July 16, 1976, unless further renewed by appropriate action pursuant to the Federal Advisory Committee Act (P.L. 92-463; 86 Stat. 770). This advisory committee is composed of the Executive Committee of the Interstate Conference on Water Problems. The Interstate Conference on Water Problems, a unit of the Council of State Governments, is composed of State officials serving in an official capacity as a result of election, by statute or by designation of their respective States for the purpose of facilitating cooperation, consultation and exchange of information among State officials and agencies as to the conservation, use, development, management and administration of water and related land resources. Its Executive Committee is selected by the entire membership and is representative of all its interests. The objective of the Standing State Advisory Committee is to provide for increased participation by the States in the development of policies and procedures for the conservation, development and utilization of water and related land resources of the United States.

The Water Resources Planning Act (P.L. 89-80) in establishing the Water Resources Council, declares a policy of close cooperation between the Council and States in planning for use of the Nation's water and related land resources. Renewal of this advisory committee has been determined to be in the public interest in connection with the performance of duties imposed on the Water Resources Council by law. Meetings of the Committee will be open to the public.

WARREN FAIRCHILD,
Director.

[FR Doc. 74-17122 Filed 7-25-74; 8:45 am]

TARIFF COMMISSION

[337-L-73]

CERTAIN HYDRAULIC TAPPETS, II

Complaint Received

Correction

In FR Doc. 74-16196 appearing on page 26077 of the issue for Tuesday, July 16, 1974, the date in the third line reading "June 18, 1973" should read "June 18, 1974".

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

MINE HEALTH AND SAFETY

Memorandum of Understanding Between MESA and OSHA

CROSS REFERENCE: For an agreement between the Occupational Safety and Health Administration, Department of Labor, and the Mining Enforcement and Safety Administration, Department of the Interior, concerning enforcement of mining health and safety regulations, see FR Doc. 74-17035, published as Part II of this issue, *infra*.

INTERSTATE COMMERCE COMMISSION

PIPELINES

Tentative Valuations

Notice is hereby given that tentative valuations are under consideration for the common carriers by pipeline listed below.

1973 REPORTS

Valuation
Docket No.

- 1433---- Collins Pipe Line Co., P.O. Box 2511, Houston, TX 77001
1347---- Portland Pipe Line Corp., 335 Forest Avenue, Portland, ME 04101
1379---- Trans-Mountain Oil Pipe Line Corp., 400 East Broadway, Vancouver 10, British Columbia, Canada

On or before August 26, 1974, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in the valuation of any carrier named above may, pursuant to rule 72 of the Commission's general rules of practice (49 CFR 1100.72), file an original and three copies of a petition for leave to intervene and, if granted, thus to come within the category of "additional parties as the Commission may prescribe" under section 19a(h) of the act, thereby enabling the party to file a protest. Blanket petitions to intervene in all or several of these proceedings is not permissible. Individual petitions to intervene must be filed with respect to each valuation in which participation is sought. It is also required that a copy of the petition to intervene be served at the address shown above upon the carrier whose property is the subject of the tentative valuation and that an appropriate certificate of service be attached to the petition. Persons specifically designated

in section 19a(h) of the act need not file a petition; they are entitled to file protest as a matter of right under the statute.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-17155 Filed 7-25-74; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JULY 23, 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 7, 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-17868 (Sub-No. E19), 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 West Virginia, on the one hand, and, on the other, points in New York in and east of Jefferson, Lewis, Oneida, Otsego, Delaware, Sullivan, Orange, and Rockland Counties. The purpose of this filing is to eliminate the gateways of Wilmington, Del., and Harrisburg, Pa.

No. MC-43683 (Sub-No. E1), filed May 10, 1974. Applicant: BAKER DRIVEAWAY CO., INC., 3999 East South Blvd., Bloomfield Hills, Mich. 48013. Applicant's representative: William O. Bridge (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New automobiles, new trucks, new chassis, and unfinished automobiles, in truckaway service, restricted to initial movements, from places of manufacture and assembly in Wayne County, Mich., and those in that part of Macomb County, Mich., south of 14 Mile Road and west of Gratiot Avenue (except Fraser, East Detroit, and Roseville, Mich.), to points in Connecticut, Massachusetts, New Jer-

sey, and Rhode Island; those in New York east of U.S. Highway 11; and those in Pennsylvania east of U.S. Highway 11 (except Allentown, Philadelphia, Reading, and York, Pa.). The purpose of this filing is to eliminate the gateways of Buffalo, N.Y., or Erie, Pa.

No. MC-61592 (Sub-No. E15), 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: Plywood and molding, from the plantsite of the Howdyshell Lumber Company near New Lexington, Ohio to points in California. The purpose of this filing is to eliminate the gateway of Covington, Tenn. and points in Louisiana.

No. MC-61592 (Sub-No. E17), 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: Plastic pipe, plastic tubing, plastic conduit and plastic molding, from Fayetteville, W. Va., to points in Alabama, California, Louisiana, Mississippi, Nevada, New Mexico, Oregon, Texas, and Utah. The purpose of this filing is to eliminate the gateway of Social Circle, Ga.

No. MC-61592 (Sub-No. E20), 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: Lumber, from the plantsite of the Howdyshell Lumber Company near New Lexington, Ohio to Phoenix, Ariz. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC-61592 (Sub-No. E21), 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: Plywood and molding, from the plant site of the Howdyshell Lumber Company near New Lexington, Ohio to points in Mississippi and Louisiana. The purpose of this filing is to eliminate the gateway of Covington, Tenn.

No. MC-88368 (Sub-No. E16), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, from points in Louisiana to points in Colorado (points in Cherokee County, Tex., and points in Cowley County,

Kans.),* points in Connecticut (Birmingham, Ala., and points within 100 miles thereof, except Montgomery, Ala., points in Harlan County, Ky., points in Jefferson County, Ohio, and Philadelphia, Pa.),* points in Harlan County, Ky. (points in Alabama within 100 miles of Birmingham, Ala., except Montgomery, Ala.),* points in Maine (Birmingham, Ala., and points in Alabama within 100 miles of Birmingham except Montgomery, Ala., points in Harlan County, Ky., points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof),* points in Montana (points in Cherokee County, Tex., points in Cowley County, Kans., and points in Colorado),* points in Nebraska (points in Cherokee County, Tex., points in Cowley County, Kans., and Newton, Kans., and points within 15 miles thereof),* points in New Hampshire (Birmingham, Ala., and points in Alabama within 100 miles thereof except Montgomery, Ala., points in Harlan County, Ky., points in Jefferson County, Ohio, Boston, Mass., Philadelphia, Pa.),* points in New Jersey (Birmingham, Ala., points in Alabama within 100 miles thereof, points in Harlan County, Ky., points in Jefferson County, Ohio, and Philadelphia, Pa.),* points in New Mexico (points in Cherokee County, Tex., and points in Canadian County, Okla.),* points in Ohio (Birmingham, Ala., and points in Alabama within 100 miles of Birmingham except Montgomery, Ala., points in Harlan County, Ky.),* points in Oregon (points in Cherokee County, Tex., points in Oklahoma, Newton, Kans., and points within 15 miles thereof, points in Colorado, and points in Washington east of the Cascade Mountains),* points in Pennsylvania (Birmingham, Ala., and points in Alabama within 100 miles of Birmingham except Montgomery, Ala., points in Harlan County, Ky., points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof),* from points in Texas bounded by a line beginning at the junction of U.S. Highway 281 and the Oklahoma-Texas State line thence south on U.S. Highway 281 to its junction of U.S. Highway 277.

Thence southwest on U.S. Highway 277 to Abilene, Tex., thence west on U.S. Highway 80 to El Paso, Tex. (Cherokee County, Tex., and points in Oklahoma),* points in Vermont (Birmingham, Ala., and points in Alabama within 100 miles of Birmingham, except Montgomery, Ala., points in Harlan County, Ky., points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof),* points in Virginia (Birmingham, Ala., and points in Alabama within 100 miles of Birmingham except Montgomery, Ala., and points in Harlan County, Ky.),* points in Washington (points in Cherokee County, Tex., points in Oklahoma

and Texas, and Newton, Kans., and points within 15 miles thereof),* points in West Virginia (Birmingham, Ala., and points in Alabama within 100 miles thereof except Montgomery, Ala., and points in Harlan County, Ky.),* and points in Wyoming (points in Cherokee County, Tex., points in Cowley County, Kans., Newton, Kans., and points within 15 miles thereof, and points in Kimball, Banner, and Cheyenne Counties, Nebr.).* The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC-95540 (Sub-No. E362), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Delaware north of the Chesapeake and Delaware Canal to points in Louisiana. **RESTRICTION:** The service authorized herein is restricted (1) against the transportation of any traffic originating at points in Florida, and (2) to the transportation of traffic destined to points in the States named herein. The purpose of this filing is to eliminate the gateways of points in Pike or Spaulding Counties, Ga.

No. MC-95540 (Sub-No. E366), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in North Dakota. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis and points in its commercial zone).

No. MC-95540 (Sub-No. E427), filed May 16, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and coconuts and pineapples*, when moving in the same vehicle, and at the same time with bananas, from point in New Jersey to points in Florida. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla.

No. MC-95540 (Sub-No. E668), filed May 31, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, frozen meat products, and frozen edible by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C.

209 and 766, from Milton, Pa., to points in Arizona. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-100666 (Sub-No. E122), filed May 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet iron roofing*, from points in Arkansas, north and east of a line beginning at the junction of U.S. Highway 167 and the Missouri-Arkansas State line, thence south on U.S. Highway 167 to the junction of U.S. Highway 64, thence north and east on U.S. Highway 64 to the junction with Interstate Highway 55, thence south on Interstate Highway 55 to the Mississippi River, to points in Illinois, on, north and east of a line beginning at the junction of Interstate Highway 74 and the Illinois-Indiana State line, thence west on Interstate Highway 74 to the junction with Illinois Highway 47, thence north on Illinois Highway 47 to the junction with U.S. Highway 24, thence west on U.S. Highway 24 to the junction with U.S. Highway 51, thence north on U.S. Highway 51 to the junction with Illinois Highway 17, thence west on Illinois Highway 17 to the Mississippi River. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC-100666 (Sub-No. E128), filed May 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition roofing*, from Shreveport, La., to points in Florida, Georgia, Michigan, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and Wisconsin. (2) *Roofing*, from Shreveport, La., to points in Nebraska. (3) *Roofing materials*, to points in Colorado. The purpose of this filing is to eliminate the gateways of in (1) Terry, Miss., in (2) Irving, Tex., and in (3) Duke, Okla.

No. MC-100666 (Sub-No. E129), filed May 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition or prepared roofing*, from Meridian, Miss., (1) to points in Kansas, Illinois, Indiana, and Iowa, and (2) to points in Colorado and New Mexico. The purpose of this filing is to eliminate the gateways of (1) West Memphis, Ark., and (2) Duke, Okla.

No. MC-100666 (Sub-No. E133), filed May 13, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Roofing*, from points in Arkansas to points in Mississippi. The purpose of this filing is to eliminate the gateway of Camden, Ark.

No. MC-100666 (Sub-No. E134), filed May 13, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, from points in Arkansas to points in Mississippi. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC-100666 (Sub-No. E135), filed May 13, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, from points in Arkansas to Alabama. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC-103993 (Sub-No. E1), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections*, when transported on wheeled undercarriages equipped with hitchball connectors, from points in Washington and Franklin Counties, Va., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in that part of the United States east of a line beginning at the mouth of the Mississippi River, thence along the Mississippi River to junction western boundary of Itasca County, Minn., thence along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, and points in Minnesota.

No. MC-103993 (Sub-No. E2), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections*, when transported on wheeled undercarriages, equipped with hitchball connectors, from points in Frederick County, Md., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Indiana, Michigan, Pennsylvania, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia.

No. MC-103993 (Sub-No. E3), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings in sections*, when transported on wheeled undercarriages, equipped with hitchball connectors, from points in Cherokee County, S.C., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

No. MC-103993 (Sub-No. E4), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections*, when transported on wheeled undercarriages, equipped with hitchball connectors, from Longmont, Colo., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in New Mexico, Arizona, Utah, Wyoming, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and Montana.

No. MC-103993 (Sub-No. E9), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections*, when transported on wheeled undercarriages equipped with hitchball connectors, from points in Oswego County, N.Y., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

No. MC-103993 (Sub-No. E10), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections*, when transported on wheeled undercarriages equipped with hitchball connectors, from the facilities of the Skyline Corporation at or near Kinderhook, N.Y. to points in the United States (except Alaska and

Hawaii). The purpose of this filing is to eliminate the gateways of points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, Maine, Pennsylvania, Rhode Island, and Vermont.

No. MC-103993 (Sub-No. E19), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections*, when transported on wheeled undercarriages equipped with hitchball connectors, from the plant site of American Modular Home Corporation at or near Vestal, N.Y., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in Connecticut, Georgia, Florida, Maine, Delaware, Maryland, Massachusetts, New Jersey, New Hampshire, New York, North Carolina, South Carolina, Pennsylvania, Rhode Island, Ohio, Vermont, Virginia, West Virginia, and the District of Columbia.

No. MC-103993 (Sub-No. E20), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections*, when transported on wheeled undercarriages equipped with hitchball connectors (except oilfield and industrial buildings), from points in California, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in Arizona, Idaho, Nevada, Oregon, Utah, and Washington.

No. MC-107403 (Sub-No. E12), 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: *Nonflammable liquid chemicals* (except petroleum and petroleum products other than medicinal petroleum products and liquid wax, and not including road oil, coal tar, and coal tar products, asphalt, kerosene, benzene, and derivatives of coal tar), in bulk, in tank vehicles, from Connecticut, Massachusetts, and Rhode Island to points in Kentucky. The purpose of this filing is to eliminate the gateways of Newark, N.J., and South Point, Ohio.

No. MC-107403 (Sub-No. E13), 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: *Nonflammable liquid chemicals* except petroleum and petroleum products other than medicinal petroleum products and liquid wax and

not including road oil, coal tar, and such oils and greases as may be included with term chemicals, in bulk, in tank vehicles, from points in Connecticut, Massachusetts, and Rhode Island to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., Natrium, W. Va., and the plant site of the B. F. Goodrich Company, in Milan Township (Allen County), Ind., approximately 13 miles east of Fort Wayne, Ind.

No. MC-107403 (Sub-No. E14), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Landsdowne, 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: *Nonflammable liquid chemicals* (except petroleum, petroleum products other than liquid wax, medicinal petroleum products, and not including road oil, coal tar, and coal tar products), from points in Connecticut, Massachusetts, and Rhode Island to points in Minnesota and Nebraska. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa., the plant-site of the Aniline and Solvay Divisions of the Allied Chemical Corporation in Marshall County, W. Va. (approximately 4 miles south of Moundsville, W. Va.), and the plant-site of Baird Chemicals Industries, Inc. located at Mapleton, Ill.

No. MC-107403 (Sub-No. E15), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Landsdowne, 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: *Nonflammable liquid chemicals* (except petroleum and petroleum products other than medicinal petroleum products and liquid wax and not including road oil, coal tar, and coal tar products), from points in Connecticut, Massachusetts, and Rhode Island, to points in Illinois, Indiana, Iowa, Michigan, and Missouri. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa., and the plant site of the Aniline and Solvay Divisions of the Allied Chemical Corporation in Marshall County, W. Va., approximately 4 miles south of Moundsville, W. Va.

No. MC-107403 (Sub-No. E16), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Landsdowne, 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: *Nonflammable liquids* except petroleum and petroleum products other than medicinal petroleum products, and liquid wax, and not including wine, cider, vinegar, milk, road oil, coal tar, and coal tar products, in bulk, in tank vehicles, from points in Connecticut, Massachusetts, and Rhode Island to points in Ohio. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC-107403 (Sub-No. E23), filed May 29, 1974. Applicant: MATLACK,

INC., 10 W. Baltimore Ave., Landsdowne, 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: *Nonflammable liquid chemicals* (except petroleum and petroleum products, coal tar, and coal tar products, gasoline, fuel oil, benzene, kerosene, and road oil), from the plant site of Baird Chemicals Industries, Inc., located at or near Mapleton, Ill., to points in Connecticut, Maine, Massachusetts, New Hampshire, Vermont, and Rhode Island. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Newark, N.J.

No. MC-107403 (Sub-No. E 25), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Landsdowne, 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: *Cottonseed oil turpentine*, and *peanut oil*, in bulk, in tank vehicles, from points in Georgia, North Carolina, and South Carolina, to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Newark, N.J.

No. MC-107403 (Sub-No. E 43), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Landsdowne, 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: *Sodium sulphate*, in bulk, in tank vehicles, from Front Royal, Va., to points in Ohio. The purpose of this filing is to eliminate the gateways of Cumberland, Md., and Pittsburgh, Pa.

No. MC-107496 (Sub-No. E358), 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., and Kansas City, Kans., to points in Iowa. The purpose of this filing is to eliminate the gateway of points in Taylor, Ringgold, Decatur, roe, Lucas, Clarke, Union, Adair, Madison, Warren, Marion, and Mahaska Counties, Iowa.

No. MC-107496 (Sub-No. E359), 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 Kansas City, Kans., to points in Wyoming. The purpose of this filing is to eliminate the gateway of points in that part of Nebraska on and west of U.S. Highway 83.

No. MC-107496 (Sub-No. E360), 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: *Petro-chemicals*, in bulk, in tank vehicles, from Kansas City, Kans., to points in Montana. The purpose of this filing is to eliminate the gateways of Fremont, Nebr., and Pennington County, S. Dak.

No. MC-107496 (Sub-No. E363), 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: *Foundry facings*, in bulk, from Cicero, Ill., to points in Ohio. The purpose of this filing is to eliminate the gateway of Highland, Ind.

No. MC-107496 (Sub-No. E386), 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 the Lower Peninsula of Michigan. 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. E387), 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 Ohio. 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. E388), 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), from Denver, Colo., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of the plant site of the Apple River Chemical Company at or near East Dubuque, Ill.

No. MC-107496 (Sub-No. E389), 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 Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of the Apple River Chemical Company at or near East Dubuque, Ill.

No. MC-107496 (Sub-No. E390), 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* (except chemicals), in bulk, in tank vehicles, from the plant site of the American Oil Company located at or near Whiting, Ind., to points in North Dakota. The purpose of this filing is to eliminate the gateway of the terminal of Kaneb Pipe Line Company at or near Milford, Iowa.

No. MC-107496 (Sub-No. E391), 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 chemical fertilizers and dry fertilizer ingredients including dry ammonium nitrate* from the sites of the plant of Central Nitrogen, Inc., near Terre Haute, Ind., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC-107496 (Sub-No. E392), 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: *Hydrofluosilicic acid*, in bulk, in tank vehicles, from Humboldt, Iowa, to Milwaukee, Wis. The purpose of this filing is to eliminate the gateway of Fulton, Ill.

No. MC-107496 (Sub-No. E393), 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 Wisconsin on, south, and west of a line extending from LaCrosse, over U.S. Highway 14 to Portage, thence over U.S. Highway 51 to Madison, thence over Wisconsin Highway 69 to the Wisconsin-Illinois State line. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., and Dubuque, Iowa.

No. MC-107496 (Sub-No. E417), 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 General Portland Cement Company, at Olathe, Kans., to points in Minnesota (except points in Jackson, Cottonwood, Murray, Pipestone, Rock, and Nobles Counties). The purpose of this filing is to eliminate the gateways of Kansas City, Mo., and the plant site of the Northwestern States Portland Cement Company at Mason City, Iowa.

No. MC-107496 (Sub-No. E418), 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: *Sand, with additives*, in bulk, from Chicago, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Troy Grove, Ill.

No. MC-107496 (Sub-No. E419), 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 pipeline terminal of Hydrocarbon Transportation, Inc., at or near Rockford, Ill., to points in Iowa. The purpose of this filing is to eliminate the gateway of points in Dubuque, Clinton, and Jackson Counties, Iowa.

No. MC-107496 (Sub-No. E500), 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 Havana, Ill., to points in Wyoming. The purpose of this filing is to eliminate the gateways of Alexandria, Mo., Council Bluffs, Iowa, and points in Nebraska west of U.S. Highway 83.

No. MC-107496 (Sub-No. E501), 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 Niles, Mich., to points in Iowa on and east of U.S. Highway 69. The purpose of this filing is to eliminate the gateway of Lockport, Ill.

No. MC-107496 (Sub-No. E522), 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 fertilizer*, in bulk, in hopper vehicles, from Albert Lea, Minn., to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC-107496 (Sub-No. E523), 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, from Waterville, Minn., to all points in Ohio. The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa.

No. MC-107496 (Sub-No. E524), 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 fertilizer and dry fertilizer ingredients*, in bulk, from Welcome, Minn., to points in Ohio. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC-107496 (Sub-No. E534), 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 Ponca City, Okla., to points in Colorado on and north of U.S. Highway 24. 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. E535), 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 points in Cook, DuPage, Will, Kankakee, Grundy, Kendall, and Kane Counties, Ill., to points in Iowa on and east of U.S. Highway 69. The purpose of this filing is to eliminate the gateway of Lockport, Ill.

No. MC-107839 (Sub-No. E14), filed June 4, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons (same as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, from the plant sites and warehouses of Sterling Colorado Beef Packers, at or near Sterling, Colo., and the plant sites and warehouses of American Beef Packers, Inc., at or near Fort Morgan, Colo., to points in Arizona, and Las Vegas, Nev. The purpose of this filing is to eliminate the gateway of Gallup, N. Mex.

No. MC-107839 (Sub-No. E15), filed June 4, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat 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 except commodities in bulk, in tank vehicles), from the plant sites of Cornland Dressed Beef Company, at or near Lexington, Nebr., and Minden Beef Company, at or near Minden, Nebr., to points in Arizona on and south of Interstate Highway 40, and points in that part of California on and south of a line along U.S. Highway 91 (Interstate 15), from the California-Nevada State line to Barstow, thence along California Highway 58 to Bakersfield, thence along California Highway 99 to California Highway 152 near Chowchilla, thence along California Highway 152 to U.S. Highway 101 at Gilroy, thence along U.S. Highway 101 to Salinas, thence along California Highway 68 to Monterey. The purpose of this filing is to eliminate the gateway of Plainview, Tex.

No. MC-107839 (Sub-No. E16), filed June 4, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products* (except canned), in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Arizona on and north of a line beginning at the Arizona-California State line at Yuma, thence along U.S. Highway 80 to Phoenix, thence along U.S. Highway 60 to Show Low, thence along Arizona Highway 61 to the Arizona-New Mexico State line, and to points in California and Nevada. The purpose of this filing is to eliminate the gateways of Denver, Colo., and Gallup, N. Mex.

No. MC-111320 (Sub-No. E78), 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 con-*

tractor's vehicles or machinery, in drive-away and truckaway service, between points in Maine, on the one hand, and, on the other, points in Virginia west of a line from the North Carolina-Virginia State line, along U.S. Highway 15 to the junction of U.S. Highway 33, thence along U.S. Highway 33 to the junction of Interstate Highway 81, thence along Interstate Highway 81 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC-113459 (Sub-No. E13), 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 by-products, or used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main pipelines). (2) *Heavy earth drilling machinery and equipment and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, between points in Illinois, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateway of points in Kansas and Colorado.

No. MC-113459 (Sub-No. E19), 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: *Earth drilling machinery and equipment and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, from points in Oklahoma to points in Ohio. The purpose of this

filing is to eliminate the gateway of Tulsa, Okla.

No. MC-113459 (Sub-No. E35), 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) *Earth drilling machinery and equipment and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells; and (2) *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 by-products (except the stringing and picking up of pipe in connection with main or trunk pipelines), from points in Ohio to points in Nevada. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC-113459 (Sub-No. E41), 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: *Earth drilling machinery and equipment and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, the transportation of which, because 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 Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 95, thence along Wisconsin Highway 95 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to the Wisconsin-Iowa State line, on the one hand, and, on the other, points in that part of Nevada on and south of a line beginning at the Nevada-California State line, thence along U.S. Highway 40 to junction U.S. Alternate Highway 95,

thence along U.S. Alternate Highway 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-Utah State line. **RESTRICTION:** The operations authorized herein are restricted against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateway of Sterling, Ill., and points in Kansas and Colorado.

No. MC-113459 (Sub-No. E42), 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: *Earth drilling machinery and equipment and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, between points in that part of Michigan south of Michigan Highway 55, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateway of Sterling, Ill., and points in Kansas and Colorado.*

No. MC 113459 (Sub-No. E43), 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: *Earth drilling machinery and equipment and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, the transportation of which, because of size or weight, require the use of special equipment, between points in Bullitt, Hardin, Meade, Breckenridge, Crittenden, Hancock, Daviess, Henderson, Union, Webster, McLean, Hopkins, Ohio, Grayson, Edmonson, Hart, Warren, Butler, Muhlenberg, Logan, Caldwell, and Jefferson Counties, Ky., on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of Sterling, Ill., and points in that part of Illinois south of U.S. Highway 36.*

No. MC-113459 (Sub-No. E47), 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) *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 by-products, 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, because of size or weight, require the use of special equipment (except those described in (1) above); and (3) parts of commodities authorized in (2) above when incidental to the transportation of such commodities, between points in Louisiana, on the one hand, and, on the other, points in Alaska. **RESTRICTION:** The operations authorized in (1) above are restricted against the stringing or picking up of pipe in connection with main or truck pipelines and restricted to pipelines used for the transmission of natural gas and petroleum and their products and by-products. The purpose of this filing is to eliminate the gateway of points in Kansas.*

No. MC-113459 (Sub-No. E48), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Oklahoma, 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) *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 by-products, or used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main or trunk pipeline); (2) Self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, the transportation of which, because of size or weight, require the use of special equipment (except those commodities specified in (1) above); and (3) *Earth drilling machinery and equipment and machinery, equipment, materials, supplies, and pipe incidental to, used in or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from**

holes or wells, the transportation of which, because of size or weight, require the use of special equipment (except those commodities specified in (1) above), between points in Oklahoma, on the one hand, and, on the other, points in Alaska. **RESTRICTION:** The operations authorized in (1) above are restricted to pipelines used for the transmission of natural gas and petroleum and their products and by-products and the operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Montana.

No. MC-113459 (Sub-No. E50), 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: *Commodities, the transportation of which, by reason of size or weight, require the use of special equipment, between points in Indiana, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway of points in Illinois.*

No. MC-113459 (Sub-No. E51), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Oklahoma 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: *Earth drilling machinery and equipment and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operation at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, the transportation of which, because of size or weight, require the use of special equipment between points in Bullitt, Hardin, Meade, Breckenridge, Hancock, Daviess, Henderson, Union, Webster, McLean, Crittenden, Hopkins, Ohio, Grayson, Edmonson, Hart, Warren, Butler, Mulenberg, Logan, Todd, Christian, Trigg, Simpson, Lyon, Caldwell, and Jefferson Counties, Ky., on the one hand, and, on the other, points in that part of Indiana north of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 36 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of points in that part of Indiana south of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 36 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line.*

No. MC-113459 (Sub-No. E52), 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) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment (except agricultural machinery, agricultural tractors, and commodities used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or trunk pipelines).

(2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith, between points in that part of Wisconsin on and south of a line beginning at Milwaukee, thence along U.S. Highway 94 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 69, thence along Wisconsin Highway 69 to the Wisconsin-Illinois State line, on the one hand, and, on the other, points in that part of South Dakota on and west of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 81 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-North Dakota State line. RESTRICTION: The operations authorized in (2) above 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-113843 (Sub-No. E83), filed May 3, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (a) from points in Erie County, N.Y., to points in Illinois and Kentucky; (b) from points in Chautauqua County, N.Y., to points in Illinois. The purpose of this filing is to eliminate the gateways of Buffalo, N.Y., and Detroit, Mich.; (c) from points in Chautauqua County, N.Y., to points in that part of Kentucky on, south, and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 127 to junction Kentucky Highway 34, thence along Kentucky Highway 34 to junction U.S. Highway 27, thence along U.S. Highway 27 to Lexington, thence along U.S. Highway 62 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E415), 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, Md., to Calais, Maine, Wellsboro, Pa., points in St. Lawrence, Jefferson, Franklin, Clinton, Herkimer, and Lewis Counties, N.Y., and points in that part of New York on and west of Interstate Highway 81. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E416), 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 Colorado and Minnesota. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC-113843 (Sub-No. E425), 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 foods*, from Cleveland, Ohio, to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line and extending along Interstate Highway 94 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to Green Bay. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC-113843 (Sub-No. E426), 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 points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 80 to junction Interstate Highway 294, thence along Interstate Highway 64, thence along Illinois Highway 64 to the Mississippi River. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC-113843 (Sub-No. E435), 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 and vegetables*, from Cleveland, Toledo, Martins Ferry, and Columbus, Ohio, to points in Cattaraugus and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

gus and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E437), 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 Baltimore, Md., to points in Nebraska. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC-113843 (Sub-No. E450), 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 Baltimore, Md., Hampton, Va., and the District of Columbia, to Bangor, Maine, Rutland, Vt., Sioux City, Iowa, Grand Forks, N. Dak., and Sioux Falls, S. Dak. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E451), 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: *Preserved foodstuffs* (except frozen foods, dairy products, candy, and confectionery), from Rockford, Ohio to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Milton, Pa.

No. MC-113843 (Sub-No. E452), 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: *Preserved foodstuffs* (except frozen foods, dairy products, candy, and confectionery), from Delphos, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Milton, Pa.

No. MC-113843 (Sub-No. E453), 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: *Preserved foodstuffs* (except frozen foods, dairy products, candy, and confectionery), from New Bavaria, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Milton, Pa.

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No. MC-113843 (Sub-No. E454), 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: *Preserved foodstuffs* (except frozen foods, dairy products, candy, and confectionery), from Pemberville and Northwood, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Milton, Pa.

No. MC-113843 (Sub-No. E 455), 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: *Preserved foodstuffs* (except frozen foods, dairy products, candy, and confectionery), from Orrville, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Milton, Pa.

No. MC-113843 (Sub-No. E 456), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined by the commission, from Cincinnati, Cleveland, Columbus, Toledo, Van Wert, Washington Court House, and Martins Ferry, Ohio, to points in Vermont. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC-113843 (Sub-No. E 457), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to points in Illinois. The purpose of this filing is to eliminate the gateway of Sturgis, Mich.

No. MC-113843 (Sub-No. E 458), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined by the Commission, from Cincinnati, Cleveland, Columbus, Toledo, Van Wert, Washington Court House, and Martins Ferry, Ohio, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC-113843 (Sub-No. E459), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined by the Commission, from Cincinnati, Cleveland, Columbus, Toledo, Van Wert, Washington Court House, and Martins Ferry, Ohio, 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. E460), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved foodstuffs* (except frozen foods, dairy products, candy, and confectionery), from Archbold, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Milton, Pa.

No. MC-113843 (Sub-No. E461), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved Foodstuffs* (except frozen foods, dairy products, candy, and confectionery), from Northwood, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Milton, Pa.

No. MC-113843 (Sub-No. E462), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Ohio to points in Erie County, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E464), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the District of Columbia to points in Cimarron County, Okla. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E465), 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 Baltimore, Md., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E466), 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 Baltimore, Md., Hampton and Richmond, Va., and the District of Columbia, to points in Aroostook County, Maine. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E467), filed May 10, 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 by-products*, as defined by the Commission, from Piqua, Ohio, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E468), filed May 10, 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 by-products*, as defined by the Commission, from Sandusky, Ohio, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Buffalo, Ohio.

No. MC-113843 (Sub-No. E469), filed May 10, 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 by-products*, as defined by the Commission, from Columbus, Ohio, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E470), filed May 10, 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 by-products*, as defined by the Commission, from Martins Ferry, Ohio, to points

in Massachusetts. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E471), 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 meats, meat products, and meat by-products*, as defined by the Commission, from Piqua, Ohio, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E472), 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 meats, meat products, and meat by-products*, 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. E473), 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 meats, meat products, and meat by-products*, as defined by the Commission, from Cleveland, Ohio, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E475), filed May 9, 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 by-products*, as defined by the Commission, from Cincinnati, Ohio, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E476), filed May 9, 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 by-products*, as defined by the Commission, from Cleveland, Ohio, to points in Bergen, Essex, Hudson, Middlesex, Monmouth, Passaic, Somerset, and Union Counties, N.J. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E477), filed May 9, 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 by-products*, as defined by the Commission, from Piqua, Ohio, to points in Bergen, Essex, Hudson, Middlesex, Monmouth, Passaic, Somerset, and Union Counties, N.J. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E478), filed May 19, 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 by-products*, as defined by the Commission, from Fostoria, Ohio, to points in Bergen, Essex, Hudson, Middlesex, Monmouth, Passaic, Somerset, and Union Counties, N.J. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E479), filed May 19, 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 by-products*, as defined by the Commission, from Sandusky, Ohio, to points in Bergen, Essex, Hudson, Middlesex, Monmouth, Passaic, Somerset, and Union Counties, N.J. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E484), filed April 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Pennsylvania east of U.S. Highway 15 to points in Colorado, Iowa, Minnesota, Nebraska, and Wisconsin. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC-113843 (Sub-No. E490), filed May 19, 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 prune juice*, from New York, N.Y., points in New Jersey and that portion of Pennsylvania east of U.S. Highway 15, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC-113843 (Sub-No. E491), filed May 31, 1974. Applicant: REFRIGER-

ATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Michigan to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E492), filed May 31, 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 by-products*, as defined by the Commission, from Cincinnati, Cleveland, Fostoria, Piqua, Sandusky, Columbus, and Martins Ferry, 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. E493), filed May 31, 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 by-products*, as defined by the Commission, from Fostoria, Ohio, to points in that part of Pennsylvania on, north, and east of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 249 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to Wellsboro, thence along U.S. Highway 6 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to Wilkes-Barre, thence along Pennsylvania Highway 115 to junction Pennsylvania Turnpike Extension, thence along Pennsylvania Turnpike Extension to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E494), filed May 31, 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*, between points in New Jersey (except Salem County), on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E496), filed May 31, 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*, between Baltimore, Md., on the one hand, and, on the other, to points in that part of the Upper Peninsula of Michigan on, north, and west of a line beginning at the United States-Canada International Boundary line and extending along Interstate Highway 75 to junction Michigan Highway 28, thence along Michigan Highway 28 to junction Michigan Highway 77, thence along Michigan Highway 77 to junction U.S. Highway 2, thence along U.S. Highway 2 to Gulliver, thence along unnumbered highway to Lake Michigan. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E497), filed May 31, 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*, between points in Michigan, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E498), filed May 31, 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*, between Richmond, Va., on the one hand, and, on the other, Ironwood, Mich., and points in that part of the Upper Peninsula of Michigan on and south of a line beginning at the Wisconsin-Michigan State line and extending along U.S. Highway 2 to junction U.S. Highway 141, thence along U.S. Highway 2/141 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E499), filed May 31, 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*, between Rapid River and Marquette, Mich., and points in that portion of the Upper Peninsula of Michigan on and west of U.S. Highway 41, on the one hand, and, on the other, Hampton, Va. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E500), filed May 31, 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*, between points in

Michigan, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113993 (Sub-No. E11), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, when transported on wheeled undercarriages equipped with hitchball connectors, from Binghamton, N.Y., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and West Virginia.

No. MC-114019 (Sub-No. E57), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from Detroit, Mich., (1) to points in Indiana and Illinois (except Chicago); (2) to points in New York and Pennsylvania, and those in New Jersey within the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission; and (3) to points in Maryland, Delaware, New Jersey (except points in the New York, N.Y., and Philadelphia, Pa., commercial zones, as defined by the Commission), Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, Virginia, and the District of Columbia, the authority in (3) above is restricted to the transportation of shipments moving in the same vehicle with foods not frozen, in vehicles equipped with mechanical refrigeration. The purpose of this filing is to eliminate the gateways of any points in Ohio and Chicago, Ill.

No. MC-114019 (Sub-No. E216), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt and composition roofing products, composition boards, and (2) insulating materials* (except in bulk); and *building materials and composition boards* (except in bulk), when moving in mixed loads with the commodities described in (1) above, from points in New York and New Jersey within 40 miles of City Hall, New York, N.Y., to points in Colorado, Iowa, Kansas, Minnesota, Missouri on and north of Interstate Highway 70, Nebraska, North Dakota, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway of Edgewater, N.J., or New York, N.Y., and North Judson, Ind.

No. MC-114019 (Sub-No. E217), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, and insulating materials* (except commodities in bulk), from points in New York and New Jersey, which are within 40 miles of City Hall, New York, N.Y., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, and Tennessee; and (2) *building materials, and composition boards* (except in bulk), when moving in mixed loads with the commodities described in (1) above, from points in New York and New Jersey which are within 40 miles of City Hall, New York, N.Y., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, and Tennessee. The purpose of this filing is to eliminate the gateway of Edgewater, N.J., or New York, N.Y.

No. MC-119547 (Sub-No. E1), filed April 18, 1974. Applicant: EDGAR W. LONG, INC., Route 4, Zanesville, Ohio 43701. Applicant's representative: Richard H. Brandon, 505 Hartman Building, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay cat litter*, from Wrens, Ga., to Chicago, Ill., points in Michigan, Wisconsin, that part of Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to junction U.S. Highway 119 to the Pennsylvania-Maryland State line, points in Hancock, Brooke, Ohio and Marshall Counties, W. Va., that part of New York west of U.S. Highway 11 and south of U.S. Highway 104, and that part of Iowa on and north of Interstate 80 and on and west of Interstate Highway 35 (Zanesville or New Lexington, Ohio);* (2) *ceramic tile and brick facing* (except in bulk), from Cambridge, Ohio, to points in Maryland, Michigan, New York, that part of Pennsylvania on and east of U.S. Highway 219, and that part of West Virginia on and south of U.S. Highway 60 (Zanesville, Ohio). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-123378 (Sub-No. E1), filed June 3, 1974. Applicant: ASTRO VAN PAK, INC., P.O. Box 9165, Alexandria, Va. 22304. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Ohio, on the one hand, and, on the other, points in Maine; (2) between points in Massachusetts, on the one hand, and, on the other, points in Alabama, Georgia, Florida, Kentucky, Illinois, Indiana, Iowa,

Mississippi, Michigan, North Carolina, South Carolina, Virginia, West Virginia, and Wisconsin; (3) between points in Virginia, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Vermont, and Maine; (4) between points in North Carolina, on the one hand, and, on the other, points in Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa., for points in (1), (2), and (3) above; Philadelphia, Pa., and points in Virginia for points in (4) above.

No. MC-127253 (Sub-No. E1), filed June 4, 1974. Applicant: R. A. CORBETT TRANSPORT, INC., P.O. Box 728, Waskom, Texas 75692. Applicant's representative Kenneth Sitton (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on and north of a line beginning at the Texas-Louisiana State line, thence along U.S. Highway 84 to Palestine, thence along Texas Highway 19 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Interstate Highway 10 thence along Interstate Highway 10 to El Paso, to points in Louisiana (Waskom, Tex.);* (2) *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on and south of a line beginning at the Texas-Louisiana State line, thence along U.S. Highway 84 to Palestine, thence along Texas Highway 19 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Interstate Highway 10, thence along Interstate Highway 10 to El Paso, to points in that part of Louisiana on and north of U.S. Highway 84 (Waskom, Tex.);* (3) *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on, west, and south of a line beginning at the Texas-Louisiana State line, thence along Interstate Highway 20 to Cisco, thence along U.S. Highway 183 to the Texas-Oklahoma State line, to points in that part of Arkansas on, west, and south of a line beginning at the Arkansas-Louisiana State line, thence along U.S. Highway 79 to Magnolia, thence along U.S. Highway 82 to Texarkana, thence along U.S. Highway 67 to Prescott, thence along Arkansas Highway 24 to Lockesburg, thence along U.S. Highway 59/71 to De Queen, thence along U.S. Highway 70 to the Arkansas-Oklahoma State line (Waskom, Texas and Superior, La.);*.

(4) *Petroleum products*, in bulk, in tank vehicles, from Waskom and Jefferson, Texas to points in that part of Arkansas on, west, and south of a line beginning at the Arkansas-Louisiana State line, thence along U.S. Highway 79 to Magnolia, thence along U.S. Highway 82 to Texarkana, thence along U.S. Highway 67 to Prescott, thence along Arkansas Highway 24 to Lockesburg, thence along U.S. Highway 59/71 to De Queen, thence along U.S. Highway 70 to the Arkansas-Oklahoma State line (Superior, La.);* (5) *Petroleum products*, in bulk, in tank vehicles, from Shreve-

port and Bossier City, La., to points in Texas (Waskom, Tex.);* (6) *Anhydrous ammonia* derived from natural gas or petroleum, in bulk, in tank vehicles, from El Dorado, Ark., to points in Texas (Shreveport, La., and Waskom, Tex.);* (7) *Liquid fertilizer solutions* derived from natural gas or petroleum, in bulk, in tank vehicles, from Monroe, La. to points in that part of Texas west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 277 to Del Rio, thence along unnumbered highway to the International Boundary line between the United States and Mexico (Waskom, Tex.);* (8) *Petroleum products*, in bulk, in tank vehicles, from points in Orange and Jefferson Counties, Texas, to points in that part of Louisiana on, north, and west of a line beginning at the Louisiana-Texas State line, thence along Interstate Highway 20 to Ruston, thence along U.S. Highway 167 to the Louisiana-Arkansas State line (Waskom, Tex.).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-134113 (Sub-No. E1), filed May 13, 1974. Applicant: HI-BALL TRUCKING, INC., P.O. Box 117, Billings, Mont. 59103. Applicant's representative: C. J. Gerbase, Jr., Suite 100 Transwestern Building, 404 North 31st St., Billings, Mont. 59101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel products*, (a) from points in Colorado in, south, and east of Kit Carson, Lincoln, Arapahoe, Adams, Lakewood, Gilpin, Clear Creek, Park, Chaffee, Fremont, Custer, Alamosa, and Conejos Counties, to points in Oregon (except points in Malheur County, Oreg.); and (b) from points in Colorado in, south, and east of Kit Carson, Lincoln, Arapahoe, Adams, Boulder, Gilpin, Clear Creek, Park, Chaffee, Fremont, Custer, Alamosa, and Conejos Counties, to points in Washington. (2) *Machinery or machines and parts thereof, and materials, equipment and supplies* in connection therewith, used in the operation, repair, servicing, maintenance and dismantling of bakeries, dairy, creamery and cheese-manufacturing plants, ice-manufacturing or refrigeration plants, laundry and dry-cleaning establishments (other than household) and milling operations, requiring special equipment; *forest products, lumber and lumber products, iron and steel products, airplane engines and parts, wrecked motor vehicles, railroad equipment, materials, and supplies, refrigeration and cooling equipment and safes and vaults and parts thereof, requiring special equipment; and buildings, fabricated or portable, electrical appliances, materials and parts, electrical poles, telephone and telegraph poles and pole line equipment, elevating and hoisting machinery and equipment, mining, ore-milling and smelting machinery and equipment, road-building equipment, materials and supplies, rock and stone-crushers and parts and telephone, telegraph and electric lines, cables, appliances, equipment and parts, including*

the stringing and picking up thereof, the transportation of which, because of their size and weight, require the use of special equipment (the material, parts, and supplies mentioned in (2) above may be transported when their transportation is incidental to the transportation of their related principal commodities), between points in South Dakota, Wyoming, Montana, and North Dakota, within three hundred miles of Belle Fourche, South Dakota, including Belle Fourche (except between Belle Fourche, South Dakota, Wyoming, and Montana, within fifty miles of Belle Fourche), on the one hand, and, on the other, points in Wyoming, Montana, Idaho, North Dakota, and Colorado (except Logan, Sedgwick, Phillips, Yuma, Kit Carson, Cheyenne, Kiowa, Prowers, and Baca Counties, Colo.).

(3) (a) *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 by-products, the transportation of which, because of their size or weight, require the use of special equipment, and (b) *Machinery, materials, equipment and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines when their transportation is incidental to the transportation of the commodities in 3(a) above, between points in Washington and Oregon, on the one hand, and, on the other, points in South Dakota, within 50 miles of Belle Fourche, S. Dak., including Belle Fourche. (4) *Oilfield machinery*, the transportation of which, because of their size and weight, require the use of special equipment, and *equipment and supplies* when their transportation is incidental to the transportation of such commodities, between points in Colorado, Idaho, and North Dakota, on the one hand, and, on the other, points in South Dakota, within 50 miles of Belle Fourche, S. Dak., including Belle Fourche.

(5) *Machinery or machines and parts thereof, and materials, equipment, and supplies* in connection therewith, used in the operation, repair, servicing, maintenance, and dismantling of bakeries, dairy, creamery, and cheese-manufacturing plants, ice-manufacturing or refrigeration plants, laundry and dry-cleaning establishments (other than household), and milling operations, requiring special equipment; *forest products, lumber and lumber products, iron and steel products, airplane engines and parts, wrecked motor vehicles, railroad equipment, materials, and supplies, refrigeration and cooling equipment and safes, vaults, and parts thereof, requiring special equipment; and buildings, fabricated or portable, electrical appliances, materials and parts, electrical poles, telephone and telegraph poles and pole line equipment, elevating and hoisting machinery and equipment, mining, ore-milling and smelting machinery and equipment, road-building equipment,*

materials and supplies, rock and stone-crushers and parts, and telephone, telegraph, and electric lines, cables, appliances, equipment and parts, including the stringing and picking up thereof, the transportation of which, because of their size and weight, require the use of special equipment (the materials and supplies mentioned in (5) above may be transported when their transportation is incidental to the transportation of their related principal commodities), between points in Colorado, Idaho, and North Dakota, on the one hand, and, on the other, points in South Dakota within 50 miles of Belle Fourche, S. Dak., including Belle Fourche. The purpose of this filing is to eliminate the gateways of in (1) the facilities of CF&I Steel Corporation, at or near Pueblo, Colo., in (2) points in Wyoming, in (3) points in Montana, and in (4) and (5) points in Wyoming.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.74-17159 Filed 7-25-74; 8:45 am]

[Notice No. 121]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 26, 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 15, 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-75195. By order of July 19, 1974 the Motor Carrier Board approved the transfer to Hoggarth Transport, Inc., Wimbledon, N.D., of Certificate of Registration No. MC-54832 (Sub-No. 1) issued January 12, 1968, to Robert A. Johnson, Wimbledon, N.D., evidencing the authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority in Certificate of Public Convenience and Necessity No. 337, issued April 19, 1961, transferred December 27, 1962, and reissued and restrictively amended January 4, 1963, by the North Dakota Public Service Commission.

Charles E. Johnson, Esq., 425 Gate City Building, Fargo, N.D. 58102.

No. MC-FC-75230. By order of July 18, 1974, the Motor Carrier Board approved the transfer to Tischler Express, Inc., Philadelphia, Pa., of the operating rights in Certificates Nos. MC-60612 and MC-60612 (Sub-No. 17) issued March 9, 1971, and June 8, 1971, respectively, to Tischler Motor Freight, Inc., Philadelphia, Pa., authorizing the transportation over regular routes of general commodities, with usual exceptions, between Bridgeton, N.J., and Philadelphia, Pa., and between Philadelphia, Pa., and Malaga, N.J., and over irregular routes, of glassware, chinaware, and advertising matter, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, and numerous other specified commodities, such as agricultural commodities, empty agricultural-commodities containers, auto supplies, canned goods, feed, grain, fertilizer, fertilizer materials, flour, iron pipe, fittings, castings, gears, paper cartons, lumber, oysters, and petroleum products, in containers, to and from named points in Pennsylvania and New Jersey, Baltimore, Md., New York, N.Y., Washington, D.C., Wilmington, Del., and Boston, Mass. Harry Silver, 1707 Rittenhouse Square, Philadelphia, Pa. 19103 Attorney for applicants.

No. MC-FC-75247. By order of July 18, 1974, the Motor Carrier Board approved the transfer to Dolores Anderson, doing business as D. Anderson, Brooklyn, N.Y., of the operating rights in Permit No. MC-125959 issued October 15, 1965, to Fabar Terminal & Transportation Co., Inc., Brooklyn, N.Y., authorizing the transportation of paint (other than in bulk, in tank vehicles), from the plant site of Sapolin Paints, Inc., at Brooklyn, N.Y., to Edison, N.J. Milton A. Gasol, 1776 Broadway, New York, N.Y. 10019 Attorney for applicants.

No. MC-FC-75266. By order entered 7-19-74 the Motor Carrier Board approved the transfer to Glenn A. Yeager and Lynn R. Yeager, doing business as Yeager Trucking, Clearfield, Pa., of the operating rights set forth in Certificates Nos. MC-105134 (Sub-No. 1), MC-105134 (Sub-No. 5), and MC-105134 (Sub-No. 6), issued by the Commission July 9, 1951, July 24, 1967, and September 21, 1970, to Austin L. Yeager, doing business as Yeager's Trucking, Clearfield, Pa., authorizing the transportation of agricultural commodities, from Buffalo, N.Y., to points in Clearfield and Jefferson Counties, Pa.; glass products, from Brockway, Pa., to points in that part of New York on and west of U.S. Highway 15; household goods, between Du Bois, Pa., and points within ten miles of Du Bois, on the one hand, and, on the other, points in New York, Ohio, New Jersey, West Virginia, and Maryland; face brick and building brick, from Lawrence Township and Bradford Township, Clearfield County, Pa., to points in New Jersey and New York. Joseph J. Lee, 26 S. Second St., Clearfield, Pa. 16830 and John A. Vuono,

2310 Grant Building, Pittsburgh, Pa. 15219, attorneys for applicants.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-17156 Filed 7-25-74; 8:45 am]

[Notice No. 105]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 22, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 25869 (Sub-No. 121 TA), filed July 11, 1974. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Avenue, Omaha, Nebr. 68107. Applicant's representative: Bruce A. Bullock, Suite 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from the plant-sites and storage facilities of Kitchens of Sara Lee, Inc., located at or near Deerfield and Chicago, Ill., to points in Nebraska, restricted to transportation of shipments originating at the above-named origin points, for 180 days. SUP-PORTING SHIPPER: Kitchens of Sara Lee, Inc., Charles G. Sladek, Traffic Service Supervisor, 500 Waukegan, Deerfield, Ill. 60015. 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 59117 (Sub-No. 44 TA), filed July 11, 1974. Applicant: ELLIOTT TRUCK LINE, INC., 101 East Excelsior, Vinita, Okla. 74301. Applicant's representative: Wilburn L. Williamson, 280

National Foundation Life Bldg., 3535 NW., 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the plantsite of Farmland Industries, Inc., Nitrogen Plant, at or near Enid, Okla., to points in Arkansas, Kansas, Louisiana, Missouri (except St. Louis and its commercial zone), Oklahoma and Texas (except points in Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty and Brazoria Counties), for 180 days. SUPPORTING SHIPPER: Farmland Industries, Inc., Charles D. Rosas, P.O. Box 7305, Kansas City, Mo. 64116. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240—Old Post Office Building, 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 77482 (Sub-No. 22TA), filed July 10, 1974. Applicant: THE PETER H. MORTENSEN-VINCI COMPANY, 1004 Newfield Street, Middletown, Conn. 06457. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Air-floated coarse ground ball clay*, in bulk, in tank vehicles, from Sledge, Miss., to Portland, Conn., for 180 days. SUPPORTING SHIPPER: Chevron Asphalt Company, Brownstone Avenue, Portland, Conn. 06480. SEND PROTESTS TO: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 107295 (Sub-No. 725TA), filed July 11, 1974. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials and accessories* used in the installation thereof, from the plantsite and warehouse facilities of Lloyd A. Fry Roofing Company at Memphis, Tenn., to points in Arkansas, Missouri, Mississippi, Louisiana, Alabama, and Kentucky, for 180 days. SUPPORTING SHIPPER: G. A. Homeir, Traffic Manager, Lloyd A. Fry Roofing Company, 5818 South Archer Road, Summit, Ill. 60501. SEND PROTESTS TO: District Supervisor Harold C. Jolliff, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107496 (Sub-No. 962 TA), filed July 12, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *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, P.O. Box 450, Blair, Nebr. 68008. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 108676 (Sub-No. 67 TA), filed July 12, 1974. Applicant: A. J. METTLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncreted flat glass*, from Guardian Industries plant site (near Carleton, Mich.), to points in Minnesota, Iowa, Missouri, Oklahoma, Texas and points east thereof, for 180 days. SUPPORTING SHIPPER: Guardian Industries Corp., 14600 Romine Road, Carleton, Mich. 48117. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 830—1808 West End Building, Nashville, Tenn. 37203.

No. MC 109443 (Sub-No. 18 TA), filed July 12, 1974. Applicant: SEABOARD TANK LINES, INC., Monahan Avenue, Dunmore, Pa. 18512. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Baltimore, Md., to points in Dauphin County, Pa., for 150 days. SUPPORTING SHIPPER: Pennsylvania Power & Light Company, Two North Ninth Street, Allentown, Pa. 18101. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 109689 (Sub-No. 277 TA), filed July 12, 1974. Applicant: W. S. HATCH CO., a Corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime*, in containers, from Dolomite, Utah, to Albuquerque, Farmington, Gallup and Sante Fe, N. Mex. and Helena, Mont., for 180 days. SUPPORTING SHIPPER: Flintkote Co., U.S. Lime Division, 150 South 6th East, 9-B, Salt Lake City, Utah 84102 (John E. Zamzow, District Sales Manager). SEND PROTESTS TO: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 112822 (Sub-No. 336 TA), filed July 11, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representa-

tive: Robert A. Stone (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring and washing compounds* in mixed loads with sodium bicarbonate, borax, sodium carbonate products, caustic soda, and calcium chloride (except soda ash), in boxes, between Alchem, Wyo., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Church and Dwight Co., Inc., Robert B. Voegelé, G.M., 1416 Willis Ave., Syracuse, N.Y. 13201. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240—Old Post Office Building, 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 112822 (Sub-No. 337 TA), filed July 12, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the plantsite of Farmland Industries, Inc.'s Nitrogen Plant at or near Enid, Okla., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri (except St. Louis and its Commercial Zone), Oklahoma and Texas (except points in Chambers, Montgomery, Harris, Ft. Bend, Galveston, Liberty, and Brazoria Counties), for 180 days. SUPPORTING SHIPPER: Farmland Industries, Inc., Charles D. Rosas, Supv., Transp. Service, P.O. Box 7305, Kansas City, Mo. 64116. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240—Old P.O. Building, 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 115841 (Sub-No. 481 TA), filed July 11, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products* (except in bulk, in vehicles equipped with mechanical refrigeration), from the plantsite of Charms, Inc., located at or near Freehold, N.J., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Minnesota, Nebraska, Utah, South Carolina, North Carolina, and Virginia, for 180 days. SUPPORTING SHIPPER: Charms Company, Halls Mill Road, Freehold, N.J. 07728, Attn: George McQueeney, Traffic Manager. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616—2121 Building, Birmingham, Ala. 35203.

No. MC 115841 (Sub-No. 482 TA), filed July 11, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products* (except in bulk, in vehicles equipped with mechanical refrigeration), from the plantsite of Charms, Inc., located at or near Freehold, N.J., to points in Alabama, Arkansas, Arizona, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, Oklahoma, Oregon, Texas, Utah, and Tennessee, for 180 days. SUPPORTING SHIPPER: Charms Company, Halls Mill Road, Freehold, N.J. 07728, Attn: George McQueeney, Traffic Manager. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616-2121 Building, Birmingham, Ala. 35203.

No. MC 116063 (Sub-No. 134 TA), filed July 12, 1974. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2929 West 5th Street, P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, vegetable oil and blends thereof*, in bulk, in tank vehicles, from Chattanooga, Tenn., to Denver, Colo., for 180 days. SUPPORTING SHIPPER: Swift Edible Oil Company, 115 West Jackson Blvd., Chicago, Ill. 60604. SEND PROTESTS TO: H. C. Morrison, Sr., Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 116273 (Sub-No. 183 TA), filed July 11, 1974. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: C. T. Jensen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Petroleum oil*, in bulk, in tank vehicles, and (b) *Spent petroleum oils*, in bulk, in tank vehicles, (a) from Howell, Mich., to Fostoria, Toledo, Sharonville, and Dayton, Ohio; Ft. Wayne, Ind.; Peoria, Ill.; and Indianapolis, Ind. and (b) from Fostoria, Toledo and Dayton, Ohio; Indianapolis, Ind.; and Sheboygan, Wis., to Romulus and Howell, Mich., for 180 days. SUPPORTING SHIPPER: Bruce Products Corporation, 500 N. West Street, Howell, Mich. 48843. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 118370 (Sub-No. 1 TA), filed July 12, 1974. Applicant: BANANA TRANSPORT, INC., 12712 North Oregon Avenue, Tampa, Fla. 33612. Applicant's representative: B. M. Snyder (same ad-

dress as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, P.O. Box 1940, Miami, Fla. 33101. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 123157 (Sub-No. 19 TA), filed July 12, 1974. Applicant: CEMENT TRANSPORTERS, INC., Rillito, Ariz. 85246. Applicant's representative: A. Michael Bernstein, 1327 United Bank Bldg., Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in sacks, from the plantsite of Paul Lime Plant, Inc., approximately 10 miles west of Douglas, Ariz., to points in Grant, Luna and Hidalgo Counties, N. Mex., for 180 days. SUPPORTING SHIPPER: Paul Lime Plant, Inc., P.O. Drawer "T", Douglas, Ariz. SEND PROTESTS TO: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 124796 (Sub-No. 127 TA), filed July 9, 1974. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representatives: William J. Monheim (same address as applicant) and J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, wood chips, vermiculite, lighter fluid, and fireplace logs* (sawdust and wax impregnated), except commodities in bulk, for the account of The Clorox Company, from Belle, Mo., to points in Arizona, California, Colorado, and Utah, for 180 days. SUPPORTING SHIPPER: The Clorox Company, 7901 Oakport Street, Oakland, Calif. 94621. 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 127238 (Sub-No. 9 TA), filed July 12, 1974. Applicant: DOROTHY R. ZUMMO doing business as AIR DELIVERY SERVICE, Remington & Locusts Streets, Scranton, Pa. 18501. Applicant's representative: Russell S. Bernhard, 1625 K Street, NW, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exception, between Allentown-Bethlehem-Easton Airport, Pa. and Philadelphia International Airport, Pa., on the one hand, and, on the other, points in Washington

Township, Morris County, N.J., for 90 days. SUPPORTING SHIPPERS: United States Radium Corp., Kings Highway, Beattystown, N.J. and Elastimold Division, Amerace Corp., Esna Park, Hackensack, N.J. 07840. SEND PROTESTS TO: District Supervisor Paul J. Kenworthy, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC-127550 (Sub-No. 3 TA), filed July 11, 1974. Applicant: BOSCH TRUCKING COMPANY, INC., 5600 S. Washington Street, Peoria, Ill. 61607. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Iron and steel articles*, from Crawfordsville, Ind., to points in Iowa, Kentucky, Illinois, Michigan, Minnesota, Missouri, Tennessee, Ohio, and Wisconsin; (B) *Iron and steel articles*, from Chicago Heights, Ill., to points in Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, West Virginia, and Wisconsin; (C) *Materials, equipment and supplies* used in the manufacture, processing, sale and distribution of iron and steel articles (except commodities in bulk), from points in Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, West Virginia, and Wisconsin, to Chicago Heights and Bartonville, Ill.; and (D) *Materials, equipment and supplies* used in the manufacture, processing, sale and distribution of iron and steel articles (except commodities in bulk), from Bartonville, Ill., to points in Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, West Virginia, and Wisconsin, under continuing contract with Keystone Consolidated Industries, Inc., for 180 days. SUPPORTING SHIPPER: Keystone Consolidated Industries, Inc., 7000 South Adams St., Peoria, Ill. 61641. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 128383 (Sub-No. 56 TA), filed July 12, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Class A and B explosives and motor vehicles requiring the use of special equipment), on aircraft pallets in vehicles equipped with roller bed floors, between John F. Kennedy International Airport, New York, N.Y., on the one hand, and, on the other,

The Greater Southwest International Airport at or near Fort Worth, Tex., and the plant site of Behr of America, Inc., near Fort Worth, Tex., restricted to the transportation of traffic having a prior or subsequent movement by air, for 180 days. **SUPPORTING SHIPPER:** Emo-Trans, Inc., 177025 Rockaway Blvd., Jamaica, N.Y. **SEND PROTESTS TO:** Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 129386 (Sub-No. 15 TA), filed July 12, 1974. Applicant: **REFRIGERATED TRUCKS, INC.**, 1007 Mullooney Lane, Billings, Mont. 59101. Applicant's representative: Jerome Anderson, 100 Transwestern Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meat, meat products, meat by-products, dairy products, and articles distributed by meat packing houses* and (b) *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, (a) from Billings, Mont., to points in Arizona, California, Nevada, Minnesota, Wyoming, Wisconsin, North Dakota, South Dakota, Illinois, New Mexico, Colorado, Texas, Washington, Oregon, Utah, and Idaho and (b) to Billings, Mont., from said states transporting commodities used in the meat packing business, for 180 days. **SUPPORTING SHIPPER:** Pierce Packing Company, P.O. Box 1677, Billings, Mont. 59103. **SEND PROTESTS TO:** Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133233 (Sub-No. 31 TA), filed July 11, 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 the facilities of Edward Hines Lumber Company at Council Bluffs and Fort Dodge, Iowa, to points in Minnesota, for 180 days. **SUPPORTING SHIPPER:** Edward Hines Lumber Company, 2030 Second Avenue, Council Bluffs, Iowa 51501. **SEND PROTESTS TO:** District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, Omaha, Nebr. 68102.

No. MC 134405 (Sub-No. 23 TA), filed July 11, 1974. Applicant: **BACON TRANSPORT COMPANY**, P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N. W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the plantsite of Farmland Industries, Inc., Nitrogen

Plant at or near Enid, Okla., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri (except St. Louis and its Commercial Zone), Oklahoma, and Texas (except points in Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty and Brazoria Counties), for 180 days. **SUPPORTING SHIPPER:** Farmland Industries, Inc., Charles D. Rosas, P.O. Box 7305, Kansas City, Mo. 64116. **SEND PROTESTS TO:** C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240—Old P.O. Building, 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 134405 (Sub-No. 24 TA), filed July 11, 1974. Applicant: **BACON TRANSPORT COMPANY**, P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Okmulgee, Okla., to North Kansas City, Mo., and points in Jasper County, Mo., for 180 days. **SUPPORTING SHIPPER:** Trumbull Asphalt Company of Delaware, C. E. Gorrell, S. W. Mgr., Box 1027, Irving, Tex. 75061. **SEND PROTESTS TO:** C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240—Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 135364 (Sub-No. 16 TA), filed July 9, 1974. Applicant: **MORWALL TRUCKING, INC.**, R.D. No. 3—Box 76-C, Moscow, Pa. 18444. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Artificial trees, wreaths, and garlands*, from the facilities of American Technical Industries, Inc., at Lexington, Ky., to points in Illinois, Ohio, Indiana, Michigan, Virginia, West Virginia, Maryland, Pennsylvania, New York, Alabama, Florida, Georgia, North Carolina, and South Carolina, for 150 days. **SUPPORTING SHIPPER:** American Technical Industries, Inc., 1454 Jingle Bell Lane, Lexington, Ky. 40505. **SEND PROTESTS TO:** Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC-136818 (Sub-No. 5 TA), filed July 9, 1974. Applicant: **SWIFT TRANSPORTATION COMPANY, INC.**, 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and steel and flattened automobile bodies*, from points in Wyoming, to points in Utah, Nevada, Arizona, New Mexico, and California, for 180 days. **SUPPORTING SHIPPERS:** Curt A. Schmidt, President, Auto Recyclers Corp., 234 Columbine Street, Den-

ver, Colo. 80206, New Address: 7216 South Xenia Cir., Englewood, Colo. 80110 and Milford S. Pepper, President, Milford S. Pepper Enterprises, P.O. Box 6701, Denver, Colo. 80206. **SEND PROTESTS TO:** Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 230 North First Avenue, Room 3427, Federal Building, Phoenix, Ariz. 85025.

No. MC-138960 (Sub-No. 2 TA), filed July 10, 1974. Applicant: **KOBROS TRANSPORTATION SYSTEM, INC.**, 813 Phillippi Road, Columbus, Ohio 43228. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceuticals, foodstuffs, and materials, equipment, and supplies* used in the manufacturing and packaging of pharmaceuticals and foodstuffs, between Evansville, Ind., on the one hand, and, on the other, points in the Lower Peninsula of Michigan, for 180 days. **SUPPORTING SHIPPER:** Mead Johnson and Company, 2404 Pennsylvania Avenue, Evansville, Ind. 47721. **SEND PROTESTS TO:** Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 220 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 139729 (Sub-No. 1 TA) (Amendment), filed June 26, 1974, published in the **FEDERAL REGISTER** issue of July 16, 1974, and republished as amended this issue. Applicant: **DAKOTA NORTH EASTERN EXPRESS CO.**, P.O. Box 276, Cloquet, Minn. 55720. Applicant's representative: Elmer B. Trousdale, W 1781 First National Bank Bldg., St. Paul, Minn. 55101.

NOTE.—The purpose of this republication is to add an additional supporting shipper. The supporting shipper is Rosenthal Sand & Gravel Co., P.O. Box 276, Cloquet, Minn. 55720. The rest of the application will remain as previously published in the **FEDERAL REGISTER**.

No. MC 139989 TA, filed July 10, 1974. Applicant: **LLOYD BUNDLE**, doing business as **L & S TRUCKING**, 5110 Lillian Street, Torrance, Calif. 90503. Applicant's representative: Lloyd Bundle (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Lumber and poles* not exceeding 80 feet in length, from The Los Angeles Harbor Commercial Zone and San Mateo, Calif., to Reno and points in Nye and Clark Counties, Nev., and points in Arizona, for the account of J. H. Baxter Co.; (B) *Lumber*, from The Los Angeles Harbor Commercial Zone and Anaheim, Calif., to points in Nye and Clark Counties, Nev.; Reno, Nev., and points in Arizona, for the account of Wessely Construction Co.; and (C) *Laminated beams and lumber*, not exceeding 80 feet in length, from Compton, Calif., to Reno, Nev.; points in Nye and Clark Counties, Nev.; and points in Arizona, for the account of

King Timber, for 180 days. **SUPPORTING SHIPPERS:** Wesselyn Construction Co., 1717 West Lincoln Avenue, Anaheim, Calif. 92801; J. H. Baxter Co., 1710 West 8th Street, Long Beach, Calif.; and King Timber, 19710 South Susana Road, Compton, Calif. 90221. **SEND PROTESTS TO:** Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 139990 TA, filed July 11, 1974. Applicant: R & E HAULING, INC., P.O. Box 2880, Baltimore, Md. 21225. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Freight all kinds*, usual exceptions, from Montgomery Ward-Baltimore Wardex facility and Baltimore Import Depot, to Annapolis, Bel Air, Capital Plaza, Frederick, Hagerstown, Hillcrest Heights, Landover (Metro Warehouse), Laurel, Salisbury, and Wheaton, Md., under a continuing contract or contracts with Montgomery Ward and Company, Baltimore, Md., for 180 days. **SUPPORTING SHIPPER:** Mr. Samuel J. Avara, Regional Traffic Manager, Montgomery Ward and Company, 800 Geise Road, Baltimore, Md. 21228. **SEND PROTESTS TO:** District Supervisor William L. Hughes, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 139991 TA, filed July 11, 1974. Applicant: FASHION CARRIERS REG'D, 8085 Champdeau, St. Leonard, Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James Street West, Montreal, Quebec, Canada H2Y 1M1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hanging garments and merchandise related thereto*, in vehicles equipped with racks, from the Ports of Entry on the International Boundary line between the United States and Canada located at or near Derby Line and Highgate Springs, Vt.; Rouses Point and Champlain, N.Y. on the one hand, and, on the other, points in New York City, N.Y. and its commercial zone, and North Bergen, Secaucus and Jersey City, N.J., restricted to traffic having a prior or subsequent movement in foreign commerce, for 180 days. **SUPPORTING SHIPPERS:** Boutique Bagatelle Inc., 1193 Phillips Square, Montreal, Quebec, Canada; Fashionaire Inc., Goatre Reg'd, Voyageur Sportswear Inc., 9500 Meilleur Street, Montreal, Quebec, Canada; Opera Leather Ltd., 215 Jean Talon Street, Montreal, Quebec, Canada; Canada Fashions (Reflections of Canada Manufacturing Limited), 255 DeCastelneau, Montreal, Quebec, Canada; and Market Montreal Inc., 372 Ste. Catherine Street

W., Montreal, Quebec, Canada. **SEND PROTESTS TO:** District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 139992 TA, filed July 11, 1974. Applicant: A & M CARTAGE, INC., 6515 S. Austin Blvd., Chicago, Ill. 60638. Applicant's representative: Martin Cohn, 35 E. Wacker Drive, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crated and uncrated furniture, household furnishings and related parts and supplies*, from the Chicago, Ill. Commercial Zone, to the Milwaukee, Wis. Commercial Zone with intermediate stops in Burlington, Wis. and Racine, Wis., for 180 days. **SUPPORTING SHIPPERS:** Mr. Jerry P. Miller, Asst. Sec., Service Furniture Distributors, Inc., 6515 S. Austin, Chicago, Ill. 60638; Mr. Ron Adilman, Sec., A & R Sales, 666 N. Lake Shore Dr., Chicago, Ill.; Mr. G. Heady, Pres., Heady & Conner, Inc., Merchandise Mart, Rm. 1623, Chicago, Ill.; Art Madonnick, M & R Corp., Merchandise Mart, Chicago, Ill.; and Mr. J. Stanley Steinberg, J. S. Steinberg & Associates, 265 N. Lee Road, Northbrook, Ill. **SEND PROTESTS TO:** Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 139993 TA, filed July 12, 1974. Applicant: JEFFREY M. SIMCOX, 3066 Dawnview Avenue, Pomona, Calif. 91767. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Petro-chemical fibre*, in burlap covered bales, from Etowah, Tenn., to Pryor, Okla. and (b) *Yarn, synthetic carpet*, from Pryor, Okla., to Santa Fe Springs, City of Industry, Los Angeles and Buena Park, Calif., for 180 days. **SUPPORTING SHIPPERS:** Mid-America Yarn Mills, Inc., P.O. Box 1028, Pryor, Okla. **SEND PROTESTS TO:** District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

MOTOR CARRIERS OF PASSENGERS

No. MC 29890 (Sub-No. 40 TA), filed July 12, 1974. Applicant: ROCKLAND COACHES, INC., 126 N. Washington Avenue, Bergenfield, N.J. 07621. Applicant's representative: Richard A. Capitani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in same vehicle with passengers, between points within the Borough of New Milford, N.J., serving all intermediate points: From junction Boule-

vard with Grand Street over Boulevard to junction Webster Drive, thence over Webster Drive to junction Concord Street, thence over Concord Street to junction Shea Drive, thence over Shea Drive to junction Boulevard; and return over the same route, for 180 days. Note: Applicant intends to tack authority with existing authority in MC 29890 Sub 12 and Sub 32. **SUPPORTING SHIPPERS:** There are 25 passengers whose names are on file at the Newark, N.J. field office and are on file at the Interstate Commerce Commission in Washington, D.C. **SEND PROTESTS TO:** District Supervisor Joel Morris, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 127738 (Sub-No. 4 TA), filed July 10, 1974. Applicant: YELLOWSTONE PARK LINES, INC., Gardiner, Mont. 59030. Applicant's representative: Franklin S. Longan, Suite 319, Securities Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, including special and charter operations, between Gardiner, Livingston, Gallatin Gateway and Big Sky, Mont. including the north and west entrances to Yellowstone National Park located in Montana; Idaho Falls, Idaho; Flagg Ranch, Jackson, Moran Junction, Polaska Teepee and Cody, Wis. including the south and east entrances to Yellowstone National Park located in Wyoming; Silver Gate, Cooke City, Red Lodge and Billings, Mont. including the northeast entrance to Yellowstone National Park located in Montana; and serving all airports and railheads at the locations specified above, for 180 days. **RESTRICTIONS:** (1) Restricted to traffic originating at or destined to Yellowstone National Park; (2) Restricted against charter service originating at Billings, Mont. (except charter service which originates or is destined to Yellowstone National Park and gateway cities); and (3) Limited to charter service on traffic moving between the west entrance to Yellowstone National Park, Mont. and Idaho Falls, Idaho. **SUPPORTING SHIPPER:** Yellowstone Park Co., Gardiner, Mont. 59030. **SEND PROTESTS TO:** District Supervisor Paul J. Labane, Bureau of Operations, Interstate Commerce Commission, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

NOTE.—Applicant states that it will tack with its existing authority.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-17157 Filed 7-25-74; 8:45 am]

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FRIDAY, JULY 26, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 145

PART II



DEPARTMENT OF THE INTERIOR

**Mining Enforcement and
Safety Administration**



MINE HEALTH AND SAFETY

**Memorandum of Understanding
Between MESA and OSHA**

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety
Administration

MINE HEALTH AND SAFETY

Memorandum of Understanding between
MESA and OSHA

The Occupational Safety and Health Administration (OSHA) and the Mining Enforcement and Safety Administration (MESA) entered into an agreement on April 22, 1974, which clarifies the authority of each agency regarding areas of employee safety and health, and provides a procedure to coordinate and adopt safety standards promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970, P.L. 91-596 (Occupational Act) which have significant application to working conditions in mines subject to the Federal Metal and Nonmetallic Mine Safety Act, P.L. 89-577 (Metal Act). The purpose of this agreement is to strengthen the effective enforcement of health and safety standards by MESA under the Metal Act, and OSHA under the Occupational Act.

The agreement lists and defines mining and milling processes for which MESA has authority to enforce health and safety including milling processes such as crushing, grinding, concentrating, pelletizing, sintering, calcining, kiln treatment, retorting, leaching, and briquetting. The agreement describes the types of operations beyond milling which may be on or contiguous to mining and/or milling operations such as gypsum board, brick, ceramic, cement plants, and smelting, electrowinning and refining for which OSHA has authority.

Another provision of the agreement provides that within six months after April 22, 1974, the Secretary of the Interior, after consultation with the Secretary of Labor, shall determine which standards promulgated under the Occupational Act may have significant application to working conditions in mines subject to the Metal Act and are not covered by mandatory standards promulgated under the Metal Act. The Secretary of the Interior shall then propose the adoption, modification or revision of such standards in accordance with section 6 of the Metal Act. Also, the Secretary of Labor shall consult with the Secretary of the Interior prior to proposing future safety standards under the Occupational Act which may have significant application to working conditions in mines subject to the Metal Act. After such standards are promulgated by the Secretary of Labor, the Secretary of the Interior shall propose the adoption, modification or revision of such standards under the Metal Act.

The memorandum of understanding is set forth below.

JAMES M. DAY,
Administrator, Mining Enforcement
and Safety Administration.

July 22, 1974.

MEMORANDUM OF UNDERSTANDING BETWEEN
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, U.S. DEPARTMENT OF LABOR AND
THE MINING ENFORCEMENT AND SAFETY ADMINISTRATION, U.S. DEPARTMENT OF THE
INTERIOR

The Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, and the Mining Enforcement and Safety Administration (MESA), U.S. Department of the Interior, enter into this agreement to (1) clarify the authority of each agency regarding areas of employee safety and health, and (2) to provide a procedure to coordinate and adopt safety standards promulgated under the Occupational Safety and Health Act of 1970 which have significant application to working conditions in mines subject to the Federal Metal and Nonmetallic Mine Safety Act of 1966.

A. BACKGROUND

1. The Federal Metal and Nonmetallic Mine Safety Act (the Metal Act) authorizes the Secretary of the Interior to promulgate and enforce safety and health standards regarding working conditions of employees engaged in underground and surface mineral extraction (mining) and preparation and milling of the minerals extracted.

2. The Occupational Safety and Health Act of 1970 (the Occupational Act) gives the Secretary of Labor authority over all working conditions of employers engaged in business affecting commerce except those conditions with respect to which other Federal agencies exercise statutory authority to prescribe or enforce regulations affecting occupational safety or health.

B. CLARIFICATION OF AUTHORITY

1. MESA has enforcement authority for employee safety and health in mines and mills. OSHA has safety and health enforcement authority in processes beyond mines and mills.

2. Appendix A provides more detailed descriptions of the kinds of operations included in mining and milling and the kinds of operations beyond milling over which OSHA has full authority.

3. Notwithstanding the clarification of authority provided by Appendix A, there will remain areas of uncertainty regarding the statutory authority of each agency, especially in operations near the termination of the milling cycle and the beginning of the manufacturing cycle.

Where, after referring to Appendix A, it is uncertain whether a working condition is within the milling process or beyond, MESA will determine where milling ends, thereby providing OSHA with a definition of the beginning of its worker coverage.

C. PROCEDURAL AGREEMENT

1. When OSHA receives information suggesting unsafe or unhealthful working conditions in an area for which MESA has authority for employee safety and health, OSHA will forward that information to MESA for appropriate disposition.

2. When MESA receives information suggesting unsafe or unhealthful working conditions in an area for which OSHA has authority for employee safety and health, MESA will forward that information to OSHA for appropriate disposition.

3. If it is unclear after reference to Appendix A and section B of this agreement whether enforcement authority over certain working conditions resides with MESA or OSHA, the Office of the Associate Solicitor for Mine Health and Safety, Department of the Interior, will meet with the Associate Solicitor for Occupational Safety and Health,

Department of Labor, and jointly resolve the issues. If they are unable to reach a resolution, they will refer the matter to the Deputy Assistant Secretary of Labor for Occupational Safety and Health, and the Administrator, MESA.

D. COORDINATION OF MESA AND OSHA SAFETY
STANDARDS

1. (a) Within six months from the effective date of this agreement, the Secretary of the Interior, after consultation with the Secretary of Labor, shall determine which standards promulgated under the Occupational Act, which are in effect on the effective date of this agreement, may have significant application to working conditions in mines subject to the Metal Act and are not covered by mandatory standards promulgated by the Secretary of the Interior under the Metal Act.

(b) Such standards shall cover only those working conditions in mines subject to the Metal Act for which the Secretary of the Interior has not promulgated mandatory safety standards.

(c) After such determination, the Secretary of the Interior, in accordance with section 6 of the Metal Act, shall publish in the FEDERAL REGISTER:

(1) Those safety standards which he proposes to adopt without change;

(2) Those safety standards which he proposes to adopt with modification or revision because specific conditions associated with the mining industry warrant such modification or revision. The Secretary of the Interior shall set forth the reasons for the modification or revision and shall also publish the text of the proposed modified or revised standard.

2. After the effective date of this agreement, the Secretary of Labor shall consult with the Secretary of the Interior prior to proposing safety standards under the Occupational Act which may have significant application to working conditions in mines subject to the Metal Act and shall afford the Secretary of the Interior reasonable time to comment on such standards.

After the Secretary of Labor promulgates safety standards which may have significant application to working conditions in mines subject to the Metal Act, the Secretary of the Interior shall, in accordance with section 6 of the Metal Act, publish those safety standards which he proposes to adopt without change, or adopt with modification or revision, in accordance with the procedures in paragraph D(1) above.

3. Nothing contained in this agreement shall restrict or supersede the authority of the Secretary of the Interior to enforce or promulgate safety standards pursuant to the Metal Act, or to amend, modify, or revoke any safety standard adopted or promulgated pursuant to the Metal Act, nor shall anything in this agreement be construed as affecting any provision of the Occupational Act.

Dated: April 22, 1974.

JAMES M. DAY,
Administrator, Mining Enforcement
and Safety Administration, Department of the Interior.

Dated: April 18, 1974.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary—
Energy and Minerals, Department of the Interior.

Dated: April 22, 1974.

HOWARD J. SCHULTE,
Deputy Assistant Secretary for Occupational Safety and Health,
Department of Labor.

APPENDIX A—MINING AND MILLING OPERATIONS
UNDER AUTHORITY OF MESA TO ENLARGE
COMPLIANCE WITH PROMULGATED HEALTH
AND SAFETY STANDARDS

GENERAL AUTHORITY—MESA/OSHA

Section 2(b) of the Metal Act defines "mines" covered by the Act to include not only mineral extraction (mining) operations, but also milling and preparation facilities and other surface facilities used in mining or milling.

MESA interprets its authority to include the prescription and enforcement of standards regarding occupational safety and health conditions of miners who work at loading, dumping, or preparation milling facilities remote from the mine area but used in the milling or preparation of extracted minerals.

MESA also interprets its authority to include working conditions of such operations, including such other surface facilities as may be used in the extraction or preparation of extracted minerals. Such other surface facilities may include: electrical or mechanical shop, power plant, acid plant, chemical laboratory, warehouse, lumber preparation, treating plant, paint shop, general office heating plant, loading docks, and transportation.

To clarify the areas of authority of MESA, this Appendix sets forth in more detail mining operations and the kinds of operations that constitute milling over which MESA has statutory authority to enforce its regulations affecting occupational safety and health.

Processes beyond milling are under the full employee safety and health authority of OSHA. They are also set forth in this Appendix.

DEFINITIONS: MINING AND MILLING

Mining has been defined as the science, technique, and business of mineral discovery and exploitation. It entails such work as directed to the severance of minerals from the natural deposits by methods of underground excavations, opencast work, quarrying, hydraulic mining and alluvial dredging. Minerals so excavated usually require upgrading processes to effect a separation of the valuable minerals from the gangue constituents of the material mined. This latter process is usually termed "milling" and is made up of numerous procedures which are accomplished with and through many types of equipment and techniques.

Milling is the art of treating the crude crust of the earth to produce therefrom the primary consumer derivatives. The essential operation in all such processes is separation of one or more valuable desired constituents of the crude from the undesired contaminants with which it is associated.

A CRUDE is any mixture of minerals in the form in which it occurs in the earth's crust. An ORE is a solid crude containing valuable constituents in such amounts as to constitute a promise of possible profit in extraction, treatment, and sale. The valuable constituents of an ore are ordinarily called VALUABLE MINERALS, or often just MINERALS; the associated worthless material is called GANGUE.

In some ores the mineral is in the chemical state in which it is desired by primary consumers, e.g., graphite, sulphur, asbestos, talc, garnet. In fact, this is true of the majority of nonmetallic minerals. In metallic ores, however, the valuable minerals in their natural state are rarely the product desired by the consumer, and chemical treatment of such minerals is a necessary step in the process of beneficiation. The end products are usually the result of concentration by the methods of ore dressing (milling) followed by further concentration through metallurgical processes. The valuable product of the

ore dressing treatment is called CONCENTRATE; the discarded waste is TAILING.

MINING—MESA

Following is a list indicating mining operations and minerals for which MESA has authority to regulate.

Mining Operations

Underground mining
Open pit mining
Quarrying
Solution mining (Precipitate & Leaching)
Dredging—When the primary purpose of the dredging operation is to recover metal or nonmetallic minerals for milling and/or sale or use.
Hydraulic mining
Wells
Ponds—brine evaporation
Auger Mining

Minerals

Coal
Metals: (Including but not limited to)

Antimony	Mercury
Bauxite	Molybdenum
Beryl	Nickel
Bismuth	Rare Earths
Chrome	Silver
Cobalt	Titanium
Copper	Tungsten
Gold	Uranium
Iron	Vanadium
Lead	Zinc
Manganese	Zirconium

Nonmetals

Abrasives	Diatomite
Apilite	Feldspar
Asbestos	Fluorspar
Barite	Gilsonite
Boron	Graphite
Bromine	Gypsum
Calcium Chloride	Kyanite
Clay	Magnesite
Mica	Salt
Mineral Pigments	Shale
Oil Shale	Sodium Compounds
Peat	Sulfur
Perlite	Talc, Soapstone, and
Potash	Pyrophyllite
Pumice	Vermiculite
Potash Rock	Wollastonite

Subgroups of Nonmetals (Sand and Gravel, and Crushed and Dimension Stone Industries)

Sand	Native Asphalt (impregnated stone & sand)
Gravel	Quartzite
Cement	Schist
Gabbro	Slate
Gneiss	Taprock or Diabase
Lime	
Limestone	
Marble	

MILLING—MESA AUTHORITY

Following is a list with general definitions of milling processes for which MESA has authority to regulate. Milling consists of one or more of the following processes: crushing, grinding, pulverizing, sizing, concentrating, washing, drying, roasting, pelletizing, sintering, evaporating, calcining, kiln treatment, sawing and cutting stone, heat expansion, retorting (mercury), leaching, and briquetting.

Crushing. Crushing is the process used to reduce the size of mined material into smaller, relatively coarse particles. Crushing may be done in one or more stages, usually

preparatory for the sequential stage of grinding, when concentration of ore is involved.

Grinding. Grinding is the process of reducing the size of a mined product into relatively fine particles.

Pulverizing. Pulverizing is the process whereby mined products are reduced to fine particles, such as to dust or powder size.

Sizing. Sizing is the process of separating particles of mixed sizes into groups of particles all of the same size, or into groups in which particles range between maximum and minimum sizes.

Concentrating. Concentrating is the process of separating and accumulating economic minerals from gangue, or the upgrading of ore or minerals.

Washing. Washing is the process of cleaning mineral products by the buoyant action of flowing water.

Drying. Drying is the process of removing uncombined water from mineral products, ores, or concentrates, for example, by the application of heat, in air-actuated vacuum type filters, or by pressure type equipment.

Roasting. Roasting is the process of applying heat to mineral products to change their physical or chemical qualities for the purpose of improving their amenability to other milling processes.

Pelletizing. Pelletizing is the process in which finely divided material is rolled in a drum, cone, or on an inclined disk so that the particles cling together and roll up into small spherical pellets. This process is applicable to milling only when accomplished in relation to, and as an integral part of, other milling processes.

Sintering. Sintering is the process of agglomerating small particles to form larger particles, cakes or masses, usually by bringing together constituents through the application of heat at temperatures below the melting point.

This process is applicable to milling only when accomplished in relation to, and as an integral part of, other milling processes.

Evaporating. Evaporating is the process of upgrading or concentrating soluble salts from naturally occurring, or other brines, by causing uncombined water to be removed by application of solar or other heat.

Calcining. Calcining is the process of applying heat to mineral materials to upgrade them by driving off volatile chemically combined components and effecting physical changes.

This process is applicable to milling only when accomplished in relation to, and as an integral part of, other milling processes.

Kiln treatment. Kiln treatment is the process of roasting, calcining, drying, evaporating, and otherwise upgrading mineral products through the application of heat.

This process is applicable to milling only when accomplished in relation to, and as an integral part of, other milling processes.

Sawing and cutting stone. Sawing and cutting stone is the process of reducing quarried stone to smaller sizes prior to removal from the quarry, at the quarry site, and before the stone is polished, engraved, or otherwise finished to its final form.

Heat expansion. Heat expansion is a process for upgrading material by sudden heating of the substance in a rotary kiln or sinter hearth to cause the material to bloat or expand to produce a lighter material per unit of volume.

Retorting. Retorting is a process usually performed at certain mine sites, and is accomplished by heating the crushed material in a closed retort to volatilize the metal, material or hydrocarbon which is then condensed and recovered as upgraded metal, material or hydrocarbon.

¹ Preface, p.v., Handbook of Mineral Dressing, Arthur P. Taggart, Second Printing, March 1947, John Wiley and Sons, Inc.

Leaching. Leaching is the process by which a soluble metallic compound is removed from a mineral by selectively dissolving it in a suitable solvent, such as water, sulfuric acid, hydrochloric acid, cyanide, or other solvent, to make the compound amenable to further milling processes.

Briquetting. Briquetting is a process by which iron ore, or other pulverized mineral commodities, are bound together into briquettes, under pressure, with or without a binding agent, and thus made conveniently available for further processing.

MESA AUTHORITY ENDS—OSHA AUTHORITY
BEGINS

The following are types of operations which may be on or contiguous to mining and/or milling operations listed above, over which MESA does not have authority to prescribe and enforce employee safety and health standards, and over which DOL has full authority, under the Act, to prescribe and enforce safety and health standards regarding working conditions of employees. These procedures are beyond milling.

Department of Labor regulatory authority commences as indicated in the following types of operations:

Gypsum board plant. Commences at the point when milling, as defined, is completed, and the gypsum and other materials are combined to enter the sequential processes necessary to produce gypsum board.

Brick plant. Commences at the point when milling, as defined, is completed, and clay and other materials are combined to enter the sequential processes to produce a fired brick product.

Ceramic plant. Commences at the point when milling, as defined, is completed, and clay and other materials are combined to enter the next sequential processes to produce a ceramic product.

Fertilizer products. Commences at the point when milling, as defined, is completed, and two or more raw materials are combined to produce another product. Note that a "kiln", as it relates to these products for roasting and rying, is considered to be within the scope of the milling definition.

Asphalt-mixing plant. Commences at the point where milling, as defined, is completed, and gravel or crushed stone and asphaltic

material are combined to enter sequential processes to produce an end product.

Cement plant. Commences at the point when milling, as defined, is completed, and the raw materials are combined to enter the sequential processes to produce cement.

Concrete ready-mix or batch plants. Commences at the point when milling, as defined, is completed, and cement, aggregates and water are combined to produce concrete.

Custom stone finishing. Commences at the point when milling, as defined, is completed, and the stone is polished, engraved, or otherwise processed to obtain a finished product.

Smelting. Commences at the point where milling, as defined, is completed, and metallic ores or concentrates are blended with other materials and are thermally processed to produce metal.

Electrowinning. Commences at the point where milling, as defined, is completed, and metals are recovered by means of electrochemical processes.

Refining. Commences at the point where milling, as defined, is completed, and material enters the sequential processes to produce a product of higher purity.

[FR Doc.74-17035 Filed 7-25-74;8:45 am]

FRIDAY, JULY 26, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 145



PART III

DEPARTMENT OF LABOR

Employment Standards
Administration



MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration
MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION
General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid

under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Colorado:	
AQ-1115; AQ-1116; AQ-1118	June 21, 1974
AR-1001	July 5, 1974
Florida:	
AR-4001	July 5, 1974
Massachusetts:	
AQ-3171; AQ-3172; AQ-3173; AQ-3174; AQ-3175; AQ-3176; AQ-3177; AQ-3178	May 10, 1974
AQ-3180; AQ-3181; AQ-3182	May 31, 1974
AQ-3183	June 14, 1974
Minnesota:	
AR-3050	July 12, 1974
Montana:	
AQ-1076	Feb. 1, 1974
Nebraska:	
AQ-63	Dec. 7, 1973
AQ-65	Dec. 14, 1973
New Mexico:	
AR-6	July 12, 1974
Puerto Rico:	
AQ-2117	May 10, 1974
Tennessee:	
AQ-4118; AQ-4119	May 31, 1974
AR-4010	July 12, 1974
Texas:	
AQ-97; AQ-98; AQ-106	May 10, 1974
AQ-115	June 21, 1974
AQ-121	June 28, 1974
AR-2	July 5, 1974
AR-4	July 12, 1974
Vermont:	
AQ-3184	June 28, 1974

SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decision being superseded.

Alabama:	
AQ-4002(AR-4013)	Aug. 3, 1973
Arkansas:	
AQ-4002(AR-4013)	Do.
Florida:	
AQ-4002(AR-4013)	Do.
Kentucky:	
AQ-4002(AR-4013)	Do.
Louisiana:	
AQ-4002(AR-4013)	Do.
Mississippi:	
AQ-4002(AR-4013)	Do.
Missouri:	
AQ-4002(AR-4013)	Aug. 13, 1973
New York:	
AP-859(AR-2011); AP-860(AR-2010)	July 6, 1973
Pennsylvania:	
AQ-2069(AR-2008)	Feb. 15, 1974
Tennessee:	
AQ-4002(AR-4013)	Aug. 3, 1973
Texas:	
AQ-68(AR-8); AQ-69(AR-9)	Dec. 28, 1973
AQ-70(AR-7)	Jan. 11, 1974
AQ-75(AR-10)	Feb. 2, 1974
AQ-4002(AR-4013)	Aug. 3, 1973
Wyoming:	
AQ-1043(AR-1004)	Oct. 5, 1973

Signed at Washington, D.C., this 19th day of July 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

DECISION #AQ-1115 - Mod. #2
(39 FR 22375 - June 21, 1974)
Statewide, Colorado

CHANGE:

TRUCK DRIVERS

PICKUPS; Helpers; Scalers;
Checkers; Spotters; Dumpmen

DUMP TRUCKS, to and including 6
cu. yds.; Sweeper; Flatrack,
single axle; Liquid and bulk
tankers, single axle; Warehouse-
men; Washers; Greasemen; Service-
men; Ambulance drivers, if used

DUMP TRUCKS, over 6 cu. yds. to and
including 12 cu. yds; Flatrack
tandem axle; Battery men; Mechanic
helpers; Material checkers; Cardex
men; Expeditors; Man haul shuttle
truck or bus

STRADDLE TRUCK; Lumber carrier;
Liquid and bulk tankers, tandem
axle

FORK LIFT, Fuel truck; Grease
truck; Combination fuel and
grease; Tirmen

DUMP TRUCKS, over 12 cu. yds., to &
including 19 cu. yds.; Distributor
Cement mixer; Agitator truck to
and including 10 cu. yds.; Liquid
and bulk tankers, semi or
combination

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$5.50	.35	.25	.10	
5.60	.35	.25	.10	
5.70	.35	.25	.10	
5.75	.35	.25	.10	
5.80	.35	.25	.10	
5.85	.35	.25	.10	

DECISION #AQ-1115 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$ 5.90	.35	.25	.10	
5.95	.35	.25	.10	
6.00	.35	.25	.10	
6.05	.35	.25	.10	
6.10	.35	.25	.10	
6.20	.35	.25	.10	
6.35	.35	.25	.10	
6.40	.35	.25	.10	
6.60	.35	.25	.10	
6.80	.35	.25	.10	
7.00	.35	.25	.10	

MULTI-PURPOSE TRUCK - Specialty
and hoisting

HIGH BOY; Lowboy; Floats; Semi;
Cab operated Distributor-Semi;
Liquid and bulk tankers, Euclid,
electric or similar; Dumptr, or
Youngbuggy, Jumbo and similar type
equipment

MECHANICS

DUMP TRUCKS, over 19 cu. yds. to
and including 29 cu. yds.; Truck
driver snow plow

CEMENT MIXER, Agitator over 10 cu.
yds. to and including 15 cu. yds.

DUMP TRUCKS, over 29 cu. yds. to
and including 39 cu. yds.; Heavy
duty diesel mechanics; Body men;
Welders or combination men

CEMENT MIXER, Agitator over 15 cu.
yds.

DUMP TRUCKS, over 39 cu. yds. to
and including 54 cu. yds.

DUMP TRUCKS, over 54 cu. yds. to
and including 79 cu. yds.

DUMP TRUCKS, over 79 cu. yds. to
and including 104 cu. yds.

DUMP TRUCKS, over 104 cu. yds.

DECISION #AQ-1116 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
DECISION #AQ-1116 - Mod. #1 (39 Fr 22380 - June 21, 1974) El Paso County, Colorado Change: TRUCK DRIVERS				
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen				
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	\$ 5.50	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mochanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.60	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.70	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Firemen	5.75	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to & including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.80	.25	.10	
	5.85	.25	.10	

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
MULTI-PURPOSE TRUCK - Specialty and hoisting	\$ 5.90	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, Euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.25	.10	
MECHANICS	6.00	.25	.10	
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	6.05	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.40	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.25	.10	

DECISION #AQ-1118 - Mod. #2
(39 FR 22391 - June 21, 1974)
Carfield, Gunnison, Mesa,
Montrose and Pitkin Counties,
Colorado

Change:

TRUCK DRIVERS

PICKUPS; Helpers; Scalemen;
Checkers; Spotters; Dumpmen

DUMP TRUCKS, to and including 6
cu. yds.; Sweeper; Flatrack,
single axle; Liquid and bulk
tankers, single axle; Warehouse-
men; Washers; Greasemen; Service-
men; Ambulance drivers, if used

DUMP TRUCKS, over 6 cu. yds. to and
including 12 cu. yds.; Flatrack
tandem axle; Battery men; Mechanic
helpers; Material checkers; Cardex
men; Expeditors; Man haul shuttle
truck or bus

STRADDLE TRUCK; Lumber carrier;
Liquid and bulk tankers, tandem
axle

FORK LIFT, Fuel truck; Grease
truck; Combination fuel and
grease; Firemen

DUMP TRUCKS, over 12 cu. yds., to &
including 19 cu. yds.; Distributor
Cement mixer; Agitator truck to
and including 10 cu. yds.; Liquid
and bulk tankers, semi or
combination

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$ 5.50	.35	.25	.10		
5.60	.35	.25	.10		
5.70	.35	.25	.10		
5.75	.35	.25	.10		
5.80	.35	.25	.10		
5.85	.35	.25	.10		

DECISION #AQ-1118 (Cont'd)

MULTI-PURPOSE TRUCK - Specialty
and hoisting

HIGH BOY; Lowboy; Floats; Semi;
Cab operated distributor-Semi;
Liquid and bulk tankers, Euclid,
electric or similar; Dumptor,
Youngbuggy, Jumbo and similar type
equipment

MECHANICS

DUMP TRUCKS, over 19 cu. yds. to
and including 29 cu. yds.; Truck
driver snow plow

CEMENT MIXER, Agitator over 10 cu.
yds. to and including 15 cu. yds.

DUMP TRUCKS, over 29 cu. yds. to
and including 39 cu. yds.; Heavy
duty diesel mechanics; Body men;
Welders or combination men

CEMENT MIXER, Agitator over 15 cu.
yds.

DUMP TRUCKS, over 39 cu. yds. to
and including 54 cu. yds.

DUMP TRUCKS, over 54 cu. yds. to
and including 79 cu. yds.

DUMP TRUCKS, over 79 cu. yds. to
and including 104 cu. yds.

DUMP TRUCKS, over 104 cu. yds.

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$ 5.90	.35	.25	.10		
5.95	.35	.25	.10		
6.00	.35	.25	.10		
6.05	.35	.25	.10		
6.10	.35	.25	.10		
6.20	.35	.25	.10		
6.35	.35	.25	.10		
6.40	.35	.25	.10		
6.60	.35	.25	.10		
6.80	.35	.25	.10		
7.00	.35	.25	.10		

DECISION #AR-1001 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 5.90	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting				
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, Euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment				
5.95	.35	.25	.10	
6.00	.35	.25	.10	
MECHANICS				
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow				
6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.				
6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men				
6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.				
6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.				
6.40	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.				
6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.				
6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.				
7.00	.35	.25	.10	

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehouse-men; Washers; Greasemen; Servicemen; Ambulance drivers, if used				
5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Van haul shuttle truck or bus				
5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle				
5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tirmen				
5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to & including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination				
5.85	.35	.25	.10	

DECISION #AR-1001 - Mod. #1
(39 FR 24794 - July 5, 1974)
Adams, Arapahoe, Boulder,
Clear Creek, Denver, Douglas,
Eagle, Elbert, Gilpin, Grant,
Jefferson, Lake, Larimer,
Morgan, Park, Summit and Weld
Counties, Colorado

Change:

TRUCK DRIVERS

PICKUPS; Helpers; Scalemen;
Checkers; Porters; Dumpmen

DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehouse-men; Washers; Greasemen; Servicemen; Ambulance drivers, if used

DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Van haul shuttle truck or bus

STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle

FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tirmen

DUMP TRUCKS, over 12 cu. yds., to & including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination

DECISION #AR-4001 - Mod. #2 (39 FR 24776 - July 5, 1974) Volusia County (except Cape Kennedy, Kennedy Space Flight Center, and Patrick Air Force Base only and including Melabar Radar Site), Florida	Fringe Benefits Payments				App. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Omit: Electricians Cable splicers	\$7.95 8.20	.30 .30	1% 1%		.5% .5%
Add: Electricians (except portion south of a line starting at a point on the Volusia-Lake County line west of Orange City and running east of this point to Orange City then southeast through Oak Hill to the Atlantic Ocean): Electricians Cable splicers Electricians (Remaining portion of County): Electricians Cable splicers	8.22 8.42 8.65 9.15	.25 .25 .30 .30	1% 1% 1% 1%		.5% .5% .5% .5%

DECISION #AQ-3171 - Mod. #3 (39 FR 17022 - May 10, 1974) Barnstable County, Massachusetts	Fringe Benefits Payments				App. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Change: Painters: Brush Spray & Structural steel- 1' to 50' Plumbers Remainder of County Terrazzo workers' helpers Tile setters' helpers	\$7.90 8.90 8.80 7.65 7.94	.30 .30 .51 .30 .40	.20 .20 .66 .25 .25		.15 .05
DECISION #AQ-3172 - Mod. #4 (39 FR 17026 - May 10, 1974) Bristol County, Massachusetts					
Change: Carpenters: Soft floor layers: Easton, N. Easton, & S. Easton Attleboro, N. Attleboro, & S. Attleboro Electricians: Residential Painters: Acushnet, Dartmouth, Fairhaven, New Bedford, N. Dartmouth, & S. Dartmouth Brush; Roller Spray & Steel (1' to 50') Plumbers: Steamfitters: Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Seekonk, Somerset, S. Dartmouth, Swansea, & Westport Remainder of County Terrazzo workers' helpers Tile setters' helpers	8.40 9.45 6.50 7.90 8.90 8.80 8.62 7.65 7.94	.50 .60 .50 .30 .30 .51 .60 .30 .40	.50 .50 1% .20 .20 .66 .73 .25 .25		.02 .07 .1% .15 .05
DECISION #AQ-3173 - Mod. #4 (39 FR 17030 - May 10, 1974) Essex County, Massachusetts					
Change: Carpenters: Soft floor layers: Amesbury, Roxford, Georgetown, Merrimack, Groveland, Haverhill, Newbury, Newburyport, Rowley, Salisbury, W. Newbury, Lynn, Lynnfield, Nahant, Saugus, & Swampscott Roofers: Haverhill and Lawrence Terrazzo workers' helpers Tile setters' helpers Plasterers' tenders	9.45 6.70 7.65 7.94 7.25	.60 .30 .40 .50	.50 .25 .25 .45	e	.07 .05 .05

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DECISION #AQ-3174 - Mod # 4 (39 FR 17035 - May 10, 1974) Hampden County, Massachusetts	Fringe Benefits Payments				App. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Change: Asbestos workers Electricians: Chester, Holyoke, & that portion of Chicopee Township north of the following line: McKinstry Avenue from the Connecticut River to Gratten Street; South on Gratten to Lafayette St; east on Lafayette to York St; north on York to McKinstry; east on McKinstry to Grady Road & protected to the Westover Air Force fence & that area north of Westover Field	\$9.00	.44	.45		.01
Roofers: Composition, damp & waterproofing Slate, tile, precast concrete	8.695 9.35	.59 .59	.61 .61	174.20	.01
DECISION #AQ-3175 - Mod #4 (39 FR 17039 - May 10, 1974) Middlesex County, Massachusetts					
Change: Carpenters; Soft floor layers: Ashland, Frammingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Sherborn, and Stow Remainder of County	8.90 9.45	.60 .60	.50 .50		.07 .07
Electricians: Ashland, Hopkinton, Hudson, Marlboro, and Stow Plasterers' tenders Terrazzo workers' helpers Tile setters' helpers	9.83 7.25 7.65 7.94	.57 .50 .30 .40	174.24 .45 .25 .25		.01 .05 .05
Bricklayers; Stonemasons: Arlington, Cambridge, Everett, Malden, Medford, Melrose & Somerville	9.05	.70	.90		.05
DECISION #AQ-3176 - Mod #6 (39 FR 17045 - May 10, 1974) Norfolk County, Massachusetts					
Change: Carpenters; Soft floor layers: Avon, Holbrook, Randolph, & Stoughton Bellingham, Franklin, Medfield, Medway, and Mills Remainder of County Plasterers' tenders Terrazzo workers' helpers Tile setters' helpers Bricklayers; Stonemasons: Brookline & Milton	8.40 8.675 9.45 7.25 7.65 7.94 9.05	.50 .60 .60 .50 .30 .40 .70	.50 .50 .50 .45 .25 .25 .90		.02 .07 .07 .05 .05 .05

DECISION #AQ-3177 - Mod #4
(39 FR 17048 - May 10, 1974)
Plymouth County, Massachusetts

Change:
Carpenters:
Duxbury, Hanover, Hingham, Hull, Marshfield, Norwell, Pembroke, Rockland, & Scituate
Arlington, Bridgewater, Brockton, Carver, E. Bridgewater, Halifax, Hanson, Kingston, Plymouth, Plympton, W. Bridgewater, and Whitman
Electricians:
Lakewood & Middleboro: Residential
Painters:
Marion, Mattapoisett, Rochester, & Wareham
Brush; Rollers; Taping
Spray & Steel (1' to 50')
Plasterers' tenders
Plumbers:
Marion, Mattapoisett, Rochester, & Wareham
Plumbers; Steamfitters:
Lakewood, Middleboro
Terrazzo workers' helpers
Tile setters' helpers

DECISION #AQ-3178 - Mod #3
(39 FR 17052 - May 10, 1974)
Suffolk County, Massachusetts

Change:
Bricklayers; Stonemasons
Plasterers' tenders
Terrazzo workers' helpers
Tile setters' helpers

DECISION #AQ-3180 - Mod #3
(39 FR 19367 - May 31, 1974)
Berkshire County, Massachusetts

Change:
Asbestos workers
Carpenters & Soft floor layers:
Remainder of County
Ironworkers, structural, ornamental, & reinforcing
Plumbers & Steamfitters:
Remainder of County
Roofers: Composition, damp & waterproof
Slate, tile and precast concrete

DECISION #AQ-3183 - Mod #2 (Continued) (39 FR 20923 - June 14, 1974) Worcester County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Terrazzo workers; Tile setters: Warren Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, & Westminster Remainder of County Terrazzo workers' helpers Tile setters' helpers	\$9.55 8.75 9.00 7.65 7.94	.55 .60 .70 .30 .40	.55 .50 .60 .25 .25		.03 .02 .05
Add: Tile setters: Hubbardston, Gardner, Phillipston, Petersham, Athol, Royalston, Winchendon	9.45	.60	.60		.04

DECISION #AQ-3181 - Mod #3 (39 FR 19371 - May 31, 1974) Franklin County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Change: Asbestos workers Carpenters & Soft floor layers: Erving, Warwick, Orange, & N. Orange Electricians: Remainder of County Roofers: Composition, damp waterproof Slate, tile, precast concrete	\$9.00 9.45 9.46 8.695 9.35	.44 .60 .35 .59 .59	.45 .50 17+.20 .61 .61		.01 .07 .01
DECISION #AQ-3182 - Mod #3 (39 FR 19375 - May 31, 1974) Hampshire County, Massachusetts					
Change: Asbestos workers Electricians: Remainder of County Roofers: Composition, damp, waterproof Slate, tile, precast concrete	9.00 9.46 8.695 9.35	.44 .35 .59 .59	.45 17+.20 .61 .61		.01 .01
DECISION #AQ-3183 - Mod #2 (39 FR 20923 - June 14, 1974) Worcester County, Massachusetts					
Change: Bricklayers: Cement masons; Plasterers; Stonemasons: Warren Carpenters; Soft floor layers: Ashburnham, Athol, E. Gardner, N. Templeton, Fitchburg, Gardner, Harvard, Leominster, Lunenburg, N. Leominster, Petersham, Phillipston, Royalston, S. Ashburnham, S. Royalston, Templeton, Westminster, Minchendon Berlin, Bolton, Clinton, Northboro, Southboro, Westboro Hopdale, Mendon, Milford, Upton, & W. Upton Remainder of County Electricians: Remainder of County Marble setter: Warren Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, Westminster Remainder of County Plasterers' tenders	9.55 9.45 8.90 8.675 9.55 9.83 9.55 8.75 9.00 7.25	.55 .60 .60 .60 5% .55 .60 .70 .50	.55 .50 .50 .50 17+.24 .55 .50 .60 .45		.03 .07 .07 .07 .01 .03 .02 .05

DECISION #AR-3050 - Mod. #1
(39 FR 25864 - July 12, 1974)
Carver, Hennepin & Scott Counties,
Minnesota

ADD:
Truck Drivers (Building, Site
Preparation, Excavation and
Incidental Paving) omitted
in original decision.

MTRN-62-TD-1-2-3

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Others
\$7.50	.35	.30			
7.20	.35	.30			
7.10	.35	.30			
6.90	.35	.30			

TRUCK DRIVERS

GROUP I

Driver (Hauling machinery for
employer's own use, including
operation of hand & power oper-
ated winches); Truck train Me-
chanic; Welder; Tractor-Trailer;
Off-Road Truck

GROUP II

Tri-Axle (incl. 4-Axles); Dump
Dry Batch Hauler; Tank Truck
(Gas, Oil, Road Oil & Water);
Boon & "A" Frame; Ready Mix
Concrete; Slurry Driver

GROUP III

Bituminous Distributor Driver;
Bituminous Distributor (1-Man
Operation); Tandem Axle

GROUP IV

Bituminous Distributor Spray
(rear-end off); Dumpmen;
Greaser & Truck Servicemen;
Tank Truck Helper (Gas, Oil,
Road Oil & Water) Teamster
& Stableman; Tractor Operator
(Wheel Type used for any purpose)
Pilot car driver; Self Propelled
Packer, Slurry Operator; Single
Axle Trucks

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DECISION NO. AQ-1076 - Mod. #1
(39 FR 4361 - February 1, 1974)
Cascade, Flathead, Hill,
Sanders and Valley Counties,
Montana

Change:
Carpenters:
Hill County
Carpenters

Omit:
Carpenters:
Hill County
Sawfilers, Stationary power
saw operator; Piledriver
Millwrights

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$6.36	.30	.45		.02
4.90 5.00	.225 .225	.25 .25		

DECISION #AQ-63 - Mod. #5 (38 FR 33895 - December 7, 1973) Douglas & Sarpy Counties, Nebraska				
Change: Asbestos workers	\$9.14	.40	1 1/2%	.03

DECISION #AQ-65 - Mod. #3 (38 FR 34597 - December 11, 1973) Lancaster County, Nebraska				
Change: Asbestos workers	\$9.14	.40	1 1/2%	.03

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DECISION #AR-6 - Mod. #1 (39 FR 25880 - July 12, 1974) Statewide, New Mexico	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Change: Elevator Constructors: Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Counties: Elevator Constructors Elevator constructors helper Chaves, Hidalgo, Dona Ana, Eddy, Grant, Lea, Luna, Otero and Sierra Counties: Elevator constructors Elevator constructors helper	\$7.585 70% 6.49 70%	.395 .395 .395 .395	.26 .26 .26 .26	2 1/2%+b+c 2 1/2%+b+c 2 1/2%+b+c 2 1/2%+b+c	.02 .02 .02 .02
DECISION NO. AQ-2117 Mod. #1 (39 FR 16979 - May 10, 1974) Island Wide, Puerto Rico					
Change: Residential Construction: Laborers	\$1.75				
DECISION NO. AQ-2019 Mod. #1 (38 FR 24847 - September 14, 1973) Island Wide, Puerto Rico					
Change: Heavy & Highway Construction Laborers	\$1.75				

DECISION #AQ-4118 - Mod. #3 (39 FR 19424 - May 31, 1974) Hamilton County, Tennessee	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Change: Roofers: Composition, damp & water- proofers Slate and tile Kettlemen	\$6.95 7.15 6.60		.10 .10 .10		
DECISION #AQ-4119 - Mod. #4 (39 FR 19427 - May 31, 1974) Knox County, Tennessee					
Change: Plasterers	7.50				
DECISION #AR-4010 - Mod. #1 (39 FR 25921 - July 12, 1974) Shelby County, Tennessee					
Change: Elevator constructors Elevator constructors' helpers	7.52 70%JR	.395 .395	.26 .26	2 1/2%+b 2 1/2%+b	.02 .02

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Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
<p><u>DECISION #AQ-97 - Mod. #4</u> (39 FR 16981 - May 10, 1974) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas</p> <p><u>Change:</u> Building Construction: Electricians: Bosque, Falls, Hill & McLennan Counties; Parts of Bell & Coryell Counties (north of Cowhouse Creek) Parts of Bell & Coryell Counties (south of Cowhouse Creek) Ironworkers Roofers: Slate, tile, asbestos, roofing & siding Composition, built-up, damp & waterproofing</p>	\$7.55 8.20 7.265 5.50 5.35	1% 1% .60 .55			1/4% .8% .12 .03 .03
<p><u>DECISION #AQ-98 - Mod. #3</u> (39 FR 17080 - May 10, 1974) Kleberg & Nueces Counties, Texas</p> <p><u>Change:</u> Painters: Brush Spray Sign Plumbers-Steamfitters Sheet metal workers</p>	5.99 6.39 6.24 6.70 6.52	.25 .25 .25 .15 .15	.25 .25 .25 .25 .25		2/10% 2/10% 2/10% .035 .01

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
<p><u>DECISION #AQ-106 - Mod. #3</u> (39 FR 17084 - May 10, 1974) Galveston & Harris Counties, Texas</p> <p><u>Change:</u> Lathers (Harris County only) Line construction: Lineman Groundmen Groundmen (1st 6 mos.)</p>	\$7.97 8.575 5.87 4.29	.20 .28 .28 .28	.15 1% 1% 1%		.02 1/2% 1/2% 1/2%
<p><u>DECISION #AQ-115 - Mod. #1</u> (39 FR 22364 - June 21, 1974) Wichita County, Texas</p> <p><u>Change:</u> Elevator constructors Elevator constructors' helpers Elevator constructors' helpers (prob.) Power equipment operators: Group 1 Group 2 Group 3</p>	7.505 7.0%JR 5.0%JR 5.60 6.50 6.90	.395 .395 .30 .30 .30	.26 .26 2.5%+a+b 2.5%+a+b .50 .50 .50		.02 .02 .10 .10 .10
<p><u>DECISION #AQ-121 - Mod. #1</u> (39 FR 24199 - June 28, 1974) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas</p> <p><u>Change:</u> Bricklayers Carpenters Cement masons Painters</p>	7.85 7.50 6.70 5.75		.15		

STATES: ALABAMA, ARKANSAS, FLORIDA (WEST OF THE AUCILLA RIVER), KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, TEXAS, AND TENNESSEE
 DECISION NUMBER: AR-4013
 DATE: Date of Publication
 Supersedes Decision No. AQ-4002 dated August 3, 1973 in 38 FR 21037
 DESCRIPTION OF WORK: Dredging along the Gulf Coast Area including the Mississippi River and its Tributaries from it's mouth to the mouth of the Ohio River.

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
DECISION #AR-2 - Mod. #1 (39 FR 24810 - July 5, 1974) Cameron, Hidalgo, Starr & Willacy Counties, Texas Change: Carpenters: Carpenters	\$5.00				.025
DECISION #AR-4 - Mod. #1 (39 FR 25924 - July 12, 1974) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties, Texas Change: Tile setters: Zone 1	8.30	.15			
DECISION #AQ-3184 - Mod # 1 (39 FR 24203- June 28, 1974) Statewide, except Rutland County, Vermont Change: Laborers: Addison, Caledonia, Chittenden, Essex Franklin, Grand Isle, Lamoille, Orange, Orleans, Washington, and Windsor Counties Laborers, Chuck tenders Air tool ops, Drillers, Pipelayers, Powdermen, Scales, & Vibrator ops Blasters Bennington and Windham Counties: Laborers, Asphalt rakers Air tool ops, Concrete pipelayers, Scales on boatmen's chair, Vibrators and Wagon drillers Blasters & Powdermen	\$3.85 4.10 4.35 3.95 4.20 4.45	.15 .15 .15 .15 .15 .15			

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
Derrick operators Dozer operators Marsh crane operators Marsh crane oilers	\$3.14 3.80 3.99 2.48				
HYDRAULIC DREDGING: Chief cook Second cook Cook helper Janitor (Cabin boy) Handyman Dredges under 16 inches: Leverman 2nd assistant engineer Dredge tender operator Deckhand Oiler Welder	2.77 2.44 2.22 2.22 2.79 3.31 3.05 2.75 2.25 2.31 3.00				
Dredges 16 inches and over: Leverman Dredge tender operator 1st assistant engineer 2nd assistant engineer 3rd assistant engineer Deckhand Laborer Truck driver Oiler Welder Firemen	4.08 3.42 4.02 3.61 3.40 2.52 2.45 2.70 2.70 3.65 2.92				
BUCKET DREDGING: Leverman Oiler Handyman Deckhand Cook	3.60 2.57 2.60 2.35 2.53				

SUPERSEDES DECISION

STATE: NEW YORK

DECISION NO.:AR-2010

COUNTY: RENSSELAER

DATE: DATE OF PUBLICATION

Supersedeas Decision No. AP-860 dated July 6, 1973 in 38 FR 18160

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				Others
		H & W	Pensions	Vacation	App. Tr.	
Asbestos workers	\$8.93	.32	.18		.02	
Boilermakers	9.08	.60	10%		.02	
Bricklayers	8.20	.30	.40			
Carpenters, Building:						
Carpenters	8.07	.50	.50		.02	
Millwrights	8.47	.50	.50		.02	
Carpenters, Heavy and Highway:						
Cement masons, building	8.22	.50	.50		.02	
Cement masons, heavy and highway	8.20	.30	.40			
Electricians:	7.80	.40	.30			
Rensselaer, Greenbush, Castleton on Hudson and Nassau	9.35	.30	1 1/4 .50	a		
Remainder of County	9.30	.50	1 1/4 .25	g		
Elevator constructors	8.475	.345	.23	2%+b+c	.015	
Elevator constructors' helpers	5.93	.345	.23	2%+b+c	.015	
Elevator constructors' helpers (prob.)	4.24					
Ironworkers, structural, ornamental and reinforcing	8.84	.55	.85		.04	
Laborers, Building:						
Begin at Hudson River extending easterly along Washington Ave., Rensselaer to West Sand Lake to Cherry Plains into the Nass., Line:	7.05	.50	.65			
Laborers						
Pipelayers (2 man team), hod carriers, mortar mixers (hand or machine), jackhammer op., well pointing, all air or gas driven tools, vibrators, power driven buggies	7.20	.50	.65			
Demolition						
Form setters (curb)	7.30	.50	.65			
Wagon drill operator	7.225	.50	.65			
Acetylene burners	7.275	.50	.65			
Blasters	7.325	.50	.65			
Remainder of County:	7.30	.50	.65			
Laborers						
Elasters	7.60	.55	.70		.02	
Acetylene burners	8.075	.55	.70		.02	
Wagon drills	7.875	.55	.70		.02	
Form setters (curb)	7.825	.55	.70		.02	
Blasters	7.775	.55	.70		.02	
Demolition						
Pipelayers, hod carriers, mortar mixer, (hand or machine), jackhammer, well pointing, air or gas driven tools, power buggies, air and gas hammers and drills, electric hammers 50 lbs., or over and air, gas or electric tamper and vib.	7.85	.55	.70		.02	
	7.75	.55	.70		.02	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

Lathers
Lead burners
Linemen:
Linemen, cable splicer helper, and

Basic Hourly Rates	Fringe Benefits Payments					App. Tr.	Others
	H & W	Families	Vacation				
\$7.96	.25	.10			.01		
9.25	.35				.01		
9.33	.50	1 1/2+.40			3/8of1%		
8.80	.50	1 1/2+.40			3/8of1%		
8.30	.50	1 1/2+.40			3/8of1%		
7.90	.50	1 1/2+.40			3/8of1%		
8.30	.50	1 1/2+.40			3/8of1%		
10.08	.50	1 1/2+.40			3/8of1%		
7.97		.35					
8.72		.35					
9.07		.35					
9.61	.95	1.53			.02		
8.20	.30	.40		.61			
8.20	.50	.85			.04		
8.60	.35	.62			.05		
8.30	.63	.30			.02		
8.85	.40	3 1/2+.30			.05		
8.07	.50	.70			.02		
9.45	.50	.70			.08		
8.20	.30	.40					
7.09	.37	.37		f	.02		
7.24	.37	.37		f	.02		
7.34	.37	.37		f	.02		

PAID HOL. DAYS:

A-New Year's Day; **B**-Memorial Day; **C**-Independence Day; **D**-Labor Day; **E**-Thanksgiving Day; **F**-Christmas Day

FOOTNOTES:

a. Holidays: E

b. Holidays: A through F.

c. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation pay Credit.

d. **Holidays:** A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

ee. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

f. One week's vacation after one year's work; 2 weeks' vacation after 5 year's work.

2. Holiday "E" provided employee reports for work the day following the holiday.

h. Employer contributes \$15.00 per year to an Apprentice Training Program.

HEAVY AND HIGHWAY CONSTRUCTION

LABORERS:

Laborers and driller helpers
Concrete aggregate bin, mortar
mixer, hand or machine vibrator
Miner, hand or machine
gin buggy, mason tenders, con-
crete boommen, chain saw, jack-
hammer, pavement breaker and all
other gas, electric oil and air-
tool operators, bull float tamper
pipe layers
Drillers, asphalt rakers, stone
or granite curb setters and
acetylene torch operator
Blasters, form setters, stone or
granite curb setters

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas
Day.

FOOTNOTE:

a. Holidays A through F, providing the employee works the day before and after the holiday.

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$6.75	.55	.70	a	
6.95	.55	.70	a	
7.15	.55	.70	a	
7.35	.55	.70	a	

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REMAINDER OF COUNTY:

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over, head tower (saucerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or male, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is mated, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted, boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pumpcrete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cot

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, but subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (165 and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heater-man, revivinus widener, shell winder, steam cleaner, tractor

N.Y. 3-PFO-1-H

Hourly Rate	PERCENT BENEFITS PAYABLE			
	Health	Retirement	Vacation	Disability
\$7.91	.70	.40	a	.10
7.96	.70	.40	a	.10
8.05	.70	.40	a	.10
8.22	.70	.40	a	.10
8.49	.70	.40	a	.10
8.605	.70	.40	a	.10
8.76	.70	.40	a	.10

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City of Troy, Building, Heavy & Highway Construction; Remainder of County: Building Construction

Power Equipment Operators:

Oilers
Firemen and heavy duty greasers, all boilers and steam generators
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over
Pinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoops, bulldozers, road rollers, form fine graders, power brooms and sweepers
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, excavators, core and well drillers (one drum), A-L frame winches, power hoisting (single drum) LeTourneau graders or scrapers, trenching machines, push cart
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMB Vibrotamp or similar machines, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master) euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

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N.Y. 1-TD-2-3 - G

HEAVY AND HIGHWAY CONSTRUCTION

TRUCK DRIVERS:

Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser

Tandems and batch trucks, mechanics dispatcher

Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles

Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded

Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

REMAINDER OF COUNTY:

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS

GROUP I
GROUP II
GROUP III
GROUP IV

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes \$.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the works the day day before and after the holiday.

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$8.70	.45	.45+a	b	.10
8.40	.45	.45+a	b	.10
7.85	.45	.45+a	b	.10
7.15	.45	.45+a	b	.10

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$6.46	.45	.40	a	
6.51	.45	.40	a	
6.56	.45	.40	a	
6.71	.45	.40	a	
6.86	.45	.40	a	

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SUPERSEDEAS DECISION

STATE: NEW YORK

DECISION NO.: AR-2011

COUNTY: SCHENECTADY
DATE: DATE OF PUBLICATION

Supersedeas Decision No. AP-859 dated July 6, 1973 in 38 FR 18156
DESCRIPTION OF WORK: Building Construction, (excluding single family
homes and garden type apartments up to and including 4 stories),
heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr. Others
BUILDING, HWY. & HWY. CONSTRUCTION					
Asbestos workers	\$8.93	.32	.18		.02
Boilermakers	9.08	.60	10%		.01
Bricklayers, cement masons, plasterers, stone masons, caulkers & pointers	8.20	.30	.40		
Carpenters:					
Carpenters and soft floor layers, build- ing	8.07	.50	.50		.02
Millwrights, building	8.47	.50	.50		.02
Carpenters, heavy and highway	8.22	.50	.50		.025
Cement masons, heavy and highway	7.80	.40	.30		.05
Electricians	9.05	.35	1% + .70	a	.015
Elevator constructors	8.475	.345	.23	2%+a+b	.015
Elevator constructors' helpers	5.93	.345	.23	2%+a+b	.015
Elevator constructors' (probationary) helpers	4.25				
Ironworkers, structural, ornamental and reinforcing	8.84	.55	.85		.04
Laborers, Building:					
Laborers	7.05	.50	.65		
Air tool op. (jackhammer, vibrator)	7.20	.50	.65		
Asphalt takers					
Mortar mixers, hand or machine	7.20	.50	.65		
Wagon drill	7.275	.50	.65		
Blasters	7.525	.50	.65		
Acetylene burners	7.325	.50	.65		
Demolition	7.30	.50	.65		
Lathers	7.935	.275	.10	c	.01
Lead burners	9.25	.35			.01
Line Construction:					
Linemen, cable splicer helpers' and material man	9.33	.50	.40	d	3/8of1%
Cable splicer	10.08	.50	.40	d	3/8of1%
Groundman digging machine operator	8.80	.50	.40	d	3/8of1%
Groundman mobile equipment operator	8.30	.50	.40	d	3/8of1%
Groundman truck driver and mechanic	7.90	.50	.40	d	3/8of1%
Groundman dynamite man	8.30	.50	.40	d	3/8of1%
Painters:					
Brush	7.97		.35		
Structural steel and bridge	8.72		.35		

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BUILDING, HWY. & HWY. CONSTRUCTION

Painters: (Cont'd)

Spray
towers, flagpoles & window jacks
Piledrivermen and dock builders
Plumbers and steam fitters
Roofers
Sheet metal workers
Sprinkler fitters
Truck drivers, building:
 Straight, winch, transit-mix and road
 oilers
Euclids
Dump, pick-up, panel, water & fuel
Lowboy or lowboy trailer

Welders - Receive rate for craft per-
forming operation to which welding is
incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day;
F-Christmas Day.

FOOTNOTES:

- Holidays: D and E; 2 hours on Election Day. Holidays: A through F.
- Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.
- Holidays: A through F, Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).
- One week's vacation after one year's work; 2 weeks' vacation after 5 years work.

NOTICES

27403

NY-29-LAB-2-3-G

N.Y. 3-PTO-1-F

Building, Heavy & Highway Construction
in City of Schenectady and Building
Construction in Remainder of County.

HEAVY AND HIGHWAY CONSTRUCTION

LABORERS:

Laborers and driller helpers
Concrete aggregate bin, mortar
mixer, hand or machine vibrator
gin buggy, mason tenders, con-
crete bootmen, chain saw, jack-
hammer, pavement breaker and all
other gas, electric oil and air-
tool operators, bull float
tamper, pipelayers
Drillers, asphalt takers, stone
or granite curb setters and
acetylene torch operator
Elasters, form setters, stone or
granite curb setters

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas
Day.

FOOTNOTE:

a. Holidays A through F, provid-
ing the employee works the day
before and after the holiday.

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$6.75	.55	.70	a		
6.95	.55	.70	a		
7.15	.55	.70	a		
7.35	.55	.70	a		

Power Equipment Operators:

Oilers

Firemen and heavy duty greasers, all
boilers and steam generators
pumps, vibrators, concrete mixers,
spreaders, concrete finishing machines,
mortar mixers, air compressors, dust
collectors, welding machines well
points, two or more Herman Nelson and
like heaters, batch and plant op.,
seed and mulching machines, generators,
temporary light plants, concrete pump,
beltcrete power pac (beltcrete system),
electric submersible pump 4" and over
Dinky locomotives, Barber Greene loaders,
loaders and conveyors, tractors, scoopmobiles,
bulldozers, road rollers, form fine graders,
power brooms and sweepers

Black top spreaders, black top rollers,
high lifts, fork lifts, one drum
hoist or hoist, post hole diggers,
traxcavators, core and well drillers (one drum),
economobile and similar type machines, elevators,
A-L frame winches, power hoisting (single drum)
LeTourneau graders or scrapers, trenching
machines, push cart

Tractor road pavers, cranes, power road graders,
shovels, backhoes, draglines, pile drivers,
hoists two or more drums, three drum engines,
hysters, two drum and swinging engines, three
drum swinging engine, locomotive cranes,
gradalls, hydrocrane, model CH3 Vibrotamp
or similar machines, Murphy type diesel
generator-beltcrete system, side booms,
hydro hammer, tractor mounted drill (quarry master)
euclid loaders, concrete pumps, all CMT
equipment, concrete central mix plant, automated
asphalt concrete plant, derrick, whirlies,
tower cranes, cableways, hydraulic cranes,
power hoisting (2 drum and over), mucking machine

Maintenance engineer

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

Basic Hourly Rate	Fringe Benefits Payments				App. Tr.	Other
	H & W	Pensions	Vacation			
6.74	.65	.35	a		.10	
6.87	.65	.35	a		.10	
6.93	.65	.35	a		.10	
7.12	.65	.35	a		.10	
7.26	.65	.35	a		.10	
7.425	.65	.35	a		.10	
7.48	.65	.35	a		.10	
7.51	.65	.35	a		.10	

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Building, Heavy & Highway Construction
in the City of Schenectady and Building
Construction in Remainder of County.

Power Equipment Operators:

Oilers

Firemen and heavy duty greasers, all
boilers and steam generators
pumps, vibrators, concrete mixers,
spreaders, concrete finishing machines,
mortar mixers, air compressors, dust
collectors, welding machines well
points, two or more Hernan-Nelson and
like heaters, batch and plant op.,
seed and mulching machines, generators,
temporary light plants, concrete pump,
beltcrete power pac (beltcrete system),
electric submersible pump 4" and over
Dinky locomotives, Barber Greene loaders,
loaders and conveyors, tractors, scoomobiles,
bulldozers, road rollers, form fine graders,
power brooms and sweepers
Black top spreaders, black top rollers,
high lifts, fork lifts, one drum
hoist or lod hoists, post hole diggers,
traxcavators, core and well drillers (one drum),
economobile and similar type machines, elevators,
A-L frame winches, power hoisting(single drum)
Lefournau graders or scrapers, trenching
machines, push cart
Tractor road pavers, cranes, power road graders,
shovels, backhoes, draglines, pile drivers,
hoists two or more drums, three drum engines,
hysters, two drum and swinging engines, three
drum swinging engine, locomotive cranes,
gradalls, hydrocrane, model CHB Vibrotamp
or similar machines, Murphy type diesel
generator-beltcrete system, side booms,
hydro hammer, tractor mounted drill (quarry master)
euclid loaders, concrete pumps, all CMI
equipment, concrete central mix plant, automated
asphalt concrete plant, derrick, whirlies,
tower cranes, cablways, hydraulic cranes,
power hoisting (2 drum and over), mucking machine

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

N.Y. 3-PEO-1- H	PAID BENEFIT ADJUSTMENTS			
	Base Rate	Fixed Rate	Variation	Adj. Tr.
	\$7.91	.70	.40	a .10
	7.96	.70	.40	a .10
	8.05	.70	.40	a .10
	8.22	.70	.40	a .10
	8.49	.70	.40	a .10
	8.605	.70	.40	a .10
	8.76	.70	.40	a .10

REMAINDER OF COUNTY:

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (saueman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or male, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 165), concrete pump (under 8'), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be on oiler), locomotive, maintenance/engineer/grease man/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pumpcrete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch out

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, but subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (165 and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, Parapet concrete or pavement grinder, power broom (towed), power heater-man, revinipus widener, shell winder, steam cleaner, tractor

REMAINDER OF COUNTY:

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS

GROUP I
GROUP II
GROUP III
GROUP IV

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes \$.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F, providing the works the day day before and after the holiday.

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	M & W	Pensions	Vacation		
\$8.70	.45	.45+a	b		.10
8.40	.45	.45+a	b		.10
7.85	.45	.45+a	b		.10
7.15	.45	.45+a	b		.10

HEAVY AND HIGHWAY CONSTRUCTION

TRUCK DRIVERS:

Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers, and parts chaser
Tandems and batch trucks, mechanics dispatcher
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Others
	M & W	Pensions	Vacation			
\$6.46	.45	.40	a			
6.51	.45	.40	a			
6.56	.45	.40	a			
6.71	.45	.40	a			
6.86	.45	.40	a			

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SUPERSEDES DECISION

STATE: Pennsylvania
 COUNTY: Luzerne
 DECISION NO.: AR-2008
 DATE: Date of Publication
 Supersedes Decision No. AQ-2069, dated February 15, 1974, in 39 FR 6038.
 DESCRIPTION OF WORK: Building Construction, including single family homes and garden type apartments up to and including 4 stories.

40-PA-1-U 1 of 4

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
Asbestos workers	\$9.00	.50	.35		.01	
Boilermakers	9.12	.50	.100	.25	.01	
Bricklayers and Stonemasons	8.30	.20		c		
Avoca, Exeter, & Pittston	8.00	.30	.50			
Hazleton, Berwick & Freeland:						
Commercial						
Nescopceek, Hollenback & Salem						
Typs.	8.50	.30	.50			
Remainder of County	8.60	.35				
Carpenters:						
Hazleton and Freeland:	7.65	.25	.25		.02	
Commercial & Industrial	8.60	.25	.35		.02	
Remainder of County						
Cement Masons:						
Pittston, Yatesville, Laflin,	7.70	.40	.40			
Exeter Wyoming, Duryea & Avoca	8.075					
Hazleton and Freeland	9.20					
Remainder of County						
Electricians (Hazleton)	9.12	.35	1 1/4 .25	f	.12	
Commercial	9.15	.30	1 1/4 .35	.35	.005	
Remainder of County	7.66	.195	.20	1-1/2 a+b	.005	
Elevator Constructors' helpers	5.36	.195	.20	1-1/2 a+b	.005	
Elevator Constructors' helpers						
(Prob)	3.83					
Glassers	7.75	.35	.30			
Ironworkers:						
Structural and Ornamental	9.15	d			.05	
Reinforcing	8.95	d			.05	
Laborers (Hazleton)	6.23	.25	.35			
Mason Tenders including Scaffold						
Builders	6.63	.25	.35			
Pneumatic, electrical & mechanical						
tool operators, 2" pumps-non						
metallic pipelaying and making						
joint clay, terra cotta, ironstone						
vitriified concrete, handling of						
burning torches asphalt or other						
hot materials, cement finishers						
and blasters helpers, power						
buggies, walk along hoist	6.33	.25	.35			

40-PA-1-U 2 of 4

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
BUILDING CONSTRUCTION						
Plasterers tenders, blasters, and wagon drill operators	\$6.48	.25	.35			
Laborers: Remainder of County						
Unskilled laborers	7.17	.25	.35			
Semi skilled laborers, Pneumatic and other mechanical tool ops; 2" pump or under, handling and mixing of all material used by masons from stock pile to mason, Non-metallic pipelayer and making of joints, clay, terra cotta, ironstone, vitrified concrete, handling of burning torches asphalt or other hot material, cement finishers and blasters helpers	7.37	.25	.35			
Plasterers tenders, blaster, wagon drill ops.	7.49	.25	.35			
Mason tenders & scaffold builders	7.57	.25	.35			
Lathers:						
Pittston, Avoca, Dupont & Duryea	8.08		.10		.01	
Remainder of County	9.08		.15	e	.01	
Leadburners	9.25	.35			.01	
Line Construction:						
Linemen, Dynamite man, Heavy equipment operator	9.04	.20	1%			
Groundman	6.15	.20	1%			
Groundman - truck driver	6.41	.20	1%			
Marble setters:						
Pittston	8.15	.20				
Hazleton	7.50	.35	.50			
Remainder of County	8.32					
Millwrights	8.79	.25	.25		.02	
Pittston:						
Brush, Commercial	5.85					
Industrial	6.64					
Remainder of County						
Brush	7.00	.30	.30		.05	
Tapers	7.26	.30	.30		.05	
Hazardous	8.26	.30	.30		.05	
Piledriversmen	9.92	1.28	.90	g	.07	

40-PA-1-U 3 of 4

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & W	Pensions	Vacation	
Plasterers:					
Hazleton	\$7.05				
Pittston, Yatesville, Laflin, Exeter, Wyoming, Duryea and Avoca	7.85 8.25	.40	.40		
Plumbers:					
Remainder of County	7.77	.35	.75		.06
Pittston					
Hazleton:					
Commercial	7.70	.30	.25		.03
Wilkes Barre	8.51	.35	.50		.40
Roofers, composition & Kettlemen	7.60	.50	.40		.04
Sheet metal workers	8.97	.55	.40		.02
Soft floor layers	7.79	.25	.35		.08
Sprinkler fitters	9.45	.50	.70		
Steamfitters:					
Wilkes Barre	7.77	.35	.75		.06
Pittston	7.77	.35	.70		.06
Hazleton	7.70	.30	.25		
Truck Drivers: Pittston:					
Truck Drivers:					
Class I					
Helper, Stake Body Truck (single axle Dumpster)	6.57				
Class II					
Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Concrete Type Vehicles					
Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.64				
Class III					
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double-Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	7.13				
Remainder of County:					
Pickups service dump and flat incl. z license	7.32	h	j		

40-PA-1-U 4 of 4

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & W	Pensions	Vacation	
Truck Drivers (CONT'D)					
All trucks over z license	\$7.37	h	j		
Fork lifts, tow motors, front and pneumatic tired loaders	7.33	h	j		
Welder receive rate for craft					
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
FOOTNOTES:					
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.					
b. Six paid holidays: A through F.					
c. Paid Holiday: July 4th.					
d. Employer contributes \$1.50 per hour to health and welfare and pension fund.					
e. Eight(8) paid holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.					
f. Paid Holidays: July 4th and Labor Day.					
g. Paid Holidays: Washington's Birthday, Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans' Day; and Thanksgiving Day.					
h. \$41.00 per month for employees who have worked 60 hours or more during the month.					
j. \$25.00 per month to employee employed for over 13 weeks.					

NOTICES

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POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

PA-22-PEO-1- E 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
WAGE GROUP I Machines doing back work, saw machine handling machinery, cable spinning machines, helicopters, machines similar to the above	\$10.19	4.6%	9.5%	a	1.2%
WAGE GROUP II All types of cranes, all types of back-hoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3- $\frac{1}{2}$ cu. yd. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above	9.90	4.6%	9.5%	a	1.2%
WAGE GROUP III Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3- $\frac{1}{2}$ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	9.02	4.6%	9.5%	a	1.2%
WAGE GROUP IV Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above	8.25	4.6%	9.5%	a	1.2%
WAGE GROUP V Fireman, grease truck	7.77	4.6%	9.5%	a	1.2%
WAGE GROUP VI Oilers and deck hands (personnel boats), core drill helper	6.85	4.6%	9.5%	a	1.2%

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POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION
(CONTINUE)

PA-22-PEO-1- E 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
WAGE GROUP VII All machines with booms (including jib, masts, leads, etc.): 100 ft. and over 150 ft. and over 200 ft. and over	10.44 10.69 10.94	4.6% 4.6% 4.6%	9.5% 9.5% 9.5%	a a a	1.2% 1.2% 1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

NOTICES

27409

STATE: Texas
 COUNTY: Travis
 DATE: Date of Publication
 SUPERSEDES DECISION No. AQ-70, dated January 11, 1976, in 39 FR 1713.
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AQ-118 for Paving & Utilities Incidental to Building Construction).

DECISION NO. AR-7

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION:					
Linemen	\$7.87	.28	1%		1/2%
Groundmen	5.67	.28	1%		1/2%
Groundmen (last 6 mos.)	4.58	.28	1%		1/2%
MARBLE SETTERS	6.85				
MARBLE SETTERS' HELPERS	4.02				
PAINTERS:					
Brush; Taping & floating of sheetrock	6.35				
Paperhangers; Chipper, burner, torch; Skelton steelwork erected	6.60				
Spray; Steam cleaning, sand blast & other powered equipment	6.85				
Swinging stage, boson chair, window jack or scaffold (above 2nd floor) - 25c per hour above all base rates					
PLASTERERS	7.40	.25	.25		.01
PLUMBERS & STEAMFITTERS	7.85	.20	.25		.03
POWER EQUIPMENT OPERATORS:					
GROUP 1	7.38		.40		
GROUP 2	6.46		.40		
GROUP 3	5.43		.40		
GROUP 4	5.33		.40		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor Driven, two drums or more; Mix Mobile; High-Lifts & loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Franching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel, Power Operated; Pump Crete Machine; Clam Shell Operator; Rock Crusher Operated on Job; Welding Machine, 6 to 12; Two 125 cu. ft. Compressors; Well points, including installations

GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulso-meter; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2 1/2 in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machine or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator

GROUP 3 - Fireman

GROUP 4 - Oiler

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$7.68	.30	.30		.08
BOTTLEMAKERS	7.00	.30	.76		.02
BRICKLAYERS & STONEMASONS	7.45	.35	.20		.03
CARPENTERS:					
Carpenters	7.08	.38	.30		.02
Millwrights	7.33	.38	.30		.02
CEMENT MASONS	6.49	.30	.10		
ELECTRICIANS:					
Electricians & cable splicers	8.20		1%		.8%
ELEVATOR CONSTRUCTORS:					
Elevator constructors	6.83	.395	.26	2.5%+ab	.02
Elevator constructors' helpers	70%JR	.395	.26	2.5%+ab	.02
Elevator constructors' helpers (prob.)	50%JR				
FOOTNOTES:					
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.					
b - Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day					
GLAZIERS	6.31		.20		.12
IRONWORKERS	7.265	.55	.60		
LABORERS:					
General laborer and pier hole men	4.225	.275	.15		.02
Mason tender; Pipelayer (concrete & clay); Cement finisher tender; scaffold builder; gunnite & cement work mixer & power tool operator	4.375	.275	.15		.02
Plaster tender; Hod carrier; Mortar mixer; Lather tender; Water or damp proofers	4.55	.275	.15		.02
Gunnite over 1 1/2" thick; Nozzlement; Machine operator; Powderman & blaster	4.625	.275	.15		.02
LATHERS	7.525	.20			.01

DECISION NO. AR-7

ROOFERS:

Roofers
Kettlemen
SHEET METAL WORKERS
SOFT FLOOR LAYERS
SPRINKLER FITTERS
TERRAZZO WORKERS
TERRAZZO WORKERS' HELPERS:
Terrazzo helpers
Floor machine operators
Base machine operators
TILE SETTERS
TILE SETTERS' HELPERS
WELDERS - receive rate prescribed
for craft performing operation
to which welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$5.23				.01
5.00				.01
7.35	.30	.30		.05
6.62	.25	.10		.05
8.50	.40	.60		.07
6.85				
4.02				
4.22				
4.37				
6.85				
4.02				

STATE: Texas

SUFENSEDEAS DECISION

COUNTIES: Cameron, Hidalgo, Starr,
& Willacy

DECISION NO.: AR-8

DATE: Date of Publication

Supersedes Decision No. AQ-68, dated December 28, 1973, in 38 FR 35580.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes
and garden type apartments up to and including 4 stories). (See General Wage
Determination AQ-118 for Paving & Utilities incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$7.205	.35	.295		.02
BOILERMAKERS	7.00	.30	.76		
BRICKLAYERS	5.57				
CARPENTERS:					
Carpenters	5.00				.025
Piledrivers	4.67				
CEMENT MASONS	3.50		1%		1%
ELECTRICIANS	5.86				
GLAZIERS	2.75				
LABORERS:					
Common laborers	2.00				
Mason tenders	2.00				
Pipelayers (concrete & clay)	2.00				
LINE CONSTRUCTION:					
Linemen	5.58	.28	1%		1 1/2%
Groundmen	3.53	.28	1%		1 1/2%
Groundmen, 1st 6 mos.	2.43	.28	1%		1 1/2%
PAINTERS:					
Brush	2.60				
PLASTERERS	5.00	.18			.05
PLUMBERS & PIPEFITTERS	6.20				
ROOFERS:					
Roofers	3.00				
Kettlemen	2.05				
SOFT FLOOR LAYERS	2.00				
SPRINKLER FITTERS	8.50				
TERRAZZO WORKERS	2.50				
TERRAZZO WORKERS' HELPERS	2.00	.40	.60		.07
TILE SETTERS	2.50				
TILE SETTERS' HELPERS	2.00				
TRUCK DRIVERS	2.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

STATE: Texas

COUNTY: Lubbock

DECISION NO.: AR-9

DATE: Date of Publication

Supersedes Decision No. AQ-69, dated December 28, 1973, in 38 FR 35582.
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AQ-118 for Paving & Utilities Incidental to Building Construction).

	Fringe Benefits Payments				App. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$7.45	.35	.30		.02
BOILERMAKERS	7.00	.30	.76		.02
BRICKLAYERS & STONEMASONS	7.25				
CARPENTERS	6.00	.30	.30		.01
CEMENT MASONS	5.75				
ELECTRICIANS:					
Electricians	7.35	.30	1%		1/10%
Cable splicers	7.75	.30	1%		1/10%
IRONWORKERS:					
Structural; Ornamental; Reinforcing	6.38	.40	.50		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	6.505	.40	.50		.10
LABORERS:					
GROUP 1	3.925	.275	.10		.01
GROUP 2	4.20	.275	.10		.01
GROUP 3	4.125	.275	.10		.01
GROUP 4	4.275	.275	.10		.01
GROUP 5	4.525	.275	.10		.01

CLASSIFICATION DEFINITIONS

GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading and unloading materials, wrecking buildings and all structures and all construction laborers except those named below
 GROUP 2 - Air tool operator (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete and clay and all non-metallic pipe); handling, laying and cleaning pumpcrete pipe
 GROUP 3 - Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders
 GROUP 4 - Wagon drill
 GROUP 5 - Blasters and powder make-up men

	Fringe Benefits Payments				App. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
LATHERS	\$6.75	.20			.01
LINE CONSTRUCTION:					
Lineman	6.70	.25	1%		
Operators	5.36	.25	1%		
Groundmen (more than 1 year experience)	3.69	.25	1%		
Groundmen (less than 1 year experience)	3.35	.25	1%		
Flat bed truck operator	4.69	.25	1%		

DECISION NO. AR-9

	Fringe Benefits Payments				App. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
PAINTERS:					
Brush	\$5.75				
Spray	6.40				
PLASTERERS	6.00				
PLUMBERS & STEAMFITTERS	6.75		.35		.02
POWER EQUIPMENT OPERATORS:					
GROUP 1	5.60	.30	.50		.10
GROUP 2	6.50	.30	.50		.10
GROUP 3	6.90	.30	.50		.10

CLASSIFICATION DEFINITIONS

GROUP 1 - Oilier-Fireman
 GROUP 2 - Air compressors, Pumps, Welding Machines, Throttle valves, Light plants; Conveyor; Wagon drill; Elevators building; Form graders; Hoist, single drum; Ford tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening plants; Crushing plants; Fork lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the light equipment class, when power operated
 GROUP 3 - Drilling machines (all types); Scoopmobs; Hoists, two drums or more; Fork-lifts (over 25 ft.); Winch truck; Six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade graders, self-propelled; Cableways; Granes - power operated (to 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving mixer (all types); Pile drivers; Mobile concrete mixers over 14 cubic feet; Bulldozers, loaders, tractotors; Scrapers and pulls; Welder; Trenching machines; Roller, ten tons or over; Air compressors, pumps, welding machines and light plants; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic; All other equipment of similar nature coming under the heavy equipment class, when power operated

	Fringe Benefits Payments				App. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
ROOFERS	\$3.50				
SHEET METAL WORKERS	7.82		.10		.03
SOFT FLOOR LAYERS	5.75				
SPRINKLER FITTERS	8.50	.40	.60		.07
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDES DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: AR-10

DATE: Date of Publication

Supersedes Decision No. AQ-75, dated February 2, 1974, in 39 FR 4384.
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AQ-118 for Paving & Utilities Incidental to Building Construction).

	Fringe Benefits Payments				App. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$7.45	.35	.30		.02
BOILERMAKERS	7.00	.30	.76		.02
BRICKLAYERS & STONEMASONS	7.85				
CARPENTERS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Carpenters	7.50				
Millwrights	7.75				
ZONE 2 - Childress County:					
Carpenters	6.85	.30	.30		.07
Millwrights	8.09	.30	.30		.07
CEMENT MASONS:					
Cement masons	6.70				
Machine operators	7.05				
ELECTRICIANS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Electricians	7.38	.25	1%		1 1/2%
Cable splicers	8.11	.25	1%		1 1/2%
ZONE 2 - Childress County:					
Electricians	7.325	.20	1%		1 1/4%
Cable splicers	7.575	.20	1%		1 1/2%

DECISION NO. AR-10

ELEVATOR CONSTRUCTORS:

Elevator constructors
 Elevator constructors' helpers
 Elevator constructors' helpers (prob.)

FOOTNOTES:

a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
 b - Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

GLAZIERS

IRONWORKERS

LABORERS:

ZONE 1 - Armstrong, Carson, Castro, Childress, Collingsworth, Deaf Smith, Donley, Oldham, Potter, Randall & Swisher Counties:

GROUP 1 - Unskilled

GROUP 2 - Air tool operator (jackhammer, vibrator); Mason tenders; Mortar mixers; Pipe-layers (non-metallic); Plasterers tenders

ZONE 2 - Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman & Wheeler Counties:

GROUP 1 - Unskilled
 GROUP 2 - Air tool operator (jackhammer, vibrator); Mason tenders; Mortar mixers; Pipe-layers (non-metallic); Plasterers tenders

LATHERS

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$4.06 70¢JR 50¢JR	.175 .175	.20 .20	2 1/4% 2 1/4%		
5.35 7.20	.55	.50		.10	
3.00					
3.15					
3.50					
3.65 5.275					

DECISION NO. AR-10

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Lineman	\$7.38	.25	1%		1/2%
Groundman, more than 1 year experience	4.94	.25	1%		1/2%
Groundman, less than 1 year experience	4.32	.25	1%		1/2%
Operator-hole digger, line truck	5.74	.25	1%		1/2%
Flat bed truck driver	4.32	.25	1%		1/2%
ZONE 2 - Childress County:					
Lineman	8.53		1%		1/2%
Cable splicer	9.38		1%		1/2%
Lineman operator	8.53		1%		1/2%
Groundman, 1st 6 months	5.12		1%		1/2%
Groundman, 2nd 6 months	5.54		1%		1/2%
Groundman, 1 year & over	5.97		1%		1/2%
MARBLE MASONS (EXTERIOR)	7.85				
MARBLE MASONS (INTERIOR)	4.60				
PAINTERS:					
Brush & roller; paperhangers; perfa-tapers	5.75		.15		
Structural steel painters; swinging stage or chair below 50 ft.	5.875		.15		
Spray painters & sandblasters	6.40		.15		
Perfa-tape machine operator	6.00		.15		
PIASTERERS	6.425				.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - shall extend a distance of 25 road miles beyond the police station in Amarillo & Borger	7.03	.25	.30	.35	
ZONE 2 - shall extend a distance of 25 road miles beyond the outer perimeter of Zone 1	7.28	.25	.30	.35	
ZONE 3 - shall apply to all areas not within Zone 1 or Zone 2	7.53	.25	.30	.35	

DECISION NO. AR-10

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
GROUP 1	\$6.49	.30	.35		.05
GROUP 2	6.34	.30	.35		.05
GROUP 3	6.15	.30	.35		.05
GROUP 4	6.05	.30	.35		.05
GROUP 5	6.01	.30	.35		.05
GROUP 6	5.90	.30	.35		.05
GROUP 7	5.71	.30	.35		.05
GROUP 8	5.51	.30	.35		.05
GROUP 9	5.40	.30	.35		.05
GROUP 10	5.53	.30	.35		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Utility operator
 GROUP 2 - Blade grader, self-propelled; Clam shells; Cable ways; Cranes, power operated (all types); Air compressors; Pumps, welding machines and light plants; Derricks, power operated (all types); Draglines; Elevating graders, self-propelled; Hoist, 2 drum or more; Locomotive; Mixnobiles; Paving mixers, all types; Pile drivers; Scrapers; Bulldozers; Side boom; Cherry pickers; Shovels; Heavy duty mechanic; All welders; All tractors with power attachments (crawler type); Ditching machine; Farm type tractor (loader, 1 yd. & over) with backhoe; All other equipment of similar nature coming within the heavy class, when power operated
 GROUP 3 - Air compressors, pumps, welding machines, throttle valves, light plants (3 - 6); Farm type tractor (loader, under 1 yd.) with backhoe; Go-devil; Mixer, 14 cu. ft. or over; Rollers, over 10 tons; Air compressor and one tugger; 2 or more boilers; All other equipment of similar nature coming within the light class, when power operated
 GROUP 4 - Winch trucks
 GROUP 5 - Front end scoopmobile, loader & payloader
 GROUP 6 - Blade grader, towed; Elevators, building; Fork lifts; Hoist, single drum or 1 line hoisting (1 tugger); Mixers, less than 14 cu. ft.; Rollers; Screening Plants; Crushing plants; Tractors wheel type except when hauling material; Truck crane driver and/or oiler; Front end crane
 GROUP 7 - Mechanic helper; Welder helper; Fireman
 GROUP 8 - Greasers
 GROUP 9 - Oilers, 1st year
 GROUP 10 - Oilers, 2nd year

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	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
SHEET METAL WORKERS	\$7.82		.10		.03
SPRINKLER FITTERS	8.50		.60		.07
TERRAZZO WORKERS	4.60				
TILE SETTERS	4.60				
TRUCK DRIVERS:					
1/2 ton to 3 tons	2.88				
3 to 5 tons	3.13				
5 tons and over	3.38				
Ready mix concrete to 3 yds.	2.88				
Ready mix concrete over 3 yds.	3.13				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

STATE: Wyoming
 COUNTY: Converse, Goshen, Laramie, Natrona, Niobrara and Platte
 DECISION NUMBER: AR-1004
 DATE: Date of Publication
 Supersedes Decision No. AQ-1043 dated October 5, 1973, in 38 FR 27745
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 8.47	.33	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:	8.60				
Goshen, Laramie & Platte Counties	7.52				
Converse, Natrona & Niobrara Cos.					
CARPENTERS:					
Carpenters	7.35	.35	.30		.10
Filedriversmen	7.60	.35	.30		.10
CEMENT MASONS:					
Cement masons	6.55				
Working with composition material;					
Scaffold, swinging stage or					
temporary platform over 8' high;					
Operator of power machines	6.80				
Working on scaffold, swing stage					
or temporary platform over 20'					
high	7.05				
ELECTRICIANS:					
Goshen, Laramie & Platte Cos.	8.53	.32	1%		4/10%
Electricians	8.78	.32	1%		4/10%
Cable splicers					
Converse, Natrona & Niobrara Cos.	7.55	.32	1%		1%
Electricians	8.12	.395	.26	2-1/2%+a	
ELEVATOR CONSTRUCTORS	70%JR	.395	.26	2-1/2%+a	
ELEVATOR CONSTRUCTORS' HELPERS					
ELEVATOR CONSTRUCTORS' HELPERS					
(PROB.)	50%JR				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	7.50	.50	.65		.15
MARBLE, TILE & TERRAZZO WORKERS					
Converse, Natrona & Niobrara Cos.	8.60				
MILLWRIGHTS	7.24	.45	.40	.40	.04
PAINTERS:					
Converse, Natrona & Niobrara Cos.	6.31		.15		
Painters, Brush; Drywall tapers	6.81		.15		
Steel	7.06		.15		
Spray	7.66		.15		
Sandblasters					
Goshen, Laramie & Platte Cos.	5.00				
Painters, brush					

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
PLUMBERS; Steamfitters:						
Goshen, Laramie & Platte Cos.	\$ 6.47	.45	.25	.70	.09	
Zone 1 (10 miles radius from Cheyenne P. O.)	7.07	.45	.25	.70	.09	
Zone 2 (10 miles radius beyond Zone 1)	7.67	.45	.25	.70	.09	
Zone 3 (15 miles radius beyond Zone 2)	8.52	.45	.25	.70	.09	
Zone 4 (Jurisdiction beyond Zone 3)						
Zone 5 (Footnote "b")						
General Contracts \$700,000.00 or less	6.47	.45	.25	.70	.09	
General Contracts over \$700,000.00	6.97	.45	.25	.70	.09	
PLUMBERS; Steamfitters:						
Converse, Natrona & Niobrara Cos.						
Zone 1 (10 miles radius from P. O. in Casper)	7.36	.20	.25	.55	.09	
Zone 2 (10 miles radius beyond Zone 1)	7.66	.20	.25	.55	.09	
Zone 3 (15 miles radius beyond Zone 2)	7.96	.20	.25	.55	.09	
Zone 4 (Jurisdiction beyond Zone 3)	8.66	.20	.25	.55	.09	
7.31						
ROOFERS						
SHEET METAL WORKERS						
Converse, Natrona & Niobrara Cos.	7.41	.27	.50		.02	
SHEET METAL WORKERS:						
Goshen, Laramie & Platte Cos.	7.66	.37	.10		.02	
SPRINKLER FITTERS	8.50	.50	.70		.08	
WELDER; Rigger: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						
FOOTNOTES:						
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.						
b. Use only in the Cities of Laramie, Torrington, Wheatland, Evanson, Green River and Rock Springs within a 5-mile radius from the Post Office of each of the above Cities.						
PAID HOLIDAYS:						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						

LABORERS (Building Construction)

Group 1: Axeman and hand faller; Concrete worker (wet or dry) (curing and drying); Car and truck loader; Dumpman; Erector and installer (includes the installation and erection of all fences, right-of-way, median fence, snow fence, etc., guard rails, section rails, reference posts, guide posts, signs and right-of-way markers); Form stripper; Form setter helper (paving); General Laborer; Gunite helper; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzle-man (air and water); Pipe setter helpers, non-metallic; Pipe setters helpers, corrugated; All work pertaining to pre-watering, pre-irrigation, and pre-wetting; Rodman; Kiprap man; Sandblaster pot tender; Signalman, grade, concrete, etc.; Sisserman or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews; Unloading and packing of steel rods and mesh (reinforcing); Heater tender and pilot car operator

Group 2: Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Carpenter tender; Cement mason tender; Chuck tender; Form setter (paving); Hand operator vibrator roller; Landscaper; Mechanical form cleaner; Mortar man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Powderman helper; Pipe setter, corrugated; culvert pipe, multi-plate, sectional plate and similar type; Pipe wrapper; Power-type concrete buggy (push); Power saw operator (clearing); Vibrator (concrete); Creosote material handler (corrosive enamel or its equal); Burner (cutting torch)

Group 3: Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle, shall receive \$.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer, non-metallic; Caulker; Collarman; Joiner; Mortarman; Rigger; Jacket; Power-type concrete buggy (ride); Shoring and lagging of open ditch

Group 4: Powderman and blaster; Wagon drill, air track, diamond and other drills for blasting powder or grouting

Group 5: Hod carriers; Mason tender; Plasterers tenders; Terrazzo tenders; Tile setter tenders, and Scaffold builders

Group 6: Tunnel and underground work: Miners (drills) Machine man; Timberman; Steelman; Drill doctor; Form setter and movers; Spaders; Tuggers; Spilling and/or caisson workers; Jackhammer men; Finishers; Re-bar man; Powderman

Group 7: Nipper; Chuck tender; Top man or toplander

Group 8: Brakeman and vibrator man

Group 9: Mucker and built gang laborer

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensioners	Vacation	
LABORERS (BUILDING CONSTRUCTION)					
Group 1:	\$ 4.55	.28	.10		
Group 2:	4.77	.28	.10		
Group 3:	4.83	.28	.10		
Group 4:	5.05	.28	.10		
Group 5:	5.05	.28	.10		
Group 6:	5.30	.28	.10		
Group 7:	5.14	.28	.10		
Group 8:	5.03	.28	.10		
Group 9:	4.87	.28	.10		
LABORERS (HEAVY CONSTRUCTION)					
Group 1:	3.60				
Group 2:	3.70				
Group 3:	3.85				
Group 4:	4.10				
Group 5:	4.08				
Group 5A:	3.92				
Group 5B:	4.35				
Group 5C:	4.19				
HEAVY CONSTRUCTION					
Carpenters	5.18				
Cement Masons	4.10				
Ironworkers, structural	5.18				
Ironworkers, reinforcing	4.10				
Painters, brush and spray	5.18				

LABORERS (Heavy Construction)

Group 1: Axeman and hand faller; Bin wall installer helpers; Concrete worker (wet or dry); Concrete workers (curing and drying); Dumpman; Erector and installer (including the installation and erection of fences, snow fence, guard rails, median rails, median posts, signs and right-of-way marker); Form stripper; Form setter helper (paving); General labor; Gunite helper; Heater tender; Landscafer helper; Material handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe setters helpers (non-metallic); Pipe setters helpers (corrugated); Pre-watering, pre-wetting and pre-irrigation (all work); Rip rap man; Sandblaster pot tender; Signal men, grade concrete, etc.; Scissor man or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews

Group 2: Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Cement mason or finisher, helper and tender; Chuck tender; Form setter (paving); Hand operated vibratory roller; Landscafer; Mortar man on stone rip rap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe setter (corrugated, culvert pipe sectional, multiplate and similar type); Pipe setter, pipelayer (non-metallic); Pipewrapper; Powderman helper; Power type concrete buggy (push or ride); Power saw operator (clearing); Vibrator, concrete

Group 3: Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle shall receive \$.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer (non-metallic), clay, concrete, etc. (Caulker, collarman, joiner, mortarmen, rigger, jacker

Group 4: Powderman and blaster; Wagon drill, air-trac, diamond, and other drills for blasting powder or grouting

Group 5: Tunnel and Underground Work: Brakeman; Swamper; Vibrator man

Group 5A: Bull gang; Dumpman; Mucker; Trackman

Group 5B: Miners (drillers) machine men; Timbermen; Steelmen; Drill doctor; Form setter and mover; Spader; Tuggers spilling and/or caisson workers; Powdermen; Jackhammermen; Finishers

Group 5C: Chucktender; Topman; Toplander

NOTICES

27417

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Pensions	Vacation	App. Tr. Others
GROUP I AUGER MACHINE OPERATOR (Post hole, etc., Batch bin weighman, Scissorman or hopperman; Beginner operator; Brakeman and helpers; Crusher oiler, utility screed operator; Tractor operator, farm, crawler or wheel type, 60 hsp. (drawbar) or less with or without use of power attachments except for use of backhoe or bucket	4.86	.19	.30		.01
GROUP II BROOM OPERATORS, self-propelled; Cableway signalman (bellboy); Concrete saw (self-propelled); Fireman; Power loader, belt and bucket type	4.91	.19	.30		.01
GROUP III AIR COMPRESSOR over 315 cu. ft. cap.; Chip spreader operator; Form grader; Joint machine operator; Longitudinal float operator; Mixer operator, concrete (under 1 yd.); Helper (welder or heavy duty); Roller operator; self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire repairman	4.96	.19	.30		.01
GROUP IV PUMP OPERATOR (except in tunnels, shafts raises)	5.00	.19	.30		.01
GROUP V CONVEYOR BELT OPERATOR; Fork lift and lumber staker; Screening plant operator	5.03	.19	.30		.01
GROUP VI A-FRAME TRUCK; Tractor operator, farm, crawler or wheel type, over 60 hsp. (drawbar); Without use of power attachments	5.08	.19	.30		.01
GROUP VII OILER, Lead utility	5.12	.19	.30		.01
GROUP VIII GUNNITE AND GROUT MACHINE OPERATOR; Mulching machine operator; Oiler distributor	5.14	.19	.30		.01

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1-WYO-PEO-2-3-b

(2-3)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Others
		H & W	Pensions	Vacation	App. Tr.	
GROUP IX FRONT END LOADER (up to and incl. 1 1/2 cu. yds.); Pavement breakers, hydro-tamper and similar type machine; Pump, well points	5.25	.19	.30		.01	
GROUP X HOIST OPERATOR (one drum)	5.31	.19	.30		.01	
GROUP XI HAULAGE MOTORMAN AND INDUSTRIAL TYPE MOTORMAN; Motor patrol operator (all except finish); Pump operator (in tunnels, shafts, raises); Hydro type cranes (up to 15 tons)	5.33	.19	.30		.01	
GROUP XII AIR COMPRESSOR, two or more machines or tunnels, shafts, raises or plant operator; Asphalt plant operator; Bituminous laydown machine operator; CMI machine and similar; Concrete batch plant; Concrete finish machine operator; Concrete multiblade span saw (Hunt process or similar); Concrete spreader and paver operator; Crusher operator; Drilling machine, integrated (core, rotary, caisson, diamond); Elevating grader; Front end loader (over 1 1/2 cu. yds.); Jumbo form operator; Mixer operator, base course pugmill type; Mixer bituminous operator (travel plant); Mixer operator, concrete (over one yd.); Motor patrol operator (finish); Mucking machine operator; (all types) Pneumatic guns; Pumpcrete operator; Roller operator (tandem steel wheel 3 axle, or 3 wheel); scraper equipment (all types); Shovels, draglines, cranes, piledrivers, all truck mounted cranes (mfg's rating) up to 3 1/2 yds., all attachments; Hydro type cranes (15 tons and over); Shuttle car operator subgrade machine operator (power); Tractor operators (all w/use of power attachments and incl. Pushcat, dozer, tounadozer, etc.); trenching machine operator; Wash plant operator	5.51	.19	.30		.01	

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1-WYO-PEO-2-3-b

(3-3)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Others
		H & W	Pensions	Vacation	App. Tr.	
GROUP XIII WELDER, Machine doctor	5.55	.19	.30		.01	
GROUP XIV HOIST OPERATOR (two or more drums or shafts or raises); Heavy duty mechanics, machine doctor	5.62	.19	.30		.01	
GROUP XV CABLEWAY OPERATOR; Mixer, dual drum; cranes (Whitely, Gantry, Stiffleg, Overhead traveling	5.68	.19	.30		.01	
GROUP XVI SHOVELS, Draglines, Cranes, Piledrivers, all truck mounted cranes (mfg's rating) 3 1/2 to 7 cu. yds., all attachments; Wheel operator	5.85	.19	.30		.01	
GROUP XVII SHOVELS, Draglines, cranes, piledrivers, all truck mounted cranes (mfg's rating) 7 cu. yds. and over, all attachments	6.19	.19	.30		.01	

HEAVY CONSTRUCTION

1-WYO-TD-2-3-d

(1-2)

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
GROUP I DUMP (Water level capacity box) over 40 cu. yds. to and incl. 45 cu. yds.	5.15				
GROUP II FIELD MECHANICS	5.13				
GROUP III DUMP (Water level capacity box) 35 cu. yds. to and incl. 40 cu. yds.	5.10				
GROUP IV DUMP (Water level capacity box) 30 cu. yds. to and incl. 35 cu. yds.	5.05				
GROUP V DUMP (Water level capacity box) 25 cu. yds. to and incl. 30 cu. yds.	5.00				
GROUP VI DUMP (Water level capacity box) 20 cu. yds. to and incl. 25 cu. yds.; Heavy duty (Euclids, electric or similar type)	4.90				
GROUP VII LOWBOY AND Tandem axle float drivers; Multiple axle type; Semi; Dump (Water level capacity box) 13 cu. yds. to and incl. 20 cu. yds.	4.90				
GROUP VIII HELPERS - FIELD (Welders, Mechanics, etc.)	4.66				
GROUP IX OVER 3600 gal. (semi-truck); Transit mix or wet mix over 10 cu. yds.	4.60				
GROUP X OVER 3600 gal. (straight truck); Transit mix or wet mix, over 5 cu. yds. to 10 cu. yds.; Tandem axle	4.50				

1-WYO-TD 2-3-d

(2-2)

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
TRUCK DRIVERS (Cont'd)					
GROUP XI OVER 2500 gals. to and incl. 3600 gals.; Dump (Water level capacity box) over 10 cu. yds. to and incl. 13 cu. yds.; Flat rack, over 5 tons; Winch trailer (cable and hoist); Utility winch; "A" Frame; Transit mix or wet mix, less than 5 cu. yds.; Single axle	4.40				
GROUP XII DUMP (Water level capacity box) over 7 cu. yds. to and incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat rack, 2 tons to 5 tons; Power broom; Material checkers	4.30				
GROUP XIII DUMP (Water level capacity box) 7 cu. yds. or less; Gravel spreader; Flat rack, less than 2 tons; Gang; Single axle type truck; Warehousemen; Parts-men and helpers; 2500 gals. or less (straight truck); Fuel service; Greasemen, Tiremen, Servicemen and helpers	4.15				
GROUP XIV PILOT CAR DRIVERS; Pick-up	4.10				

[FR Doc.74-16884 Filed 7-26-74; 8:45 am]

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