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H.R. 11385..... Pub. Law 93–353
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(July 23, 1974; 88 Stat. 362)

S. 2830..... Pub. Law 93–354
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To amend the Public Health Service Act to improve the national cancer program and to authorize appropriations for such program for the next three fiscal years
(July 23, 1974; 88 Stat. 358)

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

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

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. G, T, U, and X]

PARTS 207, 220, 221, 224—SECURITIES CREDIT TRANSACTIONS

OTC Margin Stock List

Pursuant to the authority of section 7 of the Securities Exchange Act of 1934 (15 U.S.C. § 78g) and in accordance with § 207.2(f)(2) of Regulation G, "Securities Credit by Persons other than Banks, Brokers, or Dealers", § 220.2(e)(2) of Regulation T, "Credit by Brokers and Dealers", and § 221.3(d)(2) of Regulation U, "Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks", and in accordance with the criteria specified in § 207.5 (d) and (e) of Regulation G, § 220.8 (h) and (i) of Regulation T, and § 221.4 (d) and (e) of Regulation U, there is set forth below the list of stocks traded over-the-counter, current as of July 29, 1974, that the Board of Governors has found that meet the criteria specified above and thus have the degree of national investor interest, the depth, breadth of market, and the availability of information respecting the stock and its issuer to warrant subjecting such stocks to the requirements of Regulations G, T, and U, and Regulation X, 12 CFR § 224, which makes Regulations G, T, and U, applicable to borrowers of securities credit.[1]

It is unlawful for any person to make, or cause to be made, any representation that the inclusion of a security on the OTC Margin Stock List is evidence that the Board has in any way passed upon the merits of, or given approval to, such security or any transaction therein.

The requirements of 5 U.S.C. § 553 with respect to notice and public participation were not followed in connection with the issuance of this list because following such requirements is unnecessary due to the objective character of the criteria for inclusion on the list, specified in 12 CFR §§ 207.5(d) and (e), 220.8(h) and (i) and 221.4(d) and (e). No additional useful information would be gained by public participation. The requirements of 5 U.S.C. § 553 with respect to deferred effective date have not been followed in connection with the issuance of this list, because following such requirements would allow speculators to reap unfair profits and would not aid other persons affected thereby.

[1] List filed as part of original.

By order of the Board of Governors of the Federal Reserve System acting by its Director of the Division of Supervision and Regulation pursuant to delegated authority (12 CFR § 265.2(c)(13)), effective July 29, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-17471 Filed 7-26-74;3:30 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-WE-17-AD; Amdt. 39-1906]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas DC-9 and Military C-9A and C-9B Airplanes

Amendment 39-1865 (39 FR 20190) AD 74-12-09, effective June 13, 1974, as amended by telegram dated June 14, 1974, requires visual and ultrasonic inspections and replacement, if necessary, of the spoiler links and fittings, revision to the Model DC-9 FAA-approved Airplane Flight Manual (AFM), and installation of a placard on McDonnell Douglas Model DC-9 (-10, -20, -30 and -40 series) and Military C-9A and C-9B airplanes. After issuance of Amendment 39-1865, the agency has determined that spoiler fitting, P/N 3923251-3-NC and/or through "F" Change is considered an appropriate replacement part.

Since issuance of Amendment 39-1865, the manufacturer has modified the ultrasonic inspection procedures specified in Douglas All Operators Letter AOL 9-802, dated May 14, 1974, and developed an alternative eddy current inspection method and program for interim rework of the spoiler link(s) and fitting(s) P/N 3923250-3 and -5 and P/N 3923251-3-NC through "F" Change. Douglas A11 Operators Letter AOL 9-802, Revisions "A" and "B", dated June 7, 1974 and July 19, 1974, respectively, reflect these changes and are revisions to the Douglas A11 Operators Letter AOL 9-802.

The manufacturer advised the agency that reassessment of spares stock and delivery schedules for replacement parts may preclude accomplishment of the A.D. as adopted. As an interim, and additional action, the new A.D. provides for rework of the spoiler fitting(s) and link(s) pending accomplishment of the replacement instructions in the A.D.

By telegram dated June 14, 1974, addressed to all United States operators, Amendment 39-1865 was amended to provide alternative means of compliance in paragraph I (B)(3)(b), by authorizing installation of a new Part P/N 3923251-3-NC and/or through "F" change, with provision for compliance with instructions of paragraph I (B)(4)(a), and I(c). The telegram provided clarifying language in paragraph II(a), for the placard required, and authorized deletion of the last sentence of the placard if the use of the alternate landing flap setting is not desired. Additional time was provided for the incorporation of the "Limitations" in paragraph II(b), and the "Emergency Procedures" in paragraph II(c). Therefore, AD 74-12-09 is being superseded by the new A.D. that incorporates the substances of these amendments.

Since this amendment provides clarification, relief, alternative means of compliance and terminating action, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

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

MCDONNELL DOUGLAS. Applies to Model DC-9 (-10, -20, -30, -40 and Military C-9A and C-9B Series) Airplanes, Certificated in all Categories, as Provided Below

PART I

Applies to all DC-9 aircraft listed in Douglas Service Bulletin No. 27-139, dated January 20, 1971, or later FAA-approved revisions, and Douglas Service Bulletin No. 27-156, dated February 7, 1974, or later FAA-approved revisions.

To detect fatigue cracks in the spoiler actuating links, P/N 3923250-3 and/or -5, and in the spoiler fittings, P/N 3923251-3-NC and/or through "F" Change, accomplish the following:

(A)(1) For airplanes with 3,000 hours or more time in service on these parts on June 13, 1974, within the next 300 hours time in service after June 13, 1974, and thereafter, at intervals not to exceed 300 hours time in service on these parts from the last inspection, visually inspect the spoiler actuating links, P/N 3923250-3 and/or -5 and the spoiler fittings, P/N 3923251-3-NC and/or through "F" Change, in accordance with the instructions and procedures of paragraph (B), below. At or prior to the accumulation of an additional 1,000 hours time in service from the first visual inspection on these parts, institute the program of ultrasonic and/or eddy current inspections in accordance with the instructions outlined in Douglas A11 Operators Letter, AOL 9-802, dated

May 14, 1974, or later FAA-approved revisions, or equivalent inspection means approved by the Chief, Aircraft Engineering Division, FAA Western Region per (C) below. The requirements for visual inspections may be terminated upon instituting the program of ultrasonic and/or eddy current inspections as specified in the AD, for that part(s) or airplane(s) only.

(2) For airplanes with less than 3,000 hours time in service on these parts on June 13, 1974, comply with paragraph (B) before the accumulation of 3,300 total hours time in service.

(B) (1) Visually inspect the exposed surfaces on the forward and aft lugs including the areas surrounding the grease fittings on the spoiler actuating link, P/N 3923250–3 and/or –5, for evidence of cracking.

(2) Visually inspect the exposed surface and areas surrounding the grease fitting on the spoiler fitting, P/N 3923251–3–NC and/or through "F" Change, for evidence of cracking.

(3) If a crack(s) is found.

(a) In the spoiler actuator link, P/N 3923250–3 and/or –5, replace, before further flight, the cracked part(s) with new part(s), P/N 3923250–5 in accordance with the instructions in Douglas Service Bulletin S/B 27–42 dated October 17, 1966, or later FAA-approved revisions; or, in accordance with the removal and installation instructions specified in the appropriate chapters of the Model DC–9 Overhaul and Maintenance Manuals, as applicable; or replace with a new part, P/N 3923250–7, in accordance with Douglas Service Bulletin S/B 27–156, dated February 7, 1974, or later FAA-approved revisions; or rework in accordance with the instructions specified in Douglas A11 Operators Letter AOL 9–802B, dated July 19, 1974, or later FAA-approved revisions to AOL 9–802, dated May 14, 1974; or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) In the spoiler fitting, P/N 3923251–3–NC and/or through "F" Change, replace, before further flight, the cracked part(s) with a new part, P/N 3923251–3–NC and/or through "F" Change or P/N 3923251–3–"G" Change, in accordance with the removal and installation instructions in the appropriate chapters of the Model DC–9 Overhaul and Maintenance Manuals; or in accordance with the instructions in Douglas Service Bulletin S/B 27–139, dated January 20, 1971, or later FAA-approved revisions, as applicable; or rework in accordance with the instructions specified in Douglas A11 Operators Letter, AOL 9–802B, dated July 19, 1974, or later FAA-approved revisions to AOL 9–802, dated May 14, 1974, or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(4) (a) Upon installation of a new part(s) P/N 3923250–5 and/or P/N 3923251–3–NC and/or through "F" Change, in accordance with the requirements of (B) (3) (a) and/or (B) (3) (b), the inspections required in (B) (1) and (B) (2), above and (C), below, may be discontinued until the new part(s) accumulate 3,000 hours time in service, at which time institute the program of ultrasonic and/or eddy current inspections of (C), below, and any necessary replacement per this A.D.; or,

(b) Upon installation of a new part(s) P/N 3923250–7, in accordance with the requirements if (B) (3) (a), the inspection requirements of this A.D. may be discontinued for that part only; or

(c) Upon installation of a new part(s) P/N 3923251—"G" Change, in accordance with the requirements of (B) (3) (b), the inspection requirements of this A.D. may be discontinued for that part only; or

(d) Upon installation of reworked part(s), or P/N 3923250–3 and/or –5 and/or P/N 3923251–3–NC and/or through "F" Change, in accordance with requirements of (B) (3) (a) and/or (B) (3) (b), the inspections required in (B(1) and (B) (2) and C may be discontinued and the following compliance times and inspection and replacement instructions will apply;

(1) At or before the accumulation of 1,000 additional hours time in service on part(s) P/N 3923250–3 and/or –5 and/or P/N 3923251–3–NC and/or through "F" Change, after accomplishment of rework by "Blending" only (don't blend at the lube hole) as described in Douglas AOL 9–802B, and at intervals not to exceed 1,600 hours time in service thereafter, institute the program of ultrasonic and/or eddy current inspections and any rework and/or necessary replacement in accordance with the instructions of (C), below.

(2) At or before the accumulation of 500 additional hours time in service on part(s), P/N 3923250–3 and/or –5 and/or P/N 3923251–3–NC and/or through "F" Change, after accomplishment of rework by any combination of "Blending" and "Chamfering" and "Oversizing," in accordance with the requirements of (B) (3) (a) and/or (B) (3) (b), institute the program of ultrasonic and/or eddy current inspections, and any rework and/or necessary replacement in accordance with the instruction in (C), below. At or prior to the accumulation of 1,000 additional hours time in service, after accomplishment of the rework, replace the part(s) in accordance with the instructions in (B) (3) (a) and/or (B) (3) (b) and comply with the requirements of (B) (4) (a) (b) and (c), as applicable.

(C) At or prior to 1,000 additional hours time in service on the parts after the accomplishment of the first visual inspection required by (B) (1) and (B) (2), above, and at intervals not to exceed 1,600 additional hours time in service thereafter; or at or before the accumulation of 3,000 hours time in service on new parts, P/N 3923250–5, and/or P/N 3923251–3–NC and/or through "F" Change, and at intervals not to exceed 1,600 additional hours time in service thereafter, accomplish the following:

(1) Perform an ultrasonic and/or eddy current inspection in accordance with the instructions outlined in Douglas A11 Operators Letter, AOL 9–802, dated May 14, 1974, or later FAA-approved revisions, or equivalent inspection means approved by the Chief, Aircraft Engineering Division, FAA Western Region, on the spoiler actuating link, P/N 3923250–3 and/or –5, and the spoiler fitting, P/N 3923251–3–NC and/or through "F" Change; or

(2) Replace the spoiler actuator link(s), P/N 3923250–3 (and/or –5 and/or spoiler fitting(s), P/N 3923251–3–NC and/or through "F" Change, with a new spoiler actuator link, P/N 3923250–7 and/or a new spoiler fitting, P/N 3923251–3–"G" Change, in accordance with the instructions in Douglas Service Bulletins S/B 27–139, dated January 20, 1971, and S/B 27–156, dated February 7, 1974, or later FAA-approved revisions. Upon accomplishment of this link and/or fitting installation, the inspection requirements of this A.D. may be discontinued for that part(s) only.

NOTE: (A) For the purposes of this A.D., if the time-in-service hours of either the spoiler actuating link or the spoiler fitting cannot be established, the part will be considered to have the same number of time-in-service hours as the airplane on which it is installed.

(B) Refer to the appropriate Douglas and/or Operators Maintenance and Overhaul Manuals and/or the Service Bulletins noted in this A.D. for instructions and caution and warning notes necessary for accomplishing the inspections of these parts.

(3) If cracks are found in the spoiler actuating link and/or spoiler fitting as a result of the ultrasonic and/or eddy current inspection, before further flight, replace and/or rework the cracked parts as specified in (B) (3) (a) and (B) (3) (b) and comply with the requirements of (B) (4) (a), (b), (c) and (d) as applicable.

NOTE: The airplane may be flown in accordance with FARs 21.197 and 21.199, with crack(s) in the spoiler fitting and/or link, using the applicable limitations and procedures prescribed in Part II of this A.D., to a base where the inspection and/or maintenance can be performed.

(D) 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, and spoiler location (inboard or outboard.)

PART II

Applies to all DC–9 aircraft, certificated in all categories, as indicated below.

To provide crews with operation information should spoiler float occur, evidenced by abrupt roll, and to provide for a permanent change in the FAA-approved Airplane Flight Manual (AFM) (and appropriate AFM section of the operator's manual required by FAR 121.133 and 121.141), "Emergency Procedures" Section, accomplish the following:

(A) Placard.

Within 48 hours after June 14, 1974 (reference: telegraphic amendment to AD 74–12–09), unless already accomplished, install a placard as close as practicable to the flap position indicator, containing the following wording or an equivalent wording as approved by the Chief, Aircraft Engineering Division, FAA Western Region, reading as follows:

DC–9–10.—"Flap selection excess 20° must be made prior to 1000 feet AGL. See Section I, AFM for alternate procedures". (The last sentence may be omitted from the placard if the use of alternate landing flap setting is not desired.)

DC–9–20, –30, –40, C–9A, C–9B.—"Flap selection excess 25° must be made prior to 1000 feet AGL. See Section I, AFM for alternate procedures". (The last sentence may be omitted from the placard if the use of alternate landing flap setting is not desired.)

(B) Limitations.

(1) The limitations set forth below are effective as of June 14, 1974.

(2) Within 30 days after June 13, 1974, unless already accomplished, incorporate the "Limitations" set forth below into the Airplane Flight Manual. Operators shall initiate action to notify and ensure that flight crewmembers are apprised of these limitations.

DC–9–10.—Sec. I Limitations: (New Title) "Flaps";

"Flap selection in excess of 20° must be made prior to descending below 1000 feet above ground level except for the following:

"Approach and landing may be made with a maximum of 30° flaps when 15% is added to the 50° flap landing field length."

Sec. I Limitations: Performance and Operating Limitations. Add a new paragraph as follows:

"When using the 30° flaps for landing, the maximum permissible quick turn around

landing weight shown on the plot 'Maximum Permissible Quick Turn Around Landing Weight Flaps Down' in Section IV must be reduced by 15%."

DC-9-20, 30, 40, C9A, C9B.—Sec. I Limitations: (New Title) "Flaps"

Flap selection in excess of 25° must be made prior to descending below 1000 feet above ground level except for the following:

"Approach and landing may be made with a maximum of 25° flaps when 20% is added to the 50° flap landing field length."

Sec. I Limitations: Performance and Operating Limitations. Add new paragraph as follows:

Add new paragraph as follows:

"When using the 25° flaps for landing, the maximum permissible quick turn around landing weight shown on the plot 'Maximum Permissible Quick Turn Around Landing Weight Flaps Full Down' in Section IV must be reduced by 20%."

(3) The above "Limitations" may be terminated, and the placard removed when any one of the following requirements, as applies to that DC-9 airplane under II (B), have been accomplished.

(1) Compliance with both I (B) (4) (b) and (B) (4) (c); or

(2) Compliance with I (B) (4) (b) and initial 1,000 hours ultrasonic and/or eddy current inspection per (C) (1) for spoiler fittings; or

(3) Compliance with I (B) (4) (c) and initial 1,000 hours ultrasonic and/or eddy current inspection per (C) (1) for spoiler fittings; or

(4) Compliance with the initial 1,000 hours ultrasonic and/or eddy current inspections per I (C) (1) for both the spoiler links and fittings; or

(5) Compliance with I (B) (4) (a) and any combination of the above; or

(6) Installation of part(s) per I (B) (4) (d) (1) and/or (B) (4) (d) (2) and any combination of the above.

(C) Emergency Procedures.

Applies to all Model DC-9 (-10, -20, -30, -40, and Military C-9A and C-9B series) airplanes, certificated in all categories.

(1) The Emergency Procedures set forth below are effective as of June 14, 1974.

(2) Within 30 days after June 14, 1974 (reference: telegraphic amendment to AD 74-12-09), unless already accomplished, incorporate the "Emergency Procedures" set forth below into the Airplane Flight Manual. These procedures shall constitute a permanent change to the manual. Operators shall initiate action to notify and ensure that flight crewmembers are apprised of this change.

Emergency Procedures: New Section "Spoiler Float";

"Should rapid roll develop during extension of flap to 50°, retract flaps immediately to single engine landing flap setting. Adjust speed as required."

This amendment supersedes Amendment 39-1865 (39 FR 20190), AD 74-12-09, as amended by telegram dated June 14, 1974.

This amendment becomes effective August 5, 1974.

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

Issued in Los Angeles, California July 19, 1974.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.74-17380 Filed 7-30-74;8:45 am]

[Docket No. 13936, Amdt. 927]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURE

Recent Changes and Additions

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

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

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

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

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

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

Fairbanks, Alaska—Fairbanks Int'l. Arpt., LFR-A, Amdt. 10, canceled.
McGrath, Alaska—McGrath Arpt., LFR-1, Amdt. 11, canceled.
Unalakleet, Alaska—Unalakleet Arpt., LFR-A, Amdt. 14, canceled.
Yakutat, Alaska—Yakutat Arpt., LFR-A, Amdt. 9, canceled.

2. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective September 12, 1974.

Annette Island, Alaska—Annette Island Arpt. VORTAC-A, Amdt. 5.
Annette Island, Alaska—Annette Island Arpt. VORTAC Rwy 30, Amdt. 5.
Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VOR Rwy 11, Amdt. 3.
Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VORTAC Rwy 34, Amdt. 2.
Greenwood, S.C.—Greenwood County Arpt., VOR Rwy 9, Amdt. 8.
Greenwood, S.C.—Greenwood County Arpt., VOR Rwy 27, Amdt. 7.
Harlingen, Tex.—Harlingen Industrial Airpark, VOR Rwy 13, Amdt. 5.
Howell, Mich.—Livingston County Arpt., VOR Rwy 31, Amdt. 2.
Lapeer, Mich.—Dupont-Lapeer Arpt., VOR-A, Amdt. 5.
Litchfield, Minn.—Litchfield Municipal Arpt., VOR Rwy 33, Orig.
McGrath, Alaska—McGrath Arpt., VOR-A, Amdt. 6.
McGrath, Alaska—McGrath Arpt., VORTAC Rwy 16, Amdt. 5.
Marion, Ill.—Williamson County Arpt., VOR Rwy 2, Amdt. 4.
Marion, Ill.—Williamson County Arpt., VOR Rwy 20, Amdt. 5.
Midland, Tex.—Midland Air Park, VOR-A, Orig.
Missoula, Mont.—Johnson-Bell Field, VOR-A, Amdt. 14, canceled.
Missoula, Mont.—Johnson-Bell Field, VOR-C, Orig.
Missoula, Mont.—Johnson-Bell, Field, VOR/DME-A, Amdt. 8.
Missoula, Mont.—Johnson-Bell, Field, VOR/DME-B, Amdt. 1.
Northway, Alaska—Northway Arpt., VOR-B, Amdt. 2.
Poughkeepsie, N.Y.—Dutchess County Arpt., VORTAC Rwy 24, Orig.
St. Louis, Mo.—Weiss Arpt., VOR/DME-A, Orig.
Unalakleet, Alaska—Unalakleet Arpt., VOR-C, Amdt. 1.
Unalakleet, Alaska—Unalakleet Arpt., VOR/DME-A, Amdt. 2.
Yakutat, Alaska—Yakutat Arpt., VOR Rwy 11, Amdt. 10.

* * * effective August 15, 1974.

Sheridan, Wyo.—Sheridan County Arpt., VOR Rwy 13, Amdt. 4.
Sheridan, Wyo.—Sheridan County Arpt., VOR/DME Rwy 31, Amdt. 4.

* * * effective August 8, 1974.

DeQuincy, La.—DeQuincy Industrial Arpt., VOR/DME-A, Amdt. 2.

* * * effective July 18, 1974.

Newnan, Ga.—Newnan Coweta County Arpt., VOR/DME-A, Amdt. 1.

3. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective* September 12, 1974.

Beaumont/Port Arthur, Tex.—Jefferson County Arpt., LOC (BC) Rwy 29, Amdt. 10.
Cold Bay, Alaska—Cold Bay Arpt., LOC/DME (BC) Rwy 32, Amdt. 3.
El Paso, Tex.—El Paso Int'l. Arpt., LOC (BC) Rwy 4, Orig.
Fairbanks, Alaska—Fairbanks Int'l. Arpt., LOC (BC) Rwy 1L, Amdt. 12.
Harlingen, Tex.—Harlingen Industrial Airpark, LOC (BC) Rwy 35L, Orig.
McAllen, Tex.—Miller Int'l. Arpt., LOC (BC) Rwy 31, Orig.
San Diego, Calif.—San Diego Int'l.-Lindberg Field, LOC (BC)-A, Amdt. 16.
San Diego, Calif.—San Diego Int'l.-Lindberg Field, LOC/DME (BC) Rwy 27, Amdt. 2.
San Diego, Calif.—San Diego Int'l.-Lindberg Field, LOC Rwy 9, Orig., canceled.

* * * effective August 15, 1974.

Sheridan, Wyo.—Sheridan County Arpt., LOC Rwy 31, Amdt. 1, canceled.

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

Annette Island, Alaska—Annette Island Arpt., NDB–B, Amdt. 6.
Atlanta, Ga.—Fulton County Arpt., NDB Rwy 8R, Amdt. 4.
Conroe, Tex.—Montgomery County Arpt., NDB Rwy 14, Amdt. 3.
Fairbanks, Alaska—Fairbanks Int'l. Arpt. NDB–A, Orig.
Fairbanks, Alaska—Fairbanks Int'l Arpt., NDB Rwy 19R, Amdt. 15.
Harlingen, Tex.—Harlingen Industrial Airpark, NDB Rwy 17R, Amdt. 5.
Ketchikan, Alaska—Ketchikan Arpt., NDB/DME Rwy 11, Amdt. 1.
McGrath, Alaska—McGrath Arpt., NDB–B, Orig.
Missoula, Montana—Johnson-Bell Field, NDB–A, Amdt. 9, canceled.
Missoula, Montana—Johnson-Bell Field, NDB–D, Orig.
San Diego, Calif.—San Diego Int'l.-Lindberg Field, NDB–A, Amdt. 3, canceled.
San Diego, Calif.—San Diego Int'l.-Lindberg Field, NDB–B, Orig.
San Diego, Calif.—San Diego Int'l.-Lindberg Field, NDB Rwy 9, Amdt. 13.
Unalakleet, Alaska—Unalakleet Arpt., NDB–B, Orig.
Yakutat, Alaska—Yukatat Arpt., NDB Rwy 11, Orig.

* * * effective August 29, 1974.

Dexter, Mo.—Dexter Municipal Arpt., NDB Rwy 36, Orig.

5. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective September 12, 1974.

Beaumont/Port Arthur, Tex.—Jefferson County Arpt., ILS Rwy 11, Amdt. 11.
Dallas-Ft. Worth, Tex.—Dallas-Fort Worth Regional Arpt., ILS Rwy 17L, Amdt. 3.
Dallas-Ft. Worth, Tex.—Dallas-Fort Worth Regional Arpt., ILS Rwy 17R, Amdt. 3.
Dallas-Ft. Worth, Tex.—Dallas-Fort Worth Regional Arpt., ILS Rwy 35L, Amdt. 3.
Dallas-Ft. Worth, Tex.—Dallas-Fort Worth Regional Arpt., ILS Rwy 35R, Amdt. 3.
Fairbanks, Alaska—Fairbanks Int'l. Arpt., ILS Rwy 19R, Amdt. 16.
Harlingen, Tex.—Harlingen Industrial Airpark, ILS Rwy 17R, Amdt. 3.
Missoula, Montana—Johnson-Bell Field, ILS Rwy 11, Amdt. 4.
San Diego, Calif.—San Diego Int'l.-Lindbergh Field, ILS Rwy 9, Amdt. 5.

* * * effective August 15, 1974.

Sheridan, Wyo.—Sheridan County Arpt., ILS Rwy 31, Orig.

* * * effective July 23, 1974.

Buffalo, N.Y.—Greater Buffalo Int'l. Arpt., ILS Rwy 5, Amdt. 9.

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

Issued in Washington, D.C., on July 25, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610), approved by the Director of the FEDERAL REGISTER on May 12, 1969.

[FR Doc.74–17377 Filed 7–30–74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74–206]

PART 1—GENERAL PROVISIONS

Ports of Entry

On April 16, 1974, a notice of a proposal to extend the port limits of New Orleans, Louisiana, in the New Orleans, Louisiana, Customs district (Region V), was published in the FEDERAL REGISTER (39 FR 13659). No comments were received in regard to this proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), the port limits of New Orleans, Louisiana, in the New Orleans, Louisiana, Customs district (Region V) are hereby extended to include the territory enclosed within the following geographical limits:

From that point where the midpoint of the Mississippi River crosses north latitude 29°49′, west along north latitude 29°49′ to west longitude 90°15′, then north along west longitude 90°15′ to Airline Highway (U.S. Highway Nos. 51, 61, and 65), then east along Airline Highway to west longitude 90°10′, then north along west longitude 90°10′ to the middle of Lake Pontchartrain, then in an easterly direction along the middle of Lake Pontchartrain to the midpoint of the Rigolets, then along the midpoint of the Rigolets to the shore of Lake Borgne, then in a southwesterly direction along the northern shoreline of Lake Borgne to the point where the Bayou Bienvenue enters Lake Borgne, then in a westerly direction along the midpoint of the Bayou Bienvenue to a point where it crosses west longitude 89°55′, then south along west longitude 89°55′ to the point where it first crosses the midpoint of the Mississippi River, then downstream in a southerly direction along the midpoint of the Mississippi River to the point where it crosses north latitude 29°49′.

§ 1.2 [Amended]

To reflect this change, the table in § 1.2(c) of the Customs Regulations (19 CFR 1.2(c)) is amended by substituting "NEW ORLEANS, LA. (including territory described in T.D. 74–206)." for "NEW ORLEANS, LA. (including territory described in E.O. 5130, May 29, 1929)." in the column headed "Ports of entry" in the New Orleans, Louisiana, Customs district (Region V).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2))

It is desirable to make the extended port of entry available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 553 (d).

Effective date. This amendment shall be effective July 31, 1974.

Dated: July 19, 1974.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74–17482 Filed 7–30–74;8:45 am]

[T.D. 74–205]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation

In accordance with section 27, 41 Stat. 999, as amended (46 U.S.C. 883), the Secretary of State has advised the Secretary of the Treasury under date of May 3, 1974, that the Socialist Federal Republic of Yugoslavia allows privileges reciprocal to those provided for in the cited statute with respect to certain articles transported by vessels of the United States. Therefore, corresponding privileges are accorded to vessels of Yugoslav registry effective as of the date of such notification. These privileges relate to the coastwise transportation, under the conditions specified in the applicable proviso of section 27, 41 Stat. 999, as amended (46 U.S.C. 883), of empty cargo vans, empty lift vans, and empty shipping tanks.

§ 4.93 [Amended]

Accordingly, paragraph (b)(1) of § 4.93 of the Customs Regulations (19 CFR 4.93(b)(1)) is amended by the insertion of "Yugoslavia, Socialist Federal Republic of" in appropriate alphabetical order in the list of countries under that paragraph.

(Sec. 27, 41 Stat. 999, as amended (5 U.S.C. 301, 46 U.S.C. 883))

There is statutory basis for the described extension of reciprocal privileges, and the amendment recognizes an exemption from the coastwise prohibition of section 27, 41 Stat. 999, as amended (46 U.S.C. 883). Therefore, good cause is found for dispensing with notice and public procedure thereon as unnecessary, and good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553.

VERNON D. ACREE,
Commissioner of Customs.

Approved: July 19, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74–17483 Filed 7–30–74;8:45 am]

[T.D. 74–208]

PART 134—COUNTRY OF ORIGIN MARKING

Marking of Goods Imported from French Islands of Amsterdam, St. Paul, and Kerguelen

JULY 24, 1974.

Pursuant to § 134.45(d) of the Customs Regulations (19 CFR 134.45(d)), notice is hereby given that goods which

are the product of the French islands of Amsterdam, St. Paul, and Kerguelen must be marked with a legend such as "Product of Amsterdam Island (France)", for country of origin marking purposes.

Fishery products have recently been imported into the United States from these islands. Since the names Amsterdam, St. Paul, and Kerguelen, are not sufficiently well known to insure that the ultimate purchasers will be fully informed of the country of origin of products imported from them, the word "France" shall be required to appear in conjunction with the name of the island or islands where the goods are produced.

Effective date. The above ruling shall be effective as to merchandise entered, or withdrawn from warehouse, for consumption on or after October 30, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.74-17480 Filed 7-30-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION]

[Docket No. R-74-267]

PART 275—LOW RENT PUBLIC HOUSING

Proposed Amendment to Prototype Cost Limits for Public Housing

In the FEDERAL REGISTER issued for Friday, May 17, 1974 (39 FR 17678), prototype per unit cost schedules were published pursuant to section 15(5) of the U.S. Housing Act of 1937. Inadvertently, the prototype per unit schedule for Memphis, Tennessee, entitled Intermediate care facilities was omitted.

It is therefore necessary to reaffirm this particular schedule as published in the FEDERAL REGISTER issued for Friday, June 8, 1973.

SHELDON B. LUBAR,
Assistant Secretary—Commissioner.

[FR Doc.74-17492 Filed 7-30-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-85]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Galveston Channel, GIWW, Texas

This amendment changes the regulations for the highway and railroad drawbridge across Galveston Channel on the Pelican Island Causeway between Pelican Island and Galveston Island to permit periods during the morning, noon and evening vehicular rush hours when the draw may remain closed to the passage of vessels. This amendment was circulated as a public notice dated April 18, 1974 by the Commander, Eighth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 74-84) on April 10, 1974 (39 FR 13005). Twenty-one responses were received. Eighteen supported the proposal and three objected that the hours proposed were too restrictive. A compromise was agreed upon which reduced the total periods of closure from six hours to three and one half hours. (From 7 a.m. to 9 a.m. to 7 a.m. to 8:30 a.m.; from 11:30 a.m. to 1:30 p.m. to 12 noon to 1 p.m. and from 4 p.m. to 6 p.m. to 4:15 p.m. to 5:15 p.m.). This compromise is acceptable to the Coast Guard and is incorporated in the regulation.

In consideration of the foregoing, 33 CFR Part 117 is amended by adding a new § 117.553 immediately after § 117.550 to read as follows:

§ 117.553 Pelican Island Causeway drawbridge, Galveston, Texas.

(a) The draw shall open on signal except that from 7 a.m. to 8:30 a.m., 12 noon to 1 p.m. and 4:15 p.m. to 5:15 p.m., Monday through Saturday, except national holidays, the draw need not open for the passage of vessels.

(b) The draw shall open at any time for public vessels of the United States or vessels in distress. The opening signal is four blasts of a whistle or horn or by shouting.

(c) The owner of or agency controlling this bridge shall conspicuously post notices containing the provisions of this regulation on the upstream and downstream sides of the drawbridge or elsewhere in a manner that they may be easily read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on September 2, 1974.

Dated: July 25, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-17453 Filed 7-30-74;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 212—ADMINISTRATION OF THE FOREST DEVELOPMENT TRANSPORTATION SYSTEM

Use of National Forest System Roads

In a notice of proposed rulemaking published on May 9, 1974 (39 FR 16479), the Forest Service requested public comment on a proposal to amend several existing regulations pertaining to the use of National Forest System roads.

Only one organization submitted a response on the regulations which was a consolidation of comments from five or six member companies. They were generally in favor of the revision to the regulations, but were concerned that the granted and reserved rights of the road users might be reduced. They recommended additional wording in § 212.7(a) to insure consideration of their rights in the use of Forest Service roads. Although their rights are identified and recognized in the Forest Service manual system, wording has been added to § 212.7(a) to avoid any possible misunderstanding of the regulations.

One additional comment suggested that advance notice be sent to commercial users prior to imposing any traffic restrictions that would affect their use of the road system. This particular point is covered in the Forest Service manual system, which we feel is adequate.

As a result of the comments received and a further review by this office, the following changes are made in the regulations:

1. The phrase "except when in conflict with written authorization" is added to § 212.7(a).

2. The word "height" is added after "length" in the first sentence in § 212.7(a)(2)(i). In the second sentence, the words "Forest Service" are changed to "Chief" to be consistent with the other paragraphs in this section.

3. The phrase "Except when in conflict with written authorization" is deleted from the first sentence in § 212.7(a)(3) as it is now covered in § 212.7(a).

In consideration of the foregoing, the proposed amendments of 36 CFR 212 are adopted as set forth below.

Effective Date: This amendment is effective August 31, 1974.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research, and Education.

JULY 26, 1974.

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1. Section 212.7 is revised to read as follows:

§ 212.7 Road System Management.

(a) *Traffic rules.* Rules set forth under this paragraph shall apply to all roads under the jurisdiction of the Forest Service, except when in conflict with written authorization.

(1) *General.* Traffic on roads is subject to State traffic laws where applicable except when in conflict with the rules herein prescribed.

(2) *Specific.* The following specific traffic rules shall apply unless otherwise expressly authorized in writing and use in violation of these rules is prohibited.

(i) The load, weight, length, height, and width limitations of vehicles shall be in accordance with the laws of the States wherein the road is located. Greater or lesser limits may be imposed by the Chief and these greater or lesser limits shall be effective when signs giving notice thereof have been posted upon the road or segment of any road affected by these limits.

(ii) Roads, or segments thereof, may be restricted, by the Chief, to use by certain classes of vehicles or types of traffic. Use restrictions shall be effective when signs giving notice thereof have been posted at the entrances to these roads, or road segments, and notices have been made available to the public at the offices designated in § 200.7 of this chapter. Classes of vehicles are defined to include, but not be limited to, distinguishable groupings such as passenger cars, buses, trucks, motorcycles, snowmobiles, and trailers. Types of traffic are defined to include, but not be limited to, groupings such as commercial hauling, recreation, and administrative.

(iii) Permits or other written authorization may be required by the Chief for commercial hauling. Requirements for permit or other written authorization shall be effective when signs giving notice thereof have been posted upon the road.

(3) *Closures.* The Chief may close roads, or segments thereof, to all vehicle use. Closures shall be effective when signs giving notice thereof have been posted at the entrance to these roads or road segments and notices have been made available to the public at the offices designated in § 200.7 of this chapter. Using vehicles upon a road during any period when the road is closed is prohibited.

(4) *Road damage.* Damaging and leaving in a damaged condition any road, or segment thereof, is prohibited.

(b) *Special Service Roads—(1) Authority.* Where the traffic rules in paragraph (a) of this section need to be supplemented to accomplish the purpose of these regulations, the Chief may designate a Forest Development Road, or segment thereof, a "Special Service Road" and further control or regulate the use of the road: *Provided,* That

(i) The road is not a part of the highway system of a State, county, or other public road authority.

(ii) The United States controls the right-of-way.

(2) *Traffic Rules.* Traffic on Special Service roads is subject to paragraph (a) of this section, and to State traffic law, where applicable, except to the extent the Chief deems it necessary to prescribe rules in addition thereto or in conflict therewith to accomplish the purposes of the regulations of this Part 212. These additional rules shall be posted at the entrances to the roads and be available to the public at the offices designated in § 200.7 of this chapter. Violation of the posted rules is prohibited.

(c) *Cost Recovery on Forest Service Roads.* The Chief may determine that a share of the cost of acquisition, construction, reconstruction, improvement, or maintenance of a road, or segment thereof, used or to be used for commercial hauling of non-Federal forests products and other non-Federal products, commodities and materials, should be borne by the owners or haulers thereof. The Chief may condition the permission to use a road, or segment thereof, upon payment to the United States of the proportionate share of the cost and bearing proportionate maintenance as determined to be attributable to the owner's or hauler's use in accordance with § 212.11. This condition to use roads would apply where the owners or haulers: (1) have not shared in the cost of acquisition, construction, reconstruction, or improvement, and (2) have not made contributions to pay their proportionate share of the costs.

(d) *Maintenance and Reconstruction of Forest Service Roads by Users.*—(1) *Maintenance.* The Chief may require, but not in conflict with an existing permit, easement, contract, or other agreement, the user or users of a road, including purchasers of Government timber and other products, to maintain the roads in a satisfactory condition commensurate with the particular use requirements of each. The maintenance to be borne by each user shall be proportionate to total use and no individual user shall be required to perform or bear the costs of maintenance other than that commensurate with his use.

(2) *Reconstruction.* The Chief may require, but not in conflict with an existing permit, easement, contract, or other agreement, the user or users of a road to reconstruct it when, at the time the use is requested, reconstruction is determined to be necessary to accommodate his use.

(3) *Deposits in Lieu of Performance.* If the maintenance or reconstruction cannot be so provided or if the Chief determines that maintenance or reconstruction by a user would not be practical, the Chief may require that sufficient funds be deposited by the user to provide his portion of the total maintenance or reconstruction costs. Deposits made to cover maintenance or reconstruction of roads shall be used for the purposes deposited, except that: (i) Deposits received for work on adjacent and overlapping areas may be combined when it is the most practicable and efficient manner of performing the work, and cost thereof may be determined by estimates, and (ii) unexpended balances upon accomplishment of the purposes for which deposited shall be transferred to miscellaneous receipts or refunded.

(e) *Deposits for Making Delayed Payments to Cooperator.* Any fees or other collections received by the Chief under the terms of an agreement or other document providing for delayed payments to the Government's cooperator for use of a road shall be placed in a fund available for making these payments.

2. Paragraph (c) of § 212.9 is revised to read as follows:

§ 212.9 Access Procurement by the United States.

* * * * *

(c) *Methods of Compensation for Easements and Rights of Use Acquired by the United States.* Compensation in negotiated acquisitions may be: (1) By payment from appropriated funds; (2) pursuant to reservation in the grant of easement to the United States whereby the grantor reserves the right to require haulers of Federal timber or other Federal products over the road conveyed or thereafter constructed by the grantor to make payments to the grantor in accordance with the terms of the reservation; (3) by granting reciprocal rights; or (4) by a combination of these methods.

* * * * *

§ 212.10 [Amended]

3. Paragraph (b) of § 212.10 is deleted.

4. Paragraphs (d) and (f) of § 212.11 are revised to read as follows:

§ 212.11 Principles for Sharing Use of Roads.

* * * * *

(d) *Cost Recovery by the United States from others.* When roads are used under permit for commercial hauling instead of under cooperative agreement, any cost to be recovered by the United States will be calculated in proportion to the planned use of the road. The road cost used in such calculation will be the amount or estimated amount expended in the acquisition, construction, reconstruction, and improvement of that capacity of the road required to serve the use needs of all parties that are or reasonably can be expected to use the road. The road costs shall not exceed the replacement value of the road. Such road share-cost payments will be through deposits in advance of use unless the user provides a payment bond satisfactory to the Chief guaranteeing that payments will be made promptly upon billing by the Forest Service.

* * * * *

(f) *Road Maintenance and Resurfacing.* Cooperators will share the road maintenance and resurfacing costs under suitable agreements to perform, arrange for performance by others, or by making deposits with the Forest Service which will be used to pay the cost of work necessary to keep such roads in satisfactory condition commensurate with use requirements of each cooperator. No cooperator shall be required to perform or bear such costs other than those occasioned by its individual use. Other users will bear costs in accordance with § 212.7(d).

* * * * *

(25 Stat. 357, 26 Stat. 1103, 30 Stat. 35-36, 1233, 38 Stat. 430, 46 Stat. 1421, 64 Stat. 82, 72 Stat. 885, as amended, 74 Stat. 215, 78 Stat. 1089 (16 U.S.C. 471, 478, 498, 525, 528-531, 532, 538, 551, 572, 23 U.S.C. 101, 205, 40 U.S.C. 257, 258a et seq.); 42 Atty. Gen. Op. No. 7; Comp. Gen. B-65972, May 19, 1947; 40 Comp. Gen. 372; 41 Comp. Gen. 1; 41 Comp. Gen. 576, and 42 Comp. Gen. 590)

[FR Doc.74-17484 Filed 7-30-74;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

Miscellaneous Amendments To Chapter

In the June 12, 1974, FEDERAL REGISTER (39 FR 20595) a new Part 111 was published to effect the incorporation by reference of Chapter I of the Postal Service Manual (which is substantially identical to subchapter C of Chapter I of Title 39) effective July 1, 1974. The

July 1st effective date was keyed to the planned revision date for Title 39 so that the 1974 revision of the Code would reflect the full text of Chapter I before incorporation by reference. Since the CFR revision date has been postponed to August 1, 1974, the effective date of Part 111 is being postponed to August 1, 1974, and certain amendments to Chapter C are being made as described below.

Therefore, the effective date of Part 111 of Chapter I is postponed until August 1, 1974.

Regulations codified under Part 126 Conditions Applicable to Mail Addressed to Military Post Offices Overseas are revised in § 126.2 to delete the APOs and FPOs that have been closed, to add those that have been opened, and to update the list of conditions, prescribed by the Defense Department, that apply to mail addressed to certain military post offices overseas.

Regulations codified under Part 143 Precanceled Stamps are amended in § 143.3 to allow the mailer, under certain conditions, to precancel adhesive postage stamps. Mailers may currently use precancel postmarks only on stamped envelopes. The amendment also requires that the ink used in precanceling adhesive stamps and stamped envelopes must meet certain standards so as to prevent re-use of the postage, enhancing the security of the mail revenue.

Regulations codified under Part 154 Conditions of Delivery are revised in § 154.6 to remove any implication that mail addressed to patients and inmates at institutions may be treated differently from mail addressed to persons at hotels, schools, and similar places.

Regulations codified under Part 163 COD Mail are revised to improve procedures for the acceptance and handling of COD mail. The revised procedures provide guidance especially applicable to large COD mailers. In particular, the following changes are effected:

(1) Section 163.1 is amended to encourage the reporting of delays in receiving payment for COD mailings to the local postal inspector-in-charge.

(2) Newly designated § 163.3 is introduced to prescribe requirements for COD tags printed by the mailer. The amendment further allows postmasters to authorize volume mailers to print the date and place of mailing on COD tags, in order to expedite the acceptance of mail by eliminating the need for the post office to postmark the tags.

(3) Newly designated § 163.4 is added to prescribe new acceptance procedures for COD parcels, and to provide that COD tags bearing incorrect mailing dates must be postmarked at the accepting office. Postmasters are allowed to authorize mailers to use computer generated numbers for COD identification, freeing mailers from the former restriction to use of a block of assigned numbers, in order to facilitate the relating of mailings to customer orders. The new section also contains other material that formerly appeared elsewhere in Part 163.

Regulations codified under Part 164 Indemnity Claims are revised as follows:

(1) Sections 164.6 and 164.7 are revised to reflect new procedures and a new form for registered mail inquiries and claims. Section 164.6 is further amended to eliminate the necessity of completing Form 1510 as a prerequisite to filing Form 565, and to require the retention of a damaged article at the post office where the indemnity claim is presented until the article is released by the Postal Data Center.

(2) Section 164.8 is amended to require that certain claims be sent directly to the Postal Data Center rather than to the Inspection Service, and that postmasters complete their portion of Form 565 within 7 days and forward it to the second office, the Postal Data Center, or the Inspection Service, whichever is applicable.

(3) Section 164.9 is amended to add new provisions prescribing conditions of payment of indemnity claims.

Other changes are made, to correct inadvertent errors and omissions, and to make alterations of an editorial nature, in provisions previously published.

Accordingly, the following amendments are effective immediately:

PART 125—SECOND-CLASS BULK MAILINGS

§ 125.6 [Amended]

1. In paragraph (f)(2)(iv) of § 125.6 the words "at least 65 percent" are deleted and the words "more than half" are inserted in lieu thereof.

PART 126—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

2. Section 126.2 is revised to read as follows:

§ 126.2 Conditions prescribed by the Defense Department applicable to mail addressed to certain military post offices overseas.

Military post office No.	See footnotes—
09001	B-[illegible]-I[1]
09002	B-C-I[1]
09007	B-C-D
09008	B-C-D
09009	B-C-D
09011	B-C-F[1]
09012	B-C-D
09013	B-C-D
09017	B-F-I-R-H
09019	B-C-I[1]
09020	B[1]
09023	
09025	B-C-D
09026	B-C-D
09028	B-C-D
09029	B-C-D
09031	B-C-D
09033	B-C-D
09034	B-C-D
09035	B-C-D
09036	B-C-D
09038	B-F-I-R-H
09039	B-C-D
09040	A-B[1]-F-I
09045	B-C-D
09046	B-C-D
09047	B-C-D
09048	B*-C
09050	B-C-D
09051	A-B[1]-F-I
09052	B-C-D
09053	B-C-D
09054	B-C-D
09055	B*
09056	B-C-D
09057	B-C-D
09058	B-C-D
09059	B-C-D
09060	B-C-D
09061	B-C-D
09062	B-C-D
09066	B-C-D
09067	B-C-D
09068	B-C-D
09069	B-C-D
09070	B-C-D
09072	B-C-D
09074	B-C-D
09075	B*-C
09076	B-C-D
09077	B-C-D
09078	B-C-D
09079	B-C-D
09080	B-C-D
09081	B-C-D
09082	B-C-D
09085	
09086	B-C-D
09088	B*
09090	B-C-D
09091	B-C-D
09093	B-C-D
09095	B-C-D
09098	B-C-D
09099	B-C-D
09102	B-C-D
09107	B-C-D
09108	B-C-D
09109	B-C-D
09111	B-C-D
09114	B-C-D
09120	B*-C
09121	
09123	B-C-D
09127	B*-C
09128	B-C-D
09130	B-C-D
09131	B-C-D
09132	B-C-D
09133	A-B-F-I
09137	B-C-D
09138	B-C-D
09139	B-C-D
09140	B-C-D
09141	B-C-D
09142	B-C-D
09143	B-C-D
09144	B-C-D
09146	B-C-D
09150	B*-C
09154	B-C-D
09155	A-B
09159	B-C-F[1]
09160	B-C-D
09162	B-C-D
09164	B-C-D
09165	B-C-D
09166	B-C-D
09168	B-C-I[1]
09169	B-C-D
09170	C-D
09171	B-C-D
09172	B-C-D
09173	B-C-D
09175	B-C-D
09176	B-C-D
09177	B-C-D
09178	B-C-D
09179	B*-C
09180	B-C-D
09184	B-C-D
09185	B-C-D
09189	B-C-D
09193	B*-C
09194	B*-C
09205	A-B
09210	B*-C
09218	B*-C
09220	B-C-D
09221	B-C-I[1]
09223	A
09224	A-B[1]-F-I
09227	B-C-D
09232	B-C-I[1]
09238	B*-C
09240	B-C-I[1]
09245	B-C-D
09252	B-C-D
09253	A
09254	A-B[1]-F-I
09277	B-C-D
09281	B-C-D
09282	
09283	
09285	
09286	
09289	A-B[1]-F-I
09291	A
09292	B-C-F[1]
09293	B-C-I[1]
09294	A-B[1]-F-I
09305	B-C-D
09319	B-C-D
09320	A-B[1]-F-I
09322	B-C-D
09324	A-B[1]-F-I
09326	B-C-D
09330	B-C-D
09332	B-C-D
09333	B-C-D
09351	B-C-D
09352	B-C-D
09353	B-C-D
09360	B-C-D
09378	B*-C
09380	A-B[1]-F-I
09401	
09403	B-C-D
09405	B*-C
09406	
09407	B-C-D
09411	B-C-D
09451	B-C-D
09452	B-C-D
09453	B-C-I[1]
09454	B-C-D
09458	B-C-D
09501	
09502	
09505	O
09510	B*-C
09511	B*-C-J
09512	B*-C-J
09513	B-C-D
09514	B-C-D
09515	B*-C-J
09516	B*-C-J
09517	B-C-D
09518	B*-C-J
09519	B*-C-J
09520	B-C-I
09521	B-C-I[1]
09522	B-C-I[1]
09523	B-C-I[1]
09524	B-C-I[1]
09525	A
09526	
09527	A-N
09528	A
09529	B-C-I[1]
09530	A-B-C-F-M-N
09531	A-B-C-F-I-M
09532	A
09533	
09540	
09544	A-B-C-E
09545	B-C-D
09546	
09549	
09550	
09551	
09552	
09553	
09554	
09555	
09556	
09558	
09559	
09560	
09571	
09580	B[1]
09584	B[1]
09585	B[1]
09593	
09597	
09598	
09607	B*-C
09611	B-C-D
09616	B-F-H-I-R
09633	B-C-D
09659	B*-C
09662	
09664	N
09666	B-C-D
09667	B*
09670	B-C-I[1]
09672	
09676	B-C-M
09677	
09678	B-I-N
09684	B-C-D
09689	B-C-I[1]
09690	A
09692	B-C-D
09693	A
09696	B-C-D
09697	B-F-H-I-R
09701	B-C-D
09702	B-C-D
09710	B-C-D
09742	B-C-D
09743	B-C-D
09751	B-C-D
09755	B*-C
09757	B-C-D
09777	A-B-C-E
09794	B-C-I[1]
09801	B-C-D
09807	B-C-D
09825	B[1]
09826	B[1]
09827	B[1]
09829	B[1]
09832	B[1]
09834	B[1]
09837	B[1]
09843	B-C-D
09845	
09851	
09860	B-C-D
09862	N
09865	B-I-M
09867	M
09869	B-C-F-I-M-N
09870	C-D-N
09871	B-I-L-M
09872	B-C-D
09879	H-I-M-N
09880	A-B-F
09881	I-M
09883	B-I-M-[illegible]
09885	M
09887	B-D-F-I-M-N
09889	B-I-M-N
09891	B-M-N
09892	A-B-F-I
09893	C-F-H-I-M-N

Military post office No.	See footnotes—
09895	B-I-M
09897	I-L
09899	B-I-M
96208	A-B
96209	A-B-H
96210	A-B-M
96212	A-B
96213	A-B
96218	A-B
96220	A-B
96224	A-B
96225	
96230	A-B-L-M
96231	A-B
96232	F
96233	F
96234	A-B-C-F
96235	A-B-M
96236	F [1]-P
96237	F
96239	A-B-M
96242	F
96243	A-B-C-F
96245	F
96248	A-B-M
96251	A-B
96259	A-B
96263	F [1]
96264	A-B
96267	A-B-M
96271	A-B
96272	F
96274	F-K
96276	A-B
96277	F-K
96280	F [1]
96281	A-B-M
96285	A-B-M
96286	F-K-L
96287	A-B-H
96288	F
96290	F [1]
96293	F [1]
96298	F-K
96301	A-B
96302	A-B
96303	F
96304	F
96305	
96310	F
96311	F-K-[1]
96315	F-P
96319	F [1]
96322	F-P
96323	A-B-M
96324	A-B
96327	L
96328	A-B-M
96330	F
96331	A-B-M
96333	M
96334	
96335	A-B
96336	A-B-M
96338	A-B-M
96340	F [1]
96341	
96343	A-B-M
96346	F
96351	P
96352	F
96356	
96358	A-B
96360	F [1]
96364	F-N-P
96365	
96367	A-B-L-M
96369	A-B-H
96370	A-B
96386	F
96390	A-B-M
96393	A-B-C-F
96397	A-B
96401	
96403	A-B-H
96404	A-B-H
96405	A-B-H
96409	F
96411	A-B-M
96415	B-H-M
96421	F
96430	F
96431	F-K
96432	F-K
96435	F [1]
96438	
96442	F
96455	A-B
96460	A-B
96468	F
96483	A-B
96488	A-B
96501	
96503	A-B-M
96504	A-B-M
96515	
96519	A-B-M
96525	A-B-M
96528	F-K
96545	
96553	
96555	M
96556	
96557	
96558	
96570	A-B
96571	A-B
96601	
96602	
96605	O
96610	
96611	
96612	
96613	
96614	
96615	
96617	
96620	A-B-C-F
96630	
96637	
96650	F-K
96651	F-K
96654	F-K
96656	F-K
96658	F-K
96659	
96680	A-B-H-Q
96685	
96690	B-H-M
96692	
96699	A-F
98703	
98704	
98706	
98709	
98710	
98711	
98713	
98715	
98716	
98723	
98731	
98732	
98733	
98736	
98737	
98742	
98745	
98746	
98747	
98748	
98749	
98750	
98760	A-B-M
98761	A-B-M
98762	A-B-M
98764	A-B-M
98765	A-B-M
98766	A-B-M
98767	A-B-M
98768	A-B-M
98769	A-B
98770	A-B-M
98771	
98772	A-B-M
98773	A-B-M
98774	
98775	
98776	
98777	
98781	A-B-M
98782	A-B-M
98790	
98791	
98792	
98793	
98794	
98795	
98796	
98797	
98798	
98799	

FOOTNOTES

A. No mail of any class may contain securities or currency. Precious metals in their raw, unmanufactured state are also prohibited. Official shipments are exempt from these restrictions.

B. Customs Declaration form required, except that prepaid mail from a contractor, addressed to a military organization for official use, NEED NOT bear Customs Declaration but must be endorsed "Contents For Official Use—Exempt from Customs Requirement. Official mail from Government agencies DOES NOT require customs declaration or exemption endorsement."

B [1]. Two customs declarations required. One Form 2966-A and one Form 2966.

*Articles will be liable for customs duty and/or purchase tax unless they are bona fide gifts, personal use intended for military personnel or their dependents. When the contents of a parcel meet these requirements, the mailer should place a certificate similar to the following on the customs form under the heading—"Description of Contents" "Certified to be a bona fide gift, personal effects or items for personal use of military personnel and dependents thereto."

C. Cigarettes and other tobacco products prohibited.

D. Coffee prohibited.

E. Mail may not contain: 1. Medicines or vaccines not conforming to French laws. 2. Nonauthorized publications, reprints, and publications prohibited on account of their political character or immoral contents.

F. Mail of all classes may not contain firearms of any type. See definition of firearms in § 124.5. Exception: Not applicable to firearms mailed to or by official U.S. government agencies.

F [1]. No mail of any class may contain privately-owned weapons addressed to an individual.

G. To be printed at a later date.

H. Meats, including preserved meats, whether hermetically sealed or not, are prohibited.

H [1]. Pork and/or pork by-products prohibited.

I. Mail of all classes may not exceed the following dimensions:

Length	
42"	72" length and girth combined.
Over 42" to 44"	24" girth.
Over 44" to 46"	20" girth.
Over 46" to 48"	16" girth.

Maximum length 48".

[1] Provisions of this footnote are not applicable to registered mail.

[2] Provisions of this footnote are not applicable to airmail nor to official Government mail marked MOM.

J. Weight for other than registered mail is restricted to 50 pounds.

K. Mail which includes in the address the words "Dependent Mail Section" may consist only of letter mail, newspapers, magazines and books. No parcel of any class containing any other matter may be mailed to Dependent Mail Section. This footnote is not applicable if the address does not include the words "Dependent Mail Section."

L. All official mail prohibited.

M. Fruits, animals, and living plants are prohibited.

N. No registered mail accepted.

O. Personal mail addressed to vessels using this number is limited to unregistered airmail, unregistered first-class mail, and certified mail. Other classes of mail may not be accepted.

P. APO will be used for the receipt and dispatch of official mail only.

Q. Mail may not exceed 66 pounds and size is limited to 42 inches maximum length and 78 inches maximum length and girth combined.

R. All alcoholic beverages, including those mailable under § 123.3 are prohibited.

PART 131—FIRST CLASS

§ 131.2 [Amended]

3. In paragraph (c) (3) (ii) (*a*) of § 131.2 the section reference at the end of the last sentence is changed from "subparagraph (3) (i) (b)" to "subparagraph (3) (ii) (b)".

4. In paragraph (c) (3) (ii) (b) (2) of § 131.2 the numeral "5" is deleted and the numeral "6" is inserted in lieu thereof.

PART 143—PRECANCELED STAMPS

§ 143.3 [Amended]

5. In § 143.3 the following material is inserted between the second and third sentences:

In instances where substantial processing savings accrue to the Postal Service, the Manager, Mail Classification Division, U.S. Postal Service, Washington, D.C. 20260, may authorize precanceling adhesive postage stamps under the procedure described. The ink used for cancellation must provide adequate indelibility and sufficient contrast from the stamp to prevent re-use.

6. In § 143.3 the words "There is illustrated below" are deleted from the last sentence and the words "Illustrated below is" are inserted in lieu thereof.

PART 154—CONDITIONS OF DELIVERY

7. Paragraphs (a) and (b) of § 154.7 are revised to read as follows:

§ 154.6 Delivery to persons at hotels, institutions, schools, etc.

(a) *Mail addressed to patients or inmates at institutions* is delivered to the institution authorities, who in turn will deliver the mail to the addressee under the institution's rules and regulations. If the addressee is no longer at that address, the mail shall be redirected to his current address. If the forwarding address is unknown, the mail shall be returned to the post office.

(b) *Mail addressed to persons at hotels, schools, and similar places* is delivered to the hotel or school. If the addressee is no longer at that address, the mail shall be redirected to his current address. If the forwarding address is unknown, the mail shall be returned to the post office.

PART 159—UNDELIVERABLE MAIL

§ 159.2 [Amended]

8. In paragraph (g) (1) of § 159.2 the phrase "When mail is undeliverable" at the beginning of the first sentence is deleted and the phrase "When registered mail is undeliverable" is inserted in lieu thereof.

PART 163—COD MAIL

9. The table of contents of Part 163 is revised to read as follows:

Sec.
163.1 Description.
163.2 Fees.
163.3 Mailer printed tags.
163.4 Mailing.

10. Section 163.1 is amended to add new paragraphs (g) and (h) as follows:

§ 163.1 Description.

* * * * *

(g) *Additional services*—(1) *Restricted Delivery.* Restricted delivery may be obtained as set forth in § 165.3 of this chapter and by the payment of additional fees as provided in § 165.3(b). For circumstances under which *Deliver to Addressee Only* restricted delivery will not be furnished, see § 165.3(d) (1).

(2) *Alteration of COD Charges or Designation of New Addressee.* The sender of a COD package may alter the COD charges or direct delivery to a new addressee by filing a request with the postmaster at the office of mailing on Form 3818, *Authorization to Change COD Charges or Addressee.* The postmaster will send the directions to the office of delivery by telegram if the sender pays the costs.

(3) *Notice to Sender.* Senders desiring a notice of undelivered COD mail must request Form 3849–D *Notice to Sender of Undelivered COD Mail,* by endorsement on the address label. This request must appear conspicuously, directly under the return name and address of the sender, and separate from any other instructions, as follows:

FORM 3849–D REQUESTED

A mailer's request may include directions to send the notice to the mailer or to his representative. When the mailer's representative is designated, the representative's name and local or nearby address must be shown in a bordered space with instructions, reading: *"Do not deliver to mailer's designated representative without collecting COD charges,"* or *"Deliver without collecting COD charges to mailer's designated representative."*

(4) *Registered COD Mail.* Sealed domestic mail of any class bearing postage at the first-class rate may be sent as registered COD mail. Such mail is handled the same as other registered mail. The maximum amount of charges collectible on a parcel is $200, but additional indemnity may be obtained over $200 up to the regular registry limit of $10,000 by payment of a higher fee. Registered COD mail is subject to a handling charge applicable to other registered mail, except that the basis of the handling charge is the amount by which the declared actual value of the article exceeds the limit of liability covered by the fee paid. Envelopes used as covers must not be smaller than 4 x 7¾ inches.

(h) *Delays in remittance.* Mailers should be encouraged to report instances in which there has been undue delay in receiving money orders in payment for COD parcels. The mailer should normally receive payments within 45 days of the day of mailing. Delays in excess of 45 days should be reported to the local postal inspector-in-charge giving the date of mailing, parcel number, address of delivery, date payment was received, and the number and date on the payment money order. If payment has not been received, a claim should be submitted in accordance with Part 164 of this chapter.

11. Sections 163.3 and 163.4 are revised to read as follows:

§ 163.3 Mailer printed tags.

(a) *Approval.* Many mailers use specially designed and privately printed COD tags which may offer advantages in processing economies or in advertising value. Such economies can often be realized by computer oriented firms when the computer can prepare the tag, develop the equivalent of Form 3877, *Firm Mailing Book for Registered, Registered COD, and Certified Mail,* and also routinely provide a numerical listing of all parcels returned by the Postal Service. Mailers desiring to print their own labels should consult printers capable of printing business forms meeting the requirements of these regulations. COD tags must be submitted to the Mail Classification Division, Washington, DC 20260 through the local postmaster for approval before printing.

(b) *Basic tag requirements.* (1) Tags may be similar in design to tags provided by the Postal Service, or may be of a multi-layer design if each layer fulfills the function of a part of the tag provided by the Postal Service. COD tags must meet the requirements of this section by July 1, 1975.

(2) Tags shall, as a minimum, contain the equivalent of Form 3816a–L, *Tag for COD Articles,* or Form 3816a–S, *COD Card for Use on Sealed COD Parcels,* provided by the Postal Service; i.e., the delivery office coupon, containing name and address of addressee and mailer, the charges and fees, space for postmarks, and space for the addressee's signature, space for the date of delivery, and space for the signature of the delivery employee and the delivery employee's coupon. A remittance coupon to be returned to the mailer with the money order, may also be included.

(3) To facilitate filing and retrieval at the delivery office, the delivery office coupon should be the approximate size of the Postal Service tag (min.: 3″ x 3″, max. 3.5″ high x 4″) and have space for the COD article number at the top of the tag.

(4) Tags must be conspicuously marked *C.O.D.*

(5) While all of the following parts are not required on each COD tag, the tags should be arranged in order of usage from right to left (top to bottom in multi-layer versions) as follows: Mailer's receipt, mailing office's file copy, delivery employee's coupon, remittance coupon, delivery office coupon.

(6) Tags should be on card stock. Multi-layer forms may be on paper stock if the bottom copy is an extra copy (in addition to those listed in subparagraph (b)(1) of this section) which is firmly glued to the article. This is necessary to reduce the chance of loss resulting from a lightweight tag being torn off.

(7) The COD tag may incorporate an extra part to serve as an address label. This may be the bottom layer of a multi-layer form or the extreme left section of a card-stock form. The address label shall be firmly attached to the parcel by glue or other means.

(8) To facilitate processing, mailers, if volume warrants, may be authorized by the postmaster to type or computer print mailed at with the date and place of mailing in the areas of the COD tag calling for a postmark of the mailing office.

(c) *Nursery stock shipments.* Firms mailing nursery stock may print special COD tags bearing instructions as to disposition of shipments that are not immediately delivered. These tags must contain a remittance coupon that will be returned with the money order. The following rules apply:

(1) If the sender does not desire to have the undeliverable parcel disposed of to the highest bidder, the sender's instructions on the back of the delivery-office portion of the COD tag (i), and on the remittance coupon (ii), should read:

(i) If addressee refuses to pay charges for any reason, deliver at once without collecting the charges. Notify sender at once if parcel is not delivered, and if no reply is received in 30 days, destroy parcel. See remittance coupon for further instructions.

(ii) Return this coupon with money order. If parcel is delivered without collection of charges, or is destroyed after 30 days, check disposition and send coupon to sender in penalty envelope.

☐ Delivered to addressee without collecting charges.

☐ Destroyed after 30 days.

(2) If sender desires to have the undeliverable parcel disposed of to the highest bidder, the sender's instructions on the back of the delivery office portion of the COD tag (i), and on the remittance coupon (ii), should read:

(i) If addressee refuses to pay charges for any reason, deliver at once without collecting the charges. Notify sender at once if parcel is not delivered, and if no reply is received in 30 days, sell to highest bidder and remit proceeds less commission. If sale cannot be made, destroy parcel. See remittance coupon for further instructions.

(ii) Return this coupon with money order. If parcel is delivered without collection of charges, is destroyed after 30 days, or is sold, check disposition and send coupon to sender in penalty envelope.

☐ Delivered to addressee without collecting charges.

☐ Destroyed after 30 days.

☐ Sold for $_____. Remittance, less commission, herewith.

§ 163.4 Mailing.

(a) *Preparation for mailing.* (1) COD articles will be identified by a number which the mailer will put on each section of the COD tag. The postmaster will assign a series of numbers using Form 3857, *Assignment of Number Blocks for Registered, Insured, Certified, and COD Mail.* The postmaster may authorize the mailer to use customer order numbers or computer generated numbers when such numbers will not hinder the accepting office's procedures. The use of prefixes is discouraged, but not prohibited. The use of suffixes is not permitted.

(2) A COD tag must be securely affixed by the sender to each COD article. The tag must show article number, names and addresses of sender and addressee, amount due sender, and amount of money order fee necessary to make remittance. Stock tags are furnished by

the post office without charge. There are two types of tags eyeletted for tying to parcels and one uneyeletted type for attaching by gummed tape. Specially printed COD tags approved by the Postal Service may also be used (see § 163.3 (b)). The eyeletted tag, Form 3816, *COD Tag and Sender's Receipt*, composed of delivery office coupon, delivering employee's coupon, mailing office record and the sender's receipt, is intended for use by customers mailing fewer than three articles at one time.

(3) The particulars required on the tag must be filled in by the sender with ink, ball-point pen, typewriter or computer printer. The Postal Service is not responsible for errors by senders in stating charges to be collected.

(4) When the COD remittance is to be sent to someone other than the actual mailer, the name and address of the person to whom the remittance is to be sent must appear in the proper spaces on the address side of the delivery office coupon. The name and address of the person to whom the remittance is to be paid must also be shown as sender on the COD parcel itself, together with directions for return if undeliverable.

(5) When COD parcels are addressed to distant points or to overseas domestic destinations, the mailer may, if he desires to expedite remittance, attach an addressed, prepaid airmail reply envelope to the back of the COD tag at time of mailing.

(6) Mailers of three or more parcels per mailing will present a listing (in duplicate) of parcels to be mailed at the time of mailing. The mailer may use Form 3877–A, *Firm Mailing Book for Use in Acceptance of Insured, COD, and Certified Mail*, which is provided to customers without charge or, when authorized by the postmaster, he may prepare typewritten or computer prepared listings which provide the equivalent data as the Form 3877–A.

(7) Mailers of fewer than three parcels per mailing may obtain receipts on the sender's receipt portion of the COD tag. The post office will acknowledge receipt by postmarking the sender's receipt.

(8) COD parcels will bear an address label in addition to the COD tag since the tags can be easily lost in transit. The address label may be printed as an additional part of the COD label in accordance with § 163.3(b)(7). The address label should identify the parcel as a COD parcel and should be firmly attached by glue or other means.

(b) *Where to mail.* COD parcels must be mailed at a post office, branch, or station, through a rural carrier, or at a personnel or nonpersonnel rural station or branch. They may not be placed in mail drops at post offices, nor in or on street mail boxes. They may not be left on, but may be placed in, rural mail boxes.

(c) *Acceptance*—(1) *Individual Receipts for Mailing.* A receipt is issued for each COD parcel mailed on one of the following forms:

(i) Sender's receipt coupon of COD tag, Form 3816, or specially printed COD tag.

(ii) Form 3877–A or specially printed firm mailing bills.

(iii) Recapitulation sheets or receipt portions of multiple forms specially printed by the mailers.

(2) *Temporary Receipts.* The postmaster may issue a temporary receipt when the number of articles presented for COD at one time warrants it. The permanent receipt will be issued as soon as possible.

(3) *For Three or Fewer Parcels.* Mailers of three or fewer parcels at a time shall be provided a receipt by postmarking the sender's receipt portion of the COD tag.

(4) *Large COD Mailings.* The following procedure for acceptance of large COD mailings may be followed for companies which regularly maintain a high degree of accuracy in preparing the mailing bill:

(i) Count the packages when they are received.

(ii) Check the count against the total number of packages listed on the mailing bill.

(iii) Receipt the mailing bill and return the original to the mailer if the count and the total number on the bill are the same. Retain a copy of the mailing bill.

(iv) Check a representative mailing once each week to verify that the correct postage and fees have been paid and that they have been properly recorded with the correct COD number on the mailing bill. For mailings of fewer than fifty pieces, the total mailing will be verified. In mailings of over fifty pieces, ten percent or 50, whichever is greater, should be verified. Discrepancies will be brought to the attention of the Postal Services Center. The Postal Services Center will determine if increased sampling or other corrective action is required.

(v) Issue a temporary receipt on Form 3824, *Temporary Bulk Receipt*, for the total number of packages received when the package count is not the same as the total on the mailing bill. Check the entire mailing as soon as possible to determine which listed packages have not been received. Correct the mailing bill and return it to the mailer.

(5) *Postmarking.* (i) Postmark the postage when stamps are used. Postmark the COD tag in the appropriate spaces.

(ii) Volume mailers may be authorized by the postmasters to type or computer print the place and date of mailing on the COD tags. If this is authorized, only the sender's receipt coupon, if one is used, and postage stamps will ordinarily require postmarking by the accepting office. Periodically spot check to determine whether the tags bear the proper date and place of mailing. If the mailer has printed the improper date or place of mailing, the tag shall be postmarked. Instances of improper dating and place of mailing shall be brought to the attention of the Postal Services Center.

(6) *Registered COD Articles.* Registered COD articles will be handled in accordance with § 163.8 of the Postal Service Manual.

PART 164—INDEMNITY CLAIMS

12. In the table of contents of Part 164 the parenthetical phrase "(registered mail claims)" is deleted from the Title of § 164.8, and the Title of § 164.9 is revised to read "Payment Conditions and Recovery of Articles or Reimbursement."

13. Sections 164.6, 164.7, and 164.8 are revised as follows:

§ 164.6 General instructions for filing registered mail claims.

(a) *Who may file.* (1) An inquiry and/or claim for complete loss (including COD) may be filed only by the mailer.

(2) An inquiry and/or claim for partial loss (including COD) may be filed by the mailer or addressee.

(3) An inquiry and/or claim for damage (including COD) may be filed either by the mailer or addressee.

(b) *How to file*—(1) *Domestic Claims.* A customer may file an inquiry and/or a claim at any post office, classified station or branch. Form 565. *Registered Mail Inquiry for Delivery and/or Application for Indemnity*, dated October 1973 or later, is used to make inquiry or file a claim for loss or damage of registered mail. DO NOT COMPLETE A SEPARATE FORM 1510 OR 3841 FOR REGISTERED CLAIMS.

(2) *International Claims.* Claims for international registered mail are to be handled in accordance with Chapter 7, Publication 42—*International Mail.*

(c) *When to file*—(1) *Inquiry and/or Claim for Loss.* Customer may not file an inquiry and/or a claim involving loss until 15 days after the date of mailing in the case of domestic mail, or 30 days after the date of mailing in the case of articles addressed to or mailed from an APO or FPO.

(2) *Partial Loss, Damage or Rifling Claims.* Claims for partial loss, damage, or alleged rifling must be filed immediately.

(3) *Registered Indemnity Claims.* Must be filed within one year from the date the article was mailed. In case of doubt, accept the claim and outline the details for postal data center evaluation.

(d) *Information required*—(1) *Evidence of Registration.* The customer must submit evidence that the article was registered. Acceptable evidence includes either:

(i) The original registered mail receipt issued at the time of mailing.

(ii) The wrapper which must have the names and addresses of both the mailer and addressee and the appropriate registered mail endorsement, indicating postal service handling as registered mail.

(2) *Evidence of Value.* The customer (including Government agencies which have registered official mail) must submit evidence of value for registered claims. Acceptable evidence includes:

(i) Sales receipt.
(ii) Invoice.
(iii) Statement of value from two reputable dealers.
(iv) Catalog value of a similar article.
(v) Statement describing the article lost or damaged, including where purchased, date, amount, and whether the article was new or used. If handmade, price of material used and labor. Describe the items in sufficient detail for postal data center to determine that the value claimed is not excessive.
(vi) Paid repair bills, estimates of repair costs, or appraisals may be used in lieu of estimate of value in the case of claims for partial damage. When a question exists whether cost of repair exceeds actual value, other evidence of value may be required.
(vii) Statement of cost for duplication and premium for surety bond when claim is for loss of securities or certificates of stock.

(3) *Evidence of Loss or Damage.* (i) For loss claims, the mailer's declaration of nonreceipt by the addressee is sufficient basis for initiating Form 565.

(ii) For damage claims, the article with the packaging must be presented at the time the claim is filed. The article with the packaging will be retained at the post office until released by the postal data center.

(4) *Estimates and Appraisals.* If necessary, the article (not the packaging) may be returned to the customer in order that he may obtain an appraisal or estimate. Give and take receipts for damaged articles. The condition of the article shall be noted on the receipt.

(e) *Assignment of responsibilities.* (1) Post offices, stations and branches will accept and process claims upon presentation of the required information.

(2) The St. Louis Postal Data Center will adjudicate and pay or disallow all domestic registered mail claims.

§ 164.7 Acceptance and initial preparation of registered mail claims.

(a) *Filed by mailer.* (1) The accepting postal employee will complete items 2 through 35 and item 45, if applicable, of Form 565. Form 565 must be completed by typewriter:

Item 2. Enter the name, address and ZIP Code of the mailer.

Item 3. Enter the name, address and ZIP Code of the addressee.

Item 4. Fill in the name and address of the payee.

Item 5. Indicate whether the article was commercially insured. If yes, give the policy number, name and address of the insurance company and the amount of a deductible, if appropriate.

Item 6. Enter registered article number.

Item 7. Check appropriate block to indicate the type of claim. If claim is for the complete loss of content, indicate by making an additional entry.

Item 8. List and describe the lost, missing or damaged articles. For damage claims, describe packaging in detail.

Item 9. Have the mailer date and sign the claim form.

Item 10. Enter the total amount claimed, excluding postage.

Item 11. Enter the name and ZIP Code of the post office where the claim is filed.

Items 12–23. Enter the required information. Use the mailer's copy of the registered mail receipt for this information. Verify this information against the post office record. Endorse post office record and customers receipt *Claim Filed,* date and sign.

Items 24–33. All applicable items must be completed from registry records.

Items 34–35. Have the postmaster, or his designated representative, date and sign the form.

Item 45. Complete, where applicable for damage claims.

(2) Detach copy marked Form 3841A (Office Copy-Mailing Office) Part 6 fold in quarters and file by the name of the mailer. Do not file with Forms 3841, *Insured Mail Claims.*

(3) Send claim form and documentation to the post office address for completion of the claim form.

(b) *Filed by the addressee (Damage or rifling only).*—(1) The accepting employee will complete items 2 through 8, item 10, if known, and items 36 through 45 as appropriate:

Item 2. Enter the name, address and ZIP Code of the mailer.

Item 3. Enter the name, address and ZIP Code of the addressee.

Item 4. Fill in the name and address of the payee.

Item 5. Indicate if the article was commercially insured. If yes, give policy number, name and address of the insurance company and the amount of the deductible, if appropriate.

Item 6. Enter the registered article number.

Item 7. Check appropriate block to indicate the type of claim. If claim is for the complete loss of content indicate by making an additional entry.

Item 8. List and describe the lost, missing or damaged articles. For damage claims, describe packaging in detail.

Item 10. Enter total amount claimed, if known. Exclude postage.

Item 36. Enter the name and ZIP Code of addressee post office.

Items 37–39. Complete from post office registry records.

Items 40–41. Have the postmaster, or his designated representative, sign and date the form.

Item 42. Obtain the necessary information from the addressee.

Item 43. Obtain the signature of the addressee and date signed.

Item 44. Obtain signature of owner, if not the addressee.

Item 45. Complete for damage claims only.

(2) Detach copy marked Form 3841–A, Part 5 (Office Copy-Address Office), fold in quarters and file by name of mailer. Do not file with Form 3841, *Insured Mail Claims.*

(3) Send claim to the post office of mailing for completion of claim form.

§ 164.8 Additional post office responsibilities.

(a) *Office of mailing (Claims Received from office of address).* (1) *Request the mailer to appear with the necessary documentation. Do not release the claim form to the mailer.*

(2) Complete claims for damaged registered articles received from the office of address. (See § 164.7(a).)

(3) Endorse registered mail receipt *Claim Filed,* date and initial. Return the receipt to the customer and instruct him to keep it until the claim is settled.

(4) When claim is for total or partial loss, endorse Form 565 with complete dispatch and routing particulars (item 24–33).

(5) Send claim form and documentation to the office of address for completion, if form is incomplete. If the form is complete (including those claims for registers declared at NO VALUE), dispose of as follows: (DO NOT SEPARATE PART 1–4).

(i) Forward all claims for wrong delivery, alleged rifling, loss claims over $200 and no value loss to the local postal inspector-in-charge. Endorse the envelope, *Form 565.* Rifled envelope or package must accompany claim file.

(ii) Send claims for damage and for loss of $200 or less to the Director, Postal Data Center, P.O. Box 14632, St. Louis, MO 63181. Endorse envelope, *Form 565.*

(6) If Form 565, Part 1–4, is rereturned from the office of address indicating proper delivery, resulting in no loss, remove Part 4 and complete lower half. Fold Part 4, place in a window envelope and mail to the complainant. Retain Part 1–3 for 6 months, then destroy. Annotate Form 3814A file copy to show results of inquiry.

(b) *Office of address (Claims received from mailing office).* (1) When a claim is for loss, search files (Forms 3849, 3883, 3867, and manifold bills) for record of receipt and/or delivery and endorse claim form to indicate results (item 37).

(2) Request the addressee to appear (DO NOT RELEASE THE CLAIM FORM TO THE ADDRESSEE). If the claim is for damage and the addressee has possession of the damaged article, it must be presented for inspection and retained by the post office until released by the PDC.

(3) Complete the claim form (items 36 through 45).

(4) Detach Form 3841A Part 5 (Office Copy-Address Office), fold in quarters and file. (Do not file with Forms 3841, Insured Claims.)

(5) If Form 565 is incomplete or the inquiry determines that the article was properly delivered, resulting in no loss, return to postmaster, office of mailing. If Form 565 is complete and loss or damage is determined, follow instructions in paragraph (a)(5)(i) or (ii) of this section for disposition.

(6) Address office portion of claims or mailing office portion for damage claims filed by the addressee should be completed within *seven (7) days* after receipt and claim form forwarded to the St.

Louis PDC or the Inspection Service, whichever is applicable.

(c) *Followup on the status of a claim.* (1) Provided at least 90 days have elapsed since the claim was initiated, process the customer's inquiry by sending a memorandum requesting status to the:

Postal Data Center
P.O. Box 14632
St. Louis, MO 63181

The memorandum must identify the nature of loss, registration number, the address of both mailer and addressee, the date of mailing and date the claim was filed.

(2) Depending upon the response from the postal data center proceed as follows:

(i) If the postal data center indicates that the claim has been received, annotate the Form 3841, as appropriate, and inform the customer who initiated the inquiry.

(ii) If the postal data center has no record of the claim, they will provide further instructions.

(d) *Duplicate Claims.*—(1) Duplicate claims shall not be accepted or submitted unless requested by the St. Louis Postal Data Center or the Mail Classification Division, Finance Department, at Headquarters.

(2) When instructed, the initiating post office will prepare and process a duplicate claim as follows:

(i) Use the information on the original Form 3841 to complete as much of the duplicate Form 565 as possible. The signature of the customer who initiated the claim and the supporting documents is not necessary.

(ii) Mark the top of the Form 565 *Duplicate.*

(iii) Annotate the original Form 3841 to indicate that a duplicate claim has been initiated and the date forwarded to the second post office.

(iv) Process through normal channels.

14. In § 164.9 paragraphs (a), (b) and (c) are redesignated (b), (c) and (d), and new paragraph (a) is added as follows:

§ 164.9 Payment conditions and recovery of articles or reimbursement.

(a) *Payment Conditions.* (1) If, through established error by the Postal Service, a fee less than that required to cover the amount of insurance coverage requested at the time of mailing was charged, the mailer may be permitted to pay the deficiency in fee and postal insurance may be paid within the limit fixed for the higher fee.

(2) If commercial insurance is carried on a registered, insured, or COD article, the total amount of insurance to be received will be prorated between the Postal Service and the insurance company using the following formula:

$$\frac{\text{Postal Insurance or Actual Value (whichever is less)}}{\text{Postal Insurance or Actual Value (whichever is less)} + \text{Total Private Insurance}} \times \text{Actual Value or Cost of Repairs} = \text{Postal Liability}$$

(3) If the insured or COD article was lost or the *entire* contents totally damaged, the payment check will include an additional amount for postage (not fee) paid by the mailer.

(4) If both mailer and addressee claim insurance, they should decide between themselves who should receive payment. If no agreement is reached, payment may be made to the mailer, the person with whom the Postal Services contract of insurance was made.

(5) If the mailer is incompetent or deceased, payment will ordinarily be made to the legal representative. If there is no legal representative, payment may be made to such relative or representative of the mailer as may be entitled to receive the amount due, in accordance with applicable State laws.

(39 U.S.C. 401)

LOUIS A. COX,
General Counsel.

[FR Doc.74-17236 Filed 7-30-74;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[233-8]

PART 168—RULES OF PRACTICE GOVERNING PROCEEDINGS CONDUCTED IN THE ASSESSMENT OF CIVIL PENALTIES UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, AS AMENDED

I. *Description.*

Section 25(a) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (Pub. L. 92-516; 86 Stat. 973 et seq.; appearing at U.S.C. 136 et seq.; hereinafter referred to as the Act) authorizes the Administrator of the U.S. Environmental Protection Agency "* * * to prescribe regulations to carry out the provisions of this Act," (7 U.S.C. 136w (a)). Pursuant to this authority, the Agency promulgates herewith final rules of practice governing proceedings conducted in the assessment of civil penalties against any person alleged to be in violation of the Act. These rules of practice establish procedures whereby any person charged may be given notice of the charges against him, and may receive an oppportunity to request a public hearing regarding (1) the facts constituting the alleged violations, and (2) the appropriateness of the civil penalty which is proposed to be assessed. They establish procedures for the conduct and final disposition of such actions.

Two documents are published in the FEDERAL REGISTER in conjunction with these rules of practice and appear at 39 FR 27711. The first, *Guidelines for the Assessment of Civil Penalties,* is an intra-Agency document which instructs Agency personnel in the procedures to be followed in the assessment of civil penalties against violators of the Act. The second, *Citation Charges for Violations of the Federal Insecticide, Fungicide and Rodenticide Act,* as amended, is a listing of citation charges used by the Agency in alleging statutory violations. These guidelines may be updated from time to time as additional amendments become effective or as circumstances dictate.

Each of these documents is an intra-Agency procedural document. As such, they are not required to be proposed and promulgated (5 U.S.C. 553(b)(A)). In the interest of the open administration of its regulatory authority, however, the Agency has determined to publish these procedural documents.

II. *Background.*

On September 20, 1973, this Agency published in the FEDERAL REGISTER (38 FR 26360) interim rules of practice governing proceedings conducted in the assessment of civil penalties pursuant to section 14(a)(3) of the Act (7 U.S.C. 1361(a)(3)). These interim rules of practice became effective upon publication.

As proposed rules of Agency practice, the interim rules were not required to be published for public comment (5 U.S.C. 553(b)(A)). Since they represented the implementation of enforcement authorities granted for the first time under the 1972 amendments to the Act, the Agency was of the opinion that it was in the public interest to solicit public comment regarding the procedures contained in the interim rules of practice. The public was originally allowed thirty (30) days in which to comment; at the request of interested parties, the comment period was extended an additional thirty (30) days.

III. *Summary of comments received: Agency response.*

The Agency received comments from environment organizations and from the agricultural chemicals industry. All

comments have been considered, and, where appropriate, were adopted and are incorporated within the rules of practice herein promulgated. Further revisions of the interim rules have derived from the Agency's experience in assessing civil penalties under the interim rules of practice.

A. *Comments from public interest organizations.* Comments concerning the proposed interim rules of practice were submitted by representatives of the Environmental Defense Fund, the National Audubon Society, and the Sierra Club. The principal concerns of these organizations regarded (a) the risk that decentralization may pose to the effective and uniform assessment of civil penalties; (b) rights of intervention or other participation by interested or adversely affected parties; and (c) the availability of subpoena power in civil penalty proceedings to enforce discovery or to require the production of persons or documents.

The rules of practice promulgated herein (as well as Appendices I and II) are designed to maximize the degree of uniformity across regions in penalty assessments in that (a) concurrence from headquarters is required before any civil penalty complaint may be issued (EPA Order 1280.4, Appendix I–1); and (b) the degree of discretion vested in regional personnel is narrowed by the terms of the Guidelines which the regional office are compelled to follow. The legal sufficiency or regional actions should be enhanced by the new requirement that the Regional Judicial Officer must be an attorney.

The rules of practice allow persons to intervene in proceedings who timely demonstrate real interests which (a) raise common questions of fact or law; (b) may be adversely affected by the outcome of the proceeding; and (c) do not unreasonably broaden the issues or unduly prolong the proceeding. Persons not a party to a proceeding may not appeal administrative determinations made in a final order of the Regional Administrator. Furthermore, persons not a party to the proceeding desiring to file briefs at any stage may do so upon grant of a motion to participate as an amicus curiae

The Agency is of the opinion that the authority to subpoena persons or documents is not conferred by the Administrative Procedure Act, and that a regulatory agency cannot confer such subpoena authority upon itself by promulgating rules of practice. The explicit grant of the authority under the Act to "issue a subpoena to compel testimony or production documents from any person" in cancellation or suspension hearings (7 U.S.C. 136d(d)) does not necessarily extend to adjudicatory proceedings conducted in the assessment of a civil penalty. In accordance with their general statutory authority to "receive relevant evidence," "take depositions," "regulate the course of the hearing," or "take other action authorized by Agency rule consistent with the Administrative Procedure Act (5 U.S.C. 556(c))," these rules of practice empower the Administrative Law Judge, for good cause, to order the production of persons, documents or other evidence, failing which adverse inferences may be drawn.

B. *Comments from agricultural chemicals industry.* Comments concerning the proposed interim rules of practice were also submitted by representatives of the National Agricultural Chemicals Association. The principal concerns of this Association regarded (a) the apparent "formality" of the penalty assessment proceedings; (b) the risk that trade secrets or commercial or financial information may be disclosed in potential contravention of a statutory privilege assuring the confidentialty of designated information (7 U.S.C. 136h); and (c) the appropriate role of the U.S. Court of Appeals or the U.S. District Court in judicial review of the final order of a Regional Administrator.

The procedures specified in these rules of practice are formal only in the event a hearing is conducted. These rules explicitly encourage informal settlement conferences leading to the signing of consent agreements by the Agency and the respondent. The rules of practice also provide for the simplification of issues in a proceeding by the conduct of prehearing conferences, and the exchange of prehearing correspondence wherein the parties may stipulate to facts, amend pleadings, obtain admissions, and otherwise expedite the proceeding.

These rules of practice recognize and articulate the Agency's statutory obligation to preserve the confidentiality of trade secrets and of appropriately designated commercial and financial information.

Section 14(a)(3) of the Act provides that a civil penalty may be imposed only after "* * * the person charged shall have been given notice and opportunity for a hearing." (7 U.S.C. 136l(a)(3)). It is the opinion of the Agency that this section of the Act requires a hearing which assures all of the procedural safeguards provided in Chapter 5, Subchapter II of Title 5 of the United States Code, unless respondent waives the right to such hearing and enters into informal conferences leading to a consent agreement. The trial-type proceedings outlined in the Administrative Procedure Act apply to any administrative determination which is required by statute to be made on the record after notice and opportunity for hearing. (5 U.S.C. 554.) While section 14(a) of the Act does not expressly require that the civil penalty hearing be "on the record" the legislative history of the Administrative Procedure Act (see H.R. Rep. p. 51, ftn. 9; Sen. Doc. No. 248, 79th Cong., 2d Sess. (1946)) and the Attorney General's Memorandum on the Administrative Procedure Act indicate that if a statute requires that a determination of adjudicatory fact be made after a hearing, a presumption arises that Congress intended the determination to be based on evidence adduced at the hearing. By compelling inference, such hearing must be "on the record." This presumption would trigger the requirements of the Administrative Procedure Act, unless the language or the legislative history of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, expressed a contrary Congressional intention. No such contrary intent is found in the Act or its legislative history which would be sufficient to overturn the presumption that the procedural safeguards of the Administrative Procedure Act may not be denied.

IV. *Contents of this promulgation.*

A. *Rules of practice governing proceedings conducted in the assessment of civil penalties.* These rules of practice establish procedures for the issuance of complaints against persons charged with violations of the Act. Such complaints set forth (a) the provisions of the Act which are alleged to have been violated; (b) the factual basis for the allegation; (c) the amount of the civil penalty proposed to be assessed; (d) the appropriateness of the proposed penalty; and (e) notice of opportunity to request a hearing. Within twenty (20) days after receipt of such complaint, the person charged may file an answer in which he (a) admits, denies, or explains material factual allegations contained in the complaint; (b) challenges the appropriateness of the proposed penalty; or (c) contends that he is entitled to judgment as a matter of law. Such answer shall also state (a) the circumstances or arguments which are alleged to constitute the grounds of defense, (b) the facts which respondent intends to place at issue, and (c) whether a hearing is requested. Failure to file a timely answer to the complaint, failure to comply with prehearing or hearing orders of the Administrative Law Judge, or failure to appear at a prehearing conference or at a hearing shall constitute an admission of the allegations contained in the complaint, and a waiver of the right to a hearing, and may rise to a default order requiring payment of the proposed civil penalty.

Motions made after the filing of an answer to the complaint but before the issuance of the initial decision shall be made to and ruled upon by the Administrative Law Judge assigned to preside over the proceeding. Motions made at any other stage in the proceeding shall be made to and ruled upon by the Regional Administrator. Leave to intervene in a proceeding may be granted to persons who timely demonstrate real interests which (a) raise common questions of fact or law; (b) may be adversely affected by the outcome of the proceeding; and (c) do not unreasonably broaden the issue or unduly prolong the proceeding. Other persons may, for good cause shown, be granted leave to participate in proceedings as amicus curiae and shall be eligible to participate in any briefing following the granting of such motion. Matters involving issues of law or policy for which review after the final order would be inadequate or ineffective

may be certified to the Regional Administrator on interlocutory appeal.

These rules of practice encourage settlement of proceedings through informal settlement conferences leading to the signing of a consent agreement by the Agency and the person charged. In such consent agreement the parties shall stipulate to jurisdictional and factual matters, and the person charged shall be assessed a stated civil penalty. The consent agreement shall include terms and appropriate conclusions regarding material issues of law, fact or discretion, and a proposed final order of the Regional Administrator. Prehearing conferences and prehearing correspondence may also be held to simplify the litigable issues, stipulate to factual matters, encourage settlement, and otherwise expedite the proceeding. The prehearing conference and the subsequent hearing, if any, shall be held in the county, parish, or incorporated city of residence of the person charged unless otherwise agreed in writing by all parties.

Where settlement upon all issues is not reached, a public hearing shall be held to adjudicate all remaining issues of fact and law. Such hearings shall be on the record and shall be conducted by an Administrative Law Judge pursuant to these rules of practice and in accordance with all appropriate safeguards of due process. Proof shall be had on the basis of all oral or written evidence which is relevant, competent, and material, and which is not unduly repetitious. Evidence regarding trade secrets or other appropriately designated commercial or financial information shall not be revealed to the public but may be considered in camera.

Where a party is entitled to judgment as a matter of law, the Administrative Law Judge may cause an accelerated decision to be rendered. Where questions of fact or law have been adjudicated in the proceeding the Administrative Law Judge shall make an initial decision after appropriate review of the hearing record. This initial decision may be appealed to the Regional Administrator by any party or may be reviewed sua sponte by the Regional Administrator. No matter of controversy (whether reaching conclusion by means of a consent agreement, default order, accelerated decision or an initial decision) may be disposed of except by a final order of the Regional Administrator. The final order shall include findings of fact, conclusions regarding material issues of law, fact or discretion as well as reasons therefor, and an order assessing a civil penalty. Parties adversely affected by a final order of the Regional Administrator may take exception thereto and may move to reopen the hearing or to reargue orders, rulings or decisions of the Administrative Law Judge which were disputed during the proceeding. Appeal as a matter of right obtains only from an initial decision of the Administrative Law Judge. Appeal from any final order of the Regional Administrator shall be based upon the substantial evidence in the hearing record and heard in the appropriate United States Court of Appeals.

B. *Guidelines for the assessment of civil penalties.* The Guidelines for the Assessment of Civil Penalties, published in conjunction with these rules of practice, appear in the FEDERAL REGISTER at 39 FR 27711. These Guidelines are an intra-Agency management tool to assure that generally uniform penalties are assessed across EPA regions for similar violations. Yet, they provide Agency personnel with sufficient flexibility and discretion to tailor the final assessment as equity and justice may require.

The Guidelines appear in four sections. Section I, Application of the Civil Penalty Assessment Schedule, explains the derivation of the dollar penalty which is considered a base figure to be proposed for particular violations. It also provides a mechanism whereby Agency personnel may, within specified boundaries, exercise discretion in negotiating consent agreements and otherwise adapt the proposed penalty to the exigencies of special circumstances.

Section II, the Civil Penalty Assessment Schedule, lists violations of the Act, classified by the risk that each violation poses to man and the environment i.e., by the gravity of each violation. Each of these violation classifications is divided into five size-of-business categories. Thus, the Assessment Schedule is a matrix consisting of gravity-of-business cells. Within each cell is a dollar penalty which may be proposed to be assessed against a person of a given business size who violates the Act in the specified manner.

Section III, the Civil Penalty Assessment Worksheet, is to be used by Agency personnel in the preparation of the complaint. This Worksheet is to be prepared and retained as an on-going office record of the proceeding, and as a memorandum of the complainant's deliberations concerning the violations cited.

Section IV consists of in item-by-item explanation to Agency personnel regarding procedure for completing and maintaining the Worksheet.

C. *Citation charges for violations of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.* The Citation Charges for Violations of the Federal Insecticide, Fungicide, and Rotenticide Act, as Amended, published in conjunction with these rules of practice, appear in the FEDERAL REGISTER at 39 FR —. This document consists of a listing of the citation charges (and code) utilized by the Agency to translate violations of the Act into formal charges against the alleged violator. These charges refer to the specific sections of the Act (or of prior legislation), which are alleged to have been violated. From time to time, as circumstances dictate, these statutory references will be amended.

V. *Effective date.*

The rules of practice promulgated herewith shall become effective on July 12, 1974. Thereafter all civil penalty assessment proceedings initiated by the Agency pursuant to the Act shall be conducted in accordance with these rules of practice. The authority to assess civil penalties has been implemented and made effective under the interim rules of practice published in the FEDERAL REGISTER on September 20, 1973 (38 FR 26360). These procedural rules of practice shall become effective July 31, 1974, without the lapse of the thirty (30) day period which is traditionally required for substantive regulations (5 U.S.C. 553(d)). The immediate effectiveness of these rules of practice will assure the continuity of the Agency's authority to assess civil penalties and will enable that authority as earlier implemented to be consistently and uniformly applied. Therefore, the Agency finds that to delay the effectiveness of these rules of practice for thirty (30) days would be impracticable, unnecessary, and contrary to the public interest.

The rules of practice promulgated in this Part shall apply to the remaining phases of any proceedings currently underway insofar as practicable and fair, providing that any phase of a proceeding which might have been conducted differently under the rules in this part shall not be affected.

Dated: July 12, 1974.

JOHN QUARLES,
Acting Administrator.

Title 40 is amended by revising Part 168 as follows:

PART 168—RULES OF PRACTICE GOVERNING PROCEEDINGS CONDUCTED IN THE ASSESSMENT OF CIVIL PENALTIES UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, AS AMENDED

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168.71 Procedure for disposition of motions.

AUTHORITY: Sections 14(a) and 25(a), Federal Insecticide, Fungicide, and Rodenticide Act, as amended; Pub. L. 92-516; 86 Stat. 973 (7 U.S.C. 1361(a), 136t(a)).

Subpart A—General

§ 168.01 Scope of these rules.

(a) These rules of practice shall govern all proceedings conducted in the assessment against any person of any civil penalty pursuant to the provisions of section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (7 U.S.C. 136 l (a)).

(b) In the absence of specific provisions in these rules, and where appropriate, questions arising at any stage of the proceeding shall be resolved at the discretion of the Administrative Law Judge or of the Regional Administrator as appropriate pursuant to the provisions of § 168.32(c) hereof.

§ 168.02 Use of number and gender.

As used in these rules of practice, words in the singular number shall be deemed to import the plural and words in the masculine gender shall be deemed to import the feminine and vice versa, as the case may require.

§ 168.03 Definitions.

As used herein:

(a) The term "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92-516; 86 Stat. 973 et seq.; (7 U.S.C. 136 et seq.)) and any other legislation supplementary thereto and amendatory thereof.

(b) The term "Administrative Law Judge" means an Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 (see also 5 CFR Part 930, as amended by 37 FR 16787). Such term is synonymous with the term "Hearing Examiner" as used in the Act or in Title 5 of the United States Code.

(c) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(d) The term "Agency" means the United States Environmental Protection Agency.

(e) The term "Complainant" means the Agency acting through any person authorized by the Regional Administrator to issue a complaint to persons alleged to be in violation of the Act. The complainant shall not be the Regional Judicial Officer.

(f) The term "Complaint" or "Complaint and Notice of Opportunity for Hearing" means a written communication issued by the complainant to a person alleging one or more violations of specific provisions of the Act or regulations promulgated thereunder. The required contents of the complaints are set forth in § 168.31(a).

(g) The term "Consent Agreement" means any written document containing stipulations of fact; conclusions regarding material issues of law, fact, or discretion; and a specified proposed penalty acceptable to both complainant and respondent which results from any settlement conference conducted pursuant to § 168.35.

(h) The term "Default Order" means an order issued pursuant to § 168.34 disposing of a matter of controversy between respondent and the Agency upon (1) the failure of respondent to file a timely answer to the complaint, or (2) motion of the complainant to the Regional Administrator or the Administrative Law Judge as appropriate pursuant to § 168.32(c) because of respondent's failure to comply with an order of the Regional Administrator or Administrative Law Judge.

(i) The term "Final Order" means an order issued by the Regional Administrator disposing of a matter of controversy between any respondent and the Agency. No matter of controversy which reaches conclusion upon the (1) default of the respondent; (2) ratification of a consent agreement; (3) completion of a hearing; or (4) rendering of an accelerated decison pursuant to the provisions of § 168.37 may be disposed of except by a final order of the Regional Administrator.

(j) The term "Hearing" means a hearing open to the public provided in section 14(a)(3) of the Act and conducted pursuant to the provisions of Chapter 5 Subchapter II of Title 5 of the United States Code and these rules of practice.

(k) The term "Hearing Clerk" means the Hearing Clerk, United States Environmental Protection Agency, Washington, D.C. 20460.

(l) The term "Initial Decision" means the decision issued by the Administrative Law Judge based upon the record of the hearing out of which it arises or upon the rendering of an accelerated decision pursuant to the provisions of § 168.37.

(m) The term "Party" means any person, group, organization, agency, or department that participates in a hearing as complainant, respondent, or intervenor.

(n) The term "Person" includes any individual, partnership, association, corporation, and any organized group of persons whether incorporated or not.

(o) The term "Regional Administrator" means the Administrator of any Regional Office of the Agency or any officer or employee thereof to whom authority is duly delegated, to act in his stead. Where the Regional Administrator has authorized the Regional Judicial Officer to act, the term "Regional Administrator" shall apply to the "Regional Judicial Officer."

(p) The term "Regional Hearing Clerk" means an individual duly authorized by the Regional Administrator to serve as hearing clerk for a given Region. Correspondence may be addressed to the Regional Hearing Clerk, United States Environmental Protection Agency (address of Regional Office).

(q) The term "Regional Judicial Officer" means an officer or employee of the Agency duly authorized by the Regional Administrator to serve as the Judicial Officer for the region as provided in these rules of practice.

(r) The term "Respondent" means any person proceeded against in the complaint.

(s) Terms defined in the Act and not explicitly defined herein are used herein with the meanings given in the Act.

§ 168.04 Powers and duties of the Regional Administrator, Regional Judicial Officer and Administrative Law Judge; disqualification.

(a) *Regional Administrator.* The Regional Administrator shall exercise all powers and duties as prescribed or delegated under the Act and these rules of practice.

(b) *Regional Judicial Officer.* (1) *Office.* One or more Regional Judicial Officers may be designated by the Regional Administrator to perform functions hereinafter provided within the Region of his designation.

(2) *Qualifications.* A Regional Judicial Officer shall be an attorney who is a permanent or temporary employee of the Agency and who may perform other duties within the Agency. Such Regional Judicial Officer shall not be employed by the Region's Water and Hazardous Materials Division or by the Region's Enforcement Division, and shall have had no connection with the preparation or presentation of evidence for any hearing in which he participates as Regional Judicial Officer. He may be a member of the staff of the Regional Counsel.

(3) *Functions.* The Regional Administrator may delegate to the Regional Judicial Officer all or part of his authority to act in a given proceeding. The Regional Administrator may separately delegate to the Regional Judicial Officer his authority to make findings of fact and draw conclusions regarding material issues of law, fact, or discretion in a particular proceeding. This delegation shall not, however, preclude the Regional Judicial Officer from referring any motion or case to the Regional Administrator when such referral is appropriate.

(c) *Administrative Law Judge.* It shall be the duty of the Administrative Law Judge to conduct a fair and impartial hearing, assure that the facts are fully elicited, adjudicate all issues, and avoid

delay. The Administrative Law Judge shall have authority to:

(1) Conduct administrative hearings held pursuant to Section 14(a) of the Act and these rules of practice;

(2) Rule upon motions, requests, and offers of proof and issue all necessary orders;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine witnesses, receive documentary or other evidence, and for good cause, upon motion or sua sponte, order the production of person, documents or other non-privileged evidence, failing which adverse inferences may be drawn;

(5) Admit or exclude evidence;

(6) Hear oral argument on facts of law; and

(7) Do all other acts and take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues of fact and law arising in proceedings under section 14(a) of the Act.

(d) *Disqualification; withdrawal.* The Regional Administrator, Regional Judicial Officer or Administrative Law Judge may not perform functions provided for in these rules of practice regarding any matter in which he (1) has a financial interest; (2) has any relationship with a party or with the subject matter which would make it inappropriate for him to act; or (3) is unable for any reason to act. Any party may at any time by motion made to the Regional Administrator request that the Regional Judicial Officer, or Administrative Law Judge be disqualified from the proceeding. The Regional Administrator shall then rule upon such motion. Any party may at any time by motion to the Administrator request that the Regional Administrator be disqualified from the proceeding. The Administrator shall then rule upon such motion. The Regional Administrator, Regional Judicial Officer or Administrative Law Judge may at any time withdraw from any proceeding in which he deems himself disqualified or unable to act for any reason.

(e) *Effect of disqualification or withdrawal.* In the event of the disqualification or withdrawal of the Regional Administrator, Regional Judicial Officer, or Administrative Law Judge, the Administrator, Regional Administrator or Chief Administrative Law Judge, respectively, shall select a qualified individual with no such conflicting interest in the matter or with no such inability to act who shall serve as may be necessary in the proceeding. The proceeding shall continue without abatement unless otherwise ordered to facilitate the proceeding and to protect the interests of the parties.

§ 168.05 Filing and service of pleadings and documents.

(a) *Filing of pleadings and documents prior to the filing of an answer to the complaint.* Documents filed after the complaint is issued and prior to the filing of an answer to the complaint shall be served directly upon all other parties to the proceeding. The file of the complainant shall be the official file of the proceeding prior to the filing of an answer to the complaint. No file of a proceeding shall be maintained by the Regional Hearing Clerk prior to the filing of an answer to the complaint. Each document shall contain the docket number assigned pursuant to section 168.30. A certificate of service shall accompany each document served or filed.

(b) *Filing of pleadings and documents after the filing of an answer to the complaint.* (1) After the filing or an answer to the complaint, complainant shall prepare and shall file with the Regional Hearing Clerk the original and one copy of each document in the official file of the proceeding. The original shall be included in the file maintained by the Regional Hearing Clerk and the duplicate shall be forwarded by the Regional Hearing Clerk to the Chief Administrative Law Judge or to the Administrative Law Judge assigned to preside over the proceeding pursuant to § 168.40(a). The appropriate Administrative Law Judge shall promptly notify the parties that he has been assigned to preside over the proceeding.

(2) Thereafter, any party serving a document shall transmit the original directly to the Regional Hearing Clerk. The duplicate copy shall be forwarded to the appropriate Administrative Law Judge. Except as otherwise provided, a party filing documents with the Regional Hearing Clerk, shall serve copies thereof upon all other parties at the same time. Each document filed shall contain the docket number assigned pursuant to § 168.30. A certificate of service shall accompany each document filed.

(3) When the Administrative Law Judge who is assigned to preside over the proceeding corresponds directly with the parties the original of such correspondence shall be sent to the Regional Hearing Clerk and a duplicate copy shall be maintained by the Administrative Law Judge in the duplicate file. Parties who correspond directly with the Administrative Law Judge shall in addition to serving all other parties send a duplicate copy of all such correspondence to the Regional Hearing Clerk. A certificate of service shall accompany each document served under this subsection.

(c) *Service of Complaint* (1) Service of the complaint may be made personally on the respondent (or his representative), or by certified mail, return receipt requested.

(2) Service upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name shall be made by personal service or certified mail, as prescribed by subsection (1) above, directed to an officer, a managing or general agent, or to any other agent authorized by appointment or by Federal or State Law to receive service of process.

(3) Proof of service of the complaint shall be made by affidavit of the person making personal service, or by properly executed return receipt. Such proof of service shall be filed with complainant immediately upon completion of service.

(d) *Service of documents other than complaint.* All documents other than the complaint may be served personally or by regular mail. Copies shall be served upon all parties of a proceeding unless otherwise ordered by the Administrative Law Judge. Documents to be served by mail upon the complainant shall be addressed in accordance with the address set forth in the complaint. A certificate of service shall accompany each document served.

§ 168.06 Filing and service of rulings, orders and decisions.

All rulings, orders, decisions, or other documents made or signed by the Regional Administrator, the Regional Judicial Officer or the Administrative Law Judge as appropriate pursuant to § 168.32 (c) shall be filed with the complainant if made prior to the filing of an answer to the complaint and thereafter with the Regional Hearing Clerk except as provided in section 168.05(b)(3). Such rulings, orders, decisions, or other documents shall be served directly upon all parties by the Regional Administrator, Regional Judicial Officer, or Administrative Law Judge as appropriate pursuant to section 168.32(c).

§ 168.07 Computation and extension of time.

(a) *Computation.* In computing any period of time prescribed or allowed in these rules of practice, except as otherwise provided, the day of the act, event, or default from which the designated period begins to run shall not be included in computing the time allowed for the filing of any document or paper. Saturdays, Sundays, and legal holidays shall be included in computing the time allowed for such filing. When such time expires on a Saturday, Sunday, or legal holiday, however, such period shall be extended to include the next following business day.

(b) *Extensions of time.* A prescribed period of time within which a party is required or permitted to do an act shall be computed from the time of service. Extensions of time for the filing of any pleading, document, or motion shall be granted sua sponte or upon timely motion of a party to the proceeding only for good cause shown and after consideration of prejudice to other parties. Such motions may be made ex parte and need not be served upon other parties. Motion for an extension of time shall be filed in advance of the date on which the pleading, document or motion is due to be filed, unless the failure of a party to make timely motion for extension of time was the result of excusable negligence. Such motions shall be decided in accordance with the provisions of § 168.32(c).

(c) *Service by mail.* Service shall be deemed complete upon mailing. However, where service of a pleading or document is by mail, three (3) days shall be added to the time allowed by these rules of the filing of a responsive pleading.

§ 168.08 Ex parte discussion of proceeding.

At no time after the issuance of the complaint shall the Regional Administrator, Regional Judicial Officer, or Administrative Law Judge discus ex parte the merits of the proceeding with any person who is connected with the proceeding in an advocative, investigative, or expert capacity, or with any representative of such person. The Regional Administrator, the Regional Judicial Officer, or the Administrative Law Judge may discuss the merits of the case with any such person only if all parties to the proceeding, or their representatives, have been given reasonable notice and opportunity to be present. Any memorandum or other communication addressed to the Regional Administrator, Regional Judicial Officer or the Adminitrative Law Judge during the pendency of the proceeding, and relating to the merits thereof, by or on behalf of any party, shall be regarded as argument made in the proceeding and shall be served upon all other parties. Such other parties may be given an opportunity to reply thereto. Nothing in this section shall limit discussion between respondent and complainant for the purposes of exploring settlement of the case.

§ 168.09 Examination of documents filed.

(a) Subject to the provisions of law restricting the public disclosure of confidential information, any person may, during Agency business hours, inspect and copy any document filed in any proceeding. Such documents may be made available by complainant if the request for inspection is made prior to the filing of an answer to the complaint by the Regional Hearing Clerk if the request for inspection is made after the filing of answer to the complaint.

(b) The cost of duplicating documents filed in any proceeding shall be borne by the person seeking copies of such documents filed.

Subpart B—Parties and Appearances

§ 168.20 Appearances.

(a) *Representatives.* Any party may appear in person or by counsel or other representative; a partner may appear on behalf of a partnership and an officer may appear on behalf of a corporation. Persons who appear as counsel or other representative must conform to the standards of conduct and ethics as required of practitioners before the courts of the United States.

(b) *Failure to appear.* Any party to the proceeding, who after being duly notified and without good cause being shown, fails to appear at any prehearing conference shall be subject to whatever orders or determinations the Administrative Law Judge may make in his discretion. The failure of a party to appear at a hearing shall constitute a waiver of the right to present evidence at such hearing. Where respondent fails to appear at a hearing, the Administrative Law Judge shall require the presentation by complainant of such evidence as the Administrative Law Judge deems necessary to develop a prima facie case against respondent. Upon conclusion of the hearing, the Administrative Law Judge shall cause a copy of the initial decision to be served upon respondent.

§ 168.21 Intervention.

(a) *Motion.* Any person may file a motion for leave to intervene in any proceeding conducted under these rules of practice. Such motion must set forth the grounds for the proposed intervention, the position and interest of movant in the proceedings, and the likely impact that such intervention will have on the expeditious progress of the proceeding.

(b) *When filed.* A motion for leave to intervene in a proceeding must ordinarily be filed prior to the first prehearing conference or, in the absence of a prehearing conference, prior to the initiation of correspondence pursuant to § 168.36(c), or if there is no such correspondence, prior to the setting of a time and place for a hearing. Any motion filed after that time must include in addition to the information set forth in subsection (a) above, a statement of good cause for the failure to file in a timely manner. Such motion for leave to intervene shall be granted only upon a finding that (1) extraordinary circumstances justify the granting of the motion; and (2) the intervenor shall be bound by any agreements, arrangements and other matters previously made in the proceeding.

(c) *Disposition.* Leave to intervene will be granted only insofar as movant demonstrates that (1) there exist common questions of fact or law; (2) he may be adversely affected by a final order of the Regional Administrator; and (3) his presence in the case would not unreasonably broaden the issues as already presented, or unduly prolong or otherwise prejudice the adjudication of the rights of the original parties. If leave is granted, the movant shall thereby become a party to the proceeding. Any party, or the movant if leave is denied, may request that the ruling on any motion for leave to intervene on a proceeding conducted under these rules of practice be certified on interlocutory appeal to the Regional Administrator as provided in § 168.50.

(d) *Amicus curiae.* Persons not parties to the proceeding who wish to file briefs therein may upon good cause shown, so move the Administrative Law Judge or the Regional Administrator as appropriate pursuant to § 168.32(c). Such motion for leave to file briefs shall identify the interest of the applicant and shall state the reasons why the proposed amicus brief is desirable. In the event such motion is granted, the Administrative Law Judge or Regional Administrator shall issue an order setting the time for filing such brief. An amicus curiae shall be eligible to participate in any briefing following the granting of his motion, and shall be served with all briefs, reply briefs, motions and orders relating to issues to be briefed.

§ 168.22 Consolidation and severance.

(a) *Consolidation.* The Chief Administrative Law Judge may, by motion or sua sponte, consolidate any or all matters at issue in two or more proceedings docketed under these rules of practice where there exist common parties, common questions of fact and law, and where such consolidation would expedite or simplify consideration of the issues. Consolidation shall not prejudice any rights granted parties to proceedings conducted under these rules of practice and shall not affect the right of any party to raise issues that could have been raised if consolidation had not occurred.

(b) *Severance.* The Administrative Law Judge may, by motion or sua sponte, for good cause shown order any proceedings severed with respect to some or all parties or issues.

Subpart C—Prehearing Procedures

§ 168.30 Issuance of complaint; docket number.

If the complainant has reason to believe that a person has violated any provision of the Act, he may institute a proceeding for the assessment of a civil penalty by issuing a complaint pursuant to the provisions of section 14(a) of the Act and these rules of practice. Prior to service of the complaint to respondent, complainant shall consult with the Regional Hearing Clerk for the assignment of a docket number. Thereafter, each document filed in the proceeding shall bear such assigned docket number.

§ 168.31 Contents of the complaint.

(a) *Alleged violation.* Each complaint shall include (1) specific reference to each provision of the Act which respondent is alleged to have violated; (2) a concise statement of the factual basis for alleging such violation; (3) the amount of the civil penalty which is proposed to be assessed; (4) a statement indicating the appropriateness of the proposed penalty; and (5) notice of respondent's right to request a hearing on any material fact contained in the complaint, or on the appropriateness of the amount of the proposed penalty.

(b) *Derivation of proposed civil penalty.* The dollar amount of the civil penalty which is proposed to be assessed in the complaint shall be derived by complainant in accordance with the Guidelines for the Assessment of Civil Penalties published in the FEDERAL REGISTER at 39 FR 27711.

(c) *Amendment of the camplaint.* At any time prior to the filing of an answer to the complaint the complainant may amend the complaint as a matter of right. Respondent shall have twenty (20) additional days from the date of service of the amended complaint to file his answer. At any time after the filing of an answer to the complaint, the complaint may be amended upon motion granted by the Administrative Law Judge.

§ 168.32 Motions.

(a) *General.* All motions, except those made orally on the record during a hearing, shall (1) be in writing; (2) state with particularity the grounds therefor; (3) set forth the relief or order sought; and (4) be accompanied by any affidavit, certificate or other evidence relied upon.

Such motions shall be served in accordance with the provisions of § 168.05.

(b) *Response to motions.* Except as otherwise provided by the Administrative Law Judge or the Regional Administrator, as appropriate pursuant to § 168.32 (c), any party may file a response in support of or in opposition to any written motion within ten (10) days after service of such motion. This response shall be accompanied by any affidavit, certificate, or other evidence relied upon. If no response is filed within the designated period, the parties shall be deemed to have waived any objection to the granting of the motion. The Administrative Law Judge may set a shorter time for response, or make such other orders concerning the disposition of motions as he deems appropriate.

(c) *Decision.* The Regional Administrator shall rule upon all motions filed or made prior to the filing of an answer to the complaint or after the filing of an initial decision. The Administrative Law Judge shall rule upon all motions filed after filing of an answer to the complaint and prior to the filing of his initial decision. Oral argument on motions will be permitted where the Administrative Law Judge or the Regional Administrator deems it necessary or desirable.

§ 168.33 Answer to the complaint.

(a) *General.* Where respondent (1) contests any material fact alleged in the complaint to constitute a violation of the Act, or (2) contends that the amount of the penalty proposed in the complaint is inappropriate to such violation; or (3) contends that he is entitled to judgment as a matter of law, he shall file a written answer to the complaint with the Regional Hearing Clerk. Any such answer to the complaint must be filed with the Regional Hearing Clerk within twenty (20) days after service of the complaint. The initiation of informal conferences with the Agency pursuant to section 168.35 does not enlarge this twenty (20) day period.

(b) *Contents of the answer.* The answer shall clearly and directly admit, deny, or explain each of the factual allegations contained in the complaint with regard to which respondent has any knowledge. Such answer shall state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which respondent intends to place at issue, and (3) whether a hearing is requested.

(c) *Request for hearing.* A hearing upon the issues raised by the complaint and answer shall be held upon request of respondent in the answer. In addition, a hearing may be held at the discretion of the Administrative Law Judge, sua sponte, or upon grant of request therefor of any party other than the respondent.

(d) *Failure to answer specifically.* Failure of respondent to plead specifically to any material factual allegation contained in the complaint shall constitute a binding admission of such allegation.

(e) *Withdrawal of the complaint.* At any stage in the proceeding where on the basis of new information or evidence complainant concludes that no violation of the Act has been committed by respondent or that the issuance of the complaint would be unjust or inequitable, complainant may withdraw the complaint once without prejudice to the complainant.

§ 168.34 Failure to answer the complaint: Default order.

(a) *Default.* Respondent may be found to be in default upon his (1) failure to file a timely answer to the complaint; (2) failure to comply with prehearing or hearing order of the Regional Administrator to the Administrative Law Judge, as appropriate pursuant to § 168.32(c), or (3) failure to appear or to proceed at a prehearing conference or at a hearing. Default of respondent shall constitute an admission of all facts alleged in the complaint and a waiver of respondent's right to a hearing on such factual allegations. The penalty proposed to be assessed in the complaint shall become due and payable by respondent without further proceedings upon the issuance by the Regional Administrator of a final order issued upon default.

(b) *Procedures upon default.* (1) Where a default results from respondent's failure to file a timely answer to the complaint, complainant shall prepare and transmit to the Regional Administrator a proposed final order to be issued upon default.

(2) Where the Administrative Law Judge finds a default to have occurred after the filing of an answer to the complaint, the Administrative Law Judge may render a proposed default order to be issued against the defaulting party. For the purpose of appeal pursuant to § 168.51, such order shall be deemed to be the initial decision of the Administrative Law Judge.

(c) *Contents of a final order issued upon default.* A final order issued upon default shall include findings of fact, conclusions regarding all material issues of law, fact, or discretion, and the penalty which is therein assessed. An order issued by the Regional Administrator upon the default of respondent shall constitute a final order in accordance with the terms of § 168.60.

§ 168.35 Informal settlement and consent agreement.

(a) *Settlement policy.* The Agency encourages settlement of the proceeding at any time after the issuance of a complaint if such settlement is consistent with the provisions and the objectives of the Act. Whether or not respondent requests a hearing, he may confer with complainant concerning the facts stated in the complaint or concerning the amount of the proposed civil penalty. In the event a settlement is reached, the terms of any settlement agreement shall be expressed in a written consent agreement. Conferences with complainant concerning possible settlement shall not affect the requirement to file a timely answer pursuant to § 168.33.

(b) *Consent agreement.* A written consent agreement signed by the parties shall be prepared by complainant and forwarded to the Regional Administrator whenever settlement or compromise is proposed. The consent agreement shall state that, for the purpose of this proceeding, respondent (1) admits the jurisdictional allegations of the complaint; (2) admits the facts as stipulated in the consent agreement or neither admits nor denies specific factual allegations contained in the complaint; and (3) consents to the assessment of a given proposed civil penalty. The consent agreement shall include (1) the terms of the agreement; (2) any appropriate conclusions regarding material issues of law, fact, or discretion as well as reasons therefor; and (3) a proposed final order of the Regional Administrator.

(c) *Final order.* No settlement and no consent agreement shall be dispositive of any action pending under section 14(a) of the Act without a final order of the Regional Administrator. In preparing such final order, the Regional Administrator may require that any or all of the parties to the settlement appear before him to answer inquiries relating to the proposed consent agreement.

§ 168.36 Prehearing conference.

(a) *Purpose of prehearing conference.* When it appears that such procedure will expedite the proceeding, the Administrative Law Judge, at any time prior to the commencement of the hearing, may request the parties and their counsel or other representative to appear at a conference before him to consider:

(i) The possibility of settlement of the case;

(ii) The simplification of issues and stipulation of facts not in dispute;

(iii) The necessity or desirability of amendments to pleadings;

(iv) The possibility of obtaining admissions or stipulations of fact and of documents which will avoid unnecessary proof;

(v) The limitation of the number of expert or other witnesses;

(vi) The setting of a time and place for the public hearing, given consideration to the convenience of all parties and witnesses and to the public interest; and

(vii) Any other matters as may expedite the disposition of the proceeding.

(b) *Exchange of witness lists and documents.* Unless otherwise ordered by the Administrative Law Judge each party shall at the prehearing conference make available to each other party the names of the expert and other witnesses he intends to call, together with a brief narrative summary of their expected testimony. Copies of all documents and exhibits which the party intends to introduce into evidence shall be marked for identification as ordered by the Administrative Law Judge. Thereafter, witnesses, documents, or exhibits may be added and narrative summaries of expected testimony amended only upon motion by a party.

(c) *Record of the prehearing conference.* No transcript of any prehearing conference shall be made unless ordered upon motion of a party or sua sponte by the Administrative Law Judge. The Administrative Law Judge shall prepare and file for the record a written summary of the action taken at such conference. Such summary shall incorporate any written stipulations or agreements made by the parties, all rulings upon matters considered at such conference, and appropriate orders containing directions to the parties. Such summary shall direct the subsequent course of the proceeding, unless modified by the Administrative Law Judge, on motion or sua sponte, to prevent manifest injustice.

(d) *Location of prehearing conference.* Unless otherwise agreed in writing by all parties, the prehearing conference shall be held in the county, parish, or incorporated city of the person charged.

(e) *Unavailability of a prehearing conference.* Where circumstances render a prehearing conference unnecessary or impracticable, the Administrative Law Judge, on motion or sua sponte, may request the parties to correspond with him for the purpose of accomplishing any of the objectives set forth in this section. The Administrative Law Judge shall include such correspondence for the record and a written summary of any stipulation or agreements reached by means of such correspondence as provided in § 168.36(c).

§ 168.37 Accelerated decision.

(a) *General.* The Administrative Law Judge or the Regional Administrator as appropriate pursuant to § 168.32(c), upon motion or sua sponte, may at any time render an accelerated decision in favor of complainant or respondent as to all or any portion of the proceeding, without further proceedings or upon such limited additional evidence such as affidavits as he may require, under any of the following conditions:

(1) Failure to state a claim upon which relief can be granted, or direct or collateral estoppel;

(2) There is no genuine issue of any material fact and a party is entitled to judgment as a matter of law; or

(3) Such other and further reasons as are just.

(b) *Effect.* (1) In the event an accelerated decision is issued by the Administrative Law Judge, the decision shall be treated for the purpose of these rules of practice in the same manner as an initial decision of the Administrative Law Judge rendered after completion of a hearing under § 168.47. (2) In the event an accelerated decision is issued by the Regional Administrator, the Regional Administrator shall proceed to issue a final order disposing of all or part of the case as may be appropriate under § 168.60.

Subpart D—Hearing Procedure

§ 168.40 Scheduling the hearing.

(a) *Assignment of Administrative Law Judge.* Upon filing of an answer the Regional Hearing Clerk shall refer the proceeding to the Chief Administrative Law Judge who shall assign himself or another Administrative Law Judge to conduct the proceeding.

(b) *Notice of hearing.* In the event that a hearing is requested by respondent in his answer, or is ordered by the Administrative Law Judge pursuant to the provisions of § 168.33(c), the Administrative Law Judge shall, after consideration of the convenience of the parties, forthwith serve upon parties a notice of a hearing. This notice may set a time and place for such hearing and may contemplate a future prehearing conference between the parties.

(c) *Postponement of hearing.* Except for good cause shown, no request for postponement of a hearing will be granted. Such request must be received in writing at least three (3) days in advance of the time set for the hearing. In case of postponement of the hearing shall be rescheduled for a date as early as circumstances will permit.

(d) *Location of hearing.* Unless otherwise agreed in writing by all parties, the hearing shall be held in the county, parish, or incorporated city of the residence of the person charged.

§ 168.41 Evidence.

(a) *General.* The Administrative Law Judge shall admit all evidence which is relevant, competent and material, and is not unduly repetitious. Relevant, competent and material evidence may be received at the hearing although such evidence may be inadmissible under the rules of evidence applicable to judicial proceedings. The weight to be given all evidence shall be determined by its reliability and probative value. In the presentation, admission, disposition, and use of evidence, the Administrative Law Judge shall preserve the confidentiality of trade secrets and other privileged commercial and financial information, pursuant to section 10 of the Act. The confidential or trade secret status of any evidence shall not, however, preclude its being introduced into evidence. The Administrative Law Judge may make such orders as may be necessary to consider such evidence in camera, including the preparation of a supplemental initial decision to consider questions of fact and conclusions regarding material issues of law, fact, or discretion which arise out of that portion of the evidence which is confidential or which includes trade secrets.

(b) *Examination of witnesses.* Except as otherwise provided in these rules of practice or by the Administrative Law Judge, witnesses shall be examined orally, under oath or affirmation. Parties shall have the right to cross-examine a witness who appears at the hearing provided that such cross-examination is not unduly repetitious.

(c) *Verified statements.* The Administrative Law Judge may admit and insert into the record as evidence in lieu of oral testimony, statements of fact or opinion prepared by a witness. The admissibility of the evidence contained in such statement shall be subject to the same rules as if such testimony were produced under oral examination. The witness shall be subject to oral cross-examination on the contents of such statements. Before any such statement is read or admitted into evidence, the witness shall deliver a copy of the statement to the Administrative Law Judge, the reporter, and opposing counsel. The witness presenting the statement shall swear to or affirm the statement and shall be subject to oral cross-examination upon the contents thereof. Such statements shall not be admitted when it appears to the Administrative Law Judge that the memory or the demeanor of the witness is of importance.

(d) *Exhibits.* Except where the Administrative Law Judge finds it impracticable, an original and one copy of each exhibit shall be filed with the Administrative Law Judge for the record and a copy shall be furnished to each party. A true copy of an exhibit may be substituted for the original.

(e) *Official notice.* Official notice may be taken of any matter judicially noticed in the Federal courts, and of other facts within the specialized knowledge and experience of the Agency. Opposing parties shall be given adequate opportunity to show that such facts are erroneously noticed.

§ 168.42 Objections and offers of proof.

(a) *Objection.* Any objection concerning the conduct of the hearing, the admission or rejection of evidence, the limitation of the scope of any examination or cross-examination, or a ruling by the Administrative Law Judge, may be stated orally if on the record, or in writing. The party raising the objection must supply a short statement of the grounds for the objection. The transcript shall not include any argument or debate thereon, unless the Administrative Law Judge, orders that such argument be transcribed or unless a party requests that such argument be transcribed. The ruling and the reasons given therefor by the Administrative Law Judge on any objection shall be a part of the transcript. An automatic exception is not waived by further participation in the hearing.

(b) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof for excluded oral testimony shall consist of a brief statement describing the nature of the evidence excluded. The offer of proof for excluded documents or exhibits shall consist of the insertion in the record of the document(s) or exhibit(s) excluded. Where the Regional Administrator decides that the ruling of the Administrative Law Judge in excluding the evidence was both erroneous and prejudicial, the hearing may be reopened to permit the taking of such evidence, or, where appropriate, the Regional Administrator may evaluate such improperly excluded

evidence in preparing his final order. In the event that the Regional Administrator in the preparation of his final order relies upon any evidence excluded at the hearing by the Administrative Law Judge, he shall explicitly identify in the final order any such excluded evidence relied upon and his reasons therefor.

§ 168.43 Burden of presentation; burden of persuasion.

In establishing that the violation occurred as set forth in the complaint and that the civil penalty assessed is appropriate, the complainant has the burden of going forward with and of proving an affirmative case. Following the establishment of a prima facie case, respondent shall have the burden of presenting and of going forward with any affirmative defense to the allegations set forth in the complaint. Each matter of controversy shall be determined by the Administrative Law Judge upon a preponderance of the evidence.

§ 168.44 Filing of transcripts.

The hearing shall be transcribed verbatim. Promptly following the taking of the last evidence, the reporter shall transmit to the regional Hearing Clerk as many copies of the transcript of testimony as are called for in the reporter's contract with the Agency, and shall transmit to the Administrative Law Judge the original transcript. A certificate of service shall accompany each copy of the transcript. The Regional Hearing Clerk shall promptly furnish all parties with a copy of the transcript of the hearing without cost. Any person not a party to the proceeding may receive a copy of such transcript upon payment of the costs of reproduction of such transcript.

§ 168.45 Filing of briefs, proposed findings of fact and conclusions of law, and proposed order.

Unless otherwise ordered by the Administrative Law Judge, each party may within twenty (20) days after service of the transcript of a hearing as provided in § 168.44, file with the Regional Hearing Clerk and serve upon all other parties proposed findings of fact, conclusions regarding material issues of law, fact, or discretion, a proposed order based solely upon the record, and a brief in support thereof, together with references to relevant pages of the transcript and to relevant exhibits. Within ten (10) days thereafter each party may file a reply brief concerning matters contained in opposing briefs and containing alternative findings of fact, conclusions regarding material issues of law, fact, or discretion and proposed orders. Oral argument may be had at the discretion of the Administrative Law Judge on motion of any party or sua sponte. The hearing shall be deemed closed at the conclusion of the briefing period.

§ 168.46 Initial decision.

(a) *Contents of inital decision.* The Administrative Law Judge shall as soon as practicable after the close of the hearing evaluate the record before him, and prepare and file his initial decision with the Regional Hearing Clerk. The initial decision shall contain his findings of fact, conclusions regarding all material issues of law, fact or discretion as well as reasons therefor, a recommended civil penalty assessment, and a proposed final order assessing a civil penalty. The Regional Hearing Clerk shall, in accordance with provisions made for service in § 168.05(d), serve upon each of the parties a copy of the initial decision, and shall also serve one copy upon the Regional Administrator, and shall transmit two copies to the Hearing Clerk.

(b) *Evaluation of proposed civil penalty.* In determining the dollar amount of the recommended civil penalty assessed in the initial decision, the Administrative Law Judge shall consider all elements regarding the appropriateness of civil penalty set forth in § 168.60(b). In determining the appropriate penalty to be assessed, the Administrative Law Judge may consult and rely upon the Guidelines for the Assessment of Civil Penalties, published in the FEDERAL REGISTER at 39 FR 27711. The Administrative Law Judge may at his discretion increase or decrease the assessed penalty from the amount proposed to be assessed in the complaint.

(c) *Effect of initial decision.* The initial decision of the Administrative Law Judge shall become the final order of the Regional Administrator within thirty (30) days after transmission thereof by the Regional Hearing Clerk to the Regional Administrator and without further proceedings unless (1) an appeal to the Regional Administrator is taken from it by a party to the proceedings, or (2) the Regional Administrator elects, sua sponte, to review the initial decision.

Subpart E—Appeals and Administrative Review

§ 168.50 Appeal from or review of interlocutory orders or rulings.

(a) *Request for interlocutory appeal.* Except as provided in this section, appeals to the Regional Administrator shall obtain as a matter of right only from an initial decision of the Administrative Law Judge. Appeals from other orders or rulings shall lie only if the Administrative Law Judge, upon motion of a party, certifies such orders or rulings to the Regional Administrator on appeal. Requests to the Administrative Law Judge for such certification shall be filed in writing within five (5) days of notice of the ruling or service of the order and shall state briefly the grounds to be relied upon on appeal.

(b) *Availability of interlocutory appeal.* The Administrative Law Judge may certify a ruling for appeal to the Regional Administrator when (1) the order or ruling involves an important question of law or policy concerning which there is substantial ground for difference of opinion; and (2) either (i) an immediate appeal from the order and ruling will materially advance the ultimate termination of the proceeding, or (ii) review after the final order is issued will be inadequate or ineffective.

(c) *Decision.* If the Regional Administrator determines that certification was improvidently granted, or if he takes no action within thirty (30) days of the certification, the appeal shall be deemed dismissed. When the Administrative Law Judge declines to certify an order or ruling to the Regional Administrator on interlocutory appeal, it may be reviewed by the Regional Administrator only upon appeal from the initial decision, except when the Regional Administrator determines, upon motion of a party and in exceptional circumstances, that to delay review would be deleterious to the public interest. Such motion shall be made within five (5) days of service of an order of the Administrative Law Judge refusing to certify a ruling for interlocutory appeal to the Regional Administrator. Ordinarily, the interlocutory appeal will be decided on the basis of the submissions made to the Administrative Law Judge. The Regional Administrator may, however, allow further briefs and oral argument.

(d) *Stay of proceedings.* The Administrative Law Judge may stay the proceedings pending a decision by the Regional Administrator upon an order or ruling certified by the Administrative Law Judge for an interlocutory appeal, or upon the denial of such a certification by the Administrative Law Judge. Except in extraordinary circumstances proceedings will not be stayed. Where a stay is granted, a stay of more than thirty (30) days must be separately approved by the Regional Administrator.

§ 168.51 Appeal from or review of initial decisions.

(a) *Exceptions and request for oral argument.* (1) Within twenty (20) days after service of the Administrative Law Judge's initial decision, any party may take exception to any matter set forth in such decision or to any adverse order or ruling to which he objected during the hearing and may appeal such exceptions to the Regional Administrator. Appeal may be made by filing exceptions in writing with the Regional Hearing Clerk. Such exceptions shall contain alternative findings of fact, conclusions regarding material issues of law, fact or discretion and a proposed order together with references to the relevant pages of the record and initial decision. A copy of each such document taking exception to the initial decision shall be served upon each other party and amicus curiae. Within the same period of time each party filing exceptions and amicus curiae shall file with the Regional Hearing Clerk and shall serve upon all parties a brief concerning each of the exceptions being appealed. The party shall include in its brief, page references to the relevant portions of the record and to the Administrative Law Judge's initial decision.

(2) Within ten (10) days of the service of exceptions and briefs under paragraph (1) of this subsection, any other party or amicus curiae may file and serve a reply brief responding to exceptions or

arguments raised by any party, together with references to the relevant portions of the record, initial decision, or opposing brief. Reply briefs shall not, however, raise additional exceptions.

(b) *Sua sponte review by Regional Administrator.* Whenever the Regional Administrator determines sua sponte to review an initial decision, notice of such intention shall be served upon the parties by the Regional Hearing Clerk within thirty (30) days after the date of service of the initial decision. Such notice shall include a statement of issues to be briefed by the parties and a time schedule for the service and filing of briefs.

(c) *Scope of appeal or review.* Except when the Regional Administrator determines that additional issues should be argued, the appeal of the initial decision shall be limited to the issues raised by appellant. Where it is determined that additional issues should be argued, counsel for the parties shall be given reasonable written notice of such determination to permit preparation of adequate argument.

(d) *Argument before the Regional Administrator.* Failure of a party to request oral argument on the exceptions filed shall constitute a waiver of oral argument. The Regional Administrator may, nonetheless, sua sponte, set a matter for oral argument. The time and place for such oral argument shall be assigned after giving consideration to the convenience of the parties.

Subpart F—Final Order

§ 168.60 Final order.

(a) *Contents of the final order.* As soon as practicable after service upon the Regional Administrator of the initial decision of the Administrative Law Judge, the Regional Administrator shall issue his final order. Such final order shall include findings of fact, conclusions regarding material issues of law, fact or discretion as well as reasons therefor, and an order assessing a civil penalty. Such final order may accept or reject all or part of the initial decision of the Administrative Law Judge.

(b) *Evaluation of civil penalty.* The final order of the Regional Administrator shall consider the appropriateness of the penalty proposed to be assessed in the consent agreement (§ 168.35(c)), default order (§ 168.34(b)) or the initial decision (§§ 168.37 or 168.46) out of which the final order originates.

(1) In evaluating the appropriateness of such proposed penalty, the Regional Administrator must consider, (a) the gravity of the violation, (b) the size of respondent's business, and (c) the effect of such proposed penalty on respondent's ability to continue in business.

(2) In evaluating the gravity of the violation, the Regional Administrator shall also consider (a) respondent's history of compliance with the Act, or its predecessor statute and (b) any evidence of good faith or lack thereof.

(3) In determining the appropriate penalty to be assessed, the Regional Administrator may consult and rely upon the Guidelines for the Assessment of Civil Penalties, published as an Appendix to these rules of practice. The Regional Administrator may, at his discretion increase or decrease the assessed penalty from the amount recommended to be assessed in the initial decision, or in the Guidelines for the Assessment of Civil Penalties.

(c) *Payment of a civil penalty.* (1) Except as otherwise provided in conjunction with (a) motions made pursuant to Subpart G of these rules of practice, or (b) petitions seeking judicial review of a final order of the Regional Administrator, payment of the full amount of the civil penalty assessed in the final order shall be made within sixty (60) days of service upon respondent of the final order. Such payment shall be made by forwarding to the Regional Hearing Clerk a cashier's check or certified check in the amount of the penalty assessed in such final order. Such check shall be payable to the United States of America.

(2) Failure to make timely payment of the penalty assessed in the final order shall result in reference of the matter to the Attorney General who shall recover such amount by action in the appropriate United States District Court pursuant to section 14(a)(4) of the Act.

Subpart G—Motion To Reconsider

§ 168.70 Motion to reopen hearings; to rehear or reargue proceedings; or to reconsider a final order.

(a) *Filing and service.* A motion to reopen a hearing to take further evidence, to rehear or reargue any matter related to such proceeding, or to reconsider any final order, must be made by motion to the Regional Administrator, in accordance with § 168.32(a), and filed with the Regional Hearing Clerk. Every such motion must state the specific grounds upon which relief is sought.

(b) *Motion to reopen hearing.* A motion to reopen a hearing for the purpose of taking further evidence may be filed at any time after the service of the initial decision of the Administrative Law Judge and prior to the issuance of the Regional Administrator's final order. Each such motion shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not cumulative, and shall set forth a good reason why such evidence was not adduced at a hearing.

(c) *Motion to rehear, reargue, or reconsider.* Motions to rehear or reargue any matter related to a hearing or to reconsider the final order shall be filed within ten (10) days after the date of service of the final order. Every such motion must state specifically the matters claimed to have been erroneously decided. The nature of any alleged error must be briefly stated.

§ 168.71 Procedure for disposition of motions.

Within ten (10) days following the service of any motion provided for in § 168.70, any other party to the proceeding may file with the Regional Hearing Clerk and serve on all other parties an answer thereto. As soon as practicable thereafter, the Regional Administrator shall announce his intent to grant or to deny such motion. Unless the Regional Administrator determines otherwise, implementation of the final order shall not be stayed pending the decision to grant or to deny the motion. The conduct of any proceeding which may be required as a result of the granting of any motion allowed in this section shall be governed by the provisions of the applicable section of these rules.

[FR Doc.74-17363 Filed 7-30-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

REVISED INSTRUCTIONS FOR PROCESSING RECOMMENDATIONS FOR AWARDS AND MISCELLANEOUS AMENDMENTS

This change to the General Services Administration Procurement Regulations (GSPR) prescribes revised forms for the processing of recommendations for contract award(s) and other miscellaneous amendments.

PART 5A-1—GENERAL

The table of contents for Part 5A-1 is amended to revise the following entry:

§ 5A-1.375 Forms for recommending award(s).

1. Section 5A-1.375 is revised as follows:

§ 5A-1.375 Forms for recommending award(s).

(a) GSA Form 1535, Recommendation for Award(s), and GSA Form 1535A, Recommendation for Award(s)—Continuation, shall be used to document all proposed awards of more than $2,500, whether resulting from advertised or negotiated procurements. The use of the form for awards of less than $2,500 is at the discretion of the procuring activity. One or more awards may be made on each form. All information pertinent to the recommendation shall be given on the form. The checklist on the back of the form shall be completed. The forms shall be prepared as instructed in § 5A-16.950-1535-1.

(b) GSA Form 1447, Procurement Case Summary, shall be used to detail the analyses of procurements which require concurrence or approval in accordance with the Delegations of Authority Manual (ADM P 5450.39, FSS P 5450.20, or FSS P 5450.21).

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

2. Section 5A-2.403 is revised as follows:

§ 5A-2.403 Recording of bids.

GSA Form 289, Abstract of Bids, and GSA Form 289a, Abstract of Bids (Continued), illustrated in §§ 5A-16.950-289

and 5A–16.950–289a, normally shall be used when recording bids.

3. Section 5A–2.404–2 is amended as follows:

§ 5A–2.404–2 Rejection of individual bids.

(a) *Proposed award to other than low offeror.* When an award of $2,500 or more is proposed to other than the low offeror, the responsible contracting officer shall explain the circumstances and justifications for rejection of the low offer on GSA Form 1535, Recommendation for Award(s). Rejection of low bids in cases involving $2,500 or less may be recorded on the GSA Form 1535 or by notation in the procurement case file. The following information shall be provided either on GSA Form 1535 or on a separate sheet.

Award to Other Than Low Offeror:

(1) Item number(s) involved;

(2) Names of low offeror(s) and proposed awardee(s);

(3) Low and proposed prices:

(i) Unit.

(ii) Totals.

(4) Differences:

(i) In total prices.

(ii) In percent.

(5) Explanation: Example, "FPR 1–2.404–2(a), failure to conform to the essential requirements of the specifications. The deviation is considered unacceptable and is concurred in by the Standardization Division."

(i) When a proposed rejection is based on failure to meet Qualified Products List (QPL) requirements, the explanation shall include information as to whether the items offered had been tested and approved for inclusion in the QPL as required by the solicitation; whether the item had been submitted for qualification testing; and/or the status of testing, if available.

(ii) Explanations which involve cases of a sensitive or controversial nature shall be accompanied by all supporting documentation to justify awards to other than low offerors, such as: (1) copy of the offer to be rejected, (2) statements from (or record of conversation with) the requisitioning activity, (3) plant facilities and/or financial responsibility reports, (4) relevant correspondence or reports; e.g., with the Small Business Administration on Certificates of Competence matters, (5) copies of Congressional correspondence or other high level interest.

* * * * *

(b) * * *

(2) If the missing pages are waived, as a minor informality or irregularity, the contractor shall be advised by letter accompanying the award document that the missing pages (which should be identified) are a part of the contract. The letter should caution the contractor that failure to submit all pages of a bid could cause rejection of a bid as nonresponsive in cases where a missing page contained substantive matter rather than inconsequential.

PART 5A–16—PROCUREMENT FORMS

The table of contents for Part 5A–16 is amended to delete § 5A–16.950–2112, to revise §§ 5A–16.950–1447 and 5A–16.950–1535, and to add §§ 5A–16.950–1535–1 and 5A–16.950–1535A, as follows:

5A–16.950–1447	GSA Form 1447, Procurement Case Summary.
5A–16.950–1535	GSA Form 1535, Recommendation for Award(s).
5A–16.950–1535A	GSA Form 1535A, Recommendation for Award(s) — Continuation Sheet.
5A–16.950–1535–1	Instructions for Completing GSA Form 1535, Recommendation for Award(s).

NOTE: Copies of the forms identified in this Part 5A–16 are filed with the original document.

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

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

Dated: July 3, 1974.

M. J. TIMBERS,
Commissioner, FSS.

[FR Doc.74–17434 Filed 7–30–74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[PLO 5428]

ALASKA

Amendment of Public Land Orders Nos. 5169, 5171, 5172

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and by virtue of the authority vested in the Secretary of the Interior by sections 11(a)(3) and 17(d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (hereinafter referred to as the Act), 43 U.S.C. sections 1610(a)(3), 1616(d)(1), it is ordered as follows:

1. Public Land Order No. 5172 of March 9, 1972, as amended by Public Land Order No. 5191 of March 17, 1972, and Public Land Order No. 5392 of September 14, 1973, withdrawing lands for selection under section 12 of the Act by the Village Corporations and the Regional Corporation for the approximate area covered by operation of the Association of Village Council Presidents, now known as Calista, Inc., is hereby amended to add the following described lands to paragraph 1 of said order:

SEWARD MERIDIAN

PROTRACTED DESCRIPTION

T. 6 N., R. 75 W.
T. 20 N., R. 93 W.
T. 23 N., R. 90 W.
T. 28 N., R. 79 W.

The area described aggregates approximately 45,950 acres.

2. Public Land Order No. 5169 of March 9, 1972, as amended by Public Land Order No. 5191 of March 17, 1972, and by Public Land Order No. 5256 of September 12, 1972, withdrawing certain lands for selection by the Arctic Slope Regional Corporation under section 12 of the Act, is hereby modified to delete the following described land from paragraph 2 and add it to paragraph 1c (Point Hope) of said order:

KATEEL RIVER MERIDIAN

PROTRACTED DESCRIPTION

T. 32 N., R. 32 W.,
Secs. 1 through 5, 9 through 14, 23 and 24.

The area described contains approximately 7,200 acres.

3. Public Land Order No. 5171 of March 9, 1972, as amended by Public Land Order No. 5253 of September 12, 1972, and Public Land Order No. 5389 of September 14, 1973, withdrawing lands for selection under section 12 of the Act by the Village Corporations and the Regional Corporation for the approximate area covered by operation of the Northwest Alaska Region, now known as NANA Regional Corporation, is further amended to add the following described land to paragraph 1a of said order:

1a. Kotzebue

KATEEL RIVER MERIDIAN

PROTRACTED DESCRIPTION

T. 14 N., R. 16 W.

The area described contains approximately 4,270 acres.

4. The purpose of this order is to modify Public Land Order Nos. 5169 and 5171 to facilitate the villages of Pt. Hope (Arctic Slope Region) and Kotzebue (NANA Region) land entitlement selections; and supplement Public Land Order No. 5172, as amended, by reserving additional lands for selection by the Village Corporations in the Calista Region pursuant to section 12 of the Act. Therefore, subject to valid existing rights, all of the lands withdrawn in paragraphs 1, 2 and 3, of this order immediately become subject to all of the terms and conditions of the order to which they are added, including the withdrawal of the lands from selection by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181–287 (1970). The lands are also withdrawn for classification or reclassification pursuant to section 17(d)(1) of the Act, and are subject to administration by the Secretary of the Interior under the applicable laws and regulations.

5. It is hereby determined that the promulgation of this order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to sec. 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), is required.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 25, 1974.

[FR Doc.74–17430 Filed 7–30–74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20042, RM-2139; FCC 74-768]

SPECIAL INDUSTRIAL RADIO SERVICE IN PUERTO RICO AND THE VIRGIN ISLANDS

Report and Order; Proceeding Terminated

1. On April 30, 1974, the Commission issued a notice of inquiry and notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on May 3, 1974. The notice proposed to amend §§ 2.106, 89.459, 91.504 and 93.352 of the rules to permit persons located in Puerto Rico and the Virgin Islands, and eligible in the Special Industrial Radio Service, to share frequencies now available to the Forestry-Conservation and Railroad Radio Services.[1] The Notice of Inquiry stated that the Commission wished to take comprehensive action in this matter and asked for additional comments on (1) whether other radio services had a similar need in Puerto Rico and the Virgin Islands to share these Forestry Conservation and Railroad frequencies and (2) what, if any, difficulties such interservice sharing might entail.

2. The Commission proposed the interservice sharing of these frequencies[2] because it felt that unused frequencies should not be permitted to continue lying fallow when licensees in other services have demonstrated a need for such frequencies.

3. Comments were received from the Puerto Rico Department of Natural Resources, the Special Industrial Radio Service Association, Inc., the Forestry-Conservation Communications Association and the Association of American Railroads. No reply comments were received. All comments submitted have been carefully considered, and will be discussed herein.

4. The basic objective of the proposed rule amendment—utilization of fallow frequencies—was unanimously supported by the comments. The view of the Association of American Railroads was typical:

> This Association has no objection to the regulatory amendments proposed by the Commission and supported by the Special Industrial Radio Service Association. * * * Because of the remoteness of these land areas from the continental United States, AAR's members do not foresee that such a reassignment would cause interference with U.S. Railroad operations.

The Puerto Rico Department of Natural Resources, however, while agreeing in principle that use of these frequencies should be examined and that they should be made available to other types of radio users, requested that at least one of the Forestry-Conservation radio frequencies be reserved because it anticipates establishing a radio network to link its headquarters, regional offices, and field units.

5. We are also removing 160.620 MHz from the list of frequencies proposed because of its proximity to 160.625 MHz, a frequency assigned to the maritime mobile services. Without close coordination between the use of the maritime mobile frequency and the use of 160.620 MHz, there is a potential danger of serious interference and the Commission feels it would be better to delete the frequency from the original proposal.

6. The Association of American Railroads requested that it be relieved of the frequency coordination responsibility for any railroad channels which are transferred to non-railroad users in these two territories. The Commission's notice stated that, "all applications for the assignment of a new frequency, or to change existing facilities in such a manner as to require frequency coordination, as specified in § 91.8(a) hereof, shall be accompanied by evidence of frequency coordination with the sharing service." We anticipate that the actual coordination will be done by the Special Industrial Radio Service Association and, therefore, the Association of American Railroads will not have primary frequency coordination responsibility.

7. Since no other services indicated a need to share these Forestry-Conservation and Railroad frequencies in Puerto Rico and the Virgin Islands, we are only making them available for shared use by the Special Industrial Radio Service.

8. In view of the foregoing, the Commission concludes that the public interest will be served by amending the rules to provide for the shared use of these frequencies by Special Industrial Radio Service eligibles in Puerto Rico and the Virgin Islands.

9. *Accordingly, it is ordered,* Pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, that Parts 2, 89, 91, and 93 of the Commission's rules are amended effective August 30, 1974, as set forth in the attached Appendix.

10. *It is further ordered,* That the proceedings in Docket No. 20042 are hereby terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Adopted: July 16, 1974.

Released: July 25, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[3]
VINCENT J. MULLINS,
Secretary.

Parts 2, 89, 91, and 93 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS, GENERAL RULES AND REGULATIONS

A. Section 2.106, the Table of Frequency Allocations, is amended in columns 7 through 11 for the bands 158.715–159.48 MHz and 159.48–161.575 MHz by adding footnote designator NG 70 and will read as follows:

§ 2.106 Table of Frequency Allocations.

Band (MHz)	Service	Class of station	Frequency (MHz)	Nature {of service / of station}
7	8	9	10	11
•	•	•	•	•
158.715–159.48	LAND MOBILE.....	Base Land Mobile.....		PUBLIC SAFETY. (NG70)
159.48–161.575	LAND MOBILE.....	Base Land Mobile.....		LAND TRANSPORTATION. (NG 6) (NG26) (NG28) (NG70)
•	•	•	•	•

NG70 In Puerto Rico and the Virgin Islands only, the bands 159.240–159.435 and 160.410–160.620 MHz are also available for assignment to base stations and mobile stations in the Special Industrial Radio Service.

[1] Railroad Radio Service: 160.410, 160.425, 160.440, 160.455, 160.470, 160.485, 160.500, 160.515, 160.530, 160.545, 160.560, 160.575, 160.590, 160.605, and 160.620.
Forestry-Conservation Radio Service: 159.225, 159.240, 159.255, 159.270, 159.285, 159.300, 159.315, 159.330, 159.345, 159.360, 159.375, 159.390, 159.405, 159.420, 159.435.

[2] None of the seventeen 159 MHz band frequencies presently allocated to the Forestry-Conservation Radio Service in Puerto Rico and the Virgin Islands are in use. Only three of the forty-three VHF channels available to Railroad Radio Service eligibles on these islands are in use.

[3] Commissioners Washburn and Robinson not participating.

PART 89—PUBLIC SAFETY RADIO SERVICES

B. Section 89.459 (d) and (e) are amended by adding new limitations (17) to read as follows:

§ 89.459 Frequencies available to the Forestry-Conservation Radio Service.

* * * * *

(d) * * *

Frequency or band	Class of station(s)	Limitations
*	* * *	*
159.240	do	17
159.255	do	17
159.270	do	17
159.285	do	17
159.300	do	17
159.315	do	17
159.330	do	17
159.345	do	17
159.360	do	17
159.375	do	17
159.390	do	17
159.405	do	17
159.420	do	17
159.435	do	17
*	* * *	*

(e) * * *

(17) This frequency is shared with the Special Industrial Radio Service in Puerto Rico and the Virgin Islands. All applications for the assignment of a new frequency or to change existing facilities in such a manner as to require frequency coordination, as specified in § 89.15 hereof, for stations in Puerto Rico or the Virgin Islands, shall be accompanied by evidence of interservice frequency coordination.

* * * * *

PART 91—INDUSTRIAL RADIO SERVICES

C. Section 91.504(a) is amended, and a new paragraph (d) is added to read as follows:

§ 91.504 Frequencies available.

(a) The frequencies or bands of frequencies available for assignment to stations in this service are enumerated in the following table, together with the class of station(s) to which they are normally assigned, a general reference terminology, and the specific assignment limitations which are developed in paragraph (b) of this section. Special provisions relating to the availability and the assignment of certain frequencies above 152 MHz in Hawaii, Puerto Rico, and the Virgin Islands are contained in paragraphs (c) and (d) of this section.

* * * * *

(d) The following frequencies are available only in Puerto Rico and the Virgin Islands for shared use by base and mobile stations licensed in the Forestry-Conservation, Railroad and Special Industrial Radio Services.

Base and Mobile	*Mobile Only*
159.240	160.410
159.255	160.425
159.270	160.440
159.285	160.455
159.300	160.470
159.315	160.485
159.330	160.500
159.345	160.515
159.360	160.530
159.375	160.545
159.390	160.560
159.405	160.575
159.420	160.590
159.435	160.605

(1) A mobile station may be assigned the frequency of an associated base station. Such operation may, however, subject the single frequency system to interference that would not occur to a two-frequency system.

(2) The foregoing "Mobile Only" frequencies may be assigned to a control station association with a mobile relay system if it is also assigned to the associated mobile station.

(3) The foregoing "Base and Mobile" and "Mobile Only" frequencies are available on a shared basis in the Forestry-Conservation and Railroad Radio Services, respectively. All applications for the assignment of a new frequency, or to change existing facilities in such a manner as to require frequency coordination, as specified in Section 91.8(a) hereof, shall be accompanied by evidence of frequency coordination with the sharing service.

PART 93—LAND TRANSPORTATION RADIO SERVICES

D. Section 93.352 (a) is amended by adding new limitation (4) to read as follows:

§ 93.352 Frequencies below 952 MHz available for base and mobile stations.

(a) * * *

MHz	*MHz*
[4] 160.410	[4] 160.515
[4] 160.425	[4] 160.530
[4] 160.440	[4] 160.545
[4] 160.455	[4] 160.560
[4] 160.470	[4] 160.575
[4] 160.485	[4] 160.590
[4] 160.500	[4] 160.605

* * * * *

[4] This frequency is shared with the Special Industrial Radio Service in Puerto Rico and the Virgin Islands. All applications for the assignment of a new frequency or to change existing facilities in such a manner as to require frequency coordination, as specified in § 93.9 hereof, for stations in Puerto Rico or the Virgin Islands, shall be accompanied by evidence of interservice frequency coordination.

[FR Doc.74-17336 Filed 7-30-74;8:45 am]

[Docket No. 18920]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE).

Point-to-Point Microwave Radio Service Applications; Policies and Procedures; Correction

In the matter of establishment of policies and procedures for consideration of applications to provide specialized common carrier services in the domestic point-to-point microwave radio service and proposed amendments of Parts 2 and 21 of the Commission's rules.

In the second report and order in the captioned proceeding, released July 5, 1974 (FCC 74-657) at 39 FR 25490, make the following corrections:

1. In the first sentence of paragraph 18 change "* * * 2,450–12,200 MHz * * *" to read "* * * 2,200–12,200 MHz * * *"

2. The last sentence of footnote 2 to § 21.101 contained in the Appendix is corrected to read:

* * * Equipment authorized in the frequency range 2,450 to 10,500 MHz prior to June 23, 1969 at a tolerance of .05 percent may continue to be used until February 1, 1976 provided it does not cause interference to the operation of any other licensee.

Released: July 23, 1974.

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

[FR Doc.74-17436 Filed 7-30-74;8:45 am]

Title 49—Transportation

CHAPTER IV—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 72-139R]

SUBCHAPTER A—CERTIFICATION OF CARGO CONTAINERS FOR TRANSPORT UNDER CUSTOMS SEAL

CARGO CONTAINER AND ROAD VEHICLE CERTIFICATION

International Transport of Goods

In the FEDERAL REGISTER of November 17, 1972, (37 FR 24440) a notice of proposed rulemaking was published that would amend the cargo container regulations to provide for the approval and certification of road vehicles for international transport of goods under Customs seal. Interested persons were invited to submit written comments on the proposed regulations.

Three written comments were received. The first comment requested that procedures for approval of vehicles by design type be added and that the two year renewal requirement be deleted. This request cannot be adopted because the international agreements do not allow for design type approvals for motor vehicles and do require biennial recertification.

The second comment requested that motor carriers be excepted from the proposed regulations. The same comment expressed concern about the location of all designated certifying authorities in New York City. This request does not require modification of the proposed regulation because:

a. In accordance with 49 CFR 420.2 (a), compliance with the regulations is voluntary. Owners and operators engaged in international transport within signatory nations may wish to comply with the regulations in order to realize the benefits to be gained by such compliance.

b. The certifying authorities are prepared to provide the required service anywhere in the United States. It is not necessary to deliver equipment to New York for certification.

The third comment pointed out an error in the address of one of the certifying authorities which was corrected.

In consideration of the foregoing, the amendment as proposed is hereby adopted subject to correcting the address in proposed § 421.1(c) to "One World Trade Center, Suite 2757, New York, N.Y. 10048". The amendment as corrected and adopted is set forth below.

Effective Date: This amendment is effective on August 30, 1974.

Dated: July 22, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

Subchapter A of Title 49, Code of Federal Regulations is amended as follows:

SUBCHAPTER A—CARGO CONTAINER AND ROAD VEHICLE CERTIFICATION FOR TRANSPORT UNDER CUSTOMS SEAL

1. By revising the heading of Subchapter A to read as set forth above.

PART 420—CONTAINER AND ROAD VEHICLE CERTIFICATION—GENERAL

2. By revising the heading of Part 420 to read as set forth above.

3. By revising the authority citation of Part 420 to read as follows:

AUTHORITY: The provisions of this Part 420 issued under E.O. 11459, 3 CFR, 1966–1970 Comp., p. 781 (1969); and 49 CFR 1.46(f).

§§ 420.1, 420.3 [Amended]

4. By adding the words "and road vehicles" after the word "container" or "containers" wherever it appears in § 420.1 and § 420.3(a).

5. By revising § 420.2 to read as follows:

§ 420.2 Application and purpose.

(a) Certification of containers and road vehicles for international transport under Customs seal is voluntary. This chapter does not require certification of containers and road vehicles.

(b) The Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), January 15, 1959 (20 UST 184, TIAS 6633) requires that the approval of road vehicles be made by competent authorities of the country in which the owner or carrier is resident or established. The Customs Convention on Containers, May 18, 1956 (20 UST 301, TIAS 6334), requires that the approval of containers be made by competent authorities of the country in which the owner is resident or established or by those of the country where the container is used for the first time for transport under Customs seal. The procedures for applying for certification are contained in §§ 422.2, 423.2, and 424.2 of this chapter.

6. By adding new paragraphs (f) and (g) to § 420.3 to read as follows:

§ 420.3 Definitions.

* * * * *

(f) "Road vehicle" as defined in Chapter I, Article I of the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), January 15, 1959 (20 UST 184, TIAS 6633), means not only any road motor vehicle but also any trailer or semitrailer designed to be drawn by such a vehicle.

(g) "Customs and TIR Plan" means the drawing of a container that illustrates each requirement in § 423.3a or § 424.4 of this subchapter.

PART 421—CONTAINER AND ROAD VEHICLE CERTIFICATION—ADMINISTRATION

7. By revising the heading of Part 421 to read as set forth above.

8. By revising the authority citation of Part 421 to read as follows:

AUTHORITY: The provisions of this Part 421 issued under E.O. 11459, 3 CFR, 1969–1970 Comp., p. 781 (1969); and 49 CFR 1.46(f).

9. By revising § 421.1 to read as follows:

§ 421.1 Designated certifying authorities.

(a) The American Bureau of Shipping, 45 Broad St., New York, NY 10004.

(b) International Cargo Gear Bureau, Inc., 17 Battery Place, New York, NY 10004.

(c) The National Cargo Bureau, Inc., One World Trade Center, Suite 2757, New York, N.Y. 10048.

(d) Oceanographic Society, Inc., 17 Battery Place, New York, NY 10004.

5. By revising § 421.2 to read as follows:

§ 421.2 Designation of additional certifying authorities.

(a) The Commandant may designate as a certifying authority any nonprofit firm or association that he finds competent to carry out the functions of Subpart B of this part.

(b) Any designation may be terminated by the Commandant.

§ 421.10 [Amended]

10. By striking out the part reference "Part 424 of this chapter" in § 421.10 and inserting "§ 422.3a of this subchapter" in place thereof.

11. By amending Subpart B by revising §§ 421.11, 421.12, and 421.13 and adding § 421.14 to follow § 421.13, to read as follows:

§ 421.11 Examination of containers and road vehicles.

(a) Each certifying authority must inspect each container and each road vehicle submitted for certification for compliance with the requirements contained in §§ 423.3a or 424.4 of this subchapter as applicable.

(b) Each certifying authority must conduct the examination for containers by design type prescribed in § 422.4 of this subchapter. Each container must be in compliance with the requirements contained in § 422.3a of this subchapter.

§ 421.12 Certificate of approval by design type for a container.

A certifying authority issues a certificate of approval by design type for a container that is approved in accordance with the procedures contained in §§ 422.3 and 422.4 of this subchapter.

§ 421.13 Certificate of approval for a container.

A certifying authority issues or renews a certificate of approval for an individual container that complies with the requirements contained in § 423.3a of this subchapter.

§ 421.14 Certificates of approval for road vehicles.

A certifying authority issues or renews a certificate of approval for an individual road vehicle that complies with the requirements contained in § 424.4 of this subchapter.

§ 421.20 [Amended]

12. By striking the words "shall be approved" in the third sentence of § 421.20(a) and adding the words "are subject to approval" in place thereof.

13. By revising § 421.30 to read as follows:

§ 421.30 Records maintained by a certifying authority.

(a) Each certifying authority shall maintain—

(1) A copy of each certificate of approval of containers by design type that is issued, together with a copy of the plans and application to which the approval refers;

(2) A record of each serial number assigned and affixed by the manufacturer to the containers manufactured under a design type approval;

(3) A copy of each individual certificate of approval of a container or road vehicle that is issued; and

(4) All applications submitted in accordance with the requirements contained in §§ 422.2, 423.2, or 424.2 of this subchapter and any information submitted by a manufacturer for the certification of a container or a road vehicle.

(b) The Commandant or a representative of the Commandant may examine, at reasonable times, the certifying authority's files required by paragraph (a) of this section.

14. By revising § 421.31 to read as follows:

§ 421.31 Records to be furnished the Commandant.

Each certifying authority shall supply the Commandant (MHM), Room 8306, 400 Seventh Street SW., Washington, DC 20590, with—

(a) A copy of each issued certificate of approval for containers by design type and a copy of the plans and application to which the approval refers;

(b) A copy of each issued individual approval for a container or road vehicle; and

(c) Notification of each arrangement approved as an equivalent to the requirements of the Customs convention of the international transport of goods undercover of TIR carnets (TIR Convention), January 15, 1959 (20 UST 184, TIAS 633), as modified by applicable resolutions, as provided in §§ 422.3a(b),

423.3a(b), or 424.4(b) of this subchapter.

15. By adding a new § 421.31a to follow § 421.31 to read as follows:

§ 421.31a Meetings on program.

Each certifying authority's representative for certification functions shall meet after notice with the Commandant or his representatives to review their administration of the certification program.

16. By revising the heading of § 421.32 to read as follows:

§ 421.32 Reports by container manufacturer.

* * * * *

17. By revising § 421.33 to read as follows:

§ 421.33 Notification of Certifying Authority prior to container production.

The manufacturer shall notify the certifying authority before each production run of containers to be built pursuant to a certificate of approval by design type in order that the certifying authority can schedule any necessary inspection.

18. By revising § 421.40 to read as follows:

§ 421.40 Appeal to Commandant.

(a) Any manufacturer, carrier, or owner may within 30 days after he has been notified by a certifying authority of a determination, including any review provided, appeal the determination to the Commandant.

(b) Any determination which is appealed remains in effect pending a decision by the Commandant.

§ 421.50 [Revoked]

19. By revoking § 421.50.

PART 422—PROCEDURES FOR APPROVAL OF CONTAINERS BY DESIGN TYPE

20. By revising the authority of Part 422 to read as follows:

AUTHORITY: The provisions of this Part 422 issued under E.O. 11459, 3 CFR, 1966–70 COMP., p. 781 (1969); and 49 CFR 1.46(f).

21. By adding §§ 422.1a and 422.1b to follow § 422.1 and to read as follows:

§ 422.1a Eligibility.

Any manufacturer of containers that are being manufactured in a type series from a standard design and specifications so that each container has identical characteristics may apply for an approval by design type.

§ 422.1b Where to apply.

A manufacturer may apply for approval of a container by design type to a certifying authority of the country in which the owner is resident or established.

22. By revising §§ 422.2 and 422.3 to read as follows:

§ 422.2 Application for approval.

Each application by a manufacturer or an owner for certification of a container by design type must include—

(a) Four copies, each no larger than 3 feet by 4 feet, of the Customs and TIR plan;

(b) Customs and TIR plan number;

(c) Four copies of the specifications which include the following information:

(1) The name and address of the manufacturer or the owner; and

(2) A descripion of the container including the—

(i) Type of construction;

(ii) Dimensions;

(iii) Material of construction;

(iv) Coating system used;

(v) Identification marks and numbers; and

(vi) Tare weight;

(d) The location and date for inspection of the prototype; and

(e) A statement signed by the manufacturer that—

(1) A container of the design type concerned is available for inspection and approval by the certifying authority before, during, and after the production run;

(2) Notification will be given to the certifying authority of each change in the design before adoption; and

(3) Each container will be marked with—

(i) The metal plate required in § 422.5;

(ii) The identification numbers or letters of the design type assigned by the manufacturer; and

(iii) The serial number of the container assigned by the manufacturer.

§ 422.3 Plan review.

(a) A manufacturer who wants a container to be approved by design type must submit to the certifying authority the plans and specifications of the container.

(b) The certifying authority that examines the plans and specifications submitted in accordance with paragraph (a) of this section—

(1) Approves the plans and specifications in accordance with the requirements of § 422.3a and arranges to inspect a prototype in accordance with § 422.4; or

(2) Advises the manufacturer of any necessary changes to be made for compliance with the requirements of § 422.3a.

(c) If changes in design of the container are made during production but after approval of the plans and specifications by the certifying authority, the manufacturer must furnish "as-built" drawings of the container to the certifying authority before an inspection of the prototype is made.

23. By adding § 422.3a to follow § 422.3 and to read as follows:

§ 422.3a Technical requirements for containers by design type.

(a) The plans and specifications of a container that are submitted in accordance with the requirements contained in § 422.3 and the one or more containers that are inspected in accordance with the requirements of § 422.4 must comply with the requirements of Annex 6, as modified by applicable resolutions, of the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), January 15, 1959 (20 UST 184, TIAS 6633). Copies of Annex 6, as modified by applicable resolutions, may be obtained from the Coast Guard (MHM), Room 8306, 400 7th Street SW., Washington, DC 20590.

(b) If any of the requirements in articles 1 through 3 of annex 6 are not compatible with the technical requirements that insulated and refrigerator containers, furniture containers, tank containers, and containers specially built for carriage by air must fulfill in use, the certifying authority may approve other arrangements that are equivalent to the requirements in annex 6 and serve the purpose for which the certification is intended.

24. By amending § 422.4 by deleting paragraph (b), and revising the heading of § 422.4 to read as follows:

§ 422.4 Examination, inspection, and testing.

(b) [deleted]

* * * * *

PART 423—PROCEDURES FOR INDIVIDUAL APPROVAL OF CONTAINERS

25. By revising the authority citation of Part 423 to read as follows:

AUTHORITY: The provisions of this Part 423 issued under E.O. 11459, 3 CFR, 1966–70 COMP., p. 781 (1969); and 49 CFR 1.46(f).

§ 423.2 [Amended]

26. By amending the introductory text of § 423.2 by adding the word "written" after the first word "A" and striking the word "shall" and inserting "may" in place thereof, and striking the second "shall" and inserting "must" in place thereof.

27. By revising § 423.3 to read as follows:

§ 423.3 Eligibility.

Individual containers may be submitted for inspection by the owner to a certifying authority—

(a) In the country in which the owner is a resident or established; or

(b) In the country in which the container is used for the first time for transport under Customs seal.

28. By adding § 423.3a to follow § 423.3 and to read as follows:

§ 423.3a Technical requirements for containers.

(a) A container that is submitted for inspection for individual approval must comply with the requirements of Annex 6, as modified by applicable resolutions, of the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), January 15, 1959 (20 UST 184, TIAS

6633). Copies of Annex 6, as modified by applicable resolutions, may be obtained from the Coast Guard (MHM), Room 8306, 400 Seventh Street SW., Washington, DC 20590.

(b) If any of the requirements in Articles 1 through 3 of Annex 6 are not compatible with the technical requirements that insulated and refrigerator containers, furniture containers, tank containers, and containers specially built for carriage by air must fulfill in use, the certifying authority may approve other arrangements that are equivalent to the requirements in Annex 6 and serve the purpose for which the certification is intended.

29. By revising § 423.4 to read as follows:

§ 423.4 Approval of individual containers.

The certifying authority issues an individual certificate of approval, valid for 2 years, for each container that meets the requirements in § 423.3a.

30. By adding a new § 423.4a to follow § 423.4 and to read as follows:

§ 423.4a Certificate of approval.

A certificate of approval framed as required in Article 1–4 of Annex 6, Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), is evidence of approval if it remains sealed in the protective frame.

31. By revising §§ 423.5 and 423.6 to read as follows:

§ 423.5 Renewal of certificate.

A certificate of approval may be renewed if the Certifying Authority determines by inspection every 2 years that the container continues to comply with the applicable requirements in § 423.3a.

§ 423.6 Termination of approval.

Approval of a container terminates—

(a) Upon expiration of the certificate of approval;

(b) Upon a change in the container by a major repair or alteration of any of the essential features required in § 423.3a. Repairs by replacement in kind do not constitute a change of the essential features; or

(c) Upon a change of ownership.

PART 424—PROCEDURES FOR APPROVAL OF INDIVIDUAL ROAD VEHICLES

32. By revising the heading of Part 424 as set forth above, and by revising Part 424 to read as follows:

Sec.

424.1 General.
424.2 Application for approval.
424.3 Eligibility.
424.4 Technical requirements for road vehicles.
424.5 Approval of individual road vehicles.
424.6 Certificate of approval.
424.7 Renewal of certificate.
424.8 Termination of approval.

AUTHORITY: The provisions of this Part 424 issued under E.O. 11459, 3 CFR, 1966–1970 COMP., p. 781 (1969); and 49 CFR 1.46(f).

§ 424.1 General.

This part provides for the approval and certification of individual road vehicles that comply with the technical requirements in § 424.4.

§ 424.2 Application for approval.

A written request for approval of an individual road vehicle may be made by the manufacturer, owner, or carrier to a certifying authority and must include—

(a) Type of vehicle;

(b) Name and business address of owner or carrier;

(c) Name of the manufacturer;

(d) Chassis number;

(e) Engine number (if applicable);

(f) Registration number;

(g) Particulars of construction;

(h) Any photos or diagrams required by the certifying authority to facilitate approval; and

(i) A proposed place and date for inspection of the road vehicle.

§ 424.3 Eligibility.

A road vehicle may be submitted for inspection by the manufacturer, owner, or carrier to a certifying authority of the country in which the manufacturer, owner, or carrier, respectively, is resident or established.

§ 424.4 Technical requirements for road vehicles.

(a) A road vehicle that is submitted for inspection for individual approval must comply with the requirements of Annex 3, as modified by applicable resolutions, of the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), January 15, 1959 (20 UST 184, TIAS 6633). Copies of Annex 3, as modified by applicable resolution, may be obtained from the Coast Guard (MHM), Room 8306, 400 Seventh Street SW., Washington, DC 20590.

(b) If any of the requirements in Articles 1 through 3 of Annex 3 are not compatible with the technical requirements that insulated vehicles, refrigerator vehicles, furniture vehicles, and tank vehicles must fulfill in use, the certifying authority may approve other arrangements that are equivalent to the requirements in Annex 3 and serve the purpose for which the certificate is intended.

§ 424.5 Approval of individual road vehicles.

The certifying authority issues a certificate of approval, valid for 2 years, to each road vehicle that complies with the applicable requirements in § 424.4.

§ 424.6 Certificate of approval.

A certificate of approval must be kept on the vehicle as evidence of approval.

§ 424.7 Renewal of certificate.

A certificate of approval may be renewed if the certifying authority determines by inspection every 2 years that the vehicle continues to comply with the applicable requirements in § 424.4.

§ 424.8 Termination of approval.

Approval of a road vehicle terminates—

(a) Upon expiration of the certificate of approval;

(b) Upon a change in the road vehicle by a major repair or alteration of any of the essential features required in § 424.4. Repairs by replacement in kind do not constitute a change of the essential features; or

(c) Upon a change of ownership.

These amendments are proposed under the authority of Executive Order 11459, 3 CFR, 1966–1970 COMP., p. 781 (1969); and 49 CFR 1.46(f).

[FR Doc.74–17452 Filed 7–30–74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1106, Amdt. No. 6]

PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Company Authorized To Operate Over Tracks of Penn Central Transportation Company, George P. Baker, Robert W. Blanchette, and Richard C. Bond, Trustees

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of July 1974.

Upon further consideration of Service Order No. 1106 (37 FR 15307; 38 FR 3332, 14754, 33302, and 39 FR 3827), and good cause appearing therefor:

It is ordered, That: § 1033.1106 Service Order No. 1106 (The Baltimore and Ohio Railroad Company authorized to operate over tracks of Penn Central Transportation Company, George P. Baker, Robert W. Blanchette, and Richard C. Bond, trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1974.

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

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment 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.74-17495 Filed 7-30-74;8:45 am]

[S.O. No. 1084, Amdt. No. 5]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Company Authorized To Operate Over Tracks of Chicago and North Western Transportation Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of July 1974.

Upon further consideration of Service Order No. 1084 (36 FR 22063; 37 FR 12726, 28059; 38 FR 20840 and 39 FR 3827), and good cause appearing therefor:

It is ordered, That: § 1033.1084 *Service Order No. 1084* (Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1974.

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

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment 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.74-17494 Filed 7-30-74;8:45 am]

[Rev. S.O. No. 1173, Amdt. No. 1]

PART 1033—CAR SERVICE

Distribution of Refrigerator Cars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of July 1974.

Upon further consideration of Service Order No. 1173 (39 FR 9182), and good cause appearing therefor:

It is ordered, That: § 1033.1173 *Revised Service Order No. 1173* (DISTRIBUTION OF REFRIGERATOR CARS) be, and it is hereby, amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) *Expiration date.* The provisions of this order shall expire at 11:59 p.m. December 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1974.

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

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment 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.74-17498 Filed 7-30-74;8:45 am]

[S.O. No. 1149, Amdt. No. 3]

PART 1033—CAR SERVICE

Fort Worth and Denver Railway Company Authorized to Operate Over Tracks of Quanah, Acme & Pacific Railway Company and Over Tracks of the Atchison, Topeka and Santa Fe Railway Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of July 1974.

Upon further consideration of Service Order No. 1149 (38 FR 23793, 29882 and 39 FR 14596), and good cause appearing therefor:

It is ordered, That: § 1033.1149, *Service Order No. 1149* (FORT WORTH AND DENVER RAILWAY COMPANY AUTHORIZED TO OPERATE OVER TRACKS OF QUANAH, ACME & PACIFIC RAILWAY COMPANY AND OVER TRACKS OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1974.

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

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment 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.74-17497 Filed 7-30-74;8:45 am]

[S.O. No. 1151, Amdt. No. 2]

PART 1033—CAR SERVICE

Peoria Terminal Co. Authorized to Operate Over Tracks of the Peoria and Pekin Union Railway Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of July 1974.

Upon further consideration of Service Order No. 1151 (38 FR 27218 and 39 FR 4088), and good cause appearing therefor:

It is ordered, That: § 1033.1151 *Service Order No. 1151* (PEORIA TERMINAL COMPANY AUTHORIZED TO OPERATE OVER TRACKS OF THE PEORIA AND PEKIN UNION RAILWAY COMPANY) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

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

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1974.

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

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment 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.74-17496 Filed 7-30-74;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

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on August 17, 1974.

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

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on Big Lake National Wildlife Refuge, Arkansas, is permitted on the entire refuge except for the area within ¼ mile of refuge headquarters and other areas which may be designated as closed by marking with "Closed Area" signs. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of upland game subject to the following special conditions:

(1) Squirrel hunting permitted in accordance with State regulations, except season closes on the refuge the day duck season in the State opens. Dogs are not permitted.

(2) Raccoon hunting permitted from October 14, 1974, until opening day of the duck hunting season in the State. Hunting will open at 12:00 noon on October 14. Hunting permitted 24 hours per day. No limit on the number of coons that can be taken per day. Dogs required during night hunts.

(3) Shotguns or rifles not larger than .22 caliber may be used.

(4) Persons are prohibited from possessing, while on the refuge, either on their person or in their vehicle, game for which there is not an open season on the refuge.

(5) Fires and cutting of trees are not permitted.

(6) A special permit is required for hunts held on the refuge.

(7) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 1, 1975.

WAPANOCCA NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons is permitted only on the area designated by signs as open to hunting. This open area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all State and Federal regulations subject to the following special conditions:

(1) Squirrels may be hunted October 1–10, 1974, during daylight hours only.

(2) Raccoons may be hunted November 1–10, 1974, from dark to 12 midnight only.

(3) Only shotguns and .22 caliber rifles may be used. Pistols and other sidearms are prohibited.

(4) Dogs are required during the raccoon hunts and are prohibited during the squirrel hunt.

(5) Cutting or burning of trees, fires, camping, and littering are prohibited.

(6) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(7) A special permit is required for all hunts held on the refuge.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 10, 1974.

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and turkey on the White River National Wildlife Refuge, Arkansas, is permitted only on the area designated by signs as open to hunting. This open area is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all State and Federal regulations subject to the following conditions:

(1) Species permitted to be taken: Squirrels, rabbits, beaver, and feral hogs by gun; and turkey by archery.

(2) Open season: Gun hunt—October 1–15; archery (turkey)—October 16–30, 1974.

(3) Bag limits: One turkey of either sex; rabbits—8; squirrels—8; no limit on beaver and hogs.

(4) Weapons—(a) Gun—Shotguns and rimfire rifles are permitted. Rifles larger than .22 caliber are prohibited, and (b) long bows only; with a minimum pull of 40 pounds and arrows with ⅞ inch minimum width blade.

(5) Permit required.

(6) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(7) All hunters must exhibit their hunting licenses, game, and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through October 30, 1974.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the St. Marks National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 1,200 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game. A refuge permit is required.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1975.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of bobwhite quail and squirrels on the Piedmont National Wildlife Refuge, Georgia, is permitted only on the area designated by signs as open to hunting. The open area, comprising approximately 32,000 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of bobwhite quail and squirrels subject to the following special conditions:

(1) Species permitted to be taken: Bobwhite quail and squirrels only.

(2) Open season: Quail—November 23, 1974–February 28, 1975, on Tuesdays and Saturdays only. Squirrels—August 17–September 7, 1974, daily except Sunday; and November 23, 1974–February 28, 1975, on Tuesdays and Saturdays only. Hunters are permitted on areas open to quail and squirrel hunting from 30 minutes before sunrise until 30 minutes after sunset on the above cited hunting days.

(3) No vehicular or horseback travel except on State and county roads.

(4) Each hunter under age 17 must be under the close supervision of an adult For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(5) Camping and fires are prohibited.

(6) Dogs allowed only for quail hunting.

(7) Buckshot and handguns are prohibited.

(8) A refuge permit is required. An unlimited number of permits for the

quail and squirrel hunts will be available at refuge headquarters anytime during the hunt period. Permits are valid for entire hunt period. Questionnaire on permit must be completed and returned to refuge office at close of season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1975.

KENTUCKY

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Reelfoot National Wildlife Refuge, Kentucky, is permitted only on the area designated by signs as open to hunting. This open area, comprised of 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tennessee and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels and raccoons subject to the following special conditions:

Squirrels: (1) Squirrels may be hunted on the refuge from September 1–30, 1974.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(3) Dogs are not permitted.

(4) A Federal permit is required to enter the public hunting area. Permits available from the refuge manager by mail or in person.

Raccoons: (1) Raccoons may be taken without limit, on the Long Point refuge unit during the periods of September 23–28, 1974 and September 30–October 5, 1974.

(2) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(3) The use of dogs and guns is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit is required. Permits available at check station. All hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee.

(6) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 5, 1974.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Hunting shall be in accordance with applicable State regulations. Portions of the refuge which are open to hunting are designated by signs and delienated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Squirrels, rabbits, quail, turkey, raccoons, and opossum may be hunted in accordance with the following special conditions:

(1) Squirrels and rabbits may be hunted October 14–November 16, 1974.

(2) Quail may be hunted January 11, 1975–February 25, 1975. Rabbits may be hunted as an incidental species during the quail hunt.

(3) Turkey (gobblers only) may be hunted March 22–April 10, 1975 and April 12–April 20, 1975.

(4) Raccoons and opossums may be hunted January 1–31, 1975.

(5) Sunday hunting is prohibited.

(6) Fires and cutting of trees are not permitted.

(7) Primitive camping is permitted in designated camping area only.

(8) Dogs are permitted during the quail, raccoon and opossum hunts only.

(9) Turkeys killed must be checked at refuge headquarters.

(10) Racoons and opossums may be hunted only with .22 caliber firearms.

(11) Squirrels and rabbits may be hunted only with shotgun shooting No. 4 shot or smaller and .22 caliber rimfire guns.

(12) Quail may be hunted only with shotguns shooting No. 6 shot or smaller.

(13) Permits are required for all hunts and may be obtained at refuge headquarters.

(14) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 20, 1975.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of rabbits, squirrels, and raccoons on the Bulls Island Unit of the Cape Roman National Wildlife Refuge, Awendaw, South Carolina, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits, squirrels, and raccoons subject to the following special conditions:

(1) The open season for hunting rabbits, squirrels, and raccoons is November 4–9, November 28–30, and December 19–21, 1974. Daylight hours only.

(2) Bow and arrows permitted. Firearms, crossbows, or any type mechanical bow prohibited. Drugged or poison arrows prohibited.

(3) No dogs allowed on the island.

(4) Hunters must check in with refuge personnel upon arrival and check out upon departure from Bulls Island.

(5) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(6) Camping for hunters only is permitted in the designated campground. Campsites may be erected 24 hours prior to each hunt and must be removed within 24 hours after the close of each hunt. Campsites and camp gear may not be left from one hunt to the next. Fires are restricted to the designated camp area. Recreational camping by non-hunters is not permitted during the hunts.

(7) Permits are required and may be obtained at the refuge office on Bulls Island.

(8) Arrangements for transportation to the island must be made by the hunters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 22, 1974.

TENNESSEE

HATCHIE NATIONAL WILDLIFE REFUGE

The public hunting of squirrels and raccoons on the Hatchie National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,180 acres, is delineated on maps available at the refuge headquarters, Brownsville, Tennessee 38012 and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal Regulations subject to the following special conditions:

(1) All persons hunting on the refuge must possess a Special Hunting Permit.

(2) Seasons: Squirrels—August 24–September 30, 1974. Raccoons—October 11–November 14, 1974.

(3) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(4) Weapons: Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(5) The hunting hours for raccoons are from sunset to midnight.

(6) Camping is prohibited.

(7) Dogs are prohibited during the squirrel hunt, but are required during the raccoon hunt.

(8) No axes, saws or other cutting implements will be permitted during the raccoon hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 14, 1974.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Lake Isom National Wildlife Refuge, Tennessee is permitted only on the area designated by signs as open to hunting. This open area, comprised of 1,850 acres, is delineated on maps available at refuge headquarters, Samburg, Tennessee and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels and raccoons subject to the following special conditions:

Squirrels: (1) Squirrels may be hunted on the refuge from September 1–30, 1974.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(3) Dogs are not permitted.

(4) A Federal hunting permit is required to enter the public hunting area. Permits available from Refuge Manager by mail or in person.

(5) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

Raccoons: (1) Raccoons may be taken, without limit, on the refuge during the period of September 23–28, 1974.

(2) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(3) The use of dogs and guns is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit is required. Permits available at check station. All hunters will be required to check in and check out at the designated checking station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee 38254.

(6) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1974.

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Reelfoot National Wildlife Refuge, Tennessee is permitted only on the area designated by signs as open to hunting. This open area, comprised of 9,585 acres, is delineated on maps available at refuge headquarters, Samburg, Tennessee and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels and raccoons subject to the following special conditions:

Squirrels: (1) Squirrels may be hunted on the refuge from September 1–30, 1974.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(3) Dogs are not permitted.

(4) A Federal permit is required to enter the public hunting area. Permits available from the Refuge Manager by mail or in person.

(5) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

Raccoons: (1) Raccoons may be taken, without limit, on the Long Point refuge unit during the periods September 23–28, 1974 and September 30–October 5, 1974.

(3) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(4) The use of dogs and guns is permitted.

(5) No axes, saws, or other cutting implements will be permitted.

(6) A Federal permit is required. Permits available at check station. All hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee 38254.

(7) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 5, 1974.

KENNETH E. BLACK,
Regional Director,
U.S. Fish and Wildlife Service.

JULY 22, 1974.

[FR Doc.74-17431 Filed 7-30-74;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Oregon

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

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. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

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

Migratory birds may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651).

Hart Mountain National Antelope Refuge, P.O. Box 111, Lakeview, Oregon 97630.

Ducks, geese, and coots may be hunted on the following refuge areas:

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Oregon 97338.

Special Conditions: 1. Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 noon during the authorized season only.

2. A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between September 15 and October 15, 1974.

3. The use of 12-gauge soft iron shot shells sold at refuge check stands is required.

Upper Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, California 96134).

Special Condition: 1. Sculling and airthrust boats are prohibited.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oregon 97330.

Special Conditions: 1. Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 noon, during the authorized season only.

2. A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between September 15 and October 15, 1974.

3. In the designated goose hunting area "A" hunters may shoot from assigned blind sites only and are limited to the use of ten (10) shells per day.

4. The use of 12-gauge soft iron shot shells sold at refuge check stands is required.

Ducks, geese, coots and common snipe may be hunted on the following refuges:

Klamath Forest National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, California 96134).

Special Condition: 1. Sculling and airthrust boats are prohibited.

Cold Springs National Wildlife Refuge, Hermiston, Oregon. (Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882).

McKay Creek National Wildlife Refuge, Pendleton, Oregon. (Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882).

Special Condition: Hunting will be permitted on Wednesdays, Saturdays, Sundays, and Federal holidays.

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882.

Special Conditions: 1. Hunting will be permitted on Wednesdays, Saturdays, Sundays, and Federal holidays.

2. Hunters are required to hunt within 50 feet of the designated shooting posts in the controlled hunting area.

Malheur National Wildlife Refuge, P.O. Box 113, Burns, Oregon 97720.

Special Condition: Use of motors on boats is prohibited.

Mourning doves and band-tailed pigeons may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Box 198, Jefferson, Oregon 97352.

Special Condition: All hunters must check in and out of the refuge daily by use of self-service permits.

Malheur National Wildlife Refuge, P.O. Box 113, Burns, Oregon 97720.

Special Condition: That portion of the refuge in Blitzen Valley west of Highway 205 south of Diamond Lane will be open to hunting as posted.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oregon 97330.

Special Condition: All hunters must check in and out of the refuge daily by use of self-service permits.

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

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

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651).

Hart Mountain National Antelope Range, P.O. Box 111, Lakeview, Oregon 97630.

Pheasant, quail, and partridge may be hunted on the following refuge areas:

Cold Springs National Wildlife Refuge, Hermiston, Oregon. (Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882).

Malheur National Wildlife Refuge, P.O. Box 113, Burns, Oregon 97720.

Special Condition: Hunting will be permitted during the last 9 days of the State season on the upland game hunting area and during State seasons running concurrently with the waterfowl season on the waterfowl hunting area, and that portion of the refuge in the Blitzen Valley west of Highway 205 as posted.

McKay Creek National Wildlife Refuge, Pendleton, Oregon. (Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882).

Special Condition: Hunting is permitted on Wednesdays, Saturdays, Sundays, and Federal holidays.

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882.

Special Condition: Hunting will be permitted on Wednesdays, Saturdays, Sundays, and Federal holidays.

Pheasant and quail may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Route 1, Box 198, Jefferson, Oregon 97352.

Special Conditions: 1. No hunting permitted after November 3, 1974.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 50 at any one time.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Oregon, 97338.

Special Conditions: 1. No hunting permitted after November 3, 1974.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 50 at any one time.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oregon 97330.

Special Conditions: 1. No hunting permitted after November 3, 1974.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 100 at any one time.

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.

R. KAHLER MARTINSON,
Regional Director,
Fish and Wildlife Service.

[FR Doc.74-17456 Filed 7-30-74;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Washington

The following regulations are issued and are effective September 7, 1974. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Washington.

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. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, 1500 Northeast Irving, Portland, Oregon 97208.

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

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

Conboy Lake National Wildlife Refuge, Glenwood, Washington. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 120-BB, Toppenish, Washington 98948.)

Special Condition: No goose hunting permitted on the refuge.

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

Columbia National Wildlife Refuge, P.O. Drawer F., Othello, Washington 99344.

Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, Washington 98948.

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882.

Ridgefield National Wildlife Refuge, P.O. Box 467, Ridgefield, Washington 98642.

Special Conditions: (1) Hunting will be permitted on Wednesdays, Saturdays, and Sundays, October 28, 1974, November 28, 1974, and January 1, 1975.

(2) A Federal permit, available from the refuge office, is required to enter the public hunting area. Permits will be issued by mail in advance on a first-come, first-served basis. Only one regular permit may be held by a hunter at any one time.

(3) Hunters must shoot from assigned blinds drawn at the checking station.

(4) Iron shot only may be possessed or used on the refuge hunting area.

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

McNary National Wildlife Refuge, P.O. Box 19, Burbank, Washington 99383.

Special Conditions: (1) Hunters are required to park vehicles in designated parking areas.

(2) Hunting will be permitted on Wednesdays, Saturdays, Sundays, and Thanksgiving Day.

(3) Hunting permitted from marked sites only on controlled hunting area.

Willapa National Wildlife Refuge, Ilwaco, Washington 98624.

Special Condition: (1) Hunting on Riekkola Tract is permitted on Wednesdays, Saturdays, and Sundays, and Federal holidays.

(2) Hunting on the Riekkola Tract will be from designated blinds only, on a first-come, first-served basis, with no more than three (3) hunters per blind.

(3) The field on the south side of Yeaton County Road is not subject to special condition number (2).

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

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

Columbia National Wildlife Refuge, P.O. Drawer F, Othello, Washington 99344.

Special Conditions: (1) Open to the hunting of rabbits in addition to game birds.

(2) Upland game birds may be hunted during State seasons running concurrently with the waterfowl season.

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882.

Conboy Lake National Wildlife Refuge, Glenwood, Washington. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, Washington 98948.)

Special Condition: (1) Cottontail rabbit and snowshoe hare may also be hunted during the State season concurrent with the waterfowl season.

Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, Washington 98948.

Special Conditions: (1) Rabbits may also be hunted.

(2) Upland game may only be hunted concurrent with the waterfowl hunting season.

Willapa National Wildlife Refuge, Ilwaco, Washington 98624.

Special Conditions: (1) Archery hunting only is permitted on the Long Island unit.

(2) Hunters must possess a hunting permit available at refuge headquarters and at the Nahcotta Dock.

(3) Permits for the opening weekend only will be through application and drawing. Applications are available from the Refuge Manager.

(4) Raccoon and coyote may also be hunted.

McNary National Wildlife Refuge, P.O. Box 19, Burbank, Washington 99323.

Special Conditions: (1) Pheasants only may be hunted.

(2) Pheasant hunting will be restricted to Wednesdays, Saturdays, Sundays, and Thanksgiving Day.

(3) Hunters are required to park vehicles in designated parking areas.

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

Deer hunting is permitted on the following refuge areas:

Columbia National Wildlife Refuge, P.O. Drawer F, Othello, Washington 99344.

Conboy Lake National Wildlife Refuge, Glenwood, Washington. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, Washington 98948.)

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882.

Bear, deer and elk may be hunted on the following refuge area:

Willapa National Wildlife Refuge, Ilwaco, Washington 98624.

Special Conditions: (1) Archery hunting only is permitted.

(2) Hunters must possess a hunting permit available at refuge headquarters and at the Nahcotta Dock.

(3) Permits for the opening weekend only will be through application and drawing. Applications are available from the Refuge Manager.

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.

R. KAHLER MARTINSON,
Regional Director,
Fish and Wildlife Service.

[FR Doc.74-17455 Filed 7-30-74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Executive Office of the President; Temporary Boards and Commissions

Correction

In FR Doc. 74-17176, appearing on page 27143 in the issue for Thursday, July 25, 1974, in § 213.3103, the paragraph designated "(c)" should be changed to read "(e)".

Title 7—Agriculture

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

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Reports

This amendment of the rules and regulations under the marketing agreement and Order No. 925 requires handlers to submit to the Administrative Committee certain reports deemed essential to the efficient administration of the program.

The amendment of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 925.107 et seq.) currently in effect, was unanimously recommended by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established pursuant to the marketing agreement and Order No. 925, regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon. This is a regulatory program effective pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment would require handlers to file reports with the committee, on forms furnished by the committee, showing the name and address of the handler, the date the shipment was made, the name of each variety and the volume of each variety in the shipment, and the container used for such shipments. This information is essential to the efficient administration of the program since the committee uses such information for computing handlers pro rata share of the expenses incurred in operating the program.

After consideration of all relevant matter presented, including the recommendation of the committee, it is hereby found that amendment of said rules and regulations is in accordance with said marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure and postpone the effective date of this amendment until August 30, 1974 (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment became available and the time when this amendment 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 amendment effective on August 1, 1974. The committee held an open meeting on July 16, 1974, after giving due notice thereof, to consider this amendment, interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for this amendment were promptly submitted to the Department after such meeting was held; the provisions of this amendment, including its effective date are identical with the aforesaid recommendation of the committee; and information concerning the provisions of this amendment and its effective time have been disseminated among handlers of such prunes; it is necessary, in order to effectuate the declared policy of the act to make this amendment effective on August 1, 1974; and compliance with it will not require any special preparation on the part of handlers subject thereto which cannot be completed on or before the effective date hereof.

A new § 925.108 is added reading as follows:

§ 925.108 Reports.

Each handler shall file with the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, on forms provided by the committee and on a monthly basis, during the marketing season, a report covering the shipment of prunes made by him during the preceding month. The report shall contain the name and address of the handler; the date of shipment; the name of each variety of prunes in the shipment and the volume of each variety, and the container used for such shipments.

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

Dated: July 26, 1974, to become effective August 1, 1974.

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

[FR Doc.74-17490 Filed 7-30-74;8:45 am]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA AND MARYLAND

Expenses and Rate of Assessment for the 1974–75 Fiscal Period and Carryover of Unexpended Funds

This document authorizes expenses of $131,300 of the Cherry Administrative Board, under Marketing Order No. 930, for the 1974–75 fiscal period and fixes a rate of assessment of $1.00 per ton of cherries handled in such period to be paid to the board by each first handler as his pro rata share of such expenses.

On July 8, 1974, notice of rulemaking was published in the FEDERAL REGISTER (39 FR 24913) regarding proposed expenses and the related rate of assessment for the period beginning May 1, 1974, and ending April 30, 1975, and carryover of unexpended funds pursuant to the marketing Order No. 930 (7 CFR Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia and Maryland. The notice allowed interested persons until July 22, 1974, to submit written data, views, or arguments pertaining to such proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice, which were submitted by the Cherry Administrative Board (established pursuant to said marketing order), it is hereby found and determined that:

§ 930.203 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses which are reasonable and likely to be incurred by the Cherry Administrative Board during the 1974–75 fiscal period, May 1, 1974, through April 30, 1975, will amount to $131,300.

(b) *Rate of assessment.* The rate of assessment for such fiscal period payable by each handler in accordance with § 930.41 is fixed at $1.00 per ton of first handled cherries.

(c) Unexpended assessment funds in excess of expenses incurred during fiscal period ended April 30, 1974, shall be carried over as a reserve in accordance with § 930.42(a) of said marketing order.

Terms used in this part shall, when used herein, have the same meaning as is given to the respective term in said order and "ton of cherries" shall mean 2,000 pounds of raw unpitted cherries.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) handling of the current crop of cherries is currently underway; (2) the relevant provisions of said marketing order require that the rate of assessment fixed for a particular season be applicable to all cherries from the beginning of such fiscal period; and (3) the fiscal period began May 1, 1974, and the rate of assessment herein fixed will automatically apply to all cherries beginning with such date.

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

Dated: July 25, 1974.

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

[FR Doc.74-17428 Filed 7-30-74;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK) DEPARTMENTS OF AGRICULTURE

[Docket No. AO-14-A53, etc.]

MILK IN THE BOSTON REGIONAL AND CERTAIN OTHER MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

7 CFR part	Marketing area	Docket No.
1001	Boston Regional	AO 14-A53.
1002	New York-New Jersey	AO 71-A68.
1004	Middle Atlantic	AO 160-A51.
1015	Connecticut	AO 305-A31.
1033	Ohio Valley	AO 166-A44.
1036	Eastern Ohio-Western Pennsylvania.	AO 179-A39.
1040	Southern Michigan	AO 225-A28.
1049	Indiana	AO 319-A22.

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Washington, D.C. on February 20–28, 1974, pursuant to notice thereof issued on February 12, 1974 (39 FR 5642).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Associate Administrator, on June 21, 1974, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issues on the record relate to:

1. The immediate need for making inoperative the butter-powder formula under each order during the next few months.

2. Appropriate longer-term basis of pricing reserve milk under the eight orders.

3. Whether an emergency exists to warrant the omission of a recommended decision.

Issues 1 and 3 were dealt with in an earlier decision (39 FR 11567). This decision deals with the remaining issue, No. 2.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Appropriate longer-term basis of pricing reserve milk under the eight orders. The reserve milk price (Class II milk in the Boston Regional, Connecticut, New York-New Jersey and Middle Atlantic orders and Class III milk in Eastern Ohio-Western Pennsylvania, Indiana, Ohio Valley, and Southern Michigan orders) should be based on the Minnesota-Wisconsin price for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as announced by the Department for the month.

The use of such price will maintain prices of reserve milk supplies at the highest level consistent with the orderly disposition of such milk and assure dairy farmers the full use value for that portion of their milk shipments not needed for Class I. Moreover, the use of the Minnesota-Wisconsin price as the reserve milk price in the eight markets, herein considered, will result in order prices for reserve milk comparable to prices being paid by processors of manufacturing grade milk in general. Finally, it will maintain alignment of reserve milk prices among the eight orders with other orders, most of which, effective August 1, 1974, will employ such pricing for reserve milk supplies.

Since mid-1968 in the four northeastern markets and for several years prior thereto in the other four markets, reserve milk has been priced at the lower of either the Minnesota-Wisconsin price or a butter-nonfat dry milk formula price. The Minnesota-Wisconsin price was the effective price in the eight orders for 32 of the 60 months during the 5-year period from 1969 through 1973.

Annually, the Minnesota-Wisconsin price and the butter-powder formula price have been in relatively close alignment. For instance, the Minnesota-Wisconsin price averaged 6 cents per hundredweight above the butter-powder formula price in 1968, 17 cents above in 1969, 10 cents above in 1970, 6 cents below in 1971, 2 cents above in 1972 and 7 cents above in 1973.

In the latter part of 1973 an unprecedented price gap developed between the level of the Minnesota-Wisconsin price and the butter-power formula price. Until then the widest differences between the two prices were during October 1969 through April 1970 when the Minnesota-Wisconsin price varied from 31 to 42 cents over the butter-powder formula price. The Minnesota-Wisconsin price exceeded the butter-powder formula price by $0.47, $0.78, $1.13, $1.18, $1.19 and $0.73 for October, November and December 1973 and January, February and March 1974, respectively.[1] In April 1974, due largely to a sharp decline in cheese prices with a continuing strong price structure for nonfat dry milk the relationship between the two price series reversed itself. For this month, the Minnesota-Wisconsin price was $0.29 per hundredweight below the butter-powder formula price.

The wide divergence between the Minnesota-Wisconsin price and the butter-powder formula price that developed beginning in October 1973 prompted the various proposals relating to the pricing of reserve milk in the eight markets that were considered at the hearing.

Emergency interim action was taken on the hearing record to provide that during the period April 3 through July 1974 all reserve milk, except that used to produce butter and nonfat dry milk, be priced at the Minnesota-Wisconsin price. For milk used in butter and nonfat dry milk the price would be reduced by the amount not to exceed 50 cents per hundredweight, that the Minnesota-Wisconsin price exceeds the butter-powder formula price.

Accordingly, the issue remaining is the appropriate pricing of reserve milk after July 1974. The reserve milk pricing provisions in effect prior to April 3 will become operative August 1, 1974, except under the Indiana order, unless further amendment action is effected. The Indiana order has been amended effective August 1, 1974, on the basis of a separate proceeding involving several orders. Such amendments include use of the Minnesota-Wisconsin price as the reserve milk price.

The testimony adduced at the hearing centered primarily on the question of whether or not the butter-powder price formula in each of the eight orders should be deleted as an alternative basis in determining reserve milk prices. Both producers and handlers took diverse positions regarding this matter.

A national farm organization that has producer members in each of the eight

[1] This decision makes use of certain prices of butter, nonfat dry milk, and manufacturing grade milk for months beyond the dates for which such prices were available on the hearing record. For this purpose official notice is taken of the official price announcements of the market administrator, New York-New Jersey Federal order market for March through May 1974.

markets, a large cooperative associated with the Middle Atlantic market, a large regional cooperative that has producer members in the Indiana and Southern Michigan markets, and a handler in the Boston Regional market, all proposed that the price for reserve milk be the Minnesota-Wisconsin price. In support of such proposal, they contended that the then effective reserve milk pricing formula (the lesser of the Minnesota-Wisconsin price or the butter-powder formula price) did not assure producers a reasonable return for reserve milk when market prices considered collectively for butter and nonfat dry milk are low relative to the Minnesota-Wisconsin price. They further contended that the butter-powder formula price did not reflect the value of other reserve milk products or the general economic factors affecting such products. Hence, they urged that the butter-powder formula price be eliminated to avoid the possibility of such product price depressing the price of all reserve milk and its accompanying adverse effect on uniform prices paid to producers. They pointed out, also, that the use of the Minnesota-Wisconsin price would maintain price alignment with other order and unregulated reserve milk prices.

Another regional cooperative, principally associated with the New York-New Jersey market, proposed that reserve milk prices be based on the Minnesota-Wisconsin price in each month except during the flush production months of April, May and June of each year. During such three months, reserve milk prices would be based on the lower of the Minnesota-Wisconsin price or the butter-powder formula price. This proponent contended that the retention of the alternative butter-powder price determinant was necessary to assure the availability of adequate butter-powder processing facilities for excess supplies in these markets during the flush production months.

Several of the principal cooperatives associated with the Eastern Ohio-Western Pennsylvania, Indiana and Ohio Valley markets proposed the adoption of the Minnesota-Wisconsin price as the price for all reserve milk except for that used to produce butter and nonfat dry milk. Under their proposal, reserve milk used in butter and nonfat dry milk would be priced each month at the butter-powder formula price. The basis of their proposal was that reserve milk should be priced at its actual use value. They held that the level of reserve milk prices had encouraged some milk to be associated with the orders under which they operate that is not always available for Class I use. They pointed out that this milk is sold to cheese plants at a price substantially higher than its value under the order prices when the butter-powder formula price is the effective price. The need for pricing milk utilized in butter and powder at the butter-powder formula price, they contended, is necessary to accommodate the orderly disposition of the seasonal and weekend excess milk at plants processing butter and nonfat dry milk.

Certain other cooperatives associated primarily with the New York-New Jersey, Boston Regional and/or Connecticut markets proposed that milk utilized in other than butter and nonfat dry milk production be priced on the simple average of the Minnesota-Wisconsin price and butter-powder formula price. Under their proposal, reserve milk utilized in butter and skim milk powder would be priced at the lower of the butter-powder value or Minnesota-Wisconsin price. Other cooperatives associated with the Southern Michigan market supported a similar reserve milk pricing formula but held that the average of the Minnesota-Wisconsin price and the butter-powder formula price should not result in a price lower than the butter-powder formula price. With respect to pricing milk used in butter and powder production, the Southern Michigan group proposed use of the butter-powder formula price.

In support of these latter reserve milk pricing proposals, proponents stated, generally, that there are significant differences in the competitive position of, and demand for, products made from reserve milk. Handlers prefer to use quantity milk on a regular basis for certain manufactured products such as cottage cheese and ice cream. Proponents contended that the price of reserve milk used in such products should reflect, to the extent possible, the costs associated with attracting an adequate supply of such milk. Conversely, they pointed out that other products that are made from residual supplies of reserve milk compete in a national market with such products made from manufacturing grade milk and thus the value of reserve milk used in such products is lower. It was their contention that the proposal to base reserve milk prices on the average of the Minnesota-Wisconsin and butter-powder formula prices reflects the overall value of the mix of products made from reserve milk. The price applicable to milk used in butter and powder production, they contended, should basically reflect the net value that can be realized by producer organizations that are handling reserve milk supplies in connection with performing the Class I balancing function. These proponents further stated that the retention of the butter-powder formula is essential to the maintenance of needed manufacturing outlets for processing excess milk from cooperatives performing the Class I balancing function.

The national organization representing dairy cooperatives proposed the adoption of separate pricing formulas for reserve milk used in cheese and butter-powder production based on the yield factors and "make allowances" employed by the Department under the dairy price support program. Adoption of this limited proposal, it was contended, would (1) provide needed additional compensation to handlers—principally cooperatives—to offset the costs they incur in performing balancing services to the market and (2) return to farmers a price reflecting the full use value of milk made into cheese, butter and powder.

Certain individual handlers associated with the Boston Regional and New York-New Jersey markets proposed that the present "make allowance" of 48 cents contained in the butter-powder price formula be increased to 72 cents per hundredweight. They contended that the present 48 cents "make allowance" should be adjusted to reflect the increase in costs of receiving and processing reserve milk that has occurred since adoption of the product price formula in July 1968.

A regional association of ice cream manufacturers, a processing cooperative associated with the Middle Atlantic market, and a group of Ohio handlers testified in support of retaining the present reserve milk pricing formula. They were particularly opposed to the removal of the butter-powder price formula from the eight orders under consideration. Its elimination, they contended, would (1) result in reserve milk prices at levels which would deter the disposition of such milk through normal market channels; (2) have an adverse effect on consumer prices and acceptability of certain manufactured dairy products; (3) result in competitive inequities between regulated and unregulated handlers; and (4) base reserve milk prices solely on the Minnesota-Wisconsin price series which they held is not an appropriate price determinant for reserve milk. Moreover, they strongly urged that no action be taken as a result of these proceedings and recommended that another hearing be called to consider the propriety of using the Minnesota-Wisconsin series as a basis in determining class prices under the orders.

Substantial quantities of reserve milk used to produce manufactured dairy products are associated with the eight orders. During the past three years (1971, 1972 and 1973) the annual volume of reserve milk supplies priced under the eight orders ranged from 11 to 13 billion pounds. Such reserve supplies represented about 45 percent of the total volume of reserve milk priced under all Federal milk orders. Moreover, nearly 40 percent of the reserve supplies in the eight markets is produced during the 4-month period, April-July.

A substantial part of the reserve milk associated with the eight orders is used in the manufacture of the so-called "soft products"—principally cottage cheese, frozen desserts, and condensed products. This "soft products" use of reserve milk constitutes a more regular outlet on a year-round basis than the storable manufactured products such as hard cheeses, butter and nonfat dry milk. The use of reserve milk in the manufacture of the storable products is more seasonal in nature and thus is somewhat greater in the flush production months than in other months of the year.

In 1973, about 65 percent of the reserve milk supplies in five of the eight markets—Boston, Eastern Ohio-Western

Pennsylvania, Indiana, Ohio Valley and Southern Michigan—was utilized in the production of "soft products". During the 12-month period ending May 31, 1973, about 80 percent of the volume of reserve milk associated with the New York-New Jersey order was utilized in manufactured products other than hard cheese and butter-powder. Comparable data for the Middle Atlantic and Connecticut orders were not available on the record.

About 38 percent of the reserve milk supplies in the eight markets, herein considered, is priced under the New York-New Jersey order. The monthly volume of reserve milk in this market during the 12-month period ending May 31, 1973, ranged from a low of 300 million pounds in November to a high of 535 million pounds in June. Notwithstanding this relatively wide variation, the volume of reserve milk utilized in butter and powder in June was only one-third of total reserve milk usage.

In pricing reserve milk in each of the eight markets to carry out the objectives of the statute authorizing milk orders, prices should be established at the highest level possible compatible with the orderly disposition of such milk. The reserve milk price, in conjunction with the price for other uses of milk under the orders, should result in uniform prices high enough to attract the needed milk supplies. The effect of a reserve milk price less than the highest practicable level is to shift to consumers of fluid milk a greater burden in providing the price incentive to attract the necessary milk supply. In effect, consumers of fluid milk would subsidize consumers of manufactured products. On the other hand, if reserve milk is priced too high in relation to competitive free market prices handlers may not accept milk in excess of actual fluid needs and thus chaotic market conditions may prevail as homeless milk competes for market outlets.

An important factor that must be considered in pricing reserve milk is that the competitive market for products manufactured from reserve milk is with products made from unregulated manufacturing grade milk. It is essential, therefore, that Federal order prices for reserve milk be maintained at levels comparable with prevailing competitive pay prices for manufacturing grade milk at plants buying such milk.

The Minnesota-Wisconsin price is a representative pay price reflecting the prices paid to producers in the two-State area wherein about 13 billion pounds or approximately half the total manufacturing grade milk in the United States is produced. It reflects prices paid at the farm level under competitive conditions for manufacturing grade milk used in the major manufactured dairy products. The price is highly responsive to supply and demand conditions for such products that are sold within a marketing system that is national in scope.

The Minnesota-Wisconsin price series is published monthly by the Statistical Reporting Service of the Department and represents an estimate of the prices paid in these two States for manufacturing grade milk based on reports from 350 plants. In 1972, this two-State average price reflected a weight of about 56 percent for Wisconsin prices and 44 percent for Minnesota prices. These weights represent the proportions of the total volume of manufacturing grade milk purchased from farmers in the respective States.

The two-State price average reflects prices paid for milk used in different manufactured products at plants buying such milk. In 1972, butter and by-product plants accounted for 43 percent of all manufacturing grade milk in Minnesota. Cheese plants accounted for 20 percent and plants manufacturing varied products accounted for the remaining 37 percent.

In Wisconsin, plants used the following proportions of manufacturing grade milk in 1972 according to type of plant: cheese, 85 percent; butter and by-products, 5 percent; and condenseries and varied products, 10 percent.

Each year, the Statistical Reporting Service publishes the results of a comparison of the Minnesota-Wisconsin price with the average price reported paid at all manufacturing plants in the two States (nearly 750 plants). Official notice of the 1973 release of these data was taken at the hearing. This release showed that for the three years 1970 through 1972 monthly reported Minnesota-Wisconsin prices averaged 1.1 cents per hundredweight below what was actually paid.

Close surveillance of the Minnesota-Wisconsin price series is maintained by the Statistical Reporting Service and the Agricultural Marketing Service to assure continued reliability of the series. Investigations bearing on criticisms voiced about the reliability of the series have been undertaken. For example, a number of years ago it was alleged that the reported Minnesota-Wisconsin price overstated prices actually paid because of butterfat testing practices at dairy plants. A study directed at answering this criticism was undertaken by the University of Minnesota, the University of Wisconsin, and the Department of Agriculture of the two States. A copy of this study, released in 1968, was entered into the hearing record. It concluded that the average "overstatement" of milk prices, because of understating butterfat test was 4.1 cents per hundredweight, but this was virtually offset by hauling subsidies that resulted in an understatement of 1.4 cents per hundredweight in reported prices, and cash dividends that resulted in an understatement of 2.1 cents per hundredweight in reported prices for the two States combined.

More recently it has been alleged that the Minnesota-Wisconsin price overstates the value of manufacturing milk because dual-intake plants (receiving both manufacturing grade and milk eligible for fluid markets) are included in the sample and Grade A proceeds are used to subsidize manufacturing grade milk operations. To provide the facts of the situation, special tabulations for 1970 and 1973 were made by the Statistical Reporting Service. Such tabulations show that Grade B plants paid slightly higher average prices for manufacturing grade milk than did dual-intake plants. Grade B plants in Minnesota paid an average of 2 cents more per hundredweight than dual-intake plants both in 1970 and 1973. In Wisconsin, Grade B plants paid an average of 5 cents more in 1970 and 1 cent more in 1973 than was paid for manufacturing grade milk at dual-intake plants. (The 1970 tabulations were entered into the hearing record, but both the 1970 and 1973 tabulations are shown in Supplement No. 1 to the April 14, 1974, issue of Agricultural Prices, official notice of which is taken.)

The allegations made on the record challenging the validity of the Minnesota-Wisconsin price series as a proper determinant of manufacturing milk values are unfounded. Moreover, because the Minnesota-Wisconsin price is a free market pay price resulting from competitive bidding among unregulated processors for milk for various manufacturing uses, it is the best measure available of changes in the value of milk for manufacturing.

The Minnesota-Wisconsin price is the sole basis (effective August 1, 1974) of pricing milk in the lowest price class under 48 of the 53 Federal milk orders in effect outside the northeastern markets. The 39-market uniform classification and pricing decisions (39 FR 8202 and 8452) adopted the Minnesota-Wisconsin price as the reserve milk price. These decisions provided a continuation of the Minnesota-Wisconsin price as the reserve milk price in 24 markets and expanded its use to 15 additional markets. The five markets, outside the Northeast, which use the Minnesota-Wisconsin price as an alternative price for reserve milk rather than the sole basis of pricing such milk are in the western part of the country; namely, Black Hills, Western Colorado, Inland Empire, Puget Sound and Oregon-Washington. Therefore, use of the Minnesota-Wisconsin price for reserve milk pricing in the northeastern markets would result in uniform pricing of virtually all reserve milk priced under Federal milk orders except for the Pacific Northwest States, since only a very small quantity of reserve milk is priced under the Black Hills and Western Colorado orders.

Use of the Minnesota-Wisconsin price will assure closer alignment of reserve milk prices between three-class use markets and two-class use markets. The Eastern Ohio-Western Pennsylvania, Ohio Valley and Southern Michigan orders provide an intermediate classification (Class II) for cream products, cottage cheese, yogurt, and milk disposed of to commercial food processors. A similar intermediate class of use is provided under the Indiana order as well as under the other Federal orders amended on the basis of the "39 market classification decision" (effective August 1974). The price for such intermediate class in these markets is the Minnesota-Wisconsin

price plus 10 cents, except in the Southern Michigan market where it is 15 cents over the Class III price.

Under the two-class Boston Regional, Connecticut, New York-New Jersey, and Middle Atlantic orders, such product uses of milk are included in Class II. Consequently, adoption of the Minnesota-Wisconsin price as the lowest use class price in the northeastern markets will maintain greater parity of prices for milk used in cream products, cottage cheese, yogurt, or disposed of to a food processing establishment by handlers throughout the Federal order system.

With the trend toward intermarket sales of various milk products over increasingly wider areas, significant competitive inequities would result among handlers in the several markets, unless the prices for similar uses of milk are kept in close alignment.

When butter and nonfat dry milk values are extremely low relative to cheese as during the last three months of 1973, the orders appropriately should encourage the processing of reserve milk into the more remunerative manufacturing uses to assure that producers realize the returns available from such higher valued uses.

With bulk tank truck handling of milk and an improved highway system, it is feasible to channel milk supplies to those plants processing milk into the more remunerative products. The order pricing provisions should not interfere with such practice, since reserve milk supplies of about 12 billion pounds annually priced under the northeastern orders represent a very significant proportion of the nation's supply of milk.

The basic problem giving rise to the hearing was that the butter-powder price formula was establishing reserve milk prices in the eight markets substantially below the competitive market value of milk for similar uses in other Federal orders as well as prices being paid by unregulated processors of manufacturing grade milk. In this situation, processors of reserve milk in the eight markets had a substantially lower minimum cost of milk and thus higher gross margins were available to them than to certain of their competitors based outside the eight-market area. If such a situation were to continue for any susbtantial period of time, it could lead to a dislocation of normal production and processing patterns and disruption of normal efficient marketing channels as sales outlets for the various manufactured products are shifted among such competing suppliers because of differences in milk procurement costs.

If reserve milk prices were continued to be based on a product price formula minus a specified "processing margin" such as the present butter-powder price formula, the pool plant processing manufactured products at all times would have assurance of a predetermined minimum operating margin, regardless of current values being paid for ungraded milk on a competitive basis by unregulated processors. Under normal market conditions, such order plants are not faced with competition in procurement since the operation of the pool's equalization fund enables them to pay the uniform price rather than actual use value to producers. Nonregulated processors do not have this advantage. Rather they must pay whatever price is necessary to obtain milk supplies. It is essential, therefore, that to maintain competitive equality between regulated and unregulated processors of manufactured products, reserve milk prices under the orders be closely aligned with the farm prices paid by unregulated plants in the manufacturing industry.

Certain proponents urged that the reserve milk price reflect the supply balancing costs of cooperatives which result from irregular volumes of reserve milk processed at cooperative-owned manufacturing plants. In performing the balancing function of tailoring milk supplies to other handlers, a cooperative incurs various costs. These costs vary according to each handler's procurement practices receiving such service. A handler that regularly accepts the total production of a given number of producers incurs the cost of balancing. Conversely, in the case of a handler who orders from a cooperative exact quantities based on needs, the cooperative incurs the cost of balancing. Balancing costs, to a large degree, are related to the quantity of milk produced and the demand for Class I use. A substantial portion of the costs incurred in balancing is in serving the Class I market. Therefore, such costs appropriately should be reflected in a service charge to the handler receiving the balancing supply service and should not be reflected in a lower price to producers. The record indicates that cooperatives follow the practice of assessing a handling charge.

A reserve milk price based on the average of the Minnesota-Wisconsin and butter-powder formula prices would establish excessive weight in the formula on the value of milk used to produce butter and powder. This is because, as stated hereinbefore, the Minnesota-Wisconsin price reflects in part prices paid for milk used in the production of butter and nonfat dry milk.

As previously noted, various proprietary handlers and operating cooperatives in the Northeast proposed that the basis of pricing reserve milk should continue the "whichever is lower" concept. The continuance of this concept was necessary, they strongly urged, in order to accommodate the complete disposition of distress reserve milk supplies at times when the competitive pay prices for manufacturing grade milk are too high in relation to the market values of butter and powder.

Certain parties in their briefs contended that the dairy product price relationships which existed at the time of the hearing had changed substantially subsequent to the hearing. Those parties requested that in the event the Department should consider changing the pricing provisions for reserve milk on a long-term basis as a result of this hearing, that the hearing should be reopened to permit taking of additional evidence.

Official notice has been taken of the official price announcements of the Market Administrator of the New York-New Jersey Order No. 2 for the months of March through May 1974 by which these changing dairy product price relationships are demonstrated, and there would accordingly be no need to reopen the hearing to receive such evidence. Even though the dairy product price relationships have changed, the circumstances which prompted the hearing could arise again if the order were not appropriately amended. The problem of interorder price relationships and continuing alignment of Federal order reserve milk prices with unregulated manufacturing milk values can be assured only through the type of action herein taken.

Conceivably, market conditions could change for brief periods to an extent which warrant a lower price for certain uses of reserve milk. In such circumstances, the amendment hearing procedure offers an appropriate means of accommodating such exceptional market situations.

The reserve milk prices in the Boston Regional, Connecticut, Middle Atlantic and New York-New Jersey orders are adjusted seasonally. Generally, the amount of such adjustments range from a minus 12 cents in May to a plus 12 cents per hundredweight in the fall months; and, on an annual basis, the minus adjustments are offset by plus adjustments. The purpose of such adjustments is to encourage handlers to make milk more readily available for fluid use in the short production months and to facilitate the orderly disposition of excess reserve milk supplies in the flush production months.

Such seasonal adjustments provide some interregional price disparity; however, the record does not indicate that the seasonal adjustments have led to any interregional problems in marketing of the reserve milk supply.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

On the record of the hearing, separate motions were presented to the Administrative Law Judge that (1) the scope of the hearing be broadened to consider the proposed revision of all classification provisions of the orders, as well as to include the proposed revision of many additional Federal milk orders; and (2) the Department provide information

during the hearing as to the identity, type of operation, and market outlet of products processed by plants handling manufacturing grade milk in the States of Minnesota and Wisconsin. The motions were denied.

In post-hearing briefs, it was requested that consideration be given to a reversal of the rulings.

The Administrative Law Judge's rulings have been reviewed in light of the arguments presented. The rulings, for the reasons stated by the Administrative Law Judge on the record, are hereby affirmed.

Requests were also contained in post-hearing briefs that the hearing be reopened for the taking of additional evidence. For the reasons heretofore stated, such requests are denied.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders, except Indiana, and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determination set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders, except Indiana.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

In exceptions to the recommended decision, certain requests were made to either take no amendatory action or reopen the hearing for the purpose of taking evidence on market developments subsequent to the close of the hearing. Other exceptions purported to discredit the Minnesota-Wisconsin price as a viable price under the orders and requested that further and more extensive hearings be held on the appropriateness of the Minnesota-Wisconsin manufacturing grade milk price as a price mover under the orders.

Such requests would result, effective August 1, 1974, for an indefinite period, in the orders reverting to the respective prehearing provisions that price milk for manufacturing use on the basis of the lower of the Minnesota-Wisconsin price or the butter-powder formula price. In this circumstance, the requests are inconsistent in that they would continue the use of the Minnesota-Wisconsin price when it is lower than the butter-powder formula price. Such requests, therefore, are essentially directed to the level of price.

In support of requests to reopen the hearing, the exceptors point out that the relationship of the Minnesota-Wisconsin price and the butter-powder formula price has reversed since March 1974 and, thus, the Minnesota-Wisconsin price has been the effective price mover under the orders. Such exceptors, however, did not contend that the Minnesota-Wisconsin price was inappropriate for use under the orders in those months that it is lower than the butter-powder formula price.

Under these circumstances, the request would merely result in retaining the butter-powder formula price "snubber" which, for the reasons hereinbefore stated, should no longer be retained as a long term pricing provision under the orders. Accordingly, the requests to reopen the hearing are denied.

With respect to the request to hold further and more extensive hearings on the appropriateness of the Minnesota-Wisconsin price as a price for milk used for manufacturing purposes, exceptor does not question the use of such price as the sole price mover for Class I milk under the orders. Moreover, since all Federal milk marketing orders employ the Minnesota-Wisconsin price as a Class I price mover, and it has essentially uniform application in pricing Class II and III milk, any further review of the validity of such price for use under orders would of necessity involve all milk orders. Such request, therefore, is much broader than the limited scope of this hearing on the appropriate pricing of milk for manufacturing use in eight of the 61 Federal order markets. Exceptor does not provide any indication that a better alternative price mover than the Minnesota-Wisconsin price is available. Therefore, it cannot appropriately be concluded from exceptions that this proceeding should be further continued or made more extensive. Moreover, as previously stated, we must have reasonable price coordination between the Federal milk orders, which will be enhanced by the action concluded herein to be needed. Accordingly, such request is hereby denied.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a marketing agreement [2] regulating the handling of milk, and an ORDER amending the orders regulating the handling of milk in the aforesaid specified marketing areas, except Indiana, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the orders as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

March 1974 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the aforesaid specified marketing areas, except Indiana, is approved or favored by producers, as defined under the terms of each of the orders as amended and as hereby proposed to be amended, who during such representative period were engaged in the production of milk for sale within the respective marketing areas.

Signed at Washington, D.C., on: July 25, 1974.

Richard L. Feltner,
Assistant Secretary.

Order [1] amending the orders, regulating the handling of milk in certain specified marketing areas:

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders, except Indiana, and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict

[2] Marketing agreement filed as part of the original document.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders, except Indiana:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the aforesaid specified marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, as such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreements and order amending each of the specified orders contained in the recommended decision issued by the Associate Administrator on June 21, 1974, and published in the FEDERAL REGISTER on June 26, 1974 (39 FR 23063) shall be and are the terms and provisions of this order, amending the orders, and are set forth in full herein.

PART 1001—MILK IN THE BOSTON REGIONAL MARKETING AREA

1. In § 1001.61 paragraph (b) is revised as follows:

§ 1001.61 Class prices.

* * * * *

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the basic formula price for the month.

Month:	*Amount*
January	+$0.03
February	+.02
March	−.05
April	−.09
May	−.12
June	−.11
July	+.03
August	+.10
September	+.06
October	+.06
November	+.06
December	+.06

§ 1001.64 [Amended]

2. In § 1001.64, paragraph (j) is revoked.

PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.50a paragraph (c) is revised as follows:

§ 1002.50a Class prices.

* * * * *

(c) Subject to the adjustment set forth below for the applicable month, the Class II price shall be the basic formula price for the month.

Month:	*Amount*
January	+$0.03
February	+.02
March	−.05
April	−.09
May	−.12
June	−.11
July	+.03
August	+.10
September	+.06
October	+.06
November	+.06
December	+.06

2. In § 1002.70, paragraph (f) is revoked and the introductory text of the section is revised as follows:

§ 1002.70 Net pool obligation of handlers.

Each handler's net pool obligation for milk received at each plant and unit shall be computed separately pursuant to paragraphs (a) through (d) of this section and then combined into one total to be adjusted by any credit applicable pursuant to paragraph (e) of this section to determine the handler's total net pool obligation.

* * * * *

(f) [Revoked]

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. In § 1004.50 paragraph (b) is revised as follows:

§ 1004.50 Class prices.

* * * * *

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the basic formula price for the month.

Month:	*Amount*
January	+$0.05
February	+.04
March	−.03
April	−.07
May	−.10
June	−.09
July	+.05
August	+.12
September	+.08
October	+.08
November	+.08
December	+.08

§ 1004.60 [Amended]

2. In § 1004.60 paragraph (f) is revoked.

3. In § 1004.61 paragraph (b) (1) (i) is revised as follows:

§ 1004.61 Computation of weighted average price and uniform prices for base milk and excess milk.

* * * * *

(b) * * *

(1) * * *

(i) Multiply the quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price less 5 cents;

PART 1015—MILK IN THE CONNECTICUT MARKETING AREA

1. In § 1015.61 paragraph (b) is revised as follows:

§ 1015.61 Class prices.

* * * * *

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the basic formula price for the month.

Month:	*Amount*
January	+$0.088
February	+.078
March	+.008
April	−.032
May	−.062
June	−.052
July	+.088
August	+.158
September	+.118
October	+.118
November	+.118
December	+.118

2. In § 1015.63 paragraph (h) is revoked and paragraph (g) is revised as follows:

§ 1015.63 Value of each handler's fluid milk products.

* * * * *

(g) Add together the values resulting from the computations described in paragraphs (a) through (e) of this section and subtract therefrom the values resulting from the computations described in paragraph (f) of this section. The remainder shall be known as the value of fluid milk products.

(h) [Revoked]

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

1. In § 1033.51 paragraph (c) is revised as follows:

§ 1033.51 Class prices.

* * * * *

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1033.60 [Amended]

2. In § 1033.60 paragraph (h) is revoked.

PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. In § 1036.50 paragraph (c) is revised as follows:

§ 1036.50 Class prices.

* * * * *

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1036.60 [Amended]

2. In § 1036.60 paragraph (f) is revoked.

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

1. In § 1040.50 paragraph (c) is revised as follows:

§ 1040.50 Class prices.

* * * * *

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1040.60 [Amended]

2. In § 1040.60 paragraph (h) is revoked.

3. In § 1040.61 paragraph (d) is revised as follows:

§ 1040.61 Computation of uniform prices for base milk and excess milk (including uniform price and adjusted uniform price).

* * * * *

(d) The excess milk price which shall be the Class III price pursuant to § 1040.50(c).

[FR Doc.74-17426 Filed 7-30-74;8:45 am]

[Docket Nos. AO-123-A37, AO-178-A28, AO-243-A22]

MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE; MINNEAPOLIS-ST. PAUL, MINNESOTA; AND CENTRAL ARKANSAS MARKETING AREAS

Correction To Order Amending Orders

Some language was inadvertently misprinted in §§ 1046.44(a)(14), 1068.76(a)(1), and 1108.10 of the orders regulating the handling of milk in the Louisville-Lexington-Evansville; Minneapolis-St. Paul, Minnesota; and Central Arkansas marketing areas, respectively, appearing in 39 F.R. 15433 (May 3, 1974, issue), 39 F.R. 16293 (May 8 issue), and 39 F.R. 15857 (May 6 issue), and should be corrected as follows:

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

(1) In § 1046.44(a)(14), appearing on page 15433 of the May 3, 1974, issue of the FEDERAL REGISTER, the last three lines should read, "amount so subtracted shall be known as "overage";".

PART 1068—MILK IN THE MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

(2) In § 1068.76(a), appearing on page 16293 of the May 8, 1974, issue of the FEDERAL REGISTER, the eighth line should read "(2) Subtract the pounds of fluid milk".

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREAS

(3) In § 1108.10, appearing on page 15857 of the May 6, 1974, issue of the FEDERAL REGISTER, insert after the fourth line the following: "or milk received from a handler described".

Signed at Washington, D.C., on: July 25, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-17425 Filed 7-30-74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—GUARANTEED LOANS

[FmHA Instruction 449.1]

PART 1841—GENERAL PROVISIONS

Emergency Livestock Loan Program

Sections 1841.1, 1841.3(a), 1841.11, 1841.13(a), 1941.15(a)(2), 1841.26(a)(3), 1841.26(a)(6), 1841.36(b), 1841.41, and 1841.46(f)(2) of Part 1841, Title 7, Code of Federal Regulations (38 FR 29039; 38 FR 30119; 39 FR 25373) are amended to include coverage of the new Emergency Livestock (EL) loan program authorized in the Emergency Livestock Credit Act of 1974. Section 1841.3(c) is amended to clarify the definition of "FHA".

The changes are as follows:

1. Section 1841.1 is amended to read:

§ 1841.1 Introductory information.

This Part 1841 and Parts 1842, 1843, and 1845 (which are hereinafter called the Handbook) contain regulations and prescribe forms applicable to loans guaranteed by the Farmers Home Administration (FmHA). The general regulations in this Part 1841 are applicable to all such loans unless otherwise provided in the Part applicable to the particular type of loan involved. Some material to round out subject matter is also contained in this Part 1841, even though it applies to loans of a particular type or types. Part 1842 contains additional regulations with respect to Business and Industrial loans. Part 1843 contains additional regulations with respect to Farmer loans. Part 1845 contains additional regulations with respect to Emergency Livestock loans. Such regulations and related FmHA forms apply to lenders, holders, borrowers, FmHA, and other parties involved in making, guaranteeing, servicing, and liquidating FmHA guaranteed loans.

2. Section 1841.3 (a) and (c) are amended to read:

§ 1841.3 Definitions.

(a) *Act.* The Consolidated Farm and Rural Development Act (7 U.S.C. 1921, et seq.) with respect to Business and Industrial and Farmer loans; Title V of the Housing Act of 1949 (42 U.S.C. 1472, et seq.), and section 310C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1933), with respect to Housing Loans; and the Emergency Livestock Credit Act of 1974 (Pub. L. 93-357), with respect to Emergency Livestock loans.

* * * * *

(c) *FmHA or FHA.* These abbreviations are synonymous. They mean the United States of America acting through the Farmers Home Administration, an Agency of the United States Department of Agriculture.

(1) *FmHA officials.* Unless otherwise indicated, the terms FmHA and FHA also mean the following FmHA officials in the following types of cases:

(i) *Business and Industrial loan cases.* State Director or Acting State Director serving the state involved.

(ii) *Emergency Livestock loan cases.* County Supervisor or Acting County Supervisor and District Director or Acting District Director serving the county involved.

(iii) *Farmer and Rural Housing loan cases.* County Supervisor or Acting County Supervisor serving the county involved.

(2) *FmHA offices.* References to the National Office, Finance Office, State Office, County Office, State Director, District Director, County Supervisor, or other FmHA office or official should be read as prefaced by "FHA" or "FmHA".

3. The first sentence of § 1841.11 is amended to read:

§1841.11 Other available financing (except for Business and Industrial loans).

Except for Emergency Livestock loans, FmHA will not guarantee loans unless it determines that guaranteeing loans, rather than making insured loans, would be to its financial advantage. * * *

§ 1841.13 [Amended]

4. The heading in § 1841.13(a) is changed from *"Business and Industrial loans"* to *"Business and Industrial and Emergency Livestock loans."*

5. Section 1841.15 (a) (2) is amended to read:

§1841.15 Promissory notes, security instruments, and financing statements.

(a) * * *

* * * * *

(2) Such forms are amended by inserting the following provisions as applicable (except in Business and Industrial

loans under section 310B(a) and Rural Housing loans to above moderate income borrowers meeting the requirements of section 310C(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932, 1933), and Emergency Livestock loans under the Emergency Livestock Credit Act of 1974 (Pub. L. 93-357)):

6. Section 1841.26 (a) (3) and (a) (6) area amended to read:

§ 1841.26 Conditions precedent to issuance of Contract of Guarantee.

(a) * * *

* * * * *

(3) In Farmer and Emergency Livestock loan cases, all planned property acquisition, construction, repairs, and land development have been or will be properly completed in accordance with any applicable drawings and specifications and within the cost figures furnished by the lender to FmHA.

NOTE.—In the absence of unusual circumstances in Farmer or Emergency Livestock loan cases, it is anticipated that the Contract of Guarantee will be executed before such actions have taken place. In any event, the lender will be responsible for seeing that all such actions are properly completed.

* * * * *

(6) Security property then owned by the borrower (and/or that which will be acquired, repaired, constructed, or developed with loan funds after issuance of the Contract of Guarantee in Farmer or Emergency Livestock loan cases), is considered adequate security for the loan to be guaranteed, and the security instruments covering such property are all properly filed or recorded, as appropriate and legally permissible.

7. The heading of § 1841.36(b) is amended to read:

§ 1841.36 Void or voidable contract.

* * * * *

(b) *Other than Business and Industrial and Emergency Livestock loan cases.* * * *

8. The first sentence of § 1841.41 is amended to read:

§ 1841.41 Termination of Contract of Guarantee.

The Contract of Guarantee (except in Emergency Livestock loan cases) will terminate automatically for failure to remit guarantee fee payments within the time allowed under § 1841.30(b) and FmHA issuances pursuant thereto. * * *

9. Paragraph (f)(2) of § 1841.46 is amended to read:

§ 1841.46 Loan servicing. * * *

* * * * *

(f) *Sale of security property and disposition of proceeds.* * * *

* * * * *

(2) Proceeds from the disposition of any non-basic security property planned to be marketed in the regular course of business in going concern cases may be used for purposes which the holder (and FmHA in Emergency Livestock loan cases) determine(s) are necessary and proper in connection with the type of operation involved (including family living expenses in going concern Farmer loan cases).

(7 U.S.C. 1989; Sec. 10 of Pub. L. 93-357; delegation of authority by Secretary of Agriculture (7 CFR 2.23); delegation of authority by Assistant Secretary for Rural Development (7 CFR 2.70)).

Effective date. These amendments shall become effective on July 31, 1974.

Dated: July 29, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-17616 Filed 7-30-74; 9:45 am]

[FmHA Instructions 449.1 and 449.5]

PART 1845—EMERGENCY LIVESTOCK LOANS

Addition to Subchapter

Notice is hereby given that the Farmers Home Administration (FmHA) is amending Subchapter D, Guaranteed Loans, by adding a new Part 1845, "Emergency Livestock Loans." This new Part 1845 implements the guaranteed Emergency Livestock loan program authorized by the Emergency Livestock Credit Act of 1974 and sets out the policies and procedures for guaranteeing loans made by legally organized lenders to bona fide farmers and ranchers who are primarily and directly engaged in agricultural production for the purpose of breeding, raising, fattening, or marketing livestock. The purpose of guaranteeing loans is to enable use of private funds, rather than Government funds, in making loans, and to reduce Government administrative costs by having private lenders make and service the loans.

These regulations are not issued for proposed rulemaking, because they authorize the guaranteeing of emergency loans needed immediately to assist the livestock industry, and are effective July 31, 1974.

Interested persons are invited to submit written comments, suggestions, or objectives regarding this new Part 1845 to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before August 30, 1974. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Since these rules are needed immediately to assist the livestock industry, this Part 1845 shall remain in effect until it is amended in order to permit this guarantee service to be rendered expeditiously. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m.-4:45 p.m.).

New Part 1845 reads as follows:

Sec.

1845.1	Definitions.
1845.2-1845.9	[Reserved]
1845.10	EL eligibility requirements.
1845.11	EL loan purposes.
1845.12	Prohibited EL loan purposes.
1845.13	EL loan limitations and special provisions.
1845.14	EI rates, terms, and security.
1845.15-1845.19	[Reserved]
1845.20	Environmental impact requirements.
1845.21-1845.24	[Reserved]
1845.25	Request for contract of guarantee.
1845.26	Conditions precedent to issuance of contract of guarantee.
1845.27-1845.29	[Reserved]
1845.30	Forms and forms distribution.

AUTHORITY: Sec. 10 of Pub. L. 93-357; delegation of authority by Secretary of Agriculture (7 CFR 2.23); delegation of authority by Assistant Secretary for Rural Development (7 CFR 2.70).

NOTE: This new Part 1845 supplements the provisions of Part 1841 of the Handbook with respect to Emergency Livestock (EL) loans guaranteed by the Farmers Home Administration (FmHA).

§ 1845.1 Definitions.

The following definitions, in addition to those in Part 1841 of this chapter, are applicable to the Emergency Livestock (EL) loans.

(a) FmHA or FHA means the County Supervisor and District Director or persons acting in those capacities.

(b) *Livestock.* The term "livestock" means beef cattle, dairy cattle, swine, sheep, goats, chickens, and turkeys.

(c) *United States.* The term "United States" means the United States itself, any of the 50 States, Puerto Rico, and the Virgin Islands, as appropriate in the context in which the term is used.

§§ 1845.2-1845.9 [Reserved]

§ 1845.10 EL eligibility requirements.

To be eligible for an EL (Emergency Livestock) loan, an applicant must:

(a) *Citizen.* If an individual, be a citizen of the United States or a person who has been legally admitted for permanent residence in the United States. If a partnership, the principal partners must be citizens or such permanent residents of the United States. If a corporation, it must be incorporated under the laws of the United States, its principal stockholders must be citizens or such permanent residents of the United States, and the corporation must be authorized to carry on farming or ranching operations in the State in which the EL operation is being conducted. See § 1845.1(c) for definition of "United States." For a definition of "State", see § 1841.3(l) of this chapter. Any partner or stockholder owning or controlling as much as 20 percent interest in a partnership or corporation will be considered a principal partner or stockholder. If no person owns or controls as much as 20 percent, all partners

and stockholders will be considered principal partners or stockholders.

(b) *Bona fide farmer or rancher.* Be an established bona fide farmer or rancher (owner-operator or tenant) who is primarily and directly engaged in breeding, raising, fattening, or marketing livestock in the United States. If the loan is made to a corporation or partnership, the borrower itself, and the partners or stockholders holding a majority interest in the corporation or partnership must be primarily and directly engaged in such agricultural production. Primarily and directly engaged in farming or ranching means that the loan applicant and such stockholders or partners each derives the majority of his income from, and devotes the major portion of his time to, such agricultural production.

(1) Established bona fide farmers or ranchers do not include those commencing livestock operations or reentering such operations after July 25, 1974; or those engaged in farming, ranching, or livestock operations as a hobby or for tax shelter purposes; or those primarily engaged in other business or employment.

(2) An applicant conducting livestock operations as an individual in different counties or locations will be considered for only one EL loan covering all such operations rather than a separate loan in connection with each operation.

(3) The fact that an EL loan is made to a corporation, partnership, or to individuals doing business as partners, in connection with livestock operations being conducted by such entities, does not disqualify the individual stockholder or member from obtaining a separate EL loan to cover a separate livestock operation at a different location which he is conducting as an individual.

(4) Individual members of a partnership, or individuals doing business as partners, will not receive individual loans to finance their interest in the joint or partnership livestock operation. The partnership or joint venture will be considered for one loan to cover the livestock operation being conducted jointly or as a partnership.

(5) An estate or trust; a corporation owned primarily by an estate, trust, other corporations, or other partnerships; a partnership composed primarily of an estate, trust, corporation, or other partnerships; or an applicant operating under a bankruptcy court, is not considered to be a bona fide farmer or rancher for EL purposes.

(c) *Legal capacity.* Possess legal capacity to contract for the loan.

(d) *Ability and experience.* Possess the ability, industry, and experience necessary to carry out the proposed livestock operations to assure a reasonable prospect of success with the assistance of the loan, and will endeavor to carry out the undertakings and obligations required of the applicant in connection with the loan.

(e) *Credit elsewhere.* Be unable to provide the necessary funds from the applicant's own resources, or obtain sufficient credit from local commercial sources to finance the applicant's actual livestock operations needs without a guarantee. The applicant's equity in livestock, crops, chattels, real estate, and other assets and income will be considered in determining the applicant's ability to obtain such credit from other sources without a guarantee.

§ 1845.11 EL loan purposes.

EL loans may be guaranteed for agricultural production purposes which are essential to carrying on livestock operations related to breeding, raising, fattening, or marketing livestock. These purposes are:

(a) Purchase of livestock for replacement or restocking purposes, but not to permit expansion of livestock operations beyond a level equal to the highest level during the eighteen months immediately preceding July 25, 1974.

(b) Purchase or production of livestock feed.

(c) Payment of customary and equitable charges for grazing permits and for the use of farm or ranch buildings, pasture land, and land for the production of such feed crops.

(d) Hire, repair, or replacement of farm machinery and equipment necessary for such livestock production.

(e) Transportation of livestock, including movements to and from grazing lands.

(f) Building or repair of fences and holding pens.

(g) Refinancing of secured and unsecured debts incurred for the livestock operation, when:

(1) Such refinancing is absolutely essential for the applicant to remain in business,

(2) The lending agency would not refinance the loan in the absence of a guarantee, and

(3) The lending agency is not currently refinancing similar loans to others without such a guarantee. The term "similar loans" means loans for like purposes, for comparable amounts and periods of time, and for which comparable security is required.

(4) The loan will be repayable on terms the borrower can reasonably be expected to meet.

(5) The loan will be adequately secured.

(h) Payment of real estate or personal property taxes and water or drainage taxes or assessments that must be paid to permit continuation of the livestock operation.

(i) Payment of premiums on insurance necessary to obtain or secure the loan.

(j) Repair or improvement of livestock water supplies.

(k) Repair of existing irrigation systems necessary for livestock production.

(l) Payment of veterinary fees and charges for livestock medicines.

(m) Cost of hired labor used in livestock production.

(n) Costs of repair and normal maintenance of farm and ranch buildings, including silos and other feed storage facilities necessary for livestock production.

(o) Purchase of feed, fuel, seed, fertilizer, insecticides, and farm supplies, and payment of other operating expenses that are essential to continuation of the livestock operations.

(p) Purchase any stock in a cooperative lending agency that is necessary to obtain the loan.

(q) Payment of a loan fee and costs incident to consummation of the loan as authorized in § 1841.12 of this chapter.

§ 1845.12 Prohibited EL loan purposes.

No EL loan may be guaranteed:

(a) After July 25, 1975, or after the end of any extension made by the Secretary of Agriculture of not more than six months beyond that date.

(b) To establish or reestablish an applicant in livestock operations, or to permit an expansion of such operations beyond the level set forth in § 1845.11(a).

(c) To finance livestock or poultry feeding operations where the applicant does not maintain ownership of the feeders through the normal feeding period, or is only performing a service for others.

(d) To a landlord to furnish credit, equipment, or supplies to his tenant operators, whether share, cash, or standing rent is paid by the tenants.

(e) To finance an operation for the purpose of producing milk, eggs, wool, mohair, or other similar livestock products. However, a guarantee of the loan will not be prohibited for the sole reason that some such products may incidentally result from breeding, raising, or fattening the livestock.

(f) To enable an applicant to make major changes or adjustments in his livestock operation.

(g) To pay Federal or State income taxes, or to pay Social Security taxes payable by the borrower in his own behalf.

(h) To pay for labor performed by the borrower or members of his immediate family.

(i) To purchase passenger automobiles; or to purchase any other vehicles or machinery or equipment that is not essential to the livestock operation.

(j) To finance anything not essential to continuation of the livestock operations.

(k) To pay family living expenses.

§ 1845.13 EL loan limitations and special provisions.

(a) *Total loans to an applicant.* The total *principal* amount of all EL guaranteed loans made to any loan applicant cannot exceed $250,000.

(b) *Total of all loans.* The total amount of all EL loans guaranteed by FmHA at any time shall not exceed $2 billion.

(c) *Part 1841 sections made in applicable.* § 1841.23, "Request for conditional commitment to guarantee loan;" § 1841.24, "Conditional commitment to guarantee loan;" § 1841.25, "Review of conditional commitment requirements;" § 1841.26, "Conditions precedent to issuance of Contract of Guarantee;" § 1841.30, "Guarantee fee payable by holder;"

§ 1841.31, "Holders Guarantee Fee Report and Interest Subsidy Claim;" § 1841.32, "Payment of guarantee fee;" § 1841.36, "Void or voidable contract;" § 1841.37, "Unenforceable contract;" 1841.60, "Transfer and Assumption—general;" § 1841.61, "Eligible transferee—full assumption;" and § 1841.62, "Ineligible transferee—full assumption" of this chapter do not apply to EL loans.

(d) *Guarantee limit changes.* The "(90%)" limits in §§ 1841.22 and 1841.66 (f) of this chapter are changed to "(80%)" in EL loan cases.

(e) *Losses not covered by contract of guarantee.* FmHA will not be liable for or pay any loss:

(1) *Ineligible parties.* To any party who is not the original lender or a subsequent holder.

(2) *Original lender.* To the original lender if the loss was caused by fraud or misrepresentation of which such lender had actual knowledge on the effective date of the Contract of Guarantee.

(3) *Subsequent holder.* To a subsequent holder if the loss was caused by fraud or misrepresentation of which such holder had actual knowledge at the time it became such holder.

(4) *Original lender or subsequent holder.* To the original lender or any subsequent holder if the loss was caused by fraud or misrepresentation committed by or participated in or authorized or approved by such lender or holder.

(5) *Usury laws, loan purposes, security.* Resulting from violation of usury laws, use of loan funds for unauthorized purposes, or failure to obtain the required security.

(f) *County Committee certification.* A County Committee certification is required.

(g) *Personal liability.* The promissory note will be signed by the applicant, and by any other parties (such as spouses, principal partners or stockholders) required by the lender to provide needed repayment ability or security.

§ 1845.14 EL rates, terms, and security.

(a) *Interest rate to borrower.* The interest rate to be paid by the borrower to the lender will be any legal rate agreed upon between the lender and the borrower. It may be a variable or fixed rate.

(b) *Loan term.* Each loan will be scheduled for repayment over a period not to exceed 3 years from the date of the note or such shorter period as may be necessary to assure that the loan will be adequately secured.

(c) *Renewal.* Each loan may be renewed for not more than two years from the maturity date of the original loan note, if the holder determines that the renewal will assist in the orderly collection of the loan. Any such renewal will be made by amendment of the note, rather than by a replacement note, because the Contract of Guarantee describes the original promissory note.

(d) *Security.* The security must be adequate, in the opinion of the lender, to assure repayment of the loan. If EL loan funds are used to refinance an existing lien, the EL lien on the property involved must be of at least equal rank to the lien being refinanced. If any loan funds are used to purchase any property, a first lien on such property must be obtained. Liens on other property needed to adequately secure the loan will be the best liens obtainable. See §§ 1841.14 and 1841.15 of this chapter for additional provisions regarding security.

§§ 1845.15–1845.19 [Reserved]

§ 1845.20 Environmental impact requirements.

Compliance must be made with all applicable environmental impact requirements. The State Director or his delegate will determine in each case whether an environmental impact statement is required. Federal requirements that may be applicable are made by or pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 1857), the Federal Water Pollution Control Act (33 U.S.C. 1251), Executive Order 11738 (38 FR 25161) and State and local laws. Regulations with respect to the Clean Air Act, issued by the Environmental Protection Agency, are published at 38 FR 35310, December 27, 1973. Effluent guidelines and standards with respect to feedlots, issued by the Environmental Protection Agency, are published in the FEDERAL REGISTER for February 14, 1974 (39 FR 5704, 40 CFR, Part 412).

(a) *Environmental impact evaluation.* The lender will furnish a completed copy of Form FmHA 449–10, "Applicant's Environmental Impact Evaluation," to FmHA in any case in which a substantial environmental impact is caused by the livestock operations. The submission should be made as early as possible.

(b) *Submission to State Director.* Upon receipt of Form FmHA 449–10, FmHA will forward it to the State Director for determination of whether an environmental impact statement is needed. That determination will be made and required actions taken in accordance with Part 1824 of this chapter.

(1) If the State Director determines that an environmental impact statement is not required, FmHA will notify the applicant and the lender to that effect.

(2) If the State Director determines that an environmental impact statement is required, the actions provided for in said Part 1824 of this chapter will be taken.

(c) *Delayed issuance of contract of guarantee.* The Contract of Guarantee will not be issued until all environmental impact requirements have been met.

§§ 1845.21–1845.24 [Reserved]

§ 1845.25 Request for contract of guarantee.

As stated in § 1845.13(c), the provisions of §§ 1841.23, 1841.24, 1841.25, and 1841.26 with respect to requests for conditional commitments to guarantee loans, issuance of conditional commitments to guarantee loans, and review of conditional commitment requirements, and conditions precedent to issuance of contracts of guarantee, are not applicable to EL loans. In lieu thereof, the provisions of these §§ 1845.25 and 1845.26 will apply to EL cases.

(a) *Form of request.* The request for issuance of a Contract of Guarantee will be made on Form FmHA 449–25, "Request for Contract of Guarantee (Emergency Livestock Loan)."

(b) *Enclosures with request.* Enclosed with the Request for Contract of Guarantee will be Form FmHA 449–26, "Certificates of Lender and Loan Applicant," and other enclosures required by Form FmHA 449–25.

§ 1845.26 Conditions precedent to issuance of Contract of Guarantee.

When a lender desires to obtain a loan guarantee, it will forward to FmHA a Form FmHA 449–25, "Request for Contract of Guarantee (Emergency Livestock Loan)," with required enclosures.

(a) *Evaluation of request.* When FmHA receives a Request for Contract of Guarantee with required enclosures, it will evaluate the material submitted and obtain any other information it deems necessary to determine:

(1) Whether the applicant appears to be eligible; loan funds have been or will be used for authorized purposes only; the amount of the loan, interest rate, repayment period and schedule, insurance requirements, plan of operations, any appraisal or other authorized fees or charges and any late payment charges appear to be satisfactory; the loan appears to be sound; the lender plans to service the loan properly; and there is a reasonable probability of accomplishing the loan purposes and collection of the loan.

(2) Whether the lender has advised in the Request for Contract of Guarantee and enclosures therewith that:

(i) The loan has been properly closed, and the required security instruments have been obtained, or will be obtained on any after-acquired property that cannot be covered initially under State law.

(ii) The borrower has title marketable in fact to the security property then owned by him or it, subject only to the instruments securing the loan to be guaranteed and any other exceptions approved in writing by FmHA.

(iii) Security property then owned by the borrower and/or that which will be acquired, repaired, constructed, or developed with loan funds after issuance of the Contract of Guarantee, is considered adequate security for the loan to be guaranteed, and the security instruments covering such property are all properly filed or recorded, as appropriate and legally permissible.

(iv) Any necessary hazard insurance is in effect.

(v) Truth in Lending requirements have been met.

(vi) All Equal Opportunity and Nondiscrimination requirements have been or will be met at the appropriate time.

(vii) All planned property acquisition has been or will be properly completed

and the cost thereof has not or will not exceed the amount approved for that purpose.

NOTE: In the absence of unusual circumstances in EL loan cases, it is anticipated that the Contract of Guarantee will be executed before such actions have taken place. The lender will be responsible for seeing that all such actions are properly completed.

(3) Whether accomplishment of the loan purposes has or likely will produce any material adverse environmental effects, and if so, whether any applicable environmental impact requirements have been or will be met. If actions that will produce adverse environmental effects are to be taken after issuance of the Contract of Guarantee, the lender and borrower must, before the Contract of Guarantee is executed, assure FmHA in writing that any environmental impact requirements can and will be met and that any needed funds are available for that purpose.

(4) Whether any other requirements have been met or assurances have been obtained that they will be met.

(b) *County Committee certification.* The County Supervisor will present the case to the County Committee for certification on Form FmHA 440–2, "County Committee Certification or Recommendation."

(c) *Favorable determination.* If the County Committee makes an affirmative certification and FmHA makes a favorable determination and if loan guarantee obligation authority is available, it will execute a Contract of Guarantee as authorized in § 1841.27; provided that a Contract of Guarantee cannot be executed after July 25, 1975, or such extended period not exceeding 6 months thereafter as may be authorized by the Secretary of Agriculture.

(d) *Rejection by County Committee.* If the County Committee rejects the application, FmHA will inform the lender of the reasons for the rejection. If the lender then furnishes FmHA satisfactory evidence to show that the County Committee's objections have been met, FmHA will resubmit the case to the County Committee.

(e) *Unfavorable determination.* If FmHA cannot make a favorable determination, because of rejection by the County Committee or for other reasons, it will promptly inform the lender on Form FmHA 449–13 of the reasons, and give the lender 30 days within which to satisfy FmHA's objections, or such shorter period as necessary to end the time for satisfying the objections at least two days before July 25, 1975, or at least two days before the end of any period after July 25, 1975, within which the Secretary of Agriculture authorizes execution of Contracts of Guarantee. If FmHA does not receive a resubmission within the 30 days or shorter period, it will consider the request withdrawn.

§§ 1845.27–1845.29 [Reserved]

§ 1845.30 Forms and forms distribution.

(a) *FmHA forms.* The following chart lists the applicable FmHA forms, number to be prepared, signatures required, and distribution. These forms may be obtained from FmHA.

FmHA Form No.	Name of Form	Total No.	Signed By [1]	Distribution [1]
400 to 1	Equal Opportunity Agreement	3	B–O	O–L, C–B, C–FmHA.
400 to 3	Notice to Contractors and Applicants	4	L–O	O–Con, C–B, C–L, C–FmHA.
400 to 6	Compliance Statement	4	L&Con 3–O	O–L, C–Con, C–B, C–FmHA.
440 to 2	County Committee Certification or Recommendation.	1	County Comm	FmHA.
449 to 6	Application for Guaranteed Loan (Farmer Programs).	2	B–O	O–L, C–FmHA.
449 to 13	Denial Letter	2	FmHA–O	O–L, C–FmHA.
449 to 25	Request for Coutract of Guarantee (Emergency Livestock Loan).	2	L–O	O–FmHA, C–L.
449 to 27	Contract of Guarantee (Emergency Livestock Loan).	2	FmHA–O	O–L, C–FmHA.
449 to 20	Report of Loss	3	L–O	O–FmHA, C–L, C–FmHA.
449 to 26	Certificate of Lender and Loan Applicant.	3	L–O	O–FmHA, C–L, C–B.
471 to 7	Notice and Acknowledgment of Sale of Insured or Guaranteed Loan.	4	L–O	O–FC, C–FC, C–L, C–FmHA.

[1] *Signature and Distribution:* "L"–Lender (includes Holder); "B"–Borrower or assumptor; "F"–Finance Office; "FmHA"–Authorized FmHA Official; "Con–Contractor; "O"–Original; "C"–copy.

(b) *Other forms and information.* Any needed forms not furnished by FmHA will be provided by the lender. The lender may obtain information from FmHA and copies of other FmHA forms that may be helpful in various aspects of loan making, construction and development, and loan servicing.

(c) *Racial code.* Some FmHA forms, such as Form FmHA 410–4 and Form FmHA 449–7, contain space for coding the race of the applicant for the loan or assumption. In that code, "W" means "White," "N/B" means "Negro (Black)," "S" means "Spanish-American," "AI" means "American Indian," and "O" means any other race. The lender is responsible for completing this code on all forms on which it appears, in accordance with his best judgment as to the race involved.

Dated: July 29, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–17617 Filed 7–30–74;9:45 am]

proposed rules

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

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

HUNTING AND FISHING

General Provisions

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), as delegated to the Director, United States Fish and Wildlife Service by Chapter 2, Part 242 of the Departmental Manual, a special regulation to restrict the type of archery equipment hunters may use on national wildlife refuges is proposed.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections, with respect to the proposed amendment, to the Director, United States Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, on or before August 30, 1974.

Accordingly, 50 CFR 32.2 is proposed to be amended by the addition of part (g), as follows:

§ 32.2 General provisions.

* * * * *

(g) The use of any drug on an arrow for bow hunting on national wildlife refuges is prohibited. Archers may not have arrows employing such drugs in their possession on any national wildlife refuge.

CURTIS BOHLEN,
Deputy Assistant Secretary for Fish and Wildlife and Parks.

JULY 23, 1974.

[FR Doc.74-17432 Filed 7-30-74;8:45 am]

DEPARTMENT OF AGRICULTURE

[7 CFR Part 947]

Agricultural Marketing Service

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN OREGON AND CALIFORNIA

Reapportionment of Committee Membership

Consideration is being given to the reapportionment of committee members among districts to provide more equitable representation on the Oregon-California Potato Committee which was established pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947).

This marketing order program regulates the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California, and in all counties in Oregon, except Malheur County, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Statement of consideration. This order provides that upon recommendation of the committee the Secretary may reapportion committee membership among the various districts. After carefully considering the criteria in § 947.32(b), the committee, at its June 24–25, 1974, meeting, unanimously recommended the following representation. Each of the five districts into which the production area is divided would have at least one producer member and his alternate. The remaining four producer members and alternates would be allotted among the five districts into which the producing area is divided based upon production of potatoes for fresh market shipment and the total number of growers of potatoes residing in the district. No change was recommended in the handler representation. On this basis the proposed committee representation would be:

	Producers	Alternates	Handlers	Alternates
District No. 1	1	1	1	1
District No. 2	2	2	1	1
District No. 3	1	1	1	1
District No. 4	3	3	1	1
District No. 5	2	2	1	1

All persons who desire to submit written data, views, and arguments in connection with the proposal shall file the same with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 16, 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)).

The proposal is as follows:

§ 947.161 Reapportionment of committee membership.

(a) Pursuant to § 947.32(b), the membership of the Oregon-California Potato Committee shall be apportioned among the districts so as to provide the following representation: (1) Producer membership—two members from each of Districts No. 2 and No. 5; three members from District No. 4; and one member from each of Districts No. 1 and No. 3; (2) Handler membership—one member from each of Districts No. 1, No. 2, No. 3, No. 4, and No. 5. The respective alternates shall be selected on the same basis of representation as the members.

(b) Terms used in this section shall have the same meaning as when used in said marketing agreement and this part.

Dated: July 26, 1974.

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

[FR Doc.74-17489 Filed 7-30-74;8:45 am]

[7 CFR Part 1030]

MILK IN THE CHICAGO REGIONAL MARKETING AREA

Proposed Temporary Revision of Shipping Percentage

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the provisions of § 1030.7(b)(6) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Chicago Regional marketing area is being considered for the month of August 1974.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision should file the same with the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, not later than August 5, 1974. All documents filed should be in quadruplicate.

All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be revised are (1) the supply plant shipping percentage of 30 percent set forth in § 1030.7(b)(4) that is applicable during the month of August, and (2) in § 1030.7(b)(7)(iii), the shipping requirement of 15 percent applicable to each plant in a unit of two or more plants (as defined in § 1030.7(b)(7)) during the month of August.

Pursuant to the provisions of § 1030.7(b)(6) the supply plant shipping percentages set forth in § 1030.7(b)(4) and § 1030.7(b)(7)(iii) shall be increased or decreased by up to 10 percentage points

during the months of August–March, if necessary to obtain needed shipments or to prevent uneconomic shipments.

Farmers Union Milk Marketing Cooperative, which represents many member producers supplying the Chicago Regional market, request that the supply plant shipping percentage be reduced 10 percentage points beginning August 1974. This cooperative states that the 30 percent shipping requirement in August would cause uneconomic shipments of milk.

To fulfill their fluid milk requirements, distributing plants obtain a major portion of their milk supplies from supply plants, since about 80 percent of the market's milk supply is assembled at supply plants. In recent months, however, Class I sales have been significantly below a year ago. In June, for instance, Class I sales amounted to 236 million pounds compared to 260 million pounds in June 1973. Moreover, receipts of producer milk on the market increased in June 1974 compared to June 1973. June 1974 was the first month that milk receipts increased over the corresponding month the prior year since October 1972.

There is a reduced demand for Class I milk and an increase in the milk supply on the market. Thus there is a reduced demand for supply plant milk in Class I use and a reduction in required shipments may, accordingly, be appropriate. A reduction in the required shipments of supply plant milk during August would allow greater flexibility in obtaining milk as among supply plants in the market and may prevent uneconomic movements of milk merely for purposes of pool plant qualification.

Therefore, it may be appropriate to reduce the aforementioned pool supply plant shipping percentage for the month of August 1974 to prevent uneconomic shipments.

Signed at Washington, D.C., on July 26, 1974.

H. L. FOREST,
Director, Dairy Division.

[FR Doc.74-17427 Filed 7-30-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 37]

CANNED PACIFIC SALMON

Proposed Standards of Identity and Fill of Container; Correction

In FR Doc. 74-12237 appearing at page 18660, in the issue of Wednesday, May 29, 1974, make the following changes:

1. On page 18661, first column, the paragraph designated "2.1" is corrected to read:

2.1 Raw material. Canned Pacific Salmon shall be prepared from clean, wholesome salmon.

2. On page 18661, second column, line 2 reading "on on Medium Red" should read "on or Medium Red" and line 5 reading "Salmon on Chinook" should read "Salmon or Chinook".

3. On page 18661, second column, the last paragraph defining the term "Swell", the fourth line should be deleted and the following line added to the end of that paragraph: "by biological or chemical action."

Public Health Service

[42 CFR Part 57]

NURSING

Special Project Grants

Notice is hereby given that the Assistant Secretary for Health, Department of Health, Education, and Welfare with the approval of the Secretary of Health, Education, and Welfare, proposes to add a new Subpart T to Part 57 of Title 42, Code of Federal Regulations, as set forth in tentative form below, entitled "Nursing Special Project Grants."

The purpose of this subpart is to establish regulations implementing section 805(a), of the Public Health Service Act (42 U.S.C. 296d) which authorizes the Secretary of Health, Education, and Welfare to award grants to public and other non-profit schools of nursing, agencies, organizations and institutions to assist in meeting the costs of special projects, as set forth in the authorizing legislation.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed, and data, views and arguments relating to this notice may be presented in writing, in triplicate, to Director, Bureau of Health Resources Development, Health Resources Administration, 9000 Rockville Pike, Building 31, Room 5C02, Bethesda, MD 20014.

All comments received in response to this notice will be available for public inspection and copying at the Office of Grants Policy, Bureau of Health Resources Development, Health Resources Administration, Building 31, Room 5B34, 9000 Rockville Pike, Bethesda, MD 20014, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m. All revelant material received not later than August 30, 1974, will be considered.

It is therefore proposed to add a new Subpart T to Part 57 as set forth below:

Dated: July 1, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: July 25, 1974.

FRANK CARLUCCI,
Acting Secretary.

Amend Part 57 by adding thereto a new Subpart T as follows:

Subpart T—Nursing Special Project Grants

Sec.
57.1901 Applicability.
57.1902 Definitions.
57.1903 Eligibility.
57.1904 Application.
57.1905 Evaluation and grant award.
57.1906 Payments.
57.1907 Expenditure of grant funds.
57.1908 Nondiscrimination.
57.1909 Grantee accountability.
57.1910 Publications and copyrights.
57.1911 Applicability of 45 CFR Part 74.
57.1912 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216). Sec. 805(a), 85 Stat. 469 (42 U.S.C. 296d).

Subpart T—Nursing Special Project Grants

§ 57.1901 Applicability.

The regulations of this subpart are applicable to the award of grants to public and other nonprofit private schools of nursing, agencies, organizations, and institutions under section 805(a) of the Public Health Service Act (42 U.S.C. 296d) to assist in meeting the cost of nursing special projects.

§ 57.1902 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Council" means the National Advisory Council on Nurse Training (established by section 841(a) of the Act).

(d) "Budget period" means the interval of time into which the project period is divided for budgetary purposes as specified in the grant award document.

(e) "Project period" means the total time for which support for a project has been approved, as specified in the grant award document.

(f) "State," except as otherwise provided herein, means a State, Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(g) "School of nursing" means a collegiate, associate degree or diploma school of nursing, as such are defined in section 843 of the Act.

(h) "Nonprofit" means as applied to any school, agency, organization or institution one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inure or may lawfully inure to the benefit of any private shareholder or individual.

§ 57.1903 Eligibility.

To be eligible for a grant under this subpart the applicant shall:

(a) Be a public or other nonprofit private school of nursing, agency, organization or institution; and

(b) Be located in a State.

§ 57.1904 Application.

(a) Each eligible applicant desiring a nursing special project grant shall submit an application in such form and manner and at such time as the Secretary

may prescribe.[1] The application shall contain a full and adequate description of the project and of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart, a budget and justification of the amount of grant funds requested, and such other pertinent information as the Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the regulations of this subpart and the terms and conditions of any award.

§ 57.1905 Evaluation and grant award.

(a) Within the limits of funds available for such purpose, the Secretary, after consultation with the Council, may award grants to those applicants whose projects will in his judgment best promote the purposes of section 805(a) of the Act, taking into consideration among other pertinent factors:

(1) the potential effectiveness of the proposed project in carrying out such purposes;

(2) the national need which the particular project proposes to serve;

(3) the administrative and managerial capability, and competence of the applicant to carry out the project successfully; and

(4) the soundness of the plan for assuring effective utilization of grant funds and the potential of the project to continue on a self sustaining basis.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of the direct costs of the project plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limit of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted and the period for which such funds will be available for obligation by the grantee.

(d) Neither the approval of any project nor the award of any grant shall commit or obligate the United States in any way to make any additional, supplemental, continuation or other award with respect to any approved project or portion thereof. For continuation support grantees must make separate application at such times and in such form as the Secretary may prescribe.

§ 57.1906 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in the performance of the project to the extent he determines such payments are necessary to promote prompt initiation and advancement of the approved project.

§ 57.1907 Expenditure of grant funds.

(a) Any funds granted pursuant to this subpart shall be expended solely for carrying out the approved project in accordance with section 805(a) of the Act, regulations of this subpart, the terms and conditions of the award and cost principles prescribed by subpart Q of 45 CFR Part 74.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may be carried forward and be available for obligation during a subsequent budget period of the project period. The amount of a subsequent award will take into consideration the amount remaining in the grant account. At the end of the last budget period of the project period any unobligated grant funds remaining in the grant account must be refunded to the Federal Government.

§ 57.1908 Nondiscrimination.

(a) Attention is called to the requirements of section 845 of the Act and 45 CFR Part 83 which together provide that the Secretary may not make a grant, loan guarantee, or interest subsidy payment under Title VIII of the Act to, or for the benefit of, any entity unless he receives satisfactory assurance that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(c) Attention is called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(d) Grant funds used for remodeling, alterations, or repairs shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 57.1909 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting the requirements of this subpart: *Provided however,* That when the amount awarded for indirect cost was based on a fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant shall be accounted for as follows:

(1) *State and local governments.* Where the grantee is a State or local government as those terms are defined in 45 CFR 74.3 royalties shall be accounted for as provided in 45 CFR 74.44.

(2) *Grantees other than State and local governments.* Where the grantee is not a State or local government as so defined, royalties shall be accounted for as follows:

(A) Patent royalties, whether received during or after the grant period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(B) Copyright royalties, whether received during or after the grant period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1–420, Department of Health, Education, and Welfare Grants Administration Manual.[2]

(c) *Grant closeout.* (1) *Date of final accounting.* A grantee shall render, with

[1] Applications and instructions may be obtained from the Regional Health Administrator of the Regional Office of the Department of Health, Education, and Welfare for the region in which the applicant is located.

[2] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

respect to each approved project, a full account, as provided herein, as of date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of (i) any amount not accounted for pursuant to paragraph (a) and (b) of this section; and (ii) any other amounts due pursuant to subparts F, M, and O of 45 CFR Part 74. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assigns by setoff or other action as provided by law.

§ 57.1910 Publications and copyrights.

(a) *State and local governments.* Where the grantee is a State or local government, as those terms are defined in 45 CFR 74.3 the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from a project supported by a grant under this subpart.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government, as so defined, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this part, subject to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate and dispose of such materials, and to authorize others to do so.

§ 57.1911 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles shall apply to all grants under this subpart to State and local governments as those terms are defined in subpart A of Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to all other grantee organizations under this subpart:

Subpart:
- A General.
- B Cash Depositories.
- C Bonding and Insurance.
- D Retention and Custodial Requirements for Records.
- F Grant-Related Income.
- K Grant Payment Requirements.
- L Budget Revision Procedures.
- M Grant Closeout, Suspension, and Termination.
- O Property.
- Q Cost Principles.

§ 57.1912 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved activity, the interest of the public health or the conservation of grant funds.

[FR Doc.74-17454 Filed 7-30-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 74-SW-25]

BELL HELICOPTERS

Airworthiness Directives

Amendment 39-1860 (39 FR 19448), AD 74-12-05 imposes daily and 25 hour interval repetitive inspections of the tail rotor pitch change chains, P/N 205-001-721-1 and P/N 205-001-748-1 on Bell Model 204B and 205A helicopters. After issuing Amendment 39-1860 a cracked link reportedly was found four hours after an inspection had been conducted and the manufacturer subsequently established a replacement time of 150 hours as a precautionary measure. In addition, certain tail rotor rigging procedures have been changed by issuance of Bell Helicopter Co. Service Bulletin No. 205-05-74-1, Rev. A, dated June 24, 1974. Therefore the agency is considering superseding Amendment 39-1860 with a new AD to require replacement of the pitch change chains prior to attaining 150 hours total time in service and to require tail rotor rigging in accordance with Service Bulletin No. 205-05-74-1, Rev. A., and to retain the repetitive inspections of Amendment 39-1860. Amendment 39-1860 was effective June 7, 1974.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or comments as they desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before forty days from issue date, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel for examination by interested persons. The agency also proposes to make the adopted rule of the new AD effective on publication in the FEDERAL REGISTER and specific comments on this aspect of the proposal are also requested.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Bell Model 204B and 205A-1 Helicopters, Certificated in all Categories

Compliance required as indicated.

To detect cracks in the tail rotor pitch change link segments and to prevent possible failure of the tail rotor pitch change chains accomplish the following repetitive inspections on chain, P/N 205-001-721-1 and 205-001-748-1.

(a) Within five hours time in service after June 7, 1974, unless already accomplished, and thereafter at intervals not to exceed 25 hours time in service from the last inspection, accomplish the following inspections:

(1) Remove the chain or chains from the helicopter in accordance with the applicable maintenance manual.

(2) Clean each chain with solvent and stiff bristle brush and air dry.

(3) Roll each chain into a tight flat disc and inspect the links' outer segments, both sides, for cracks using a light and a ten power or higher magnifying glass. Unroll the chain and with teeth up, inspect inner segments of the links at the radius between the teeth. Turn each chain over and inspect the opposite side of the link segments.

(4) Replace chains with cracked segments before further flight.

(5) Install chains with uncracked link segments in accordance with the pertinent maintenance manual and rig tail rotor controls in accordance with the pertinent maintenance manual. If 212-010-701 Tail Rotor Hub and Blade Assembly is installed on the Model 205A-1, rig the controls in accordance with the maintenance manual and as specified in Bell Helicopter Company Service Bulletin No. 205-05-74-1, Revision A, dated June 24, 1974 or later approved revision.

(b) Before the first flight of each day after June 7, 1974, accomplish the following repetitive inspections.

(1) Remove the cover from the chain assembly.

(2) Inspect each chain assembly for cracks in the link segments using a 3 power or higher magnifying glass. Particular attention should be placed on the portion of each chain that travels over each sprocket and that extends three inches each side of this area or portion.

(3) Remove chains with cracked segments before further flight in accordance with the applicable maintenance manual.

(4) Install chains with uncracked segments in accordance with the applicable maintenance manual and rig the controls as specified in paragraph (a)(5) of this A.D.

(c) Replace chains with more than 140 hours total time in service on the effective date of this A.D. within 10 hours total time in service. Replace chains with less than 140 hours total time in service on the effective date of this A.D. prior ot attaining 150 hours total time in service.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas,

and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

(Bell telefax messages dated May 10, 1974 and June 15, 1974, pertain to this subject.)

This supersedes Amendment 39-1860 (39 FR 19448), AD 74-12-05.

Issued in Fort Worth, Texas on July 19, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-17381 Filed 7-30-74;8:45 am]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 178]

[Docket No. HM-119; Notice No. 74-10]

POLYETHYLENE DRUM PACKAGING

Proposed Specification 35

The Hazardous Materials Regulations Board is considering an amendment of Parts 173 and 178 of the Department's hazardous materials regulations to provide a specification for non-reusable, molded, open-head polyethylene drums, to authorize use of this packaging with certain dry and paste materials, and to provide for the use of a larger capacity plastic drum in § 173.245b.

This proposal contains a specification for non-reusable, molded, open-head polyethylene drums which is based on the satisfactory shipping experience reported to the Board under special permits. Some of these special permits have been in effect for over five years.

The proposal also reflects the authorization for use of the drum for the dry and paste materials that were permitted under the provisions of the special permits.

The present packagings authorized for corrosive solids not specifically provided for in § 173.245b include the use of a plastic drum of not over six gallons capacity. The Board has proposed to amend the plastic drum packaging in § 173.245b by increasing the volumetric capacity to seven gallons in order to permit use of the specification drum covered by this proposal.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 178 as follows:

PART 173—SHIPPERS

1. In § 173.154, paragraph (a)(16) would be added to read as follows:

§ 173.154 Flammable solids and oxidizing materials not specifically provided for.

(a) * * *

(16) Specification 35 (§ 178.16 of this subchapter) non-reusable, removable head polyethylene drum for use without overpack and not over seven gallons capacity. Authorized only for dry or paste material that will maintain its form to a minimum temperature of 130° F.

* * * * *

2. In § 173.217, paragraph (a)(7) would be added to read as follows:

§ 173.217 Calcium hypochlorite mixtures, dry, lithium hypochlorite compounds, dry, mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione, dry, potassium dichloro-s-triazinetrione, dry, sodium dichloro-s-triazinetrione, dry, trichloro-s-triazinetrione, dry.

(a) * * *

(7) Specification 35 (§ 178.16 of this subchapter) non-reusable, removable head polyethylene drum for use without overpack and not over seven gallons capacity.

* * * * *

3. In § 173.245b, paragraph (a)(6) would be amended to read as follows:

§ 173.245b Corrosive solids not specifically provided for.

(a) * * *

(6) Plastic drum or pail not exceeding 80 pounds net weight and not over seven gallons capacity.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

4. In Part 178 Table of Contents, add the following entries:

Sec.

178.16	Specification 35; non-reusable molded polyethylene drum for use without overpack; removable head required.
178.16-1	Compliance.
178.16-4	Material.
178.16-7	Construction and capacity.
178.16-10	Closure.
178.16-13	Design qualification tests.
178.16-16	Periodic testing.
178.16-19	Markings.

5. Part 178 would be amended by adding the following:

§ 178.16 Specification 35; non-reusable molded polyethylene drum for use without overpack; removable head required.

§ 178.16-1 Compliance.

(a) Required in all details.

(b) Each drum must comply with the requirements of § 173.24 of this subchapter.

§ 178.16-4 Material.

(a) Drums must be made of polyethylene having the following properties, as determined by the American Society for Testing Materials (ASTM) methods designated. Tests must be performed on resin with additives included:

Property	Specification	ASTM Method
Melt index	6.0 maximum	D1238-65T.
Density range	0.950 to 0.965	D1505-68.
Tensile strength	3,000 p.s.i. Min.	D638-68.
Percent elongation	50% minimum	D638-68.

(b) Ultraviolet light protection must be provided by impregnation of polyethylene with carbon black or other equally efficient pigments or inhibitors. These additives must be compatible with lading and must retain their effectiveness for at least two years.

(c) Other materials may be added provided they do not adversely affect the physical properties specified in paragraph (a) of this section or the performance specified in § 178.16-13.

(d) Steel used in top head of drum must be low carbon made by the open-hearth or electric steel process, of standard commercial quality.

§ 178.16-7 Construction and capacity.

(a) Rated capacity: not to exceed 7 gallons.

(b) Minimum thickness of drum measured at any point may not be less than 0.065-inch. If top head is constructed of steel, a minimum of 26-gauge steel must be used.

(c) The gross weight of each drum, when filled, may not exceed the maximum allowable gross weight indicated by the marking on the drum (see § 178.16-19).

§ 178.16-10 Closure.

(a) Top head must be of the full removable type, and must be made of steel, polyethylene, or combination thereof. Gaskets are required.

(b) Openings in body of drum are not authorized.

§ 178.16-13 Design qualification tests.

(a) The following tests must be performed at the start of production on each drum size and design. If any change is made to drum design, size, material used, or process, tests in this section must be repeated. Product leakage in any of the required tests will constitute a failure. No single drum will be expected to withstand more than one of the following tests:

(1) *Drop test.* Sample drums, selected at random and of each size and design must be filled to marked gross weight at normal outage with dry powdered material and topped with a minimum of one inch of sodium bicarbonate, and closed for use. Each test drum and its contents must be conditioned for at least four hours at 0° F, then immediately dropped from a height of four feet onto solid concrete as follows:

(i) Three drums must be dropped flat on bottom.

(ii) Three drums must be dropped diagonally on top chime or edge.

(iii) Three drums must be dropped flat on side.

Each drum must be oriented to impact on bail ear. Immediately following each drop, the drum must be rolled three revolutions on its side and observed for any evidence of leakage during the first five minute interval following each drop. If failure occurs, the individual drop orientation test must be repeated on six additional drums without any leakage of contents. Failure of any one of the six drums disqualifies that design from this

specification until design qualification tests have been repeated successfully.

(2) *Vibration test.* Sample drums selected at random and of each size and design, must be filled to marked gross weight at normal outage with dry powdered material and topped with a minimum of one inch of sodium bicarbonate, and closed for use. Each test drum and its contents must be vibrated in such a manner that horizontal motion will be restricted and only vertical motion permitted. The test must be performed for one hour using an amplitude of one inch at a frequency that causes the drum to be raised from the vibrating platform so that a piece of 20 gauge material (0.0359) may be passed between the drum and platform.

(3) *Static compression test.* Two drums stacked two high, filled as required in § 178.16–13(a)(1) of this section and conditioned for at least four hours at 130° F immediately preceding the test, must withstand a static compression test of 600 pounds on the top drum without buckling of the side walls or failure of any cover to cause leakage. In no case must the top to bottom deflection of one or both drums be more than one inch in 48 hours. Compression must be applied evenly to top rim of top drum.

(4) *Reports and records.* The manufacturer shall prepare a report on the tests prescribed in paragraphs (a)(1), (a)(2), and (a)(3) of this section and shall retain the report on the results of these tests for at least two years from date of tests. A copy of these reports must be retained by the manufacturer at each producing plant.

§ 178.16–16 Periodic testing.

(a) At least one sample of each size and design of drum must be tested at each production plant from every 1,000 drums produced by each molding machine. No single drum will be expected to withstand more than one drop. Product leakage from drum in any of the following tests will constitute a failure. Tests must be as follows:

(1) One drum filled to marked gross weight as provided in § 178.16–13(a) must be drop tested from a height of four feet diagonally on its top edge.

(2) One drum filled to marked gross weight as provided in § 178.16–13(a) must be drop tested from a height of four feet flat on its side. Each drum must be oriented to impact on bail ear.

(b) Failure of drum when tested as described above disqualifies that design from this specification until design qualifications tests (§ 178.16–13) have been repeated successfully.

§ 178.16–19 Markings.

(a) The markings required by this subsection must be legible, and in characters at least ½-inch in height, and embossed in the bottom of each drum. The marking requirements of § 173.24 of this subchapter with the exception of paragraph (c)(1)(ii), are applicable.

(b) The markings must be as follows:

(1) DOT–35* star to be replaced by maximum allowable gross weight in pounds (for example, DOT–35–50). These marks must be understood to certify that the drum complies with all specification requirements.

(2) "NRC" located near the DOT mark to indicate "non-reusable container."

(3) Month and year of manufacture, for example, DOT–35–20–2/74, to indicate the drum specification, maximum allowable gross weight, and that the drum was manufactured in February 1974.

(4) Registration number (M * * * *) of the manufacturer.

(c) No person may mark any drum with the specification identification "DOT–35" unless (1) it was manufactured in compliance with the requirements of this section and (2) its manufacturer has a registration number (M****) from the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590.

Interested persons are invited to give their views on these proposals. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communications received on or before November 5, 1974 will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, room 6215 Trans Point Building, Second and V Streets, SW., Washington, D.C., both before and after the closing date for comments.

(Transportation of Explosives Act (18 U.S.C. 831–835), sec. 6, Department of Transportation Act (49 U.S.C. 1655); Title VI and sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h), and 1655(c)))

Issued in Washington, D.C. on July 25, 1974.

W. J. BURNS,
Director, Office of Hazardous Materials.

[FR Doc.74–17429 Filed 7–30–74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

[EDR–278; Docket No. 26899]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Air Transportation Services

JULY 25, 1974.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 288 of its Economic Regulations (14 CFR Part 288) concerned with air transportation services performed for the Department of Defense (DOD) and procured by the Military Airlift Command (MAC). The purpose of the proposed amendments is explained in the attached Explanatory Statement, and the proposed amendment is set forth in the proposed rule. The amendments are proposed under authority of sections 204, 403 and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758 and 771, as amended; (49 U.S.C. 1324, 1373 and 1386)).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before August 30, 1974, and reply comments received on or before September 16, 1974, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. upon receipt thereof.

A list of all persons filing comments will be prepared by the Docket Section and sent to the persons named thereon. Those persons filing responsive comments should serve any person whose comment is dealt with in their responsive comment.

Those persons planning to file comments and/or responsive comments who wish to be served with the comments filed by others, and are willing to undertake service of their own comments on others, shall file with the Docket Section at the above address by August 12, 1974, a request to be placed on the service list in Docket No. 26899. The service list will be prepared by the Docket Section and sent to the persons named thereon. The persons on the service list are to serve each other with their comments and/or responsive comments at the time of filing, and are to include appropriate proof of service (Rule 8(e), 14 CFR 302.8(e)) with each filing.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Part 288 of the Board's Economic Regulations (14 CFR Part 288) exempts, subject to conditions, air carriers who have contractual commitments to perform air transportation services for the Department of Defense (DOD) from the requirements of section 403 of the Federal Aviation Act of 1958, and certain of the Board's Economic Regulations. A principal condition of the exemption is that the compensation for such services not be less than that set forth in the Part. The services for which the exemption is provided consist of "Category B" services, which are mainly international planeload passenger and cargo charters; "Logair" services, which are cargo charters between Air Force bases within the United States; "Quicktrans" services, which are domestic cargo charters between naval installations; and "Category A" services, which are individually ticketed or waybilled passenger and cargo services on scheduled flights pursuant to contract. Section 399.16 of Part 399 of the Board's Statements of General

Policy (14 CFR 399) sets forth the minimum per mile rates that the Board considers fair and reasonable for the transportation of "Category Z" military traffic, which consists of individually ticketed passengers carried on scheduled flights pursuant to tariffs filed by the carriers.

By ER–819, adopted August 28, 1973, the Board established interim final rates for "Category B" foreign and overseas air transportation services pending completion of a full-scale MAC rate review, and the establishment of prospective final rates. Also implemented by this rule amendment was an automatic adjustment clause for changes in the price of fuel purchased by the carriers from military sources. In ER–839, effective January 22, 1974, the Board further amended Part 288 by adding a surcharge to the interim final rates related to substantial increases in the price of commercial fuels consumed in performance of MAC services.

With this Notice of Proposed Rule Making, the Board is now proposing revised minimum rates applicable to "Category B" foreign and overseas air transportation services effective prospectively from the date the revised final rates are adopted. We also propose elimination of the rates for piston and CL–44 aircraft which have not been used in MAC foreign and overseas charter services for an extended period of time. On the other hand, we propose increasing the rates for other turboprop aircraft consistent with our proposals for similar aircraft performing short-range services. No changes are proposed in the suspension charges paid by DOD should it suspend a contracted charter flight. However, we propose to establish a conversion charge for the mixed Coral Sea operation based on a review of the data furnished by Saturn and agreed to by MAC. We also proposed to increase the seat conversion charge originally promulgated in ER–786,[1] and to provide for a minimum notification time by MAC if conversion rates are to apply. The routing provisions for computing the pay miles in Category B services would be amended to delete Wake Island as an intermediate stop in view of DOD's recent prohibition of operation landings at that point. In addition, the proposed rates include provisions for the significant increase in commercial fuel costs based on prices in effect for each station performing MAC services as of February 1, 1974. We will, however, adjust the final rates adopted to reflect the latest available commercial fuel prices, and intend thereafter, to continue to monitor this particular area of cost, and to take action as appropriate. On the other hand, the proposed rule does not contain provisions for a commercial fuel price surcharge. We note in this regard that the increases in this element of cost appear to be leveling off. At this juncture, it is uncertain if adjustments for commercial fuel price increases will continue to be necessary. We invite the parties to address their comments to this matter.

We are not at this time proposing revised rates for either Category A passenger or cargo services or Category Z passenger services. In view of the heavy operating losses of our two major U.S.-flag international carriers, both of whom are presently seeking subsidy, we believe a thorough reexamination of the economic basis for these rates is necessary, and such an analysis is presently underway. At such time as the analysis is completed, we will issue a notice of rule making with our proposals on these two classes of service. In the event that our Category A and Z proposals are not finalized prior to completion of the instant full-scale review, we intend to adjust the Category A and Z rates to the level of the Category B one-way charter rates as determined in this proceeding, thus preserving the existing relationships until a definitive determination is made on the Category A and Z proposals.

The techniques used in this proceeding are essentially the same as those used in previous comprehensive reviews of MAC rates. The ten carriers now performing MAC charter operations have furnished projections of the costs that each expects to incur for performance of these services during fiscal year 1974, based on experienced results during fiscal year 1973. Some cost forecasts related to other than fiscal 1973 data were submitted where representative experience in MAC operations was not available. The DOD has reviewed the data submitted and furnished its own analyses and views on various aspects of the carriers' operational and cost projections.

The Board has reviewed the materials submitted by the carriers and the DOD. In addition, the Board's staff has conferred informally with carrier and DOD representatives to discuss adjustments to the forecasts. As a result of issues raised during the conferences, some carriers and DOD have submitted additional data. Based upon an analysis of all information and comments submitted, the Board has tentatively determined that certain adjustments in the cost forecasts are appropriate. These adjustments are consistent with policies developed in prior reviews, the ratemaking policies announced in various phases of the Domestic Passenger-Fare Investigation (Docket 21866), and Part 399 of the Board's Statements of General Policy. They are set forth in detail in the appendices hereto, which set forth each carrier's forecast, the adjusted amounts, and the resultant recognized costs. The most significant adjustments and departures from past costing and ratemaking practices are explained in the subsequent sections of this statement.

Minimum Rates for Large Turbojet Aircraft

Aircraft utilization. A review of the hours of daily aircraft utilization forecast by the carriers, compared to base-period experience both in MAC and commercial operations, indicates that in view of the decline in the total amount of MAC procurement, these forecasts are, with one exception, reasonable. For Capitol's DC–8–55 aircraft, we have increased the carrier's forecast utilization to 7 hours, the level which is considered by the Board as the reasonable minimum utilization for international MAC ratemaking purposes, and which was in fact achieved by the carrier during the base period. In addition, Capitol's DC–8–63 aircraft utilization forecast has been increased to 8.3 hours, equating this rate with the level achieved by the carrier in the base period. As adjusted, the projections for all carriers range from 7 to 12 hours of daily utilization.

Depreciation and leased aircraft. The rates proposed are consistent with the depreciation guidelines contained in section 339.42 of the Board's Policy Statements which prescribe a 14-year service life and two percent residual value for turbo-fan aircraft. We are adhering to the historical MAC ratemaking policy of recognizing flight equipment investment as at the mid-point of the forecast year, i.e., January 1, 1974.

Leased equipment costs have been included in conformance with § 399.43 of the Board's Policy Statements, which sets forth the Board's treatment of leased aircraft for ratemaking purposes. In general, the section provides that for ratemaking purposes the Board will recognize only actual rental expenses. However, in unusual circumstances, a profit element may be added to reflect the additional risks of operations with leased aircraft that are not compensated for by the return on investment. In the present review, in addition to recognizing actual rental expense, we have included a profit element on leased aircraft in those cases where the ratio of the value of the carrier's leased aircraft to the total value of the carrier's fleet assigned to MAC international operations exceeds 40 percent. In our view, such a ratio is sufficiently in excess of the 29.5 percent ratio for the aggregate of MAC carriers as to warrant the inclusion of a profit element.[2] In two instances, however, (Airlift DC–8–63 and Overseas National DC–8–63) the projected rental expense plus the allowable profit exceeded depreciation plus return on investment computed as if the aircraft had been owned by the carrier. Therefore, in accord with Board policy, the amounts recognized were adjusted downward to conform with the depreciation and return which would have been allowed if the aircraft had been owned. In addition, recognized rental expense is reflected in the determination of burden ratios, general bur-

[1] Adopted December 29, 1972.

[2] See Appendix L. (Appendices A through L filed as part of the original document.) In accordance with § 399.43, the return is 4.5 percent or six percentage points less than the standard rate of return for MAC services.

den, and the cash operating expenses allowed as working capital.[3]

Fuel costs. Projected fuel costs are based on the military prices fixed by the automatic fuel adjustment clause,[4] and commercial fuel prices furnished by the carriers, as of February 1, 1974. The distribution between commercial and military fuel consumption is related to the consumption experienced in MAC operations by each carrier for the year ended September 30, 1973. It is our intention to revise the rates finally adopted to reflect the latest available commercial fuel prices. In addition, we will continue to monitor this element of costs, and remain prepared to take appropriate regulatory action where warranted.

Miscellaneous cost adjustments. Continuing the Board's long-standing ratemaking practice, we have eliminated all anticipatory cost increases from the carriers' forecasts, whether based on asserted cost trends, estimates, or anticipated price or wage changes. However, adequately supported price or wage increases actually covering fiscal 1974, are included in the proposed rate determinations.

Projected interrupted trip expense is eliminated as not being applicable to the MAC operation; construction work in progress has been removed from the investment base unless demonstrated of material applicability to MAC operations; and, anticipatory investment items have also been eliminated.

Return and taxes. We are continuing the policy established in ER–733, May 11, 1972, of providing a return rate of 10.5 percent on investment recognized for foreign and overseas MAC services. This is consistent with our finding that a fair and reasonable rate of return for MAC operations should be 1.5 percentage points below the 12 percent rate found reasonable in the Domestic Passenger-Fare Investigation, Phase 8.

Provision for income taxes has been made at the federal tax rate of 48 percent, after interest expense deductions. Some carriers have claimed state income taxes. However, as in past MAC rate findings, we have not made a separate allowance for such taxes since the constructive allowance computed at the federal rate has not been shown to be insufficient to provide adequate recognition of state and federal income taxes actually paid.

Deterimnation of rate. The following table shows total economic costs (Appendices A & B) proposed to be recognized for each carrier and aircraft for round-trip passenger and cargo charters:

	Per passenger-mile (cents)		Per cargo ton-mile (cents)	
	Standard	Stretched	Standard	Stretched
Airlift, DC–8–63		1.804		7.431
Capitol, DC–8–55	2.490		9.416	
Capitol, DC–8–63		2.220		8.776
Northwest, B–707	2.945		11.864	
ONA, DC–8–61		1.883		7.004
ONA, DC–8–63		1.973		7.008
Pan American, B–707	2.622		9.607	
Saturn, DC–8–54	2.674		9.958	
Saturn, DC–8–61		2.352		9.338
Seaboard, DC–8–63		2.008		7.986
The Flying Tiger, DC–8–63		2.234		9.146
TIA, DC–8–61		2.099		8.437
TIA, DC–8–63		2.031		8.033
World, DC–8–63		1.965		7.550

In order to determine each carrier's relative participation in the MAC services, we have weighted these unit costs by the current year (1974) MAC contract fixed-buy revenues. In our judgment, the average costs produced take into consideration, on an equitable basis, the range of individual carrier costs.[5]

As set out in Appendix G, the weighted unit costs for regular jet aircraft are 2.7359 cents per passenger-mile and 10.1452 cents per ton-mile for passenger and cargo Category B round-trip services, respectively. Similarly, the respective passenger and cargo average minimum MAC rate costs for round-trip services with stretched jet equipment are 2.0598 cents per passenger-mile and 8.2333 cents per ton-mile.

The mileage absorption factors reflected in the rate determination, which recognize the difference between revenue miles flown used in costing and the standard mileages used for payment purposes, are derived from the experience data furnished by the carriers. Previously, these factors were based on a predominant routing analysis, whereas for this review, the carriers furnished the actual miles flown and pay miles for the base period, by type of equipment. We have computed the average relationship of operating miles and pay miles, as shown in Appendix F, and applied this ratio to the adjusted costs, by classes of aircraft as shown in Appendix H. In this connection, regular jets in passenger service were operated on an average of 2.42 percent, and stretched jets an average of 0.68 percent, greater distances than represented by the MAC pay mileages. In cargo services, the averages were 1.84 and 2.67 percent greater for regular and stretched jets, respectively. When applying the absorption factors to the adjusted costs, stretched and regular jets were weighted on the basis of MAC fiscal 1974 contract fixed-buy revenues. As set forth in Appendix H, the proposed round-trip rates so derived are 2.460 cents per passenger-mile and 9.117 cents per cargo ton-mile. These rates are approximately 11.56 percent above the current passenger rate and 4.82 percent above the current cargo rate, including the 7.96 percent commercial fuel surcharge adopted by ER–860 based upon February 1, commercial fuel prices. These increases in the unit rates are attributable to the significant increase in commercial fuel prices, the annualization of wage and other operating cost increases and the reduction in the volume of MAC services.

Proposed one-way rates have been derived from the determinations for the round-trip rates by the same method employed in previous MAC rate reviews. Thus, they reflect the costs of return-empty backhauls, less the cost-savings inherent in the operation of such backhauls, after offset for commercial revenue backhauls. Northwest and Pan American take the position that the one-way rates should not be reduced for the commercial revenue backhauls. Northwest argues that since MAC has the option to convert one-way flights into round trips, it should not benefit from those flights not converted where the backhaul is performed as a commercial revenue flight. Pan American argues that the commercial backhauls are provided at lower than normal yields, and that it is a financial detriment to the carrier to offset for these costs on the one-way rate determination. We do not find the carriers' contentions persuasive. In our view, the carriers' position would burden MAC with the cost of the commercial backhaul flights while allowing the carriers to keep the revenues derived therefrom. Clearly, such a result would be inequitable, and we will continue, therefore, our past MAC ratemaking practice, and reflect a discount for the commercial revenue backhauls performed in connection with MAC one-way charters. Based on a review of data submitted by the carriers, it is our judgment that cost savings of approximately eight percent are available for empty backhaul of passenger one-way trips, representing savings in passenger food and supplies, and in liability insurance, while an additional

[3] As in prior MAC rates reviews, general burden expense has been computed on the basis of each carrier's experienced ratio of general overhead expenses to operating expenses exclusive of (1) flight equipment depreciation and (2) amortization of deferred preoperating costs, and the working capital allowance is equal to one month's cash operating expenses.

[4] See ER–819, adopted August 28, 1973 which provision is continued herein.

[5] We note that in past reviews, unit costs were weighted by a series of factors related to MAC services, e.g., MAC contract award points, fixed-buy revenues, etc., and that these weighted costs were further weighted to produce the average unit costs for the equipment in each service category. In our judgment, the single weighting technique employed here produces a representative cost figure, and additional calculations are not necessary to achieve equitable and reasonable results.

one percent can be saved for both passenger and cargo one-way trips in more direct mileage, fewer landings, loading and unloading, and planning costs. Based on analysis of the Form 243 data for the year ended June 30, 1973 (see Appendix I), the commercial backhaul factors are 6.79 percent for passenger trips and 45.55 percent for cargo trips. The derivation of the one-way rates based on these factors is shown in Appendix J, and the resulting proposed minimum rates are 4.546 cents per passenger-mile for one-way passenger charters and 14.032 cents per ton-mile for one-way cargo charters. These rates represent an increase in the current passenger one-way rates, including the 7.96 percent commercial fuel surcharge, of 9.65 percent, and a decrease in the cargo one-way rate of 16.33 percent.[6]

The line-haul rates for convertible and mixed services are also determined as in previous rate reviews. In ER–786, the Board provided for a conversion charge of $50 per seat for each configuration change on each stage length. DOD, from its analysis of recent cost trends, has determined that the current seat conversion charge is not providing the carriers with adequate cost reimbursement for such conversions. DOD recommends that the conversion charge be increased to $75 per seat. On review of DOD's proposal and the supporting data, we have tentatively concluded that the conversion charge should be increased to $75 per seat.

Pan American proposed elimination of the conversion rates and instead would apply one-way rates to such services. The carrier contends that the MAC option to convert a one-way flight to a round-trip charter on a minimum of 72 hours notice,[7] especially when the return leg is a different configuration—e.g., outbound passenger and inbound cargo—has been a source of great difficulty. Pan American states that conversion reduces aircraft and crew utilization for the aircraft down-time required; that the carrier cannot plan for such contingency; and that it is an inefficient and costly service. The carrier feels that the compensation provided is insufficient for this service, and that the one-way rates should be applicable. On the other hand, MAC has indicated that it requires the conversion option for flexibility in procuring economic services to meet its traffic movement requirements. We believe that the increased seat conversion charge, discussed above, will go a long way toward a resolution of the controversy. However, the carriers' operational problems, outlined by Pan American, would still remain. Our review indicates that the short-notice provision of the contracts appears to be the root of the problem. Given more advanced notice, the carrier should be able to schedule revisions in its equipment and crew dispatch so as to mesh more efficiently its MAC and commercial service operational planning.

MAC has indicated a desire to adhere to the minimum 72 hour notice. However, it has proposed to provide carriers whose contracts in whole or in part require use of convertible aircraft, but which are performing contracted one-way service with nonconvertible aircraft, 7 days notice that it may exercise its conversion option. MAC believes this additional notice should enable the carrier to substitute convertible equipment. MAC also claims that Pan American has not performed a convertible mission during the nine month period ended March 1974, and therefore, the problem as to Pan American is negligible.

The conversion provisions proposed by MAC appear to be unresponsive to the problem at hand. In its final terms, the proposal amounts to no substantive change since the minimum 72 hours would still apply for the actual notification of conversion. As to MAC's recitation of Pan American's past experience, this is essentially irrelevant to the question of whether or not the present notification procedures are unreasonable.

Upon consideration, it is the Board's tentative opinion that the notification period for MAC to exercise its conversion option should be extended. In our judgment, based on our understanding of MAC procurement practices, a minimum conversion notice of 30 days should be adequate for MAC's procurement needs, and also provide the carriers with sufficient time for economic operational revisions which would be required to satisfactorily meet MAC's service requirements. Therefore, we are proposing that the conversion rates should be applicable only where notice of conversion is provided at least 30 days in advance of the performance of the service. If MAC wishes to convert a flight on less than 30 days' notice, the one-way rates would apply to each leg of the converted round trip.

The Coral Sea operation has been flown by both Capitol and Saturn with DC–8–54 aircraft in a mixed passenger and cargo configuration. Saturn had requested in Docket 25594[8] that a conversion charge of $207 per cargo pallet be included in the rate applicable to this operation. In ER–819, adopted August 28, 1973, the Board stated that this request would be more appropriately handled in a full rate review. The Coral Sea operation, which consists of daily service to various islands in the Pacific, requires the maintenance of a Honolulu operations base in order to perform the necessary conversions. A review of the data submitted by Saturn indicates that a $207 per pallet conversion charge should reasonably reimburse the carrier for the additional cost incurred. DOD concurs in this conclusion.

Several carriers submitted forecasts for MAC operations with wide-bodied jet aircraft.[9] Such aircraft have been used only on an emergency basis through call contracts.[10] There is insufficient MAC operational experience upon which to base a rate finding for this class of flight equipment. In EDR–249, June 5, 1973, the Board proposed to common-rate the wide-body aircraft services with the standard and stretched jet equipment. This proposal was adopted by ER–819. It was the consensus of the participants in the instant proceeding that since there was no likelihood of any significant change in the foreseeable future in DOD's program with respect to the use of these aircraft, common-rating the wide-bodied, standard and stretched jet aircraft continues to be appropriate. Accordingly, we tentatively find this to be the best resolution of this issue, at this time.

World proposed an increase in the passenger ACL for B–747's from 375 to 411. The carrier claims that it can provide this increased configuration if needed to meet DOD traffic needs. However, DOD has stated that it will not require the additional capacity. Moreover, we have no basis to conclude that the minimum compensation for services with this aircraft based on the rates proposed herein applied to 375 seats would not be reasonable. Accordingly, we do not believe that it would be appropriate to increase the established B–747 passenger ACL.

Minimum Rates for Small Turbine Aircraft

The current rates for small turbine aircraft apply to the B–727 and CV–990 aircraft, with separate rates for Pacific interisland services and for all other services. In ER–819, the Board equated the rates for the L–100–10/20/30 aircraft with that of the B–727 in the Pacific interisland operation. MAC has indicated that it desires to have the turboprop rates available for its use. We are, therefore, proposing to equate the rates for the L–382/L–100–10/20/30 with the B–727 in both the Pacific interisland operation and "all other" category operations. In addition, we propose eliminating unnecessary rate provisions for piston-powered aircraft which are no longer utilized.

World's costs have been used in reaching the proposed rates for the Pacific interisland classification and Eastern's in the "all other" short-range service category. This is consistent with the fiscal 1974 MAC contracts, and we propose to follow those classifications in assessing costs for our ratemaking determinations.

Our adjustments of the carriers' forecasts per passenger-mile and per cargo ton-mile costs for small turbine aircraft charters are based on the same general principles indicated for the large jets as shown in Appendices C and D. The major cost revisions involve changes resulting from application of February 1

[6] Due to the heavier impact for increased commercial backhauls.

[7] MAC contracts contain this condition as a standard provision.

[8] Supplementary Comments filed July 5, 1973.

[9] Including B–747, DC–10, and L–1011 equipment.

[10] Limited to the B–747 during the recent Mid-East crisis.

commercial fuel prices, and the Board's ratemaking policies with respect to depreciation and maintenance of flight equipment. The final rates adopted, however, will be adjusted to reflect the latest available commercial fuel prices. Since Eastern did not submit a forecast for cargo services, we have based the proposed cargo rate upon the projections for passenger service exclusive of passenger service cost.

The carrier's adjusted costs recognized for round-trip rates are summarized as follows:

	Per passenger-mile (cents)		Per cargo ton-mile (cents)	
	Pacific interisland	All other	Pacific interisland	All other
Eastern		3.718		18.204
World	3.163		15.608	

Since there is only one carrier in each classification, there is no need for weighting, and the carriers' recognized costs represent the proposed round-trip passenger and cargo rates. In the Pacific interisland services, the round-trip passenger rate proposed is 20.22 percent higher than that established in ER–819, and the round-trip cargo rate is increased 12.51 percent. In the "all other" classification, the round-trip passenger and round-trip cargo rates are 28.70 and 26.95 percent higher, respectively.[11]

Generally, in the short-range classifications an adjustment for commercial backhauls has not been made in the past, and the Form 243 reports indicate that no correction is currently warranted. However, for the empty backhauls we estimate cost savings of approximately nine percent for passenger trips, the same as for long-range services. In cargo operations for short-range services, we have reflected a cost savings of one percent. As shown in Appendix J, the one-way minimum rates for passenger services, after reflecting the above adjustments are 6.041 cents per passenger-mile in the Pacific interisland and 7.102 cents per passenger-mile for all other services, whereas, the cargo rates are 31.061 cents per ton-mile for Pacific interisland services and 36.226 cents per ton-mile for all other services. These proposed one-way passenger rates are higher than current rates by 20.22 percent and 28.66 percent for Pacific interisland and all other services, respectively, while the one-way cargo rates, when compared to the current minimum rates are 12.51 and 26.95 percent higher for Pacific interisland and all other services, respectively.

The convertible and mixed rates which are set forth in the proposed rule for short-range aircraft, were derived on the same basis as their counterpart rates for long-range aircraft. The adjustment factors and computations for the proposed convertible rates are set forth in Appendix K.

In ER–819, Saturn's request for an increase in ACL's for L–100–20/30 aircraft, commensurate with the higher capacity available in these aircraft for domestic MAC operations, was deferred to the full scale rate review. Since this equipment type was used infrequently, and only on a call basis in the base period, we do not have sufficient experience upon which to make a separate L–100 rate determination for MAC rate purposes herein. DOD contends that the higher capacity available for domestic MAC operations does not support an increase in the ACL's for the international MAC operations. In addition, DOD claims that, in the considerably longer range services involved here, the L–100–20/30 would not be able to provide the increased capacity. DOD further states, that it does not currently require more than the 20.7 tons capacity established for the L–100 aircraft and, in fact, provided data to show that it does not even reach that level on the average. It is Saturn's contention that the ACL for the L–100 aircraft was based on the smaller L–100–10 configuration which does not aptly apply to its current stretched versions. Saturn's concern goes to the rate implications which provide compensation for the more costly-to-operate larger models at the same level as for the smaller more economical L–100–10 aircraft. However, inasmuch as the L–100 will be common-rated with the B–727 aircraft, Saturn has expressed acceptance of this treatment which would serve to update the L–100 rate sufficiently to provide the carrier with a fair return on its stretched equipment types. Thus, the question of the ACL revision, for this rate purpose appears moot. In view of the representations by DOD in this regard and the concurrence of the carrier in our proposed rate treatment, we tentatively conclude that the ACL established for the L–100 aircraft should not be changed.

The Standard Mileages

World and Trans International request that wherever applicable the established routing provisions for computing the standard mileages for MAC rate payments be amended to eliminate Wake Island and substitute in its place Guam. Effective July 1, 1973, Wake Island airfield was closed to all traffic except those flights specifically required to support Wake Island operations. Therefore, the carriers allege that all flights which were routed through Wake Island in the standard mileage routing provisions should reflect Guam in place of Wake Island, since carriers operating in the mid-Pacific area to points beyond Wake will be required to use Guam as a technical stop.

In lieu of the Guam substitution, MAC requested that such routings be on a direct basis from Honolulu for mid-Pacific routings, as for example Honolulu-Tokyo. However, a review of the data contained in the Military Airlift Command Manual dated April 7, 1972, indicates that several of the jet equipment types used by the carriers have insufficient range capabilities to perform such direct flights with a full load. Although a routing through Guam in lieu of Wake could add considerable mileage for specific flights, in view of the attendant operational circumstances, it appears that the substitution of Guam offers the only acceptable alternative.

MAC has also requested that Korea be added as a point for the Pacific routings since the present contracts call for services to that point. Accordingly, we are proposing standard mileage routings reflecting Guam on those routes which currently specify Wake Island as an intermediate point and are including Korea as one of the designated points.

Duration of the Rate

Trans International also proposed that a termination date be fixed for the expiration of the proposed rates. It is the carrier's position that there should be timely rate reviews which will eliminate the lag between cost level changes and adjustments in the MAC rates.

The proposal is in essence a request for a return to the annual MAC rate reviews of the past. As a rule, cost level changes which require a rate adjustment happen gradually and, under normal circumstances, would not justify an annual rate review. The fixing of a continuous prospective rate is employed in all other ratemaking areas of the Board's regulatory function, and this technique has worked satisfactorily. We see no reason for a different approach in MAC ratemaking. However, there can be unusual and unique circumstances which might require a departure from this practice, such as for example, the current volatile fuel price situation. As indicated, the Board intends to continue closely monitoring fuel costs, and to apply appropriate ad hoc rate adjustments as the future activity for this cost element may warrant. Accordingly we do not believe that fixing an expiration date is necessary. Rather, it is the Board's opinion that the regulation of MAC rates could be better served by allowing the minimum rates to apply until a reasonable basis is found to change them.

It is proposed to amend Part 288 of the Economic Regulations (14 CFR Part 288) as follows:

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

1. Delete § 288.7(a) in its entirety and substitute the following:

§ 288.7 Reasonable level of compensation.

* * * * *

(a) For charter service in foreign and overseas transportation, in transportation between the 48 contiguous States, on the one hand, and Hawaii or Alaska, on the other hand, and in transportation within Alaska, other than specified in paragraph (c) of this section:

[11] The rate comparisons are based upon the rates established in ER–819, and do not include the commercial fuel price surcharge proposed in EDR–274, June 11, 1974.

Performed with turbine-powered aircraft

Aircraft type	Passenger rates, per passenger-mile (cents)		Cargo, per ton-mile (cents)		Convertible rates [1] (cents)		Mixed passenger cargo rates, per revenue plane-mile [2]	
	Round trip	1 way	Round trip	1 way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Round trip	1 way
Regular turbojets	2.460	4.546	9.117	14.032	2.460	10.510		
Passengers-pallets:								
165 and 0							$4.059	$7.501
117 and 3							3.846	6.809
105 and 4							3.793	6.636
93 and 5							3.740	6.463
81 and 6							3.687	6.290
63 and 7							3.607	6.030
51 and 8							3.554	5.857
0 and 12							3.328	5.122
DC-8F-61-63	[3] 2.460	[3] 4.546	[3] 9.117	[3] 14.032	[3] 2.460	[3] 19.510		
Passengers-pallets:								
219 and 0							5.387	9.996
159 and 5							5.035	8.987
65 and 12							4.484	7.407
47 and 13							4.378	7.104
0 and 18							4.103	6.314
B-727—Pacific interisland [4]	3.163	6.041	15.608	31.061	3.163	18.729		
Passengers-pallets:								
105 and 0							3.321	6.343
61 and 2							3.107	6.028
50 and 3							3.053	5.949
46 and 4							3.034	5.921
0 and 7							2.809	5.591
B-727—All other [4]	3.718	7.102	18.204	36.226	3.718	21.845		
Passengers-pallets:								
105 and 0							3.904	7.457
61 and 2							3.641	7.065
50 and 3							3.575	6.967
46 and 4							3.552	6.931
0 and 7							3.277	6.521

[1] Conversion rates shall apply only for flights that are converted a minimum of 30 days in advance of the performance of the service. Conversion charges for convertible flights or variable mixed flights shall be at the rate of $75 per seat changed on each segment. If a flight is converted with less than 30 days' notice, the 1-way rates shall apply to each leg of the converted round trip.

[2] For the Coral Sea variable mixed operation the conversion charge shall be $207 per cargo pallet in lieu of a seat charge.

[3] Also applies to wide-bodied (B-747 and DC-10) aircraft.

[4] Shall also apply to the L-382/L-100-10/20/30 and CV-990 aircraft.

Provided, That subject to the provisions of § 288.8, the minimum rates specified in this paragraph shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for DOD to supply and the carrier to provide space: *And provided further*, That, if a carrier performs a one-way charter flight carrying nonmilitary traffic for a nonmilitary user, the carrier may charter the return flight on that aircraft to DOD at a published one-way charter tariff rate that is in fact available to the general public for equivalent services: *And provided still further*, That effective August 28, 1973, if the price of any fuel or petroleum product purchased from DOD for such services varies from the base levels specified below, the total minimum compensation for the transportation provided shall be adjusted (either upward or downward, as the case may be) by the difference in the price per gallon for such product paid by the carrier and the price specified below for such product, times the number of U.S. gallons of such product purchased by the carrier from DOD for the transportation provided.

The base levels are as follows:

	Standard price per U.S. gallon
AVGAS:	
115/145	$0.20
100/130	.38
91/96	.38
80/87	.38
Jet: JP-4 through JP-6	.113

§ 288.8 [Amended]

2. Replace the table in § 288.8 (minimum aircraft loads) with the following:

Aircraft type	Number of passengers, all-passenger and convertible flights	Tons of cargo	
		All-cargo flights	Convertible flights
B-747	375	90.0	90.0
DC-10-40	280		
DC-10-30	303	75.0	75.0
B-707-320-B/C	165	36.5	31.7
B-707-300 series	159		
B-707-138B	137		
B-707-100 series (other)	149		
DC-8F-61, 63	219	45.0	39.0
DC-8-62	165	39.2	
DC-8F	165	36.5	31.7
DC-8 (50 series)	149		
DC-8 (other)	147		
DC-9-30	95		
B-727	105	18.0	15.0
CV-990	105		
L-382		20.7	
L-100-10/20/30		20.7	

3. Amend the text following the table in § 288.8 to read as follows: *Provided*, That for the purpose of this section, compensation equal to the minimum rate applied to the load that actually can be accommodated shall be considered economic whenever a carrier is prevented from accommodating a load equal to the minimum specified above, for reasons other than adverse weather, off-loading by DOD or the bulk of the cargo supplied by DOD, but in no event less than 90 percent of the above minimum loads. For purposes of this proviso, failure by the carrier to accommodate more than 12 loaded pallets on the B-707-320 B/C and DC-8F aircraft irrespective of the total weight thereof, on the all-cargo segment of any convertible charter flight, due to the presence of galley equipment and/or crew facilities on the main deck of the aircraft for use on that convertible charter flight, is deemed to be due to the bulk of the cargo supplied by DOD.

4. Amend § 288.10(b) to read as follows:

§ 288.10 Computation of passenger-miles and cargo ton-miles.

* * * * *

(b) *Pacific services.* In the case of Pacific services between points specified in the following table, the mileage shall be computed via the indicated routings:

Between—	Thailand	South Vietnam	Philippine Islands	Guam	Korea	Hawaii	Formosa	Okinawa	Japan	Alaska
U.S. west coast [1]	4 or 6	4 or 6	4 or 6	5	4 or 6	1	4 or 6	4 or 6	2 or 6	1
Alaska	3	3	3		3		3	3	1	
Japan	1	1	1	1	1	7	1	1		
Okinawa	1	1	1	1	1	7	1			
Formosa	1	1	1	1	1	7				
Hawaii	7	7	7	1	7					
Korea	9	9	1	1						
Guam	1	1	1							
Philippine Islands	1	1								
South Vietnam	1									

[1] Any place in the States of California, Oregon, or Washington.

ROUTINGS

1. Direct.
2. Via Anchorage.
3. Via Yokota AB, Japan.
4. Via Anchorage—Yokota AB, Japan.
5. Via Honolulu.
6. Via Honolulu—Guam.
7. Via Guam.
8. Via Honolulu—Yokota AB, Japan.
9. Via Taipei.

[FR Doc.74-17344 Filed 7-30-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL-243-6]

[40 CFR Part 52]

MARYLAND

Proposed Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all stationary and mobile sources must be in compliance with any applicable requirement of the plan.

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of Maryland's State Implementation Plan.

Pursuant to 40 CFR 51.6, the State of Maryland has submitted for the Environmental Protection Agency's approval revisions to the compliance schedule portion of its plan. This publication proposes that certain of these revisions be approved. Others are still undergoing review and cannot be proposed for approval at this time. Each proposed revision established a date by which an individual air pollution source must attain compliance with an emission limitation of the State Implementation Plan. This date is indicated in the table below under the heading "Final compliance date." In most cases, the schedules include incremental steps toward compliance with interim dates for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. All of the compliance schedules listed here are available for public inspection at the following locations:

Environmental Protection Agency
Region III
Curtis Building
Sixth and Walnut Streets
Philadelphia, Pennsylvania 19106

Maryland Bureau of Air Quality Control
610 North Howard Street
Baltimore, Maryland 21201

Freedom of Information Center
Environmental Protection Agency
401 M Street, SW.,
Washington, D.C. 20460

Each compliance schedule has been adopted by the Maryland Bureau of Air Quality Control and submitted to EPA after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51.

This notice is issued to advise the public that comments may be submitted on whether the proposed revisions to the Maryland State Implementation Plan should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received within thirty days from publication of this notice will be considered. Public comments received on the proposed revisions will be available for public inspection at the Regional Office in Philadelphia, Pennsylvania, and the Freedom of Information Center in Washington, D.C. The Administrator's decision to approve or disapprove the proposed revisions is based upon the requirements of section 110(a)(2)(A-H) of the Clean Air Act and Environmental Protection Agency regulations published in 40 CFR Part 51. Comments should be directed to Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylanvia 19106, Attention: Susan LeGros.

(42 USC § 1857c-5)

Dated: July 16, 1974.

DANIEL J. SNYDER III,
Regional Administrator,
EPA Region III.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart V—Maryland

Section 52.1080(c) is amended by adding the paragraph as follows:

§ 52.1080 Compliance schedules.

* * * * *

(c) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State of Maryland.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Montgomery Community College.	Takoma Park	43 PO 5	Mar. 10, 1972	Immediately	Oct. 1, 1974
Rockland Industries	Brooklandville	10.03.38.02A 10.03.38.03E 10.03.38.04A	Mar. 26, 1974	do	Sept. 1, 1974
Kaiser Aluminum & Chemical Corp. and U.S. Air Force.	Halethorpe	10.03.38.02A 10.03.38.03E(1) 10.03.38.04A(1)	do	do	July 1, 1975
Goucher College	Towson	10.03.38.03B.1	Oct. 17, 1972	do	Oct. 1, 1974
Shell Oil Co.	Baltimore City	10.03.38.04J(2)	Mar. 29, 1974	do	Do.

[FR Doc.74-17367 Filed 7-30-74;8:45 am]

[FRL 243-8]

[40 CFR Part 52]

RHODE ISLAND

Proposed Revision to Implementation Plan

On May 31, 1972 (37 FR 10842) pursuant to section 110 of the Clean Air Act and 40 CFR 51, the Administrator approved with exceptions the Rhode Island Implementation Plan for attainment of national ambient air quality standards. Included in this approval was Regulation 8 limiting the sulfur content in fuels. On May 22, 1974, Mr. Austin C. Daley, Chef, Rhode Island Division of Air Pollution Control, submitted for EPA approval a proposed revision to this regulation. The Administrator hereby issues this notice setting forth the Rhode Island submittal as proposed rulemaking and advises the public that comments may be submitted as to whether it meets the requirements of section 110(a)(2)(A-H)

of the Clean Air Act, and EPA regulations in 40 CFR Part 51.

After proper notice and public hearing, the Rhode Island Department of Health adopted the proposed amendment to Air Pollution Control Regulation 8, Limitation of Sulfur in Fuels. The amendment would redefine "Low Sulfur Fuel" from percent sulfur per dry weight of fuel to pounds of sulfur per heat release potential of the fuel. In accordance with the amended definition, no source in Rhode Island could deliver, store, or use any fuel containing greater than 0.55 pounds of sulfur per million Btu heat release potential. The purpose of this change is to insure sulfur dioxide emissions from any facility would not exceed 1.1 pounds SO_2 per million Btu gross heat input regardless of the type of fuel burned.

Copies of the Rhode Island submission are available for public inspection during normal business hours at the EPA Regional Office, Region I, Room 2113, J. F. Kennedy Federal Building, Boston, Massachusetts 02203; the Division of Air Pollution Control, Rhode Island Department of Health, Health Building, Davis Street, Providence, Rhode Island 02908; and the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region I, J. F. Kennedy Federal Building, Boston, Massachusetts 02203. All comments received within 30 days of this notice will be considered. Receipt of comments will be acknowledged. Comments received will be available during normal business hours at the Region I Office. All relevant matter presented shall be evaluated and the Agency will incorporate in the rules adopted a concise general statement of their basis and purpose.

AUTHORITY: Section 110(a) of the Clean Air Act, as amended (40 U.S.C. 1857c-5(a)).

Dated: July 19, 1974.

JOHN A. MCGLENNON,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.74-17369 Filed 7-30-74;8:45 am]

[FRL 244-1]

[40 CFR Part 52]

RHODE ISLAND

Proposed Revision to Implementation Plan

On May 31, 1972 (37 FR 10842) pursuant to section 110 of the Clean Air Act and 40 CFR 51, the Administrator approved with exceptions the Rhode Island Implementation Plan for attainment of national ambient air quality standards. Included in this approval was Regulation 8 limiting the sulfur content in fuels to be used, sold or delivered in the State of Rhode Island. On May 22, 1974, Mr. Austin C. Daley, Chief, Rhode Island Division of Air Pollution Control, submitted for EPA approval a proposed revision to this regulation. The Administrator hereby issues this notice setting forth the Rhode Island submittal as proposed rulemaking and advises the public that comments may be submitted as to whether it meets the requirements of section 110(a)(2)(A-H) of the Clean Air Act, and EPA regulations in 40 CFR Part 51.

By letter dated April 2, 1974, the Narragansett Electric Company (the "Company") petitioned the Rhode Island Department of Health for a variance to allow the use of non-conforming oil for a period of one year and the use of non-conforming coal for a period of five years. The stated purpose of the requested variance was an effort to reduce high costs of low sulfur fuel and to pass this savings on to the consumer. After proper notice and public hearing, the Rhode Island Department of Public Health, by administrative order dated May 22, 1974, denied the application of the Company. However, the Department suspended enforcement of subsection 8.2 of regulation 8 regarding the storage of high sulfur coal to allow the Company to retain coal on hand for a period of one year (May 22, 1975). The subject coal was purchased by the Company pursuant to a variance approved by the State and EPA last winter which expired in mid-April 1974. Before any of the subject coal can be burned, further State and EPA approval will be necessary. This notice is issued to advise the public that comments may be submitted on whether the proposed revision to Rhode Island Air Pollution Regulation 8.2 to allow the continued storage until May 22, 1975 of coal currently on hand by the Company should be approved or disapproved. The Administrator's decision will be based on whether the proposed revision meets the requirements of section 110(a)(2)(A-H) and EPA regulations in 40 CFR Part 51.

Copies of the Rhode Island submission are available for public inspection during normal business hours at the EPA Regional Office, Region I, Room 2113, J. F. Kennedy Federal Building, Boston, Massachusetts 02203; the Division of Air Pollution Control, Rhode Island Department of Health, Health Building, Davis Street, Providence, Rhode Island 02908; and the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region I, J. F. Kennedy Federal Building, Boston, Massachusetts 02203. All comments received within 30 days of this notice will be considered. Receipt of comments will be acknowledged. Comments received will be available during normal working hours at the Region I Office. All relevant matter presented shall be evaluated and the Agency will incorporate in the rules adopted a concise general statement of their basis and purpose.

Authority: Section 110(a) of the Clean Air Act, as amended (40 U.S.C. 1857c-5(a)).

Dated: July 15, 1974.

JOHN A. MCGLENNON,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.74-17368 Filed 7-30-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 31]

[Docket No. 20110 (RM-2338); FCC 74-771]

CLASS A AND CLASS B TELEPHONE COMPANIES

Proposed Increase in Monetary Limit

In the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B telephone companies) to increase the monetary limit where capitalization is appropriate from $25 to $50.

1. Notice of proposed rule making is hereby given in the above-entitled matter.

2. In a petition dated March 4, 1974, filed by the American Telephone and Telegraph Company (AT&T) on behalf of itself and its associated operating telephone companies, the Commission was requested to amend its system of accounts for Class A and Class B telephone companies (Part 31), effective January 1, 1975, to increase from $25 to $50 the cost of individual items of equipment that shall be charged to an appropriate operating expense or clearing account according to the use of such items rather than to a plant account. In this regard AT&T proposes that the text of § 31.2-20(d) be amended to read as follows:

(d) The cost of individual items of equipment, such as tools and office equipment, of small value (for example, costing $50 or less) or short life, shall be charged to the appropriate operating expense or clearing accounts according to the use of such items, except that such accounting shall not be permitted when the investment in such property is relatively large and the correctness of the accounting therefor is verified by current inventories.

3. On March 26, 1974, pursuant to the provisions of § 1.403 of Part 1 of the Commission's rules, public notice was given in Report No. 902 of the fact that a petition for rule making had been filed by AT&T with the Commission on March 7, 1974. In the public notice it was pointed out that interested persons had thirty days from the date of the notice within which to file comments either supporting or opposing the petition. No timely comments were received. Late comments dated May 7, 1974, were submitted, however, by GTE Service Corporation (GTE) on behalf of its affiliated telephone operating companies expressing basic agreement with respect to raising the monetary limits for capitalization but proposing to increase the limit from $25 to $100. GTE's suggestion is of a general nature and without specific supporting data for the use of a $100 limit

rather than a $50 limit. Therefore, we are proceeding in this notice with the $50 proposal recommended by AT&T in its petition of March 4, 1974.

4. In support of its request, AT&T refers to the continued increases in price levels that have occurred since January 1, 1957, when the monetary limit was raised from $10 to $25, as well as the probability of future inflation. In this regard, AT&T states that the wholesale price index for hand tools and commercial furniture has increased 75.9 percent and 55.5 percent, respectively, since 1957. AT&T further states that the proposed increase in the capitalization limit would provide some relief from the growing record keeping and inventory burdens which are presently involved in cases of items of relatively minor value.

5. AT&T proposes that the change in the rules be applied only to items purchased in 1975 and thereafter. Such a change AT&T states will increase expenses in the Bell System by approximately $5 million annually before taxes. Under AT&T's proposal items presently capitalized which cost in excess of $25 but not in excess of $50 will remain capitalized and continue to be written off through depreciation charges. It is AT&T's position that inasmuch as the purchasing power of the dollar has decreased substantially since 1957, especially in the last several years, it would be inappropriate to retroactively charge to expense the undepreciated investment remaining in plant at December 31, 1974 for items capitalized under the $25 limit. AT&T states that such a retroactive charge would imply that the previously stated $25 limit was too low and that prior years' expenses were, therefore, understated whereas AT&T intends only to recognize that inflation has eroded purchasing power and that for the future a $50 limit is consistent with the purpose for which the previously appropriate $25 limit was established in 1957. Further in this regard, it should be pointed out that many items intended to be relieved of the capitalization requirement under our 1956 Order, and as such initially were charged to expense thereunder, have at varying times during the period since 1957 been required again to be capitalized solely because of an increase in the cost of such items. Information furnished to us informally by AT&T indicates that as of December 31, 1972 the plant accounts of the Bell System telephone companies included an estimated investment of $102.0 million in items costing more than $25 but not over $50.

6. The Commission proposes to make any amendments to Part 31 of our rules adopted as a result of this proceeding effective not less than six months after issuance of a final order with respect to this docket as required by section 220 (g) of the Communications Act with the option that those carriers which desire to do so may place the amendment in effect at an earlier date, including retroactive to January 1, 1975. The amendment proposed herein is set forth below.

7. Although no amendments are proposed herein for our systems of accounts for Class C telephone companies, for radiotelegraph carriers, and for wire-telegraph and ocean-cable carriers, which are Parts 33, 34 and 35 of our rules, respectively, comments are solicited from carriers subject to these parts of our rules and from other interested parties in order to determine if amendments thereto in the same manner as proposed for Part 31 should be made. At present, items costing $10 or less are to be charged to an appropriate expense account under the provisions of these parts of our rules. Any comments submitted by subject carriers should contain a statement of the estimated effect on annual expenses that would occur because of such a change, together with a statement by plant account of the estimated amount of investment recorded therein as of December 31, 1973 for items costing over $10 but not more than $50.

8. This notice of proposed rule making is issued under authority contained in sections 4(i) and 220 of the Communications Act of 1934, 47 U.S.C. 154(i) and 220.

9. Pursuant to applicable procedures set forth in 47 CFR 1.415 interested persons may file comments on or before August 30, 1974, and reply comments on or before September 11, 1974. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. On reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this Notice. Comments in response to this Notice will be available for inspection in the Commission's Broadcast and Dockets Reference Room.

10. Pursuant to applicable procedures set forth in 47 CFR 1.419, an original and fourteen copies of all statements or briefs shall be furnished to the Commission.

Adopted: July 16, 1974.

Released: July 24, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 31—Uniform System of Accounts for Class A and Class B Telephone Companies is amended as follows:

In § 31.2-20 paragraph (d) is amended to read as follows:

§ 31.2-20 Purpose of telephone plant accounts.

* * * * *

(d) The cost of individual items of equipment, such as tools and office equipment of small value (for example, costing $50 or less) or short life, shall be charged to the appropriate operating expense or clearing accounts according to the use of such items, except that such accounting shall not be permitted when the investment in such property is relatively large and the correctness of the accounting therefor is verified by current inventories.

[FR Doc.74-17438 Filed 7-30-74;8:45 am]

[1] Commissioners Washburn and Robinson not participating.

[47 CFR Part 73]

[Docket No. 19161; RM-1540, RM-1823]

FM BROADCAST STATIONS

Table of Assignments; Iowa; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Anamosa and Iowa City, Iowa; Burlington, Iowa).

1. On April 16, 1974, the Commission adopted a memorandum opinion and order and notice of proposed rulemaking in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on May 2, 1974, 39 FR 15324. Comment and reply comment dates are presently July 22, and August 12, 1974, respectively.

2. On July 17, 1974, Big Country Broadcasting Corp. (Big Country), filed a request for extension of time in which to file comments to and including August 5, 1974. Big Country states the additional time is necessary because counsel will continue to be away from Washington until possibly July 26 or July 29. Other parties in the proceeding have consented to the requested extension of time.

3. We are of the opinion that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered,* That the dates for filing comments and reply comments are extended to and including August 5, and August 28, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: July 23, 1974.

Released: July 24, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-17440 Filed 7-30-74;8:45 am]

[47 CFR Parts 91, 93]

[Docket No. 20109; FCC 74-770]

NEW YORK AND LOS ANGELES URBANIZED AREAS

Proposed Reallocation of Land Mobile Channels

1. On June 22, 1971, we issued a report and order in Docket 18261 which amended Parts 89, 91, and 93 of our rules to reflect the suballocation of 12 MHz of spectrum space in the 470-512 MHz band. In deciding how the additional spectrum space would be apportioned, our basic purpose was to provide for the immediate and most urgent requirements in the areas concerned. To this

end, and to preserve a degree of flexibility in making further allocation adjustments, we established several pools, including two "reserve pools," instead of attempting to divide the space among the specific land mobile radio services.

2. The pooling concept was designed to achieve flexibility and the "reserve pools" were intended to permit adjustments to meet urgent needs as they developed. These frequencies have been available for over two years and we have seen fairly rapid application increases, in some services and in some, but not all, of the areas where the frequencies in the 470–512 MHz are available. A year ago we made the first reallocation to relieve congestion in certain services in the New York and Washington, D.C. urbanized areas.

3. We are now witnessing a similar situation with respect to the Business Radio Service in Los Angeles and again in New York. We believe, as we said at the time of the New York/Washington reallocation that it is unwise to wait until all frequencies are fully loaded before reallocating and are therefore proposing a further reallocation.

4. Specifically, we now propose to reallocate frequencies in the band 470–512 MHz in the two urbanized areas as follows:

(a) *New York, N.E. New Jersey.* Increase the number of Business Radio Service channels from 56 to 74, an increase of 32 percent. This includes the 14 channels in the reserve pool and four channels from the Petroleum, Forest Products, Manufacturers pool, a reduction of 50 percent.

(b) *Los Angeles, California.* Increase the number of Business Radio Service channels from 44 to 64, an increase of 45 percent. This includes 12 adjacent Reserve Pool B channels and 8 adjacent Taxicab channels. Reduce the number of Petroleum, Forest Products, Manufacturers channels from 16 to 8, a reduction of 50 percent. Reallocate 8 channels from Petroleum; Forest Products, Manufacturers to Taxicab Radio Service.

These changes, we believe, result in minimum dislocation while providing the Business Radio Service with needed space for expansion. The exact frequencies involved are set forth in the attached appendix.

5. Recently we conducted a survey and tabulated the geographic locations of all stations in the Business Radio Service in the 470–512 MHz range in the Los Angeles urbanized area. The survey brought into focus two points that had not previously been completely apparent. One was that almost all of the licensees employ mobile relays and the second was that most of the mobile relays are situated on just three transmitter sites. These sites are Sierra Peak to the southeast and Mt. Lukens to the north at elevations of 3045 and 5040 feet respectively and a third site just eastward of Mt. Lukens at an elevation of almost 2000 feet ASL (above sea level). Stations on these peaks blanket the Los Angeles area and thereby diminish possible use of the channels elsewhere in the 50 mile circle centered on Los Angeles. The 40 mile re-use policy is thereby largely derogated.

6. Since the built-up area of Los Angeles is relatively flat and is surrounded by hills to the north and east with ocean to the south and west, the HAAT (height above average terrain) calculation for either of the aforementioned sites is badly skewed by inclusion of heights in the computation over 180° of the compass where coverage is neither needed nor desired but which must be included under the present rules. But including these points of high terrain brings the HAAT of Mt. Lukens down to 2579 feet and permits use of 100 watts ERP (effective radiated power). Similarly, at Sierra Peak, 165 watts ERP is permitted.

7. With the foregoing in mind, we propose to use coverage curves (or charts) based on power and antenna height somewhat the same as the curves now used relating land mobile power and antenna height to TV protection and comparable to those now used in the Chicago, Illinois Regional Area. We have no intention of changing the TV protection ratios in any way, however. Using a conservative receiver sensitivity figure of .45uv (cross 50 ohms) to produce a 12 dB SINAD,[1] we believe a reasonable signal strength for reliable communication would be on the order of 5 microvolts across 50 ohms, i.e., 20 dB above threshold. The coverage curves or charts would be based on the R–6602 curves. The objective of this would be to enable re-use of a frequency 40 miles from the site of its initial use. Our intention is not to deny use of desirable high transmitter sites to users but merely to limit field strengths at great distances from such sites and to thereby permit multiple use of a given channel within urbanized areas as already provided for in the Rules. Under this approach, the power levels to be assigned will be based on the height above average terrain in the station's primary area of coverage.

8. We also are proposing to incorporate into our rules a practice with respect to assigning frequencies for community repeater use. We propose to require in the initial application for a channel in the Business Radio Service that the applicant indicate whether or not the station is to be a shared facility (community repeater). If so, for a reasonable period thereafter, perhaps as long as 18 months, efforts will be made to assign the same frequency only to applicants proposing to share the use of the facility. If the channel is not saturated in accordance with our frequency loading standards within such period, it will be assigned for use in other facilities. The channel would also be reassigned earlier if other frequency alternatives are not reasonably available. Applicants after the first proposing to use a community repeater would be required to supply the call signs of all other licensees using the station. The appendix contains rule changes to accomplish this.

9. From time to time, we receive an application requesting an authorization for a control station far beyond the range of mobile units associated with the mobile relay station. While practical considerations in each case may influence an applicant in choosing such distant location, it is contrary to the basic policy we have established with respect to mobile areas of operation. The control station is considered to be like a mobile unit but at a specific location and, indeed, could be such a unit. We wish to clarify the policy on this matter and to dispell any misunderstanding there may be with respect to where control stations may be located.

In processing applications we will follow the general rule that a control station must be within the area of mobile operation and, in any event, an application will be returned if the proposed control station will be more than 30.5 miles from the associated mobile relay station.

10. We have noted a reluctance on the part of certain eligibles under Part 93 to use the frequencies of the Land Transportation pool in the 470–512 MHz band. On the other hand, a number of entities eligible for those frequencies have sought assignments in the Business Radio Service pool. This has apparently come about because those users may not use the mobile relay mode of operation on frequencies allocated to their services. Accordingly, we now propose adopting rules which would permit all Part 93 users to operate mobile relay stations in the 470–512 MHz range. The appendix contains the proposed rule modification.

11. In order to insure that applications filed do not limit our ability to make the adjustments outlined in the foregoing paragraphs, we will hold action on applications that involve frequencies being reallocated until this proceeding is concluded. We will, however, handle the rule making on an expedited basis so as to limit the impact on users, and at the same time provide the adjustments we think are needed.

12. Authority for the proposed amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 20, 1974, and reply comments on or before September 5, 1974. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments by this notice.

[1] The usable sensitivity of a receiver is the minimum value of input signal level from a standard signal source which, with standard test modulation, will produce at least 50 percent of the receiver's rated audio power output with 12 dB signal+noise+distortion to noise+distortion ratio (SINAD).

13. In accordance with the provisions of § 1.419 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: July 16, 1974.

Released: July 25, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] VINCENT J. MULLINS,
Secretary,

APPENDIX

Parts 91 and 93 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

[2] Commissioners Washburn and Robinson not participating.

PART 91—INDUSTRIAL RADIO SERVICES

A. 1. In § 91.58 a new paragraph (d) is added to read as follows:

§ 91.58 Supplemental information to be submitted with application.

* * * * *

(d) Each application for authority to operate on any frequency in the range 470–512 MHz shall be accompanied by a statement indicating whether or not the proposed station will be used by more than one licensee. When an applicant plans to participate in such a common facility he must submit the names and call signs of all existing users of the facility.

* * * * *

2. In § 91.114 the tabulation under paragraph (h) is amended and a new paragraph (j) is added as follows:

§ 91.114 Frequencies in the band 470–512 MHz.

* * * * *

(h) * * *

Channel 14

Special Industrial		Business			Petroleum, Forest Products, and Manufacturers	
Base	Mobile	Base		Mobile	Base	Mobile
471.4375	474.4375	471.6625		474.6625	472.9125	475.9125
471.6375 [1]	474.6375	472.3375	and	475.3375	472.9375	475.9375
		472.6875		475.6875		
		472.8375		475.8375		

[1] Correction.

Channel 15

Business			Petroleum, Forest Products, and Manufacturers	
Base		Mobile	Base	Mobile
477.6625		480.6625	478.9125	481.9125
478.3375		481.3375	478.9375	481.9375
	and			
478.6875		481.6875		
478.8375		481.8375		

* * * * * * *

(j) Frequencies available for assignment in the Los Angeles, California, urbanized area:

Channel 15

Power Telephone Maintenance		Petroleum, Forest Products, and Manufacturers	
Base	Mobile	Base	Mobile
471.3125–471.4125	474.3125–474.4125	472.8125–472.8875	475.8125–475.8875

Special Industrial		Business	
Base	Mobile	Base	Mobile
471.4375–471.6375	474.4375–474.6375	471.6625–471.4375	474.6625–474.4375

Channel 20

Power Telephone Maintenance		Petroleum, Forest Products, and Manufacturers	
Base	Mobile	Base	Mobile
507.3125–507.4125	510.3125–510.4125	508.8125–508.8875	508.8125–511.8875

Special Industrial		Business	
Base	Mobile	Base	Mobile
507.4375–507.6375	510.4375–510.6375	507.6625–508.4375	510.6625–511.4375

PART 93—LAND TRANSPORTATION RADIO SERVICES

B. 3. In § 93.114 a new paragraph (a) (8) and a new paragraph (h) is added as follows:

§ 93.114 Frequencies in the band 470–512 MHz.

(a) * * *

(8) The mobile relay mode of operation may be authorized for any licensee in the land transportation radio services.

* * * * *

(h) Frequencies available for assignment in the Los Angeles, California urbanized area:

Taxicab		Railroad Radio, Motor Carrier, and Automobile Emergency	
Base	Mobile	Base	Mobile
Channel 14			
472.9125–472.9875	475.9125–475.9875	472.4625–472.7875	475.4625–475.7875
Channel 20			
508.9125–508.9875	511.9125–511.9875	508.4625–508.7875	511.4625–511.7875

[FR Doc.74–17337 Filed 7–30–74;8:45 am]

[47 CFR Part 97]

[Docket No. 20112; FCC 74–787]

AMATEUR RADIO SERVICE

Automatic Control of Repeater Stations

1. Notice of proposed rule making is hereby given in the above entitled matter.

2. The Commission is considering amendments to the rules for the Amateur Radio Service to provide for automatic control of repeater stations. Every amateur radio station, including all repeater stations, has always been required to have a control operator at an authorized control point when in operation. In the report and order, in Docket 18803, 37 FCC 2d 225 (1972), we predicted advancements in amateur remote control and automatic control would necessitate further rule making in the matter of repeater control. Interested parties having information and suggestions in these areas were urged to submit them to us for consideration. We are appreciative for the helpful response from those amateurs and organizations doing so. In particular, we are grateful to several amateur licensees for their experiments in semi-automatic and automatic repeater control, and to the American Radio Relay League for their suggestions. This information, together with our awareness of the vast improvement in the amateur remote control methods in recent months, leads us to believe there is an appropriate basis for moving forward in this area.

3. By the term control, as used herein, we mean the techniques for accomplishing the prerequisite responsibility for the proper operation of an amateur radio station in compliance with the rules. A control operator, whether or not the station licensee, at a control point located adjacent to the station transmitter, in the classic concept of amateur radio operation is performing local control. If he is at a distant control point, he is performing his functions by remote control through a control link. When some means other than having the control operator on duty at all times is used to control a station, we consider this to be automatic control. Only repeater stations and auxiliary link stations used in repeater systems are being proposed for automatic control in the Amateur Radio Service.

4. Because of the unique privileges authorized, there are special responsibilities incumbent upon the licensee and the control operator of remotely controlled stations and repeater stations. Unlike most other radio services, we do not assign specific operational frequencies to amateur stations. All amateur frequencies are available, depending upon one's operator license class, on a first come, first served basis. Most of these frequencies must be shared by amateurs throughout the world, using all types of emissions, for a variety of amateur purposes. Moreover, some frequencies must be shared with non-amateur stations. The fundamental means for making such a system practical is that the control operator of each amateur station selects any specific operating frequency by first determining there are no communications already thereon. In the event there are, he either waits for that frequency to clear, or moves to an unoccupied frequency. Indiscriminate frequency selection can result in non-compliance with § 97.125 which prohibits deliberate interference. While there may be some advantages in discontinuing this system in favor of frequency assignments for repeaters, and possibly other kinds of amateur stations, we believe the traditional method continues to be the best one for the Amateur Radio Service. Coordination of operating frequencies among amateurs is necessary, however, to make the most effective use of the allocated bands. Licensing a station for remote control does not imply any less control is required. The basic premise for permitting remote control of an amateur radio station is that amateur technology is adequate to provide the same degree of control over a remotely controlled station, in so far as compliance with the rules is concerned, as does local control.

5. In most amateur repeater stations which have come to our attention, efficient operation has been achieved through persistent self-enforcement efforts by the amateurs involved. Unfortunately, for a few stations this is not the situation. The control operator of a repeater station has additional responsibilities even beyond those incumbent upon the control operator of a non-repeater station. He has the job of screening out prohibited practices, such as music, broadcasting, commercial traffic, etc. While the repeater may not be the originator of these types of transmissions, the repeater station licensee and control operator are nonetheless responsible for the proper operation of the station. They must receive a high degree of cooperation from other amateurs making use of the station, in order to make repeater stations in the Amateur Radio Service practical. While the control operator must make certain that other radio signals, either amateur or non-amateur, not intended for retransmission are not repeated, it should be obvious to all amateurs that transmissions in the repeater segments of the amateur frequency bands should be limited to those intended to be retransmitted. This is particularly true for transmissions in the frequency regions where the generally accepted repeater input channels are situated, such as 146.01–146.46 MHz and 147.60–147.99 MHz. Stations conducting simplex communications on these frequencies in areas where their transmission could be repeated should expect them to be repeated.

6. Some amateurs have developed a number of techniques to relieve the control operator from personally performing many routine control functions. For instance, several remotely controlled repeater stations use devices to disable the repeater transmitter in order to prevent interference to other stations already transmitting on the frequency. Other repeaters use secondary control systems, ranging from simple to complex, to limit access to the repeater to users of their choice. Still others use devices to monitor the technical performance of the station, which automatically shuts down the station if it is not within the desired standards. An automatic recorder is often used for logging third party traffic activity. The use of such techniques appear to make automatic control of an amateur

repeater station practical. This is being demonstrated under Special Temporary Authorization by several amateur repeater stations.

7. In some, if not most, amateur repeater stations, where full cooperation by the users is obtained, the control operator's function is usually completely passive. He only needs to monitor the communications to verify the continuing proper operation of the station. We suspect, in such instances, the necessity for real time monitoring by a control operator may be unnecessary. These stations can operate properly under automatic control, with the monitoring accomplished on a delayed basis. Regrettably, from the types of problems encountered by some repeater stations that have come to our attention, it is apparent that not all repeater stations would be able to operate by automatic control at all times. Where the equipment is not sufficiently reliable to leave unattended, or where the necessary automatic functions are not incorporated, or where full cooperation by the users is not obtained, automatic control is not practical. For these stations, operation by local control or remote control is the only practical means, at least during certain time periods when the violations would otherwise occur.

8. Therefore, we are proposing to expand the definitions in § 97.3(n), as shown below, to include automatic control, in addition to local and remote control. Automatic control would only apply to repeater stations as described in the foregoing, and to certain auxiliary link stations used in conjunction with repeater stations under this type of control. New § 97.110(c) and § 97.111(g) would be added to provide for these new types of control.

9. In order to operate a repeater station by automatic control, the station would first be licensed as a repeater station, in the conventional manner, for either local control or for remote control. Specific authorization for automatic control would not be required. However, certain provisions must be effected, as set forth in detail below. These include a requirement that sufficient information must be filed with the Engineer in Charge to enable him to order a station shutdown should the need arise. The control operator designated by the repeater station licensee must be available on call at all times the station is under automatic control. All radio communications through an automatically controlled repeater must be recorded and reviewed within 72 hours by the control operator(s), for rule compliance. In the event violations did occur, the licensee would be obligated to take the steps necessary to prevent a recurrence, or else may only operate the station by local or remote control. Should the improper operation of a repeater station while under automatic control come to our attention, we would then impose restrictions against further automatic control of that station until such time as the licensee can show that future operation of the station by such control will result in compliance with the rules.

10. Depending upon the actual situation, there are several steps the licensee of a repeater station desiring to operate his station by automatic control can take to preclude many of the abuses encountered with amateur repeaters. For instance, if commercial third party traffic by automatic telephone system interconnect becomes a problem, this function could be discontinued during periods of automatic control. The repeater might have to be restricted to only emergency communications, if other means to secure the cooperation of all users are not successful. Possibly, the repeater could only be operated by automatic control during certain periods each day, such as during the late night hours. Another method is to employ a semi-automatic control system, where access to the repeater is only possible for those users selected by the station licensee. Undoubtedly, the imagination and ingenuity of amateurs can devise even more methods to solve these and other problems. However, proper operation of a repeater station by automatic control would always depend heavily upon cooperation from others. The self-policing claims and reputation long associated with amateurs would be thoroughly tested by this proposed method of repeater control.

11. The specific rule changes proposed herein are set forth below. Authority for these proposed amendments is contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 30, 1974, and reply comments on or before November 16, 1974. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and fourteen copies of all statements, briefs, and comments filed shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other relevant information before it, in addition to specific comments invited by this notice. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: July 17, 1974.

Released: July 25, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS, *Secretary.*

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. § 97.3(n) is amended to read as follows:

[1] Commissioners Washburn and Robinson not participating.

§ 97.3(n) **Definitions.**

* * * * *

(n) *Control.* Techniques for accomplishing the prerequisite responsibilities in the immediate operation of an amateur radio station must be one or more of the following:

(1) *Local control.* Manual control, with the control operator monitoring the operation on duty at the control point located at the station transmitter(s), such that the associated operating adjustment are directly accessible. (Direct mechanical control, or direct wire control of a transmitter from a control point located on board any aircraft, vessel, or on the same premises on which the transmitter(s) is located, is also considered local control).

(2) *Remote control.* Manual control, with the control operator monitoring the operation on duty at a control point located elsewhere than at the station transmitter(s), such that the associated operating adjustments are accessible through a control link.

(3) *Automatic control.* The use of devices and procedures for control such that the duty control operator does not have to be present at the control point at all times. (Only rules for automatic control of repeater station systems have been adopted. Automatic control of all other types of amateur radio stations must be approved by the Commission on a case-by-case basis).

* * * * *

2. § 97.79(b) is amended to read as follows:

§ 97.79 **Control operator requirements.**

* * * * *

(b) Every amateur radio station, when in operation, shall have a control operator. The control operator shall be on duty at an authorized control point, except where the station is under automatic control. The control operator may be the station licensee, if a licensed amateur radio operator, or may be another amateur radio operator with the required class of license and designated by the station licensee. The control operator, when on duty, shall also be responsible, together with the station licensee, for the proper operation of the station.

* * * * *

3. Add new § 97.110(c) to read as follows:

§ 97.110 **Operation of an auxiliary link station.**

* * * * *

(c) An auxiliary link station(s) licensed either for local control or for remote control, may also be operated under automatic control when it is licensed in a repeater station system being operated under automatic control. Both the auxiliary link station(s) and the repeater station must appear on the system network diagram on file with the Commission.

4. Add § 97.111(g) to read as follows:

§ 97.111 **Operation of a repeater station.**

* * * * *

(g) A repeater station licensed either for local control or for remote control, may also be operated under automatic control where:

(1) Devices and procedures have been implemented such that compliance with the rules can be accomplished without the duty control operator present at the control point at all times the station is in operation.

(2) All radio communications transmitted by the station are monitored by the duty control operator in real time, or reviewed within 72 hours. In the event a violation is detected, the repeater station licensee must take the necessary steps to prevent a recurrence.

(3) All radio communications transmitted by the station are recorded such that they can be reproduced. The recordings shall be:

(i) Preserved for a period of at least 30 days,

(ii) Retained in the possession of the station licensee, and

(iii) Made available to the Commission upon request.

(4) The name of the station licensee, and the names of designated control operators, together with appropriate information so the duty control operator may be readily notified by Commission personnel to effect a prompt shutdown of the station, has been filed with the Engineer in Charge of the radio district in which automatic control of the station(s) is intended. This notification shall have been filed within the past year, or at the time of any change thereto, whichever is most recent.

(5) Upon notification from the Engineer in Charge, or other Commission Representative, of improper station operation under automatic control, said operation must be immediately discontinued until all deficiencies have been corrected and the Commission so notified. Otherwise, the station(s) may only be operated under local control, or under remote control if authorized.

[FR Doc.74-17437 Filed 7-30-74;8:45 am]

[47 CFR Part 97]

[Docket No. 20113; RM-2327; FCC 74-788]

REPEATER STATIONS

Proposed Crossband Operation

1. Notice of proposed rule making in the above-entitled matter is hereby given:

2. The Commission has under consideration a petition (RM-2337) filed by the American Radio Relay League (ARRL). Petitioner requests the Commission to issue an order modifying the second sentence of § 97.111(c) so as to permit repeater stations to be operated crossband, i.e., permit a repeater station to utilize an output (transmitter) frequency within a different frequency band than the input (receiving) frequency. The present rule requires both the input and output be within the same frequency band.

3. The ARRL suggests that a formal rule making proceeding is unnecessary for the proposed amendment since it would provide a relief from a present restriction. Although no specific statutory authority is cited, petitioner must reply upon § 553(b) of the Administrative Procedure Act, 5 U.S.C., and § 1.412(c) of the Commission's rules, as authority to support his position. Pursuant to those subsections, general notice of proposed rule making must be published except in certain limited instances. Petitioner does not show that the proposed rule modification comes within those exceptions, and we do not believe any such exception could apply. Moreover, even if we put aside the requirements of the § 553(b) and further assume arguendo that every amateur licensee who operates or is interested in amateur repeater stations favors this proposed rule amendment, it is possible that this change will adversely affect the interests of other amateur operators, and they should be allowed to comment and express their views.

4. In support of the requested amendment, the ARRL offers the following claims and arguments:

A. Crossband operation of a repeater station having, for example, an input frequency in the 146–148 MHz band and an output frequency in the 222–225 MHz band, could reduce the costs of repeater stations and make more channels available. Repeaters using the wider frequency separation between the input and the output could benefit greatly through the alleviation of a receiver desensitization problem, a difficult one for amateurs to solve without considerable expense. Moreover, the present number of repeater input channels could be greatly expanded through the use of narrower channel spacing in the 146–148 MHz band, together with repeater input receivers with the necessary selectivity. Wider channel spacing of the repeater 222–225 MHz output channels would still permit the use of low cost mobile and hand-held units because of the relatively less selectivity required in the receiver section.

B. More efficient use of the spectrum could result. Crossband operation could make the use of other bands more practical, particularly in the frequency band 1215–1300 MHz.

C. Crossband operation of repeaters would permit amateurs to experiment with more sophisticated communications and new control procedures.

5. The request presented by the ARRL may have some merit. Our reason for the adoption of the rule prohibiting crossbanding, as stated in the Report and Order in Docket 18803, was to conserve frequency spectrum. The ARRL scheme for repeater stations to crossband a single channel would still only require one frequency pair, the same as required for a repeater not crossbanded. Their plan to use crossbanding as as a means to provide more repeater channels within the same frequency segments would be an improvement in terms of spectrum conservation insofar as repeaters are concerned. How widely this scheme will be accepted by amateurs remains to be seen, since it could require substantial modifications to existing equipment. Also, it would probably result in the discontinuation of simplex segments in the repeater bands, which would not be an improvement in spectrum conservation. Furthermore, it is doubtful whether the costs saved in duplexing equipment would even be offset by the costs required to retrofit all of the users' equipment. It would appear that the more typical application of crossbanding, at least for the near future, would be the addition of one or more input and output frequency channels to an existing repeater. For example, a frequency pair in the 442–450 MHz repeater band might be added to an existing repeater already operating in the 146–148 MHz band. There would then be the capability for an amateur using a 146–148 MHz transceiver to communicate with another amateur using a 420–450 MHz transceiver by means of the crossband repeater. In densely populated areas, the additional unoccupied frequency pairs required may not be available, as pointed out by the ARRL. However, in less populated areas, they would be available, and it is in these areas that crossbanding would have its greatest appeal.

6. Amateur repeater stations, at least as they are presently used, fundamentally provide a party line type of operation. That is, only one user can be retransmitted at a time while all others wait their turn. Consequently, there is a limit on the number of users any one repeater can accommodate, regardless of whether the repeater utilized 1, 2, 3, or more frequency pairs. As the limit is approached, user time would become so minimal and waiting time would become so excessive, in most instances it would become a necessity to terminate crossband operation in favor of independent repeaters. For this reason, we suspect there may be no need for the prohibition against crossband operation.

7. Crossband operation by repeater stations would be limited to those frequency bands authorized for repeater operation. New § 97.126 in Subpart E, Prohibited Practices and Administrative Sanctions would incorporate the current policy on other types of retransmissions. Only repeater stations, auxiliary link stations, and certain remotely controlled stations are licensed to automatically retransmit the radio signals of other amateur stations. By the term automatic retransmit, we mean retransmitting other signals in real time or very near real time. The best example of this is the type of retransmission performed by amateur repeater stations. An example of a prohibited practice would be the retransmission on the 14.0–14.35 MHz amateur band of another amateur station transmitting on the 144–148 MHz band, or vice versa. However, it is completely proper for an amateur operator at one station to receive a message from another station, and then later send the same message to a third station, such as done in many amateur traffic networks.

8. Authority for the proposed rule changes herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 30, 1974 and reply comments on or before November 16, 1974. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules which are proposed herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

10. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, pleadings, briefs, or other documents shall be furnished the Commission.

11. All findings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C. (1919 M Street, NW).

Adopted: July 17, 1974.

Released: July 24, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. § 97.111(c) is revised to read as follows:

§ 97.111 Operation of a repeater station.

* * * * *

(c) A repeater station may concurrently retransmit amateur radio signals on more than one frequency band authorized for repeater stations, but may not concurrently retransmit on more than one frequency channel within the same frequency band. A repeater station authorized to operate in conjunction with one or more auxiliary link stations for relaying radio signals, received at another location(s), to the repeater station may utilize input (receiving) frequencies not available for repeater stations, provided the input frequencies to the auxiliary link station(s) are in frequency bands authorized to repeater stations.

* * * * *

2. New § 97.126 is added to read as follows:

§ 97.126 Retransmitting radio signals.

No amateur radio station, except a properly licensed repeater station, auxiliary link station, or a remotely controlled station in a system with an auxiliary link station, may automatically retransmit the radio signals of other amateur radio stations.

[FR Doc.74-17489 Filed 7-30-74;8:45 am]

[1] Commissioners Washburn and Robinson not participating.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1928]

[S-74-3]

GUARDING OF AGRICULTURAL EQUIPMENT

Notice of Hearings

On February 8, 1974, pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 FR 8754) and 29 CFR Part 1911, a proposal was published in the FEDERAL REGISTER (39 FR 4925) to amend the recently proposed 29 CFR Part 1928 (see 39 FR 4536; February 4, 1974) by adding a new Subpart D, Safety for Agricultural Equipment, which would contain a new standard: Guarding of Farm Field Equipment, Farmstead Equipment, and Cotton Gins.

In accordance with the provisions of the proposal, and with the notice which appeared in the FEDERAL REGISTER (39 FR 11432; March 28, 1974) extending the period for receiving written comments, numerous comments and requests for informal hearings were received.

By far the most frequent comment received concerned the economic implications of the proposed requirement that existing equipment be modified so that it would comply with the provisions of the standard by January 1, 1976. The technological feasibility of this retrofit requirement was also discussed. Most of those commenting agreed that it was both technologically and economically feasible to require that power take-off drives be guarded as specified, although different views concerning the time required for compliance were expressed. Little comment was received concerning the additional safety, or lack of it, which would be provided by a retrofit requirement as opposed to a standard requiring only new equipment to meet the specifications of the proposal.

Another subject of much comment was the proposed requirement for an audible warning to be provided in the immediate area of any component which continues to rotate after the power is disengaged, if removing a guard or access door will expose the operator to a hazard. This requirement is based on a voluntary American Society of Agricultural Engineers provision, recommended by the Occupational Safety and Health Administration's (OSHA) Standards Advisory Committee on Agriculture, specifying a suitable warning. In an attempt to clarify what is suitable, transcripts of the Advisory Committee meetings were studied. Both visual and audible warnings had been mentioned, with a representative of a major equipment manufacturer indicating that his company had used both for quite some time. Because of this, and the concern that the requirement for a visual warning could be met by merely posting a sign, which was not considered adequate, an audible warning was specified.

After publication of the proposal, the Advisory Committee met again and took a position in opposition to the audible warning requirement as proposed by OSHA. The Advisory Committee felt that there was a hazard present, but that an audible warning would not be appropriate in all instances. They felt that the hazard was that the farmer can not always tell whether or not the component is still turning; not that he doesn't know there is a hazardous component behind an access door. Thus, the Committee voted to recommend that the section be changed to read as follows:

> A warning device indicating rotation shall be provided in the immediate area of any component which may continue to rotate after the power is disengaged, if removing an access door will expose the operator to a hazard.

Comments were received concerning strength and design of power transmission guards. As proposed, the standard would require guards to be designed so that they enclose the entire length of belts and chains which are not made inaccessible by virtue of their location, rather than only their nip points. Opposing opinions were expressed on this matter. One opinion is that only nip points need be guarded, because that is where the hazard is. The opposing view is that a fast moving belt or chain will move the hand or clothing into the nip point before it can be disengaged, and a nip point guard merely moves, rather than eliminates, the nip point. Other comments concerning strength and design requirements included views that the strength should be left up to the manufacturer; that the strength specified was not adequate; that strength should be specified in terms which more easily lend themselves to testing; and that machines should be designed so that they could be serviced without removal of guards. Comments concerning what should be considered guarded by location were also received.

Comments concerning power take-off drives included the suggestion that full shielding, including knuckles, be required; that PTO coupler retainers (such as spring loaded pins) which present a projection be prohibited; and that the requirement for a sign indicating normal PTO speed be eliminated.

The proposal addressed functional components (points of operation) in two different ways. A general provision would require functional components to be guarded to a degree consistent with their intended function. Specific requirements were proposed for some components. Two types of comments were received concerning the general requirement: That it was too vague and that it was not stringent enough. Comments concerning auger flighting guards suggested that the openings would not permit bulky materials to flow through and that this requirement should be limited to portable augers. A manufacturer suggested that augers utilizing a pliable synthetic flighting be exempted. Comments concerning sweep arm material

gathering mechanisms centered on whether or not sweep arms which move through grain, whether in drying operations or for gathering grain which remains after gravity feed has ceased, can be guarded.

The proposal included two provisions dealing with electrical power. This was not an attempt to cover all electrical hazards, but only those which contribute to an individual being caught in a mechanical component. Opposing views were presented concerning prevention of inadvertent application of power on machines such as silo unloaders. One view is that a switch which is physically located on the unloader is necessary so that the man in the silo has complete control of the power and can turn it on as required during servicing. This view concludes that a positive locking means on the ground is ineffective because it will not be used. The opposing view is that it is impractical and costly to locate a switch on the equipment. Comments concerning circuit protection devices suggest that there are some situations, such as livestock environmental control systems and multi-motor center pivot irrigation systems, where the automatic reset type are necessary.

Most comments concerning the required operator instructions raised the questions of who should be responsible for providing the instruction, whether or not a formal course should be required, and what documentation should be required as evidence of instruction.

Few comments were received concerning the cotton gin section of the proposal. The views expressed were that cotton gin standards should not be included with farm field and farmstead equipment standards; that standard railings, while adequate to prevent access to the area between machines, do not eliminate the hazard of large belts being thrown out and injuring employees when they break; and that the interlock on balers should prevent the tramper from operating while the gates are open.

The written comments in their entirety are available for public review and copying at the OSHA Docket Office which is located at Room 220, 1726 M Street NW., Washington, D.C.

In view of the interest shown during the written comment period and pursuant to section 6(b)(3) of the Act (84 Stat. 1594, 29 U.S.C. 655) and 29 CFR Part 1911, I have directed that four hearings be held concerning the proposed standard. Oral data, views, and arguments will be heard before an administrative law judge or judges to be designated for this purpose on the following issues:

1. Whether an agricultural machinery guarding standard will improve safety in agricultural workplaces;

2. Whether the retro-fit requirement is feasible and necessary to provide adequate safety for employees;

3. Whether a warning device indicating rotation of those components which may continue to rotate after the power is disengaged is helpful, feasible, or necessary for improved safety, and, if so, the type of device that should be used;

4. Whether full guarding of power transmission components is necessary and feasible to provide safety for employees, or whether nip point guarding is adequate;

5. Whether strength requirements for guards should be included in the standard and if so, in what manner the requirements should be stated;

6. Whether there are instances where a guard should not be required at all because of the component's location and, if so, specifically what these instances are;

7. Whether the requirements for power take-off guarding are adequate or necessary to provide safety for employees;

8. To what extent functional components (points of operation) should be required to be guarded and how these requirements should be specified;

9. What method should be specified to prevent inadvertent application of electrical power;

10. Whether instruction of employees in safe operation and servicing of equipment should be required, and if so, to what extent and what documentation, if any, should be required;

11. Whether standard railings on cotton gins provide adequate safety where there is a possibility of large belts breaking; and

12. What would be a reasonable effective date for the standard.

A prehearing conference, commencing at 9:30 a.m. local time will be held before each hearing, in order to establish the order and time for the presentation of statements and settle any other procedural matters relating to the proceeding. The hearings will be held as follows:

August 22, 1974:
Room 216 A, B, C, and D, Main Labor Building, Constitution Avenue at 14th Street NW., Washington, D.C.

August 26, 1974:
Sheraton Inn—Madison Gateway, Expo Room—First Level, 706 John Nolen Drive, Madison, Wis.

August 29, 1974:
Holiday Inn Central, 2247 East Van Buren, Phoenix, Ariz.

September 4, 1974:
Skirvin Plaza Hotel, Venetian Room—14th Floor, Park Avenue and Broadway, Oklahoma City, Okla.

Interested persons wishing to appear at any of the listed hearings must file a written notice of intention to appear, together with four copies, no later than August 16, 1974. Such requests should be addressed to J. Goodell, Occupational 200, 1726 M Street N.W., U.S. Department of Labor, Washington, D.C. 20210. The notice must state the name and address of the person wishing to appear, the capacity in which he will appear, the particular hearing location at which the person wishes to appear, and the approximate amount of time required for the presentation. The notice must also include, or be accompanied by, a statement of the position to be taken in regard to the issues specified above, and the evidence to be adduced in support of this position. No interested person shall be permitted to testify at more than one hearing.

The hearing shall be conducted in accordance with the rules of procedure in 29 CFR Part 1911. The oral proceedings shall be reported verbatim. The use of prepared statements by witnesses is encouraged. An original and four copies of all documents should be submitted at the time of the presentation.

The administrative law judge shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

a. To regulate the course of the proceedings;

b. To dispose of procedural requests, objections, and comparable matters;

c. To confine the presentations to the issues specified in this notice;

d. To regulate the conduct of those present at the hearing by appropriate means;

e. In his discretion, to permit cross-examination of any witness; and

f. In his discretion, to keep the record open for a reasonable, stated time to receive written recommendations, and supporting reasons, and additional data, views, and arguments from any person who has participated in the oral proceeding.

Following the close of the hearings, the presiding administrative law judge shall certify the entire record of the hearings to the Assistant Secretary of Labor for Occupational Safety and Health.

Upon consideration of the record of the hearings, and any written data, views, or arguments received in response to the notice of proposed rulemaking of February 8, 1974, a determination may be made to adopt the proposal with or without changes or to withdraw the proposal.

Signed at Washington, D.C., this 26th day of July 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-17580 Filed 7-30-74;8:45 am]

Office of the Secretary

[41 CFR Part 60-20]

SEX DISCRIMINATION

Revision of Guidelines; Notice of Hearing

On December 27, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 35336) that in accordance with Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303), the Department of Labor proposed to revise Title 41, Chapter 60, Part 60-20 of the Code of Federal Regulations. These proposed Sex Discrimination Guidelines, if adopted, are intended to supersede the Sex Discrimination Guidelines issued by the Secretary of Labor on June 9, 1970, including all subsequent amendments thereto.

In the December 27 announcement, interested parties were invited to file

written data, views, or arguments concerning these proposed revisions. Upon review of the material submitted, it has been determined that further opportunity should be given for the receipt of pertinent information related to proposed Alternatives A and B of proposed 60–20.3(c), which states:

> The employer shall not make any distinction based upon sex in employment opportunities, wages, hours or other conditions of employment. Nor shall the employer make any distinction based upon sex in the granting of fringe benefits, including medical, hospital, accident, life insurance, pension and retirement benefits, profit sharing and bonus plans, credit union benefits, leave and other terms and conditions of employment. Proposed Alternative (A). It shall not be an excuse that the cost to the employer of such benefits is greater with respect to one sex than the other. Proposed Alternative (B). In the area of employer contributions for insurance, pensions, welfare programs and other similar "fringe benefits" the employer will not be considered to have violated these guidelines if his contributions are the same for men and women or if the resulting benefits are equal.

Accordingly, pursuant to Executive Order 11246, as amended, notice is hereby given that commencing at 9 am on Monday, September 9, 1974, and continuing on September 10, hearings will be held in Conference Room B of the Inter-Departmental Auditorium, 14th and Constitution Avenue, Washington, D.C. The hearings will be limited to the presentation of information concerning the following subjects related to Alternatives A and B of the proposed revisions: The respective costs of the alternatives; life insurance costs as opposed to retirement benefit costs; the effects of eliminating sex from actuarial tables; life expectancies of men and women (working, by occupation, and nonworking); fringe benefit plan experiences; and the impact of Alternatives A and B on existing plan members.

The hearings will be open to the public and will be conducted by an Administrative Law Judge. Participants will include representatives of the Office of the Solicitor of Labor, the Office of Federal Contract Compliance, the Wage and Hour Division, and the Women's Bureau. The Wage and Hour Division's interest in these hearings results from its ruling that the requirements of the Equal Pay Act would be met if an employer made equal contributions for male and female employees to an employee benefit program or if the resulting benefits of the program are equal (29 CFR 800.116(d)); the Women's Bureau's interest in these hearings is based upon its responsibilities for formulating policies for promoting the welfare of wage earning women and advancing their opportunities for employment.

Interested persons, organizations, and other parties who wish to present comments, suggestions, or objections during the hearings should notify Mr. Bernard E. DeLury, Assistant Secretary for Employment Standards, Department of Labor, 14th and Constitution Avenue, NW., Washington, D.C. 20210, by the close of business on August 26, 1974. The notice of intent to participate (original and two copies) must state the name, address and telephone number of the person to appear, the organization being represented, if any, and the approximate amount of time required for the presentation. In addition, to the extent practicable, the notice should include a general statement of the position to be taken with regard to the subjects to be considered. All documents intended to be submitted for the record at the hearings must be submitted in duplicate.

Signed at Washington, D.C., this 26th day of July 1974.

PETER J. BRENNAN,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.74–17472 Filed 7–30–74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 243-3]

CIVIL PENALTIES UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, AS AMENDED

Guidelines for the Assessment Section 14(a); Citation Charges for Violations

Final rules of practice governing proceedings conducted in the assessment of civil penalties under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA) are being published today in the FEDERAL REGISTER at 39 FR 27656. The Environmental Protection Agency is publishing in conjunction with these final rules of practice two intra-Agency documents which are designed to instruct Agency personnel in the procedures to be followed in the assessment of civil penalties against violators of FIFRA.

These documents are (1) Guidelines for the Assessment of Civil Penalties Under Section 14(a) of FIFRA, and (2) Citation Charges for Violations of FIFRA.

As intra-Agency procedural documents, they are not required to be proposed and promulgated (5 U.S.C. 553(b)(A)). In the interest of the open administration of its regulatory authority, however, the Agency has determined to publish these procedural documents.

The Guidelines for the Assessment of Civil Penalties Under Section 14(a) of FIFRA appears in four sections. Section I, Application of the Civil Penalty Assessment Schedule, explains the derivation of the dollar penalty which is considered a base figure to be proposed for particular violations. It also provides a mechanism whereby Agency personnel may, within specified boundaries, exercise discretion in negotiating consent agreements and otherwise adapt the proposed penalty to the exigencies of special circumstances.

Section II, the Civil Penalty Assessment Schedule, lists violations of the Act, classified by the risk that each violation poses to man and the environment, i.e., by the gravity of each violation. Each of these violation classifications is divided into five size-of-business categories. Thus, the Assessment Schedule is a matrix consisting of gravity-of-violation/size-of-business cells. Within each cell is a dollar penalty which may be proposed to be assessed against a person of a given business size who violates the Act in the specified manner.

Section III, the Civil Penalty Assessment Worksheet, is to be used by Agency personnel in the preparation of the complaint. This Worksheet is to be prepared and retained as an on-going office record of the proceeding, and as a memorandum of the complainant's deliberations concerning the violations cited.

Section IV consists of an item-by-item explanation to Agency personnel regarding procedure for completing and maintaining the Worksheet.

The Citation Charges for Violations of FIFRA is a listing of the citation charges (and code) utilized by the Agency to translate violations of the Act into formal charges against the alleged violator. The charges refer to the specific sections of the Act (or of prior legislation), which are alleged to have been violated. From time to time, as circumstances dictate, these statutory references will be amended.

JOHN QUARLES,
Acting Administrator.

JULY 18, 1974.

GUIDELINES FOR THE ASSESSMENT OF CIVIL PENALTIES UNDER SECTION 14(A) OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, AS AMENDED

[7 U.S.C. 136 *l*(a)]

SECTION I: APPLICATION OF CIVIL PENALTY ASSESSMENT SCHEDULE

A. *Purpose.* These Guidelines provide direction to Agency personnel assessing civil penalties under section 14(a)(3) of the Act. That section provides:

In determining the amount of the penalty the Administrator shall consider the appropriateness of such penalty to the size of the business of the person charged, the effect on the person's ability to continue in business and the gravity of the violation.

These Guidelines are designed to insure to the extent practicable, that generally comparable penalties will be assessed in different regions for similar violations.

B. *Determination to apply the civil penalty remedy.* (1) *Threshold decision and complaint.* Prior to the application of the Civil Penalty Assessment Schedule, (section II of this document), complainant must determine from section 6 of the Pesticides Enforcement Division Case Proceedings Manual, entitled "Enforcement Criteria," whether the violation which is alleged to have been committed would, standing alone, warrant a civil penalty assessment. Where a penalty assessment is warranted, complainant must then identify the alleged violation in the listing of precise citation charges as set forth in the Appendix to the Case Proceedings Manual. This charge code has been revised and retitled "Citation Charges for Violations of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended [7 U.S.C. 136 et seq.]". (This citation charge code is published hereinafter as Appendix 11.) The complainant must then prepare a complaint setting forth such charges with specificity and proposing to assess a civil penalty which is the sum of the independently assessable charges contained in the complaint.

(2) *What constitutes an independently assessable charge.* A separate civil penalty shall be assessed for each violation of the Act which results from an independent act (or failure to act) of the respondent and which is substantially distinguishable from any other charge in the complaint for which a civil penalty is to be assessed. In determining whether a given charge is independent of and substantially distinguishable from any other charge for purposes of assessing separate penalties, complainant must consider whether each provision requires an element of proof not required by the other. Thus, not every charge which may appear in the complaint shall be separately assessed. Where a charge derives primarily from another charge cited in the complaint for which a penalty is proposed to be assessed, the subsequent charge may not warrant a separate assessment. The complaint will propose to assess an appropriate civil penalty for each independent and substantially distinguishable charge.

(3) *Use of notice of warning and civil penalty warning citation.* (a) *Notice of warning.* A written notice of warning pursuant to section 9(c)(3) of the Act may be issued by complainant in the event of a minor violation of the Act which, standing alone, would not warrant a civil penalty assessment, where it appears to the Agency that the public interest would be adequately served thereby. In determining whether a notice of warning adequately serves the public interest, the Agency may consider the history of compliance and evidence of good faith of the person charged.

(b) *Civil penalty warning citation.* In accordance with section 14(a)(2) of the Act, a civil penalty warning citation shall be issued to any private applicator or to any other person (not including registrants, commercial applicators, wholesalers, retailers or other distributors) who has never before received a civil penalty warning citation from complainant, and who has never before been issued a complaint for any prior violation of the Act.

C. *Proposing the amount of the civil penalty in the complaint.* For the purpose of determining the amount of a proposed civil penalty for specification in the complaint, complainant will consult the Civil Penalty Assessment Schedule (section II of this document). This Assessment Schedule categorizes potential violations on the basis of (1) the gravity of the violation and (2) the size of business of the person charged.[1] Graduated penalties are set out in a matrix which anticipates various combinations of these two factors. Each intersection of violation gravity and business size constitutes a cell of the matrix. Within each cell is a dollar amount representing the penalty base figure. This base figure constitutes the dollar amount from which the civil penalty pro-

[1] This penalty schedule does not apply to private applicators and users (not including registrants, commercial applicators, wholesalers, retailers, or other distributors.)

posed for each independently assessable charge may be computed.

(1) *Factors considered in determining the proposed civil penalty.* (a) *Gravity of violation.* One determinant of the amount of a proposed civil penalty is the gravity of the violation. The gravity of any violation is a function of (1) the potential that the act committed has to injure man or the environment; (2) the severity of such potential injury; (3) the scale and type of use anticipated; (4) the identity of the persons exposed to a risk of injury; (5) the extent to which the applicable provisions of the Act were in fact violated; (6) the particular person's history of compliance and actual knowledge of the Act; and (7) evidence of good faith in the instant circumstance.

(b) *Size of business.* The appropriateness of a given penalty is also a function of the size of the business of the person alleged to have violated the Act. Five size gradations of the person are utilized in the Civil Penalty Assessment Schedule. Category I encompasses all firms whose gross sales (total business revenues from all business operations) for the prior fiscal year were less than $100,000. Category II encompasses all firms whose gross sales for the prior fiscal year were between $100,000 and $400,000. Category III encompasses all firms whose gross sales for the prior fiscal year were between $400,000 and $700,000. Category IV encompasses all firms whose gross sales for the prior fiscal year were between $700,000 and $1,000,000. Category V encompasses all firms whose gross sales exceeded $1,000,000. [If the data for the last fiscal year is demonstrably unrepresentative of the general performance of the business, gross operating revenues for the three previous years may be analyzed in determining which size category is appropriate.]

(c) *Inability to continue in business.* The Act requires the Agency to consider the effect of the proposed penalty upon the ability of the person charged to continue in business. It shall be presumed initially that assessment of a civil penalty will not affect the ability of the person charged to continue in business. The person charged is notified in the complaint of his right under the statute to consideration of his financial condition in mitigation of the penalty proposed. He may submit financial information indicating the adverse effect of the proposed penalty upon his ability to continue in business. Such information, if bona fide shall be considered in reducing the penalty proposed insofar as is necessary to permit the person charged to continue in business.

(2) *Using the civil penalty assessment schedule to arrive at the proposed civil penalty.* Violations, ordered according to their gravity, are listed along the vertical axis of the Civil Penalty Assessment Schedule. The coded citation charges which correspond to specific violations of the Act (as set forth in the Appendix to the Case Proceedings Manual and published herein as Appendix II) are also enumerated along the vertical axis. The size-of-business gradations run along the horizontal axis. Each independently assessible charge is translated into a dollar penalty assessment by (1) locating the appropriate charge on the charge code of the Assessment Schedule, and then (2) following that charge across the row of business sizes until reaching the appropriate business size entry. Each cell in the Assessment Schedule corresponds to a given level of gravity for the exact violation alleged to have been committed and to a given size-of-business category.

Within each gravity/size-of-business cell, there is a dollar amount representing the penalty base figure. In arriving at a civil penalty proposed to be assessed for a given charge, complainant may deviate as much as ten per cent (10%) above or below this base figure. In determining whether to assess the proposed penalty above or below the base figure, complainant shall consider those criteria outlined in section I(C)(1)(a) above. For example, if the product involved is a highly toxic pesticide, or if the person charged has actual knowledge of the Act, has a history of non-compliance, and has not evidenced good faith in his dealings with the Agency arising out of the current alleged violation, the proposed civil penalty should be assessed above the base figure.[2]

D. *Adjusting the proposed civil penalty.* Upon an answer by the person charged (respondent) to a civil complaint, it is foreseeable that circumstances may arise which will necessitate adjustment of the proposed civil penalty.

(1) *Negotiations involving only the amount of penalty.* In some cases respondent may admit to all jurisdictional and factual allegations charged in the complaint and may, in lieu of a public hearing, desire a settlement conference limited to the amount of the proposed penalty. In the absence of "special circumstances" (see section I(D)(3) below), a settlement conference may be conducted to consider the amount of the proposed penalty. In such event, the burden is on respondent to raise at such conference factors which may cause the Agency to mitigate the proposed penalty. If, in the Agency's judgment, such mitigating factors are produced and such reduction would serve the public interest, the Agency may lower the proposed penalty as much as forty percent (40%).

In no case is such reduction mandated, nor should such reduction occur in the absence of an appropriate showing by respondent. Likewise, reduction of the final penalty need not extend to the full amount of forty percent (40%) below the proposed penalty. The total final penalty may not be reduced by more than forty percent (40%) below the total proposed penalty without a showing of "special circumstances" under section I(D)(3) below.

(2) *Factual changes.* (a) *New non-financial information.* Upon presentation by respondent of facts and circumstances relating to the gravity of the violation which were unknown to complainant at the time the complaint was issued, a new penalty base figure may be proposed. Where these additional facts indicate that the original charges are not appropriate, new charges shall be made as required by the circumstances. A new penalty shall be calculated by reference to the cells in the matrix which correspond to the new charges.

(b) *Change in size of business.* Upon presentation by respondent of reliable data demonstrating that his business size is other than that employed by complainant in computing the proposed civil penalty, new base penalty figures shall be calculated by reference to the cells in the matrix which correspond to the new size-of-business designation.

(c) *Inability to continue in business.* An unlimited adjustment may be made in the proposed civil penalty upon a showing by respondent that the proposed penalty will have a significant adverse effect upon his ability to continue in business. The burden of providing the information supporting the contention that the proposed penalty will have such adverse effect rests upon respondent. A determination of such adverse effects shall be made only upon an analysis by complainant of certified financial records of all business operations of respondent. Such records shall be provided to the Agency at respondent's expense and shall conform to generally recognized accounting procedures.

(3) *Special circumstances.* Should a case arise in which complainant determines that there are no grounds for adjustment of the proposed penalty based on either new financial or other facts or on a showing of inability to continue in business, and that equity cannot be served by adjusting the proposed penalty the allowable forty percent (40%), the Regional Director of Enforcement may seek concurrence by the Director of the Pesticides Enforcement Division in making an extraordinary adjustment in the proposed penalty. In such case, a "special circumstances" statement shall be sent to the Director of the Pesticides Enforcement Division setting forth with particularity (1) the facts of the case involved; (2) why the penalty provided by the Assessment Schedule would be inequitable; (3) how all methods for adjusting or revising the unadjusted penalty will not adequately resolve the inequity; and (4) the manner in which such as extraordinary adjustment in the penalty will effectuate the purposes of the Act. Concurrence may be written or oral. All documentation of adjustment in such a case should be retained in the Regional Office.

E. *Computation of the civil penalty.* The Civil Penalty Assessment Worksheet (see Section III) shall be used to compute the total proposed civil penalty and to record any subsequent adjustment to that proposed amount in accordance with section I(D). The Worksheet serves as a guide to complainant in arriving at a final civil penalty, as an office record of the on-going case, and as a memorandum of complainant's deliberations concerning the violations cited. The Worksheet need not be sent to the respondent as part of the complaint but should be made available to him upon request. Detailed instructions for computing the proposed penalty and completing the Worksheet appear in section IV.

[2] In no case may the proposed penalty for an independently assessable charge exceed $5,000.

SECTION II: CIVIL PENALTY ASSESSMENT SCHEDULE

GRAVITY OF VIOLATION — SIZE OF BUSINESS

CHARGE CODE

REGISTRATION VIOLATIONS

Section One: Registration.

E1 1. Non-Registered.

	I	II	III	IV	V
A. No Knowledge	220	550	1210	1870	2200
B. Knowledge/No Application Submitted	320	800	1760	2720	3200
C. Application Pending	280	700	1540	2380	2800
D. Registration Denied or Cancelled	500	1250	2750	4250	5000
E. Registration Suspended	5000	5000	5000	5000	5000

E15 2. Imitation Product.

	I	II	III	IV	V
Product is an imitation of or offered for sale under the name of another pesticide.	500	1250	2750	4250	5000

LABELING VIOLATIONS

Section One: Precautionary Statements.

E2 1. Deficient Precautionary Statements: Lacks Signal Word and/or Caution: Keep Out of Reach of Children.

	I	II	III	IV	V
A. Toxicity Level Danger	280	700	1540	2380	2800
B. Toxicity Level Warning	200	500	1100	1700	2000
C. Toxicity Level Caution	120	300	660	1020	1200

(The severity of this violation is based on the level of toxicity of the material.)

E3 2. Deficient Precautionary Statements: Lacks Required Precautionary Labeling.

	I	II	III	IV	V
A. Adverse Effects Highly Probable	500	1250	2750	4250	5000
B. Adverse Effects Unknown	280	700	1540	2380	2800
C. Adverse Effects Not Probable	120	300	660	1020	1200

E16 3. Deficient Precautionary Statements: Lacks Symbols and/or Statements.

	I	II	III	IV	V
Highly Toxic Material (Can only be considered severe)	5000	5000	5000	5000	5000

E14 4. Deficient Precautionary Statements: Precautionary Labeling not Prominently or Conspicuously Displayed.

	I	II	III	IV	V
A. Toxicity Level Danger	280	700	1540	2380	2800
B. Toxicity Level Warning	200	500	1100	1700	2000
C. Toxicity Level Caution	120	300	660	1020	1200

(The severity of this violation is based on the level of toxicity of the material.)

CHARGE CODE

Section Two: Unwarranted Statements with Respect to Product Safety.

E13 1. False or Misleading Safety Claim.

	I	II	III	IV	V
A. Adverse Effects Highly Probable	500	1250	2750	4250	5000
B. Adverse Effects Unknown	340	850	1870	2890	3400
C. Adverse Effects Not Probable	180	450	990	1530	1800

E17 2. Claims Differ from Those Accepted in Connection with Product's Registration.

	I	II	III	IV	V
A. Claims Unacceptable					
1. Adverse Effects Highly Probable	500	1250	2750	4250	5000
2. Adverse Effects Unknown	280	700	1540	2380	2800
3. Adverse Effects Not Probable	120	300	660	1020	1200
B. Claims Would Be Acceptable	100	250	550	850	1000
C. Economic Fraud	280	700	1540	2380	2800

Section Three: Directions for Use.

E8 1. Inadequate Directions for Use.

	I	II	III	IV	V
A. Likely to Result in Mishandling or Misuse	500	1250	2750	4250	5000
B. Likelihood of Mishandling or Misuse Unknown	280	700	1540	2380	2800
C. Not Likely to Result in Mishandling or Misuse	120	300	660	1020	1200
D. Result in Illegal Residues					
1. Probable	500	1250	2750	4250	5000
2. Not Probable	280	700	1540	2380	2800
E. Inefficacious (Economic Fraud)					
1. Total	500	1250	2750	4250	5000
2. Partial	280	700	1540	2380	2800

E17 2. Directions for Use Differ from Those Accepted in Connection with Product's Registration.

	I	II	III	IV	V
A. Directions Unacceptable					
1. Likely to Result in Mishandling or Misuse	500	1250	2750	4250	5000
2. Likelihood of Mishandling or Misuse Unknown	280	700	1540	2380	2800
3. Not Likely to Result in Mishandling or Misuse	120	300	660	1020	1200
B. Directions Would Be Acceptable	100	250	550	850	1000
C. Inefficacious (Economic Fraud)					
1. Total	500	1250	2750	4250	5000
2. Partial	280	700	1540	2380	2800

Section Four: Defective Ingredient Statement.

E5

	I	II	III	IV	V
A. Totally Lacking					
1. Toxicity Level Danger	500	1250	2750	4250	5000
2. Toxicity Level Warning	280	700	1540	2380	2800
3. Toxicity Level Caution	120	300	660	1020	1200
B. Formulation Differs (Supported by Chemical Analysis)					
1. Adverse Effects Highly Probable	500	1250	2750	4250	5000
2. Adverse Effects Unknown	280	700	1540	2380	2800
3. Adverse Effects Not Probable	120	300	660	1020	1200
C. [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

CHARGE CODE

E10 Section Five: Failure to Bear Net Weight Statement.

	I	II	III	IV	V
Failure to bear required statement of net weight or content	120	300	660	1020	1200

Section Six: Failure to Bear Name and Address.

	I	II	III	IV	V
E11 Lacks name and address of producer, registrant or person for whom manufactured	120	300	660	1020	1200

Section Seven: Detached, Altered, Defaced, or Destroyed Labeling.

E24 1. Labeling is Detached, Altered, Defaced or Destroyed

	I	II	III	IV	V
A. Adverse Effects Highly Probable	500	1250	2750	4250	5000
B. Adverse Effects Unknown	280	700	1540	2380	2800
C. Adverse Effects Not Probable	120	300	660	1020	1200

(The severity of this violation is based upon the level of toxicity of the material, as well as upon the nature of the required labeling which was knowingly detached, altered, defaced or destroyed.)

2. Coloration

	I	II	III	IV	V
Not Colored or Discolored as Required	500	1250	2750	4250	5000

ANALYTICAL TEST RESULTS: FORMULATION VIOLATIONS

1. Chemical Deficiencies

E18 E19 E21

	I	II	III	IV	V
A. Adverse Effects Highly Probable	500	1250	2750	4250	5000
B. Adverse Effects Unknown	340	850	1870	2890	3400
C. Adverse Effects Not Probable	180	450	990	1530	1800
D. Inefficacious 1. Total	500	1250	2750	4250	5000
2. Partial	280	700	1540	2380	2800

E8 2. Net Weight Deficiency

	I	II	III	IV	V
Net Weight Less Than Stated on Label	180	450	990	1530	1800

E20 E35 3. Chemical Contamination

	I	II	III	IV	V
A. Significant Levels	500	1250	2750	4250	5000
B. Trace Levels	280	700	1540	2380	2800

E1[illegible] 4. Highly Overformulated

	I	II	III	IV	V
A. Adverse Effects Highly Probable	500	1250	2750	4250	5000
B. Adverse Effects Unknown	280	700	1540	2380	2800
C. Adverse Effects Not Probable	120	300	660	1020	1200
D. Inefficacious 1. Total	500	1250	2750	4250	5000
2. Partial	280	700	1540	2380	2800

CHARGE CODE

EFFICACY VIOLATIONS

Section One: Disinfectants

E8 Ineffective Disinfectants

	I	II	III	IV	V
A. Hospital Use					
1. Kills neither S. aureus nor S. choleraesius	5000	5000	5000	5000	5000
2. Kills only one of the above listed organisms	4000	4000	4000	4000	4000
B. Non-Hospital Use					
1. Kills neither of the above listed organisms	500	1250	2750	4250	5000
2. Kills only one of the above listed organisms	250	625	1375	2125	2500
C. Fails to kill Trichophyton Interdigitale	280	700	1540	2380	2800

Section Two: Rodenticides

E8 Ineffective Rodenticides

	I	II	III	IV	V
A. Completely Ineffective	500	1250	2750	4250	5000
B. Partially Effective	280	700	1540	2380	2800

USE VIOLATIONS

E28 1. Use or Disposal of a Pesticide in a Manner Inconsistent with its Labeling

	I	II	III	IV	V
A. Adverse Effects Highly Probable	500	1250	2750	4250	5000
B. Adverse Effects Unknown	280	700	1540	2380	2800
C. Adverse Effects Not Probable	120	300	660	1020	1200

E29 2. Use or Disposal Contrary to the Provisions of an Experimental Use Permit

	I	II	III	IV	V
A. Knowledge (of the experimental use permit)	500	1250	2750	4250	5000
B. No Knowledge (of the experimental use permit)	100	250	550	850	1000
C. Shipments made after the expiration of experimental use permit	5000	5000	5000	5000	5000

(Action may always be taken against the holder of the experimental use permit.)

CHARGE CODE

3. Stop Sale, Use or Removal Order

	I	II	III	IV	V
E30 A. Violation of a Stop Sale, Use or Removal Order	5000	5000	5000	5000	5000
E39 B. Failure to provide names and addresses of recipients of products believed to be in violation of the Act for purposes of issuing a Stop Sale, Use or Removal Order	500	1250	2750	4250	5000

E31 4. Violation of a Suspension Order

	I	II	III	IV	V
A. Knowledge of the Order	5000	5000	5000	5000	5000
B. No Knowledge of the Order	120	300	660	1020	1200

E32 5. Violation of a Cancellation Order

	I	II	III	IV	V
A. Knowledge of the Order	500	1250	2750	4250	5000
B. No Knowledge of the Order	100	250	550	850	1000

E36 6. Tests on Human Beings

	I	II	III	IV	V
Use of pesticide in tests on human beings in violation of the Act	5000	5000	5000	5000	5000

MISCELLANEOUS VIOLATIONS

1. Books and Records

	I	II	III	IV	V
E39 A. Failure to maintain books and records as required under section 8(a)	420	1050	2310	3570	4200
E25 B. Failure to allow inspection of books and records required to be maintained	420	1050	2310	3570	4200

E37 2. Production and Distribution Data

	I	II	III	IV	V
Failure to submit required reports of production or distribution data required under section 7(c)	500	1250	2750	4250	5000

E26 3. Inspection of Establishments; Sample Collection

	I	II	III	IV	V
Failure to allow inspection of an establishment or refusal to allow sampling of a pesticide	500	1250	2750	4250	5000

E33 4. Failure to Register Producer Establishment

	I	II	III	IV	V
A. Knowledge of Registration Requirement	420	1050	2310	3570	4200
B. No Knowledge of the Registration Requirement	180	450	990	1530	1800

CHARGE CODE

E34 5. Falsified All or Part of an Application

	I	II	III	IV	V
A. Registration Application	500	1250	2750	4250	5000
B. Experimental Use Permit Application	500	1250	2750	4250	5000
C. Confidentiality Status	500	1250	2750	4250	5000
D. Submitted False Production Data	500	1250	2750	4250	5000

E27 6. False Guarantee

	I	II	III	IV	V
Manufacturer Gave a False Guarantee	500	1250	2750	4250	5000

MINOR VIOLATIONS

There are a number of minor violations which may be deemed not serious enough, standing alone, to warrant the assessment of any civil penalty. In the following instances, provided the public interest would be served thereby, the Agency may determine not to assess a civil penalty:

E6 1. Ingredient statement did not appear on the front panel of the immediate container.

E7 2. The term "Inert Ingredient" was less prominently displayed than the term "Active Ingredient".

E9 3. Label failed to bear registration number.

E10 4. Label failed to bear the required statement of net weight.

E12 5. Label failed to bear name, brand, or trademark under which the product was sold.

	I	II	III	IV	V
Where charge number 3(E9) appears in combination with any <u>two</u> of the other above charges.	120	300	660	1020	1200

SECTION III: CIVIL PENALTY ASSESSMENT WORKSHEET

Name of Respondent_____

Address of Respondent_____

_____

1. Complaint I.D. No._____
2. Date Complaint Issued_____
3. Date Answer Rec'd_____
4. Date Default Order Sent_____
5. Date Consent Agreement Signed_____
6. Date Final Order Sent_____
7. Date Remittance Rec'd_____
8. History of Compliance
   a. Prior Action #_____
   b. Knowledge: Yes____ No____
   c. Good Faith: Yes____ No____

		Proposed Penalty				Adjusted Penalty			Final Penalty
(1) Charge Code Number	(2) Primary Charge(s)	(4) Penalty Base Figure ($ amount in matrix cell)	(5) Percentage (%) Increase or Decrease (not to exceed 10% if applied)	(6) Modified Penalty Base Figure ($ reflecting % increase or decrease if applied)	(8) Proposed Penalty	(10) Minimum Negotiable Penalty ($ reflecting 40% of proposed penalty)	(12) Percentage (%) Decrease (not to exceed 40% if applied)	(13) Negotiated Penalty Amount ($ reflecting % decrease if applied)	(14) Final Civil Penalty Amount ($)
	(3) Lesser Included Charge(s)								

Prepared by _____

Concurrence by _____

(9) Total Proposed Penalty $_____

(17) Total Final Civil Penalty Assessed $_____

(18) Total Final Civil Penalty Imposed $_____

WORKSHEET (Reverse Side)

Deriving the Modified Penalty Base Figure

(7) Modification of the Penalty Base Figure (under Item (6)):

Date of Modification _____

Reasons for Modification _____

Adjusting the Proposed Civil Penalty

(11) Negotiation of Penalty Amount

Date of Conference _____ Amount Offered by Respondent $_____

Data Offered by Respondent in Support of Reduction _____ Total Final Penalty Assessed $_____

Substantiation _____

(15) Factual Changes

Date of Conference _____

New Facts:

Nature _____

Substantiation _____

☐ A Determination of New Charges or of New Size-of-Business Designation (new worksheet)

☐ B Determination of Special Circumstances

Date of Memorandum _____ (attach)

Total Recommended Penalty $_____

Date of Concurrence _____

Total Final Penalty Assessed $_____

(16) Inability to Pay

Date of Conference _____ Amount Offered by Respondent $_____

Financial Data Offered by Respondent in (source and summary) Total Final Penalty Assessed $_____

Prepared by _____

Date _____

SEC. IV: GUIDANCE FOR COMPUTATION OF THE CIVIL PENALTY AND USE OF THE CIVIL PENALTY ASSESSMENT WORKSHEET

I. SCOPE

The Civil Penalty Assessment Worksheet is to be used to compute the penalty which the Agency proposes to assess against any violator who is subject to the civil penalty sanctions of the Act and any subsequent modifications or adjustments of such proposed penalty. The Worksheet also serves as an office record of the case and as a memorandum of complainant's deliberations concerning the penalties proposed and finally assessed for the violations cited. A Worksheet should be prepared for any registrant, commercial applicator, wholesaler, dealer, retailer or other distributor, private applicator, or other person who violates the Act and who has received a written complaint regarding such violation and assessing a proposed civil penalty.

II. GUIDANCE

Item, Instructions, and Proposed Penalty

(1) List the "Charge Code Number" as indicated under the column headed "Charge Code" of the Civil Penalty Assessment Schedule. Such charge code numbers must conform to the charge as written in the complaint.

(2) List each "primary" charge in the same order as it appears in the complaint. A charge which represents an independent act (or failure to act) and which is substantially distinguishable from any other charge shall be considered to be a "primary" charge and shall be independently assessed.

(3) "Lesser included charges" are those charges which appear in the complaint but which do not arise from independent acts and/or which are not substantially distinguishable from other previously cited charges. No independent penalty shall be assessed for such a charge.

(4) The "penalty base figure", which corresponds to each "primary" charge entered in Item (2), shall be taken from the appropriate cell of the Civil Penalty Assessment Schedule. A cell of the Assessment Schedule is considered to be appropriate when it corresponds to both the gravity of the violation charged and size of the business alleged to be in violation of the Act.

(5) A "percentage increase or decrease" of not more than 10% may be applied to the penalty base figure in arriving at the proposed penalty for each primary charge under Item (2). If complainant determines that the base figure shall be modified, he shall enter the percentage (up to 10 percent) by which each base figure corresponding to a primary charge has been reduced or increased in arriving at the "modified penalty base figure". Complainant should review Agency files for records of prior criminal or civil actions against respondent. In addition, he should analyze the evidence in the instant action to determine whether respondent had knowledge of the provisions of the Act. Complainant's review of files and analysis of the evidence should be appropriately recorded in the heading of the Worksheet under number 8, "History of Compliance". Where such review and analysis reveal prior violations, complainant may assume that the respondent had (or should have had) knowledge of the provisions of the Act which are alleged to have been violated. Complainant may in such an instance assess above the base figure by as much as ten percent (10%). Where such review and analysis reveal no prior violations, complainant may assume that the respondent did not have knowledge of the provisions of the Act which are alleged to have been violated. Complainant may in such instance assess below the base figure by as much as ten percent (10%). A firm's history of compliance will be based upon its performance under the new Act only. Good faith should be taken into consideration where the respondent's conduct after an initial violation evidences an awareness of the provisions of the Act and affirmative action to remedy past and to prevent future violations.

(6) Enter the "modified penalty base figure" for each charge for which the base figure is modified by a given percentage (up to 10 percent) under Item (5).

(7) Explanation of the modification of the base figure for each primary charge modified shall be entered on the reverse of the Worksheet.

(8) Enter the "proposed civil penalty" for each primary charge listed under Item (2). Where there has been no modification, the proposed penalty will be the same as the base figure under Item (4). For any primary charge for which the base figure has been increased or decreased, the "modified penalty base figure" derived under Item (6) shall be entered as the proposed penalty.

(9) Enter as the "total proposed penalty" the sum of the "proposed penalties" as separately entered under Item (8).

Adjusted Penalty

(10) Using the penalty proposed for each primary charge under Item (8), calculate the "minimum negotiable penalty" for each such charge to reflect a forty percent (40%) decrease in the penalty proposed for such charge. This calculation should indicate the minimum amount for each primary charge to which complainant may drop in negotiating a final penalty.

(11) Enter a summary of the factual data presented at the settlement conference, including any amount offered by respondent and the final amount assessed.

In the event respondent requests a settlement conference in which the only issue is the amount of the proposed penalty, details of such conference shall be summarized and entered. The burden is on respondent to present any facts that may be considered by the Agency in mitigating the proposed penalty. Such facts may include but are not limited to additional representations with regard to good faith, past violations, and seriousness of the violation charged. In the event such facts are demonstrated and the Agency determines the public interest will be served thereby, the proposed penalty may be reduced by no more than twenty percent (20%) of any single proposed penalty (Item (8)) or of the total proposed amount (Item (9)). In the absence of facts and circumstances which present a legitimate basis for reduction, the Agency is under no compulsion to mitigate the proposed penalty.

(12) In the event reduction is deemed appropriate for the penalty proposed for a given charge, the percentage amount of each such reduction shall be entered.

(13) The "negotiated penalty amount" for each primary charge shall be computed based on the percentage reduction (indicated in Item (12)) of the penalty proposed for that charge (indicated in Item (8)), and such amount shall be entered.

(14) Enter the "final civil penalty amount" for each primary charge. Where there has been no negotiation or reduction, such final penalty will be the same as the proposed penalty for that charge under Item (8). Where there has been a reduction from the proposed penalty, the "negotiated penalty amount" under Item (13) shall be the final penalty amount.

(15) In the event respondent introduces new facts at the settlement conference which bear on the gravity of the violation and which may modify the original charges (see section I(D)(2)(a)), complainant shall enter the date of the conference, a summary of such new facts and a summary of his substantiation of such new facts. He shall then check Box A and begin a new Worksheet to reflect the modified charges and a new proposed penalty.

Should respondent present new facts (documented as required above) which indicate that the proposed penalty was based upon an incorrect size-of-business category (see section I(D)(2)(b)), complainant shall proceed identically as above.

If, upon hearing and documenting such facts as above required, it is complainant's judgment that circumstances require a special assessment not in accordance with the terms of the Assessment Schedule (section II), he shall enter the appropriate summary data and check Box B. He shall record the date of the transmittal of the required special circumstances statement to the Pesticides Enforcement Division (PED), attach a copy of such statement to the Worksheet and enter the amount recommended to be assessed. Likewise, he shall record the date of PED's concurrence or denial and the final civil penalty determined to be assessed.

(16) The proposed civil penalty is computed taking into account the person's ability to continue in business. Any contention that the assessment of a proposed penalty will adversely affect the person's ability to continue in business must be documented by certified financial data prepared at the expense of the respondent. Such documents must be prepared in accordance with recognized accounting procedures.

The date of a conference to discuss inability to pay and a summary of the financial data in support of respondent's contention shall be entered (see section I(D)(2)(c)). Any amount offered by respondent shall be entered, and the amount of the final penalty assessed shall be entered. (The final penalty shall reflect complainant's judgment of the maximum amount of the proposed penalty respondent can afford to pay and remain in business.)

Total Final Civil Penalty Assessed

(17) Enter the "total final civil penalty assessed" as a result of one of the following: (a) Default (number 4 in the heading of the Worksheet); (b) consent agreement (number 5 in the heading of the Worksheet) after a settlement conference; (c) reassessment in light of special circumstances (Item (15)); (d) determination of inability to pay (Item (16)).

(18) Enter the "total final civil penalty imposed" as a result of the Final Order of the Regional Administrator.

CITATION CHARGES FOR VIOLATIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, AS AMENDED

[7 U.S.C. 136 et seq.]

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

E1. Not registered under section 4 of the Act. [7 U.S.C. 135a(a)(1), 135b]

E2. Misbranded in that the label did not bear on the front panel or the part of the label displayed under customary conditions of purchase the warning or caution statement "Keep out of reach of children," and signal word such as "Caution." [12(a)(1)(E), 7 U.S.C. 136j(a)(1)(E); 2(o)(1)(G), 7 U.S.C. 136(q)(1)(G)]

E3. Misbranded in that the label did not bear a warning or caution statement which is necessary and, if complied with, adequate to protect health and the environment as required by the registration approved under the Act. [12(a)(1)(E), 7 U.S.C.

136j(a)(1)(E); 2(q)(1)(G), 7 U.S.C. 136(q)(1)(G)]

E4. Misbranded in that the labeling accompanying the product did not contain directions for use which are necessary and, if complied with, adequate to protect health and the environment as required by the registration approved under the Act. [12(a)(1)(E), 7 U.S.C. 136(q)(1)(F)]

E5. Misbranded in that the label borne by the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients. [12(a)(1)(E), 7 U.S.C. 136j(a)(1)(E), 7 U.S.C. 136j(a)(1)(E); 2(q)(2)(A), 7 U.S.C. 136(q)(2)(A); 7 U.S.C. 135(o)]

E6. Misbranded in that the ingredient statement did not appear on that part of the immediate container of the retail package (front panel) which is presented or displayed under customary conditions of purchase. [12(a)(1)(E), 7 U.S.C. 136j(a)(1)(E); 2(q)(2)(A), 7 U.S.C. 136(q)(2)(A)]

E7. Misbranded in that the term "Inert Ingredients" appeared in smaller sized type and was less prominent than the term, "Active Ingredients." [12(a)(1)(E), 7 U.S.C. 136j(a)(1)(E); 2(q)(2)(A), 7 U.S.C. 136(q)(2)(A)]

E8. Misbranded in that the label stated in part: (Particular false or misleading claims). [12(a)(1)(E), 7 U.S.C. 137j(a)(1)(E); 2(q)(1)(A), 7 U.S.C. 136(q)(1)(A)]

E9. Misbranded in that the label borne by the product failed to bear the registration number assigned. [12(a)(1)(E), 7 U.S.C. 136j(a)(1)(E); 2(q)(2)(C)(v), 7 U.S.C. 136(q)(2)(C)(v)]

E10. Misbranded in that the label borne by the product did not bear the required statement of net weight or measure of content. [12(a)(1)(E), 7 U.S.C. 136j(a)(1)(E); 2(q)(2)(C)(iii), 7 U.S.C. 136(q)(2)(C)(iii)]

E11. Misbranded in that the label borne by the product did not bear a statement giving the name and address of the producer, registrant, or person for whom manufactured. [12(a)(1)(E), 7 U.S.C. 136j(a)(1)(E); 2(q)(2)(C)(i), 7 U.S.C. 136(q)(2)(C)(i)]

E12. Misbranded in that the label borne by the product did not bear a statement giving the name, brand, or trademark under which the product was sold. [12(a)(1)(E), 7 U.S.C. 136j(a)(1)(E); 2(q)(2)(C)(ii), 7 U.S.C. 136(q)(2)(C)(ii)]

E13. Misbranded in that the labeling bore a statement as to the safety of the product which is false or misleading. [12(a)(1)(E), 7 U.S.C. 136j(a)(1)(E); 2(q)(1)(A), 7 U.S.C. 136(q)(1)(A)]

E14. Misbranded in that the precautionary labeling on the front panel was not prominently placed thereon with such conspicuousness as to render it likely to be read under customary conditions of purchase. [12(a)(1)(E), 7 U.S.C. 136j(a)(1)(E); 2(q)(1)(E), 7 U.S.C. 136(q)(1)(E)]

E15. Misbranded in that the product is an imitation of, or is offered for sale under the name of, another pesticide. [12(a)(1)(E), 7 U.S.C. 136j(a)(1)(E); 2(q)(1)(C), 7 U.S.C. 136(q)(1)(C)]

E16. Misbranded in that the product contains a substance in quantities highly toxic to man and the label fails to bear required symbols or statements. [12(a)(1)(E), 7 U.S.C. 136j(a)(1)(E); 2(q)(2)(D), 7 U.S.C. 136(q)(2)(D)]

E17. In violation in that the claims made for the product (and/or where appropriate the directions for its use) differed in substance from the representations made in connection with its registration. [7 U.S.C. 135(a)(1)]

E18. In violation in that the composition of the product differed from the composition as represented in connection with its registration. [7 U.S.C. 135a(a)(1)]

E19. Adulterated in that its strength or purity fell below the professed standard or quality under which it was sold. [12(a)(1)(E), 7 U.S.C. 136j(a)(1)(E); 2(C)(1), 7 U.S.C. 136(C)(1)]

E20. Adulterated in that another substance, namely (name of substance), had been substituted wholly or in part for the article. [12(a)(1)(E), 7 U.S.C. 136j(a)(1)(E); 2(c)(2), 7 U.S.C. 136(c)(2)]

E21. Adulterated in that a valuable constituent of the pesticide had been wholly or in part abstracted. [12(a)(1)(E), 7 U.S.C. 136j(a)(1)(E); 2(c)(3), 7 U.S.C. 136(c)(3)]

E22. Not colored or discolored as required. [12(a)(1)(D), 7 U.S.C. 136j(a)(1)(D)]

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE DEVICE WAS:

E23. Misbranded in that its labeling bore a statement which was false or misleading. [7 U.S.C. 135a(a)(5), 135(z)(1)]

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT:

E24. Detached, altered, defaced, or destroyed, in whole or in part, labeling required under the Act. [12(a)(2)(A), 7 U.S.C. 136j(a)(2)(A)]

E25. Refused to furnish or permit access to records as authorized by Section 8 of the Act. [7 U.S.C. 135a(c)(2)]. Upon implementation of Section 8 regulations: [12(a)(2)(B), 7 U.S.C. 136j(a)(2)(B)]

E26. Refused to allow inspection of establishment or refused to allow the sampling of a pesticide (or device). [12(a)(2)(B), 7 U.S.C. 136j(a)(2)(B)]

E27. Gave a guaranty or undertaking which was false. [12(a)(2)(C), 7 U.S.C. 136j(a)(2)(C)]

E28. Used a registered pesticide in a manner inconsistent with its labeling. [12(a)(2)(G), 7 U.S.C. 136j(a)(2)(G)]

E29. Used a pesticide which was under an experimental use permit contrary to the provisions of the permit. [12(a)(2)(H), 7 U.S.C. 136j(a)(2)(H)]

E30. Violated a "stop sale, use, or removal" order. [12(a)(2)(I), 7 U.S.C. 136j(a)(2)(I)]

E31. Violated a suspension order. [12(a)(2)(J), 7 U.S.C. 136j(a)(2)(J)]

E32. Violated a cancellation of registration. [12(a)(2)(K), 7 U.S.C. 136j(a)(2)(K)]

E33. Violated a provision of Section 7 of the Act in that the establishment where the pesticide was produced was not registered. [12(a)(2)(L), 7 U.S.C. 136j(a)(2)(L)]

E34. Knowingly falsified all or part of an application for registration, an application for experimental use permit, or other information marked as confidential and submitted to the Administrator. [12(a)(2)(M), 7 U.S.C. 136j(a)(2)(M)]

E35. Added a substance to, or took a substance from, a pesticide in a manner defeating the purpose of the Act. [12(a)(2)(O), 7 U.S.C. 136j(a)(2)(O)]

E36. Used a pesticide in tests on human beings in violation of the Act. [12(a)(2)(P), 7 U.S.C. 136j(a)(2)(P)]

E37. Failed to (maintain/submit) to the Administrator, as required by Section 7 of the Act [7 U.S.C. 136e] and any regulations promulgated thereto [40 CFR 167.5], information on the types and amounts of pesticides produced and distributed by the registered establishment. [12(a)(2)(L), 7 U.S.C. 136j(a)(2)(L)]

E38. Failed upon request, for purposes of issuing a "stop sale, use, or removal order" pursuant to Section 13 of the Act [7 U.S.C. 136k], to inform the Administrator of the names and addresses of recipients of the pesticides or devices produced in his registered establishment which were believed to be in violation of the provision of the Act. [12(a)(2)(L), 7 U.S.C. 136j(a)(2)(L)]

E39. Refused to keep any records required to pursuant to Section 7 of the Act [7 U.S.C. 136f] and any regulations promulgated thereto [40 CFR 169.2; 12(a)(2)(B), 7 U.S.C. 136j(a)(2)(B)]

E40. Failed to file reports required by the Act. [12(a)(2)(N), 7 U.S.C. 136j(a)(2)(N)]

[FR Doc.74-17364 Filed 7-30-74;8:45 am]

[OPP-66007; FRL 244-4]

INSECTICIDES

Intent To Cancel Certain Pesticide Registrations

Pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 984), the Environmental Protection Agency (EPA) has notified the following registrants of its intent to cancel the registrations of the pesticide products listed.

EPA Reg. No. 8222-6, General Packaging & Chemical Corp., Union City CA 94587, T & C 50% MALATHION.

EPA Reg. No. 2215-3, Feller Chemical Corp., Jamaica NY 11433, PYRAID-20.

The EPA requested these registrants to provide revised labeling and/or information. The registrants have not submitted the material necessary for continued registration as specified and therefore have not fully complied with the provisions of the FIFRA.

Cancellation of these registrations shall be effective at the end of 30 days from the receipt of notice by the registrant, or publication of this notice in the FEDERAL REGISTER, whichever occurs later, unless the registrants make the necessary corrections, if possible. Within this period of time, any person adversely affected by this notice may request a hearing as provided in section 6(b) of the FIFRA and should file in accordance with the provisions of §§ 164.5 and 164.20 of Part 164, Title 40 CFR, of the regulations for the enforcement of the FIFRA, an original and two copies of the document stating his objections to the Administrator's intent to cancel these registrations. The request for hearings and such documents should be filed with the Hearing Clerk, Environmental Protection Agency, Room 1019 East Tower, 401 M Street, SW., Washington, D.C. 20460.

Dated July 25, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-17374 Filed 7-30-74;8:45 am]

[OPP-66004; FRL 244-5]

PARAQUAT

Intent To Cancel Registration of Certain Pesticides

Pursuant to section 6 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 984), the Environmental Protection Agency (EPA) has notified the following registrants of its intent to cancel the registrations of the pesticide products listed:

EPA Reg. No. 5-35, Empire Laboratories, Atlanta GA 30318, EM-7217.

EPA Reg. No. 2749-206, Aceto Chemical Co., Inc., Flushing NY 11368, PARAQUAT DCL.

Recent episodes involving products containing paraquat have resulted in human deaths. Paraquat is highly toxic and causes irreversible lung damage when ingested; consequently, all practical means of preventing ingestion must be taken. On May 20, 1974, the EPA informed these registrants that certain actions and labeling changes for the products listed were required. To date, the registrants have not submitted the material necessary for continued registration as specified and therefore have not fully complied with the provisions of the FIFRA.

Cancellation of these registrations shall be effective at the end of 30 days from the receipt of notice by the registrant, or publication of this notice in the FEDERAL REGISTER, whichever occurs later, unless the registrant makes the necessary corrections, if possible. Within this period of time, any person adversely affected by this notice may request a hearing as provided in section 6(b) of the FIFRA and should file in accordance with the provisions of §§ 164.5 and 164.20 of Part 164, Title 40 CFR, of the regulations for the enforcement of the FIFRA an original and two copies of the document stating his objections to the Administrator's intent to cancel these registrations. The request for hearings and such documents should be filed with the Hearing Clerk, Environmental Protection Agency, Room 1019 East Tower, 401 M Street, SW., Washington, D.C. 20460.

Dated: July 25, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-17371 Filed 7-30-74;8:45 am]

[OPP-32000/90; FRL 242-2]

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 30, 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 30, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 464-LNI. The Dow Chemical Co., PO Box 1706, Midland, MI 48640. DOW NURELLE 7E FUNGICIDE. Active Ingredients: 2-Chloro-6-methoxy-4-(trichloromethyl)pyridine 7.2 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA Reg. No. 352-270. E. I. du Pont de Nemours & Co. (Inc.), Biochemicals Department, 6054 Du Pont Bldg., Wilmington, DE 19898. DU PONT "LOROX" LINURON WEED KILLER (for Aerial Use-Carrots). Active Ingredients: Linuron [3-(3,4-dichlorophenyl) - 1-methoxy-1-methylurea] 50 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 352-341. E. I. du Pont de Nemours & Co. (Inc.), Biochemicals Department. DU PONT MANZATE 200 FUNGICIDE TANK MIXTURE (for Use on Apples). Active Ingredients: A coordination product of zinc ion and manganese ethylenebisdithiocarbamate 80 percent in which the ingredients are: Manganese 16 percent; Zinc 2 percent; Ethylenebisdithiocarbamate ion ($C_4H_6N_2S_2$) 62 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 352-287. E. I. Du Pont De Nemours & Co. (Inc.), Biochemicals Department. DU PONT HYVAR X BROMACIL WEED KILLER (for Use on Pineapple in Hawaii). Active Ingredients: Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 80 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 352-354. E. I. Du Pont De Nemours & Co. (Inc.), Biochemicals Department, 7065 Du Pont Bldg., Wilmington, DE 19898. DU PONT BENLATE BENOMYL FUNGICIDE (for Use on Peanuts, Apples, Pears and Almonds). Active Ingredients: Benomyl[Methyl 1 - (butylcarbamoyl)-2-benzimidazolecarbamate] 50 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4581-GRO. Pennwalt Corp., Agchem-Decco Div., Three Parkway, Philadelphia, PA 19102. DECCOQUIN TECHNICAL. Active Ingredients: 6-Ethoxy-1, 2-Dihydro - 2, 2,4 - Trimethylquinoline 100.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3238-TA. Standard Spray and Chemical Co., PO Box 63, Lakeland, FL 33802. STANDARD BRAND 435 SOLUBLE OIL. Active Ingredients: Petroleum Oil 97 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342-OUA. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City, OK 73125. FASCO C-Z-M-B No. 2. Active Ingredients: Copper as metallic 14 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10308-G. Sumitomo Chemical Co., LTD., c/o Insect Control & Research, Inc., 1330 Dillon Height Ave., Baltimore, MD 21228. Sumitomo Chem. Co. Inc., 15, 5-Chome, Ketahama Higashi-Ku, Osaka, Japan, Attn: Takashi Ohno. PYNAMIN FORTE. Active Ingredients: d-cis, trans allethrin (allyl homolog of Cinerin I) 90 percent. Method of Support: Applications proceeds under 2(c) of interim policy.

EPA Reg. No. 100-501. CIBA-GEIGY Corp., Agricultural Div., P.O. Box 1422, Greensboro, NC 27409. SUPRACIDE 2E (for Control of Certain Insects on Peaches, Pecans, and Walnuts). Active Ingredients: O,O-dimethyl phosophorodithioate, S-ester with 4-(mercaptomethyl)-2-methoxy-Δ^2-1, 3,4-thiadiazolin-5-one 24.4 percent; Aromatic petroleum solvent 6.8 percent, Xylene 60.9 percent. Method of Support: Application proceeds under 2(b) of iterim policy.

EPA File Symbol 2724-EAR. Thuron Industries, Inc., 12200 Denton Dr., Dallas, TX 75234. GOLDEN MALRIN RF-60 SUGAR BAIT. Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate 0.500 percent; Related compounds 0.038 percent; Z-9-tricosene 0.040 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 20954-R. Zoecon Corp., 975 California Ave., Palo Alto, CA 94304. ALTOSID SR-10 MOSQUITO GROWTH REGULATOR. Active Ingredients: methoprene[Isopropyl (E,E)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate] 10.0 percent Method of Support: Application proceeds under 2(b) of interim policy.

Dated: July 22, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-17163 Filed 7-30-74;8:45 am]

[OPP-66006; 244-3]

RODENTICIDES

Intent To Cancel Certain Pesticide Registrations

Pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 984), the Environmental Protection Agency (EPA) has notified the following registrants of its intent to cancel the registrations of the pesticide products listed:

EPA Reg. No. 5836-3, Windler Pest Control, Fowler IN 47944, WINDLER RAT AND MOUSE KILLER.

EPA Reg. No. 269-6, Xterminator Products Corp., Jersey City NJ 07304, VOO DOO 42 PROLIN RAT & MOUSE BAIT.

The EPA requested these registrants to provide revised labeling and/or information to support claims. The registrants have not submitted the material necessary for continued registration as specified and therefore have not fully complied with the provisions of the FIFRA.

Cancellation of these registrations shall be effective at the end of 30 days from the receipt of notice by the registrant, or publication of this notice in the FEDERAL REGISTER, whichever occurs later, unless the registrant makes the necessary corrections, if possible. Within this period of time, any person adversely affected by this notice may request a hearing as provided in section 6(b) of the FIFRA, and should file in accordance with the provisions of §§ 164.5 and 164.20 of Part 164, Title 40 CFR, of the regulations for the enforcement of the FIFRA, an original and two copies of the document stating his objections to the Administrator's intent to cancel these registrations. The request for hearings and such documents should be filed with the Hearing Clerk, Environmental Protection Agency, Room 1019 East Tower, 401 M Street, S.W., Washington, D.C. 20460.

Dated July 25, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-17372 Filed 7-30-74;8:45 am]

[OPP-66005; FRL 244-2]

SODIUM FLUORIDE

Intent To Cancel Registration of Certain Pesticide

Pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 984), the Environmental Protection Agency (EPA) has notified L. Perrigo Co., Allegan, Michigan, of its intent to cancel the registration of the pesticide product Sodium Fluoride Colored, EPA Reg. No. 71-4.

All uses of sodium fluoride on poultry and in poultry houses have been cancelled because no tolerance is established for such use of this chemical. The product Sodium Fluoride Colored is registered for these uses.

Cancellation of this registration shall be effective at the end of 30 days from the receipt of notice by the registrant, or publication of this notice in the FEDERAL REGISTER, whichever occurs later, unless the registrant makes the necessary corrections, if possible. Within this period of time, any person adversely affected by this notice may request a hearing as provided in section 6(b) of the FIFRA and should file in accordance with the provisions of §§ 164.5 and 164.20 of Part 164, Title 40 CFR, of the regulations for the enforcement of the FIFRA, an original and two copies of the document stating his objections to the Administrator's intent to cancel this registration. The request for a hearing and such documents should be filed with the Hearing Clerk, Environmental Protection Agency, Room 1019 East Tower, 401 M Street SW., Washington, D.C. 20460.

Dated July 25, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-17373 Filed 7-30-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-4485, et al.]

AMERADA HESS CORP. ET AL.

Certificates of Public Convenience and Necessity, Cancellation of Docket Numbers, Grant of Petition To Intervene, and Rate Schedules and Rate Schedule Supplements for Filing

JULY 23, 1974.

Each Applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, continue, add or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

After due notice by publication in the FEDERAL REGISTER, a late petition for leave to interevene in support of the application was filed by Mountain Fuel Supply Company in Docket No. CI74-273. No further petitions to intervene, protests to the granting of the applications and petitions to amend, or notices of intervention have been filed.

At a hearing held on July 10, 1974, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds: (1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) Since Mountain Fuel Supply Company is the purchaser of the gas proposed to be sold by Applicant in Docket No. CI74-273 and its participation will not delay the instant proceeding, good cause exists for accepting the late petition for leave to intervene for filing.

(7) Participation by Mountain Fuel Supply Company in Docket No. CI74-273 may be in the public interest.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing or redesignated as hereinafter ordered.

The Commission orders: (A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the

provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in various dockets are amended by adding thereto or deleting therefrom authorization to sell natural gas or by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) Orders issuing certificates in the following dockets are amended by deleting therefrom authorization to sell gas where said sales are authorized to be continued under new or amended certificates herein:

New or amended certificate docket No.	*Amended certificate docket No.*
G-18919	G-5303.
CI73-826	G-10827.
CI73-827	G-14370.
CI73-830	G-13671.
CI74-314	G-16224.
CI74-316	G-5713 and G-11663.
CI74-349	G-4485, G-4487, G-8569, G-9614 and G-15302.
CI74-369	G-6311.
CI74-507	CI63-20.
CI74-527	CI62-458.
CI74-571	CI66-726.
CI74-576	G-14292.
CI74-578	CI61-1265.
CI74-606	G-12150.
CI74-607	G-12149.
CI74-639	CI66-176.

(F) Docket Nos. CI74-56 and CI74-522 are cancelled.

(G) Applicants in the dockets indicated shall charge and collect the following rates, subject to Btu adjustment where applicable:

Docket No.	Rate (cents per thousand cubic feet)	Pressure base (pounds per square inch absolute)
CI73-46	24.0	15.025
CI73-610	[1] 20.0	14.65
	[2] 21.5	14.65
CI74-273	23.75	15.025
CI74-369	[3 4] 13.5	14.65
	[5] 23.0	14.65
CI74-419	[6] 21.75	15.025
	[7] 26.9875	15.025
CI74-507	[8] 16.255	14.65
	[9] 17.27	14.65
CI74-527	30.0	15.325
CI74-544	22.75	15.025
CI74-578	[10] 22.0	15.025
	[11 12] 24.0	14.73

[1] Rate for casinghead gas.
[2] Rate for gas-well gas.
[3] Plus applicable state and local taxes in effect on Sept. 1, 1965.
[4] Rate for gas from Nov. 1, 1972, to Sept. 20, 1973.
[5] Rate for gas after Sept. 20, 1973.
[6] Rate for gas from Feb. 1, 1973, to Apr. 5, 1974.
[7] Rate for gas after Apr. 5, 1974.
[8] Rate for gas from Dec. 31, 1972, to Apr. 8, 1974.
[9] Rate for gas after Apr. 8, 1974.
[10] Rate for gas from Mar. 1, 1973, to May 31, 1973.
[11] Rate for gas after May 31, 1973.
[12] Subject to tax reimbursement.

(H) Applicants in Docket Nos. CI74-316, CI74-369 and CI74-578 shall each file, within 30 days from the date of this order, three copies of a billing statement reflecting their respective rates.

(I) Applicants in Docket Nos. CI73-610 and CI74-273 shall each file, within 30 days from the date of this order, three copies of a revised billing statement reflecting their respective rates.

(J) Within 90 days from the date of this order, Applicants in Docket Nos. G-18919, CI73-826, CI73-827, CI73-830, CI74-314, CI74-349, CI74-369, CI74-419, CI74-507, CI74-571, CI74-576, CI74-606, CI74-607, CI74-639 and CI74-642 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion Nos. 586, 598, 607 and 662, as applicable.

(K) Within 90 days from the date of initial delivery, Applicants in Docket Nos. CI73-610 and CI74-625 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 586.

(L) The certificates and certificate authorizations granted in Docket Nos. G-18919, CI73-610, CI73-826, CI73-827, CI73-830, CI74-314, CI74-316, CI74-369, CI74-419, CI74-507, CI74-528, CI74-571, CI74-576, CI74-578, CI74-606, CI74-607, CI74-625, CI74-639 and CI74-642 are subject to the Commission's findings and orders accompanying Opinion Nos. 468, 586, 598, 607, 658 and 662, as applicable. If the quality of the gas deviates at any time from the quality standards set forth in the Regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act; provided, however, that adjustments reflecting changes in Btu content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(M) Mountain Fuel Supply Company is permitted to intervene in Docket No. CI74-273 subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition for leave to intervene: *And provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

(N) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein. Where the effective date is the date of initial delivery, Applicant shall advise the Commission of said date within 10 days thereof.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule: Description and date of document [1]	No.	Supp.
G-4485, G-4487, G-8569, G-9614, G-15302 D [2]	Amerada Hess Corp.	El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex.	Assignment 10-24-72 [3] (Effective date: 11-1-72)	1	31
G-5303 D [2]	Skelly Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Finney County, Kans.	Assignment 3-20-73 [4] (Effective date: 4-1-73)	36	40
G-6311 D [2]	Amerada Hess Corp.	Northern Natural Gas Co., Eunice Field, Lea County, N. Mex.	Assignment 10-23-72 [5] (Effective date: 11-1-72)	30	32
G-12149 D [2]	Cities Service Oil Co.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	Assignment 1-1-73 [6] (Effective date: 1-1-73)	99	18

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document [1]	No.	Supp.
G-12150 D [2]	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Southwest Camp Creek Field, Beaver County, Okla.	Assignment 1-1-73 [7] (Effective date: 1-1-73)	100	17
G-14292 D [2]	Exxon Corp	Panhandle Eastern Pipe Line Co., Mocane Gas Area, Beaver County, Okla.	Assignment 9-27-73 [8] (Effective date: 9-1-73)	211	21
G-15153 D 11-23-73	Texaco, Inc	El Paso Natural Gas Co., Aneth Field, San Juan County, Utah.	Agreement 10-26-73 [9] (Effective date: Date of this order)	183	18
G-18919 CF 5-1-74	Atlantic Richfield Co. (successor to Skelly Oil Co).	Kansas Nebraska Natural Gas Co., Inc., Hugoton Field, Finney County, Kans.	Letter agreement 8-1-73 [10] (Effective date: 4-1-73)	421	4
CI61-727 [11] E 7-23-73 [12]	Texas International Petroleum Corp. (successor to Amerada Hess Corp.).	Texas Gas Transmission Corp., Bayou Chevreuil Field, Lafourche and St. John the Baptist Parishes, La.	Amerada Hess Corp. FPC gas rate Schedule No. 90	6	
			Supplement Nos. 1-11 thereto	6	1-11
			Notice of succession 7-17-73		
			Assignment 10-18-72 [13] (Effective date: 10-1-72)	6	12
CI62-458 D [3]	Cities Service Oil Co. et al.	Columbia Gas Transmission Corp., Cox "A" Leases, Sandy River District, McDowell County, W. Va.	Assignment 1-1-73 [14] (Effective date: 1-1-73)	281	8
CI62-1315 D 11-23-73	Texaco, Inc	El Paso Natural Gas Co., Aneth Field, San Juan County, Utah.	Agreement 10-26-73 [9] (Effective date: Date of this order)	298	10
CI64-608 D 4-8-74	Texaco, Inc. (Operator).	Northern Natural Gas Co., acreage in Ward County, Tex.	Supplemental agreement 2-19-74 [9] (Effective date: Date of this order)	323	10
CI64-970 [15] [18] CI64-971 [17] [18] E 3-15-74	Eastman Dillon Oil & Gas Associates (successor to Greenwich Oil & Gas, Inc., and Chelsea Oil & Gas, Inc., Division of Eastdil Corp.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Kansas-Hugoton Field, Finney, Haskell, and Kearny Counties, Kans.	Greenwich Oil & Gas, Inc., FPC gas rate Schedule No. 1.	1	
			Supplement Nos. 1-3 thereto.	1	1-3
			Notice of succession 3-15-74		
			Certificate of merger 11-21-73 [19]	1	4
			Assignment 3-29-68 [20]	1	5
			Assignment 1-3-74 [21]	1	6
			Assignment 1-3-74 [22]	1	7
			(Effective date: 1-3-74)		
CI66-176 D [3]	Skelly Oil Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Basin, Pittsburg County, Okla.	Assignment 7-20-72 [23] (Effective date: 7-1-72)	210	14
CI66-726 D [3]	Skelly Oil Co	Panhandle Eastern Pipe Line Co., acreage in Hemphill County, Tex.	Assignment 10-8-73 [24] (Effective date: 8-1-73)	218	4
CI70-687 E 10-1-73	Petro-Lewis Funds, Inc. (successor to Atlantic Richfield Co.).	Southern Natural Gas Co., Breton Sound Block 32 Field, Plaquemines Parish, La.	Atlantic Richfield Co. FPC gas rate.	1	
			Schedule No. 630.		
			Supplement Nos. 1-5 thereto.	1	1-5
			Notice of succession 9-27-73		
			Assignment 6-1-73 [25] (Effective date: 6-1-73)	1	6
CI73-46 C 4-11-74	Amoco Production Co.	El Paso Natural Gas Co., Fruitland Field, San Juan County, N. Mex.	Supplemental agreement 2-13-74.	583	6
CI73-610 A 3-15-73	Arkla Exploration Co.	Northern Natural Gas Co., Mathers Ranch Field, Hemphill County, Tex.	Contract 11-16-72 (Effective date: Date of initial delivery).	39	
CI73-826 F 5-22-73 [26]	Robert O. Sigler (successor to Gulf Oil Corp.).	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Forrest County, Miss.	Contract 7-13-56	6	
			Assignment 1-21-59 [27]	6	1
			Cancellation agreement 3-9-71.	6	2
			(Effective date: 1-21-59)		
CI73-827 F 5-22-73 [26]	Robert O. Sigler (successor to Pennzoil Producing Co.).	do	Contract 1-22-58	7	
			Assignment 12-18-58 [28]	7	1
			Cancellation agreement 3-9-71.	7	2
			(Effective date: 12-18-58)		
CI73-830 F 5-22-73 [26]	Robert O. Sigler (successor to David Crow, Agent).	do	Contract 10-29-57	8	
			Assignment 12-1-58 [29]	8	1
			Cancellation agreement 3-9-71.	8	2
			(Effective date: 12-1-58)		
CI74-273 A 10-26-73	The Superior Oil Co.	Mountain Fuel Supply Co., West Side Canal Area, Carbon County, Wyo.	Contract 7-31-73	166	
CI74-314 F 11-15-73	Petroleum Corp. of Texas (successor to Skelly Oil Co.).	Northern Natural Gas Co., Hugoton Field, Finney County, Kans.	Ratification 7-21-58	41	
			Contract 2-9-56	41	1
			Amendment 1-18-60	41	2
			Assignment 10-9-73 [30]	41	3
			(Effective date: 8-1-73)		
CI74-316 F 11-15-73	Petroleum Corp. of Texas (Operator) et al. (successor to Skelly Oil Co.).	El Paso Natural Gas Co., Various Fields in San Juan County, N. Mex.	Contract 3-9-53	43	
			Amendatory agreement 3-9-53.	43	1
			Letter agreement 3-23-53	43	2
			Letter agreement 11-20-56	43	3
			Amendatory agreement 8-19-68.	43	4
			Amendatory agreement 3-1-72.	43	5
			Assignment 10-16-73 [30] [31]	43	6
			Assignment 10-16-73 [30] [32]	43	7
			Assignment 10-16-73 [30] [33]	43	8
			Assignment 10-25-73 [34]	43	9
			(Effective date: 8-1-73)		

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document [1]	No.	Supp.
CI74-349..... F 12-14-73	Millard Deck Oil Co., (Operator) et al. (successor to Amerada Hess Corp.).	El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex.	Contract 6-20-49	1	----
			Supplemental agreement 12-3-52.	1	1
			Letter agreement 6-10-54	1	2
			Letter agreement 7-2-54	1	3
			Letter agreement 2-17-55	1	4
			Supplemental agreement 5-2-58.	1	5
			Supplemental agreement 10-26-59.	1	6
			Supplemental agreement 5-29-63.	1	7
			Supplemental agreement 2-27-68.	1	8
			Letter agreement 6-6-68	1	9
			Letter agreement 4-1-69	1	10
			Assignment 10-24-72 [13]	1	11
			(Effective date: 11-1-72)		
CI74-369..... F 1-9-74 [33]	Penrose Production Co. (successor to Amerada Hess Corp.).	Northern Natural Gas Co., Eunice Field, Lea County, N. Mex.	Contract 2-29-52	7	----
			Letter agreement 2-29-52	7	1
			Letter 9-26-52	7	2
			Supplemental agreement 12-23-52.	7	3
			Assignment 6-1-53	7	4
			Letter agreement 8-23-56	7	5
			Letter agreement 6-11-58	7	6
			Supplemental agreement 1-23-59.	7	7
			Notice 1-3-61	7	8
			Letter agreement 6-2-61	7	9
			Letter agreement 2-12-63	7	10
			Letter agreement 5-9-63	7	11
			Supplemental agreement 10-18-68.	7	12
			Letter 7-21-69	7	13
			Assignment 10-23-72 [13]	7	14
			(Effective date: 11-1-72)		
CI74-419..... F 1-30-74	McLain J. Forman (successor to C. E. Whipp).	Florida Gas Transmission Co., Arnaudville Field, St. Martin and St. Landry Parishes, La.	Contract 11-22-66	3	----
			Letter agreement 6-7-67	3	1
			Letter agreement 9-6-67	3	2
			Assignment 3-1-72 [36]	3	3
			Assignment 2-1-73 [37]	3	4
			(Effective date: 2-1-73)		
			Letter agreement 9-1-73	3	5
			Letter agreement 9-6-73	3	6
			(Effective date: 3-2-74)		
CI74-507..... F 3-8-74	Curtis S. Green (successor to Exxon Corp.).	Arkansas Louisiana Gas Co., Red Oak Field, Latimer County, Okla.	Contract 5-24-62	1	----
			Amendment 3-22-63	1	1
			Amendment 1-14-64	1	2
			Amendment 5-3-68	1	3
			Assignment 12-14-72 [38]	1	4
			(Effective date: 12-31-72)		
CI74-527..... F 3-27-74	Robert R. Price (successor to Cities Service Oil Co.).	Columbia Gas Transmission Corp., Cox "A" Leases, Sandy River District, McDowell County, W. Va.	Contract (No. 6352) 10-4-61	6	----
			Assignment 1-1-73 [39]	6	1
			(Effective date: 1-1-73)		
CI74-528..... A 3-27-74 [40]	Exxon Corp.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	Contract 3-7-74	533	----
			Letter agreement 3-7-74	533	1
CI74-544..... A 4-4-74	Texaco, Inc.	Kansas-Nebraska Natural Gas Co., Inc., Alkali Butte Field, Fremont County, Wyo.	Contract 3-12-74	503	----
CI74-571..... F 4-16-74	Diamond Shamrock Corp. (successor to Skelly Oil Co.).	Panhandle Eastern Pipe Line Co., acreage in Hemphill County, Tex.	Contract 11-29-65	69	----
			Assignment 10-8-73 [30]	69	1
			(Effective date: 8-1-73)		
CI74-576..... F 4-19-74	Amoco Production Co. (successor to Exxon Corp.).	Panhandle Eastern Pipe Line Co., Mocane Gas Area, Beaver County, Okla.	Contract 11-13-57	629	----
			Letter Agreement 4-22-58	629	1
			Amendment 7-24-61	629	2
			Amendment 12-26-61	629	3
			Amendment 7-5-62	629	4
			Letter Agreement 10-19-62	629	5
			Amendment 10-27-72	629	6
			Assignment 9-27-73 [30]	629	7
			(Effective date: 9-1-73)		
CI74-578..... F 4-8-74	Chace Oil Co., Inc. (successor to Southern Union Production Co.).	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	Contract (No. 6482) 8-29-53	1	----
			Supplemental agreement 3-28-58.	1	1
			Letter agreement 7-5-60	1	2
			Supplemental agreement 5-24-63.	1	3
			Amendatory agreement 5-24-68.	1	4
			Letter agreement 6-6-68	1	5
			Letter agreement 4-1-69	1	6
			Letter agreement 2-9-70	1	7
			Amendatory agreement 3-30-72.	1	8
			Letter agreement 3-30-73	1	9
			Sublease agreement 3-1-73	1	10
			Letter 9-13-73	1	11
			Assignment 1-1-74 [41]	1	12
			Transfer order 2-12-74	1	13
			(Effective date: 3-1-73)		
CI74-606..... F 4-26-74	Petroleum Corp. of Texas (successor to Cities Service Oil Co.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Southwest Camp Creek Field, Beaver County, Okla.	Contract 2-13-57	42	----
			Assignment 1-1-73 [30]	42	1
			(Effective date: 1-1-73)		
CI74-607..... F 4-25-74	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	Contract 2-13-57	46	----
			Agreement 5-27-70	46	1
			Assignment 1-1-73 [30]	46	2
			(Effective date: 1-1-73)		

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule: Description and date of document [1]	No.	Supp.
CI74-625..... A 5-3-74	Tenneco Oil Co.....	Michigan Wisconsin Pipe Line Co., Putnam Field, Dewey County, Okla.	Contract 4-2-74..... (Effective date: Date of initial delivery).	290	.....
CI74-639..... F 5-8-74	Monsanto Co. (successor to Skelly Oil Co.).	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg County, Okla.	Assignment 7-20-72 [2]..... (Effective date: 7-1-72).	109	1
CI74-642..... [3] 5-8-74	Phillips Petroleum Co.	Kerr-McGee Corp., acreage in Carson and Gray Counties, Tex.	Contract 4-19-74..... (Effective date: Date of this order).	551	.....

[1] Where no effective date is shown, the rate schedule filing has heretofore been accepted.
[2] Conveys acreage from Applicant to Millard Deck Oil Co. (Operator) et al., Applicants in Docket No. CI74-349.
[3] No certificate filing necessary, 18 CFR 2.64.
[4] Conveys acreage from Applicant to Atlantic Richfield Co., Applicant in Docket No. G-18919.
[5] Conveys acreage from Applicant to Penrose Production Co., Applicant in Docket No. CI74-369.
[6] Conveys acreage from Applicant to Petroleum Corporation of Texas, Applicant in Docket No. CI74-607.
[7] Conveys acreage from Applicant to Petroleum Corporation of Texas, Applicant in Docket No. CI74-606.
[8] Conveys acreage from Applicant to Amoco Production Co., Applicant in Docket No. CI74-576.
[9] Amends contract by deleting nonproductive acreage.
[10] Dedicates additional interest from Skelly Oil Co. to Applicant's basic contract.
[11] Docket No. CI74-56, which was erroneously assigned to this filing, is canceled herein.
[12] As amended on Jan. 28, 1974.
[13] Conveys acreage from Amerada Hess Corp. to Applicant.
[14] Conveys acreage from Applicant to Robert R. Price, Applicant in Docket No. CI74-527.
[15] (Omitted).
[16] Applicable to Greenwich Oil & Gas, Inc.'s former interest.
[17] Applicable to Chelsea Oil & Gas, Inc.'s former interest.
[18] Docket No. CI74-522, which was erroneously assigned to this filing, is canceled herein.
[19] Merges Greenwich Oil & Gas, Inc., into Eastdil Corp.
[20] Conveys acreage from Chelsea Oil & Gas, Inc., to Eastdil Corp.
[21] Conveys acreage from Eastdil Corp. to Applicant (covers Greenwich's former interests).
[22] Conveys acreage from Eastdil Corp. to Applicant (covers Chelsea's former interests).
[23] Conveys acreage from Applicant to Monsanto Co., Applicant in Docket No. CI74-639.
[24] Conveys acreage from Applicant to Diamond Shamrock Corp., Applicant in Docket No. CI74-571.
[25] Conveys acreage from Atlantic Richfield Co. to Applicant.
[26] As supplemented on Aug. 21, 1973.
[27] Conveys acreage from Gulf Oil Corp., to Applicant.
[28] Conveys acreage from Pennzoil Producing Co. to Applicant.
[29] Conveys acreage from David Crow, Agent, to Applicant.
[30] Conveys acreage from Skelly Oil Co. to Applicant.
[31] Pertains to the J. W. Goddard lease.
[32] Pertains to the Owen B. Marran lease.
[33] Pertains to the Glenn R. Gentle and James Q. Marshall leases.
[34] Assigns certain interests from The Petroleum Corporation of Texas to Ibex partnership, which is being covered by Petroleum Corp. as Operator.
[35] Filing also indicates that it covers a sale to El Paso Natural Gas Co. under a 1949 contract; however, Applicant's interest in the El Paso sale is covered as an "et al." interest in Docket No. CI74-349.
[36] Conveys acreage from Newmont Oil Co. to C. E. Whipp.
[37] Conveys acreage from C. E. Whipp to Applicant.
[38] Conveys acreage from Exxon Corp. to Applicant.
[39] Conveys acreage from Cities Service Oil Co. to Applicant.
[40] As supplemented on Apr. 8, 1974.
[41] Conveys acreage from Southern Union Production Co. to Applicant.
[42] Conveys acreage from Skelly Oil Co. et al., to Applicant.
[43] Applicant filing to cover its own interest under a fixed priced contract. Sale previously covered by a percentage contract which has expired.

[FR Doc.74-17211 Filed 7-30-74;8:45 am]

[Docket No. E-8907]

AMERICAN ELECTRIC POWER SERVICE CORP.

Notice of Proposed Rate Modification

JULY 25, 1974.

Take notice that July 15, 1974, American Electric Power Service Corporation (AEP) tendered for filing on behalf of Ohio Power Company (Ohio) Modification No. 6 dated June 24, 1974, to the Operating Agreement dated June 14, 1962, between Ohio and the Cleveland Electric Illuminating Company (Cleveland) designated Ohio Rate Schedule FPC No. 31.

Section 1 of Modification No. 6 provides for an increase in the Demand Charge for Limited Term Power from $0.40 to $0.45 per kilowatt per week. Section 2 provides for an increase in the Demand Charge for Limited Term Power from $2.15 per kilowatt per month to $2.50 per kilowatt per month.

AEP requests that the Commission waive the normal thirty day filing requirement and permit the Short Term Power Schedule to become effective on June 24, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 8, 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.74-17386 Filed 7-30-74;8:45 am]

[Docket No. CI74-750]

BURK ROYALTY CO.

Notice of Petition for Declaratory Order

JULY 24, 1974.

Take notice that on June 17, 1974, Burk Royalty Company, Tom Darling and Jon H. Bear (Petitioner), 800 Oil and Gas Building, Wichita Falls, Texas 76301, filed in Docket No. CI74-750, pursuant to § 1.7(c) of the Commission's rules of practice and procedure (18 CFR 1.7(c)), a petition for the issuance by the Commission of a declaratory order which would terminate Petitioner's controversy with Trunkline Gas Company (Trunkline) regarding an interpretation of § 157.40(c) of the Commission's Regulations (18 CFR 157.40(c)), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that on January 1, 1973, it purchased the Poole "B" Lease and No. 1 Well located in Colorado County, Texas, from Cities Service Oil Company (Cities). Prior to said purchase, Petitioner states, Cities had drilled the No. 1 Well to depths of 8574–8578 feet and 9116–9120 feet producing gas from the Upper Wilcox Reservoir and the Ramsey, East (Wilcox 9100 feet) Reservoir respectively. Said well is currently producing natural gas from the latter reservoir and such gas is being sold to Trunkline for 15.0563 cents per Mcf pursuant to a contract between Cities and Trunkline dated January 26, 1949.

Petitioner proposes to commence a new well on the south part of its lease to test possible new reservoirs at a depth of approximately 8850 feet (Ramsey, East (Wilcox 8850 feet) Reservoir).[1] Said well is projected to extend to a depth of 10,800 feet with costs anticipated to be $203,098. Petitioner claims that this producing zone has never produced or been developed on Petitioner's Poole "B" Lease. Petitioner intends, due to risks involved, to sell the gas that might be produced from such new reservoirs in wells drilled subsequent to November 1, 1973, to Trunkline at a rate of 45 cents per Mcf.[2] Petitioner states, however, that Trunkline has indicated it will not pay 45 cents per Mcf of such gas without a determination by the Commission that gas from any such newly discovered reserves under said Poole "B" Lease, acquired by Petitioner from Cities, would not be considered as "gas reserves acquired by the purchase of developed re-

[1] As designated by the Texas Railroad Commission based upon a completed well located south of Petitioner's Poole "B" Lease operated by Brown and McKenzie (B and M) known as the Zahradnick Well.

[2] The same price payable to B and M by Trunkline for gas produced from the Ramsey, East (Wilcox, 8,850 Field) pursuant to Commission Order issued October 30, 1973 in Docket No. CI74-17.

serves in place from a large producer" under § 157.40(c).

Section 157.40(c) provides in part that sales may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. Petitioner submits that at the time of its purchase of the Poole "B" Lease and Well from Cities, the only developed reserves in place thereon and therein were the aforementioned reserves in the Upper Wilcox Reservoir and the Ramsey, East (Wilcox 9100 feet) Reservoir. In support of this claim Petitioner cites: 1) the lack of any potential producing zone at the 8850 foot zone as evidenced by the electrical log of Poole "B" No. 1 Well, and 2) the fact that the B and M Zahradnick Well producing from the Ramsey, East (Wilcox 8850 feet) Reservoir was completed subsequent to the date Petitioner acquired its Poole "B" Lease. Petitioner argues that if in fact any other fields, reservoirs or zones might later be discovered in a subsequent well drilled on said lease and found to be productive of gas, same should not be considered developed reserves in place at the time Petitioner purchased its Poole "B" Lease from Cities January 1, 1973.

Accordingly, Petitioner requests that the Commission issue an order declaring the gas reserves relating to the proposed sale by Petitioner to Trunkline were not acquired by the purchase of developed reserves in place from a large producer.

Any person desiring to be heard or to make any protest with reference to said petition for declaratory order should on or before August 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17387 Filed 7-30-74;8:45 am]

[Docket No. E-8870]

CHASE MANHATTAN SERVICE CORP. ET AL.

Notice of Application

JULY 24, 1974.

Take notice that on June 25, 1974, Chase Manhattan Service Corporation, First Chicago Leasing Corporation, ChemLease Worldwide, Inc., (collectively the "Participants") First National Bank in Grand Forks, as Trustee, and John B. Plum, as Individual Trustee filed a petition with the Federal Power Commission seeking an order or orders declaring that the Petitioners, as a result of the transactions described below, will not (a) become "public utilities" under the Federal Power Act, or, in the alternative, disclaiming jurisdiction over the Petitioners and will not (b) be required to obtain a "license" or "permit" to construct, operate and maintain project works or utilize surplus water from Government dams under Part I of the Federal Power Act, or, in the alternative, disclaiming jurisdiction over the Petitioners, under Part I of the Federal Power Act.

Chase Manhattan Service Corporation, incorporated under the laws of the State of New York, First Chicago Leasing Corporation, incorporated under the laws of the State of Delaware, and ChemLease Worldwide, Inc., incorporated under the laws of the State of New York, are bank affiliates and are the beneficial owners of certain Equipment Trusts. First National Bank in Grand Forks, a national banking association, will serve as corporate trustee under certain Trust Agreements relating to the Equipment Trusts and John B. Plum will serve as individual trustee under such trusts agreements (the corporate and individual trustee hereinafter collectively the "Trustee").

Square Butte Electric Cooperative ("Square Butte"), a North Dakota rural electric cooperative corporation, proposes to construct a coal-fired, steam-electric generating unit with a net capability of approximately 400,000 kilowatts, to be located at Center, North Dakota, and, in connection therewith, certain transmission facilities (with interconnecting transmission lines) to be located at Center and Duluth, Minnesota. The generating unit will augment the water utilized for cooling purposes by a water conduit running from the Missouri River, near Fort Clark, south to Square Butte Creek. The total cost of the generating plant and transmission facilities is presently estimated to be approximately $253,500,000.

The generating plant and transmission facilities will be financed by first mortgage bonds issued by Square Butte under an indenture and sold to certain lending institutions and two Equipment Trusts, one covering personal property and the other covering real property, both of which Equipment Trusts will issue certificates evidencing investments therein by the Participants. The land and rights in land upon which the transmission facilities will be constructed will be financed by a loan from the Rural Electrification Administration.

The land, rights in land and certain other facilities will be owned by Square Butte, leased to the Trustee and subleased by the Trustee to Square Butte. The real and personal property will be paid for by the Trustee, owned by Square Butte, and, if, and at such time as certain conditions relating to the Participants are fulfilled, leased to the Trustee by Square Butte and subleased to Square Butte by the Trustee pursuant to net finance type leases. At the expiration of the terms of the leases of the real and personal property from Square Butte to the Trustee, the Participants will have the option to purchase the respective properties leased thereby.

Under the terms of a Power Sales and Interconnection Agreement, Minnesota Power & Light Company ("MP&L") will purchase certain portions of the electric plant output of Square Butte over an initial term of 30 years. MP&L's payments will be sufficient to cover Square Butte's operating, maintenance and administrative expenses, certain taxes and the obligations under the indenture and Equipment Trusts.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17388 Filed 7-30-74;8:45 am]

[Docket No. RP72-142]

CITIES SERVICE GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

JULY 24, 1974.

Take notice that on July 15, 1974, Cities Service Gas Company (Cities) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Cities states that pursuant to the Purchased Gas Cost Rate Adjustment provision contained in Article 21, of its FPC Gas Tariff, it proposes to increase its rates effective August 23, 1974, to reflect increased purchased gas costs. Cities states that such increased rates are reflected on the Ninth Revised Sheets PGA-1, which are included with its filing.

Cities states that on July 10, 1974, Transwestern Pipeline Company (Transwestern) filed a motion to place certain tariff sheets into effect on July 11, 1974. Cities states that such tariff sheets reflect three different, separate levels of rates which might be applicable to Cities. According to Cities, each set of sheets reflect a demand rate for Cities of 4.91¢ per Mcf and commodity rates of 43.98¢ per Mcf, 44.01¢ per Mcf and 37.76¢ per Mcf, respectively.

Cities further states that by filing tendered May 31, 1974, it filed a revised PGA-1 tariff sheet reflecting a 4.42¢ per Mcf current adjustment or alternatively a sheet reflecting a 3.70¢ per Mcf current adjustment.

According to Cities, it is filing five alternative tariff sheets. In Appendix I which assumes that the Commission accepts the Eighth Revised Sheet PGA-1

reflecting a 4.42¢ per Mcf current adjustment, as tendered on May 31, 1974, it is filing two alternate tariff sheets based on Transwestern's Substitute Original Sheet Nos. 3–A and 3–B and Alternate Original Sheet Nos. 3–A and 3–B.

In Appendix II, which assumes that the Commission does not accept Eighth Revised Sheet PGA–1 reflecting a 4.42¢ per Mcf current adjustment, but in lieu accepts the Eighth Revised Sheet PGA–1 reflecting a 3.70¢ per Mcf current adjustment, as tendered on May 31, 1974, Cities is filing three alternate tariff sheets based on Transwestern's Substitute Original Sheet Nos. 3–A and 3–B, Alternate Substitute Original Sheet Nos. 3–A and 3–B, and Original Sheet Nos. 3–A and 3–B.

Cities requests waiver of the 45 day notice requirement and acceptance of the instant submittal for filing.

Cities states that copies of this filing are being served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket Nos. RP72–142 and RP74–4.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Persons presently parties to this proceeding need not file additional petitions to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–17389 Filed 7–30–74;8:45 am]

[Docket No. RI73–323]

CITIES SERVICE OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JULY 25, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI73–323	Cities Service Oil Co.	382	11	El Paso Natural Gas Co. (Washington Ranch Morrow Pool, Eddy County, N. Mex.) Permian Basin.	$26,878 88	6–28–74		(1) (2)	35.0 [3] 35.35	35.387 [3] 35.740	RI73–323.

*Pressure base is 14.65 lb/in ²a.
[1] Accepted as of July 1, 1974.
[2] The proposed rate is accepted as of July 1, 1974, insofar as it does not exceed the applicable area ceiling rate of 35.549 cents per Mcf under Opinion No. 662, and is suspended until July 2, 1974, insofar as it exceeds such ceiling rate.
[3] Applicable to Government "M" No. 1 well only.

The tax increases involved here reflect partial reimbursement for the 1.25% increase in the New Mexico Severance Tax which became effective July 1, 1974. The proposed increase to 35.387¢ per Mcf is accepted as of July 1, 1974, because it does not exceed the ceiling rate established in Opinion No. 662. The proposed increase to 35.74¢ is accepted as of July 1, 1974, insofar as it does not exceed the ceiling rate under Opinion No. 662 and is suspended until July 2, 1974, in Docket No. RI73–323, the suspension proceeding involving the underlying rate, insofar as it exceeds the Opinion No. 662 ceiling.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R–389–B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74–17419 Filed 7–30–74;8:45 am]

[Docket Nos. RP73–85, RP73–86]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CORP.

Notice of Further Extension of Time

JULY 24, 1974.

On July 19, 1974, Staff Counsel filed a motion for a further extension of the dates fixed by notice issued July 11, 1974, for filing comments on the proposed settlement in the above-designated matter. The motion states that Columbia and the parties to this proceeding have no objection to this motion.

Upon consideration, notice is hereby given that the time is extended to and including August 12, 1974, within which initial comments may be filed to the proposed settlement and September 4, 1974, within which responding comments may be filed.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–17390 Filed 7–30–74;8:45 am]

[Docket No. E–8800]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

JULY 24, 1974.

Take notice that on March 25, 1974, and by Supplemental letter filed July 2, 1974, Community Public Service Company (Applicant), filed an application pursuant to section 204 of the Federal Power Act, seeking authority to issue and sell (1) $12 million principal amount of First Mortgage Bonds, and (2) 50,000 shares of ($5,000,000 aggregate par value), $100 per share. Applicant also requests that the proposed issuances be exempt from the competitive bidding requirements of the Commission's rules under the Federal Power Act.

Applicant is incorporated under the laws of the State of Texas and is domesticated in the State of New Mexico with its principal place of business at Fort Worth, Texas. Applicant is engaged primarily in the generation, purchase, distribution and sale of electric energy

and the purchase, distribution and sale of natural gas.

The proceeds from the sale of the bonds and stocks will be used to reimburse its treasury for expenditures for the construction, completion, extension or improvement of its facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 19, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17391 Filed 7-30-74;8:45 am]

[Docket No. CP75-5]

CONSOLIDATED GAS SUPPLY CORP. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Joint Application

JULY 24, 1974.

Take notice that on July 3, 1974, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, (Applicants) filed in Docket No. CP75-5 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas measurement and regulation facilities to be located on Texas Eastern's Penn-Jersey line in Cambria County, Pennsylvania, and the sale and delivery of gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Eastern proposes to construct and operate measuring and regulating facilities in Cambria County, Pennsylvania as an additional delivery point to Consolidated in Texas Eastern Zone D. The application indicates that Texas Eastern does not propose to increase, by this application, its presently authorized delivery quantity of 20,000 Mcf per day at 15.025 psia to Consolidated in Zone D. Applicants state that the proposed facilities will be connected with the facilities of The Peoples Natural Gas Company (Peoples), an existing requirements customer and affiliate of Consolidated. Consolidated states that the purpose of the proposed new delivery point is to assist Peoples in injecting a full inventory into its Rager Mountain storage pool during the summer months and to obviate the necessity of Peoples' constructing significant compression and pipeline facilities.

Applicants further state that Texas Eastern will perform the proposed construction, at an estimated cost of $103,000, which cost will be reimbursed to Texas Eastern by Consolidated from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17392 Filed 7-30-74;8:45 am]

[Docket No. E-8913]

DETROIT EDISON CO.

Notice of Application

JULY 24, 1974.

Take notice that on July 16, 1974, Detroit Edison Company (Applicant), filed an application pursuant to section 204 of the Federal Power Act, seeking authority to issue short-term unsecured promissory notes, including commercial paper and master notes in the maximum aggregate principal amount of $300 million outstanding at any one time. The proposed notes are to be issued in varying amounts and periods of maturity from time to time prior to October 31, 1975.

Applicant is incorporated under the laws of the State of New York and is qualified as a foreign corporation to do business with its principal business office at Detroit, Michigan. Applicant is engaged in the generation, transmission and sale of electric energy.

The interest rate of the short-term notes will be the prime rate in effect at the time of issuance and may change during the period of the notes to conform with changes in prime rate in effect at those banks. The interest rate on master notes will be the simple interest yield equivalent to the highest rate adopted from time to time by General Motors Acceptance Corporation on its commercial paper borrowings for any term of 30 or more days up to and including 180 days. The discount rate on the commercial paper will be dependent upon the terms of the notes and the money market conditions at the time of issuance.

The proceeds from the sale of the notes will be used, pending permanent financing, to provide funds for the construction, extension, and improvement of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17393 Filed 7-30-74;8:45 am]

[Docket No. RI75-3]

EDWIN L. COX ET AL.

Notice of Petition for Special Relief

JULY 24, 1974.

Take notice that on July 2, 1974, Edwin L. Cox (Operator) et al., (Petitioner) 3800 First National Bank Building, Dallas, Texas 75202, filed a petition for special relief in Docket No. RI75-3, pursuant to Section 2.76 of the Commission's General Policy and Interpretations. Petitioner requests relief from the area rate established in Opinion No. 595 for the sale of natural gas from one well in Jackson County, Texas, to Tennessee Gas Pipeline Company under its FPC Gas Rate Schedule No. 50. The proposed rate is 55.0 cents per Mcf. In consideration for the rate increase, petitioner proposes to install compression equipment for the present producing zone and to complete two other producing zones at shallower depths. Petitioner estimates that an ad-

ditional 100,000 Mcf of gas will be delivered as a result of the compression and that if his proposed completions are successful additional recoverable reserves will be 400,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17394 Filed 7-30-74;8:45 am]

[Docket No. E-8916]

EL PASO ELECTRIC CO.

Notice of Application

JULY 24, 1974.

Take notice that on July 15, 1974, El Paso Electric Company (Applicant), filed an application, pursuant to Section 204 of the Federal Power Act, seeking authority to issue and sell $20 million principal amount of First Mortgage Bonds and 100,000 shares of cumulative preferred stock, no par value. Applicant further requests that the Commission grant an exemption from the competitive bidding requirements of § 34.1a(a)(4) and 34.2 (f)(2) of the Regulations under the Federal Power Act.

Applicant is incorporated under the laws of the State of Texas and is authorized to do business in the States of Texas and New Mexico with its principal business office at El Paso, Texas.

The proceeds from the sale of the stocks and bonds will be used to reimburse the treasury and to finance a portion of Applicant's 1974 and 1975 construction program.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17395 Filed 7-30-74;8:45 am]

[Docket No. CP75-2]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 24, 1974.

Take notice that on July 1, 1974, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed an application in Docket No. CP75-2 pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain tap facilities and the sale and delivery of gas to Southern Union Gas Company (Southern Union) for resale to one right-of-way grantor on Applicant's interstate pipeline system, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant proposes to install a tap, at a total estimated cost, including overhead, contingency and filing fee, of $925, in order to accommodate a request for gas service which Applicant has received from one right-of-way grantor who, as a privilege for right-of-way easements granted Applicant, has exercised the right to such gas service. Applicant states that gas will be sold and delivered by Applicant to Southern Union for resale and delivery to said right-of-way grantor for residential and irrigation purposes at a delivery point situated on Applicant's interstate system in Mohave County, Arizona.

The application further states that, during the first full year of operation of the proposed facilities, the estimated total annual gas requirements to serve the said tap will be 6,012 Mcf and through the 1976-77 heating season the estimated peak day delivery will be 36.0 Mcf.

Applicant states that the subject sale and delivery will be made in accordance with a service agreement in effect between Applicant and Southern Union at the applicable rate contained in Applicant's FPC Gas Tariff, Original Volume No. 1.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17396 Filed 7-30-74;8:45 am]

[Docket No. E-8121]

GULF STATES UTILITIES CO.

Notice Postponing Hearing

JULY 24, 1974.

On July 22, 1974, Gulf States Utilities Company filed a motion to extend the hearing date fixed by notice issued June 20, 1974, in the above-designated matter. The motion states that all parties including Southwest Louisiana Electric Membership Corporation, Sam Rayburn Dam Electric Cooperative, Inc., and staff concurred with the motion.

Upon consideration, notice is hereby given that the hearing in the above matter is postponed until September 10, 1974, at 10:00 a.m. e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17397 Filed 7-30-74;8:45 am]

[Docket No. RI75-7]

HNG OIL CO. ET AL.

Notice of Petition for Special Relief

JULY 24, 1974.

Take notice that on July 12, 1974, HNG Oil Company (Operator) et al., (Petitioner), P.O. Box 1183, Houston, Texas 77001, filed a petition for special relief in Docket No. RI75-7, pursuant to Section 2.76 of the Commission's General Policy and Interpretations. Petitioner requests relief from the area rate established in Opinion No. 595 for the sale of natural gas from the Sejita Field, Duval County, Texas, to Valley Gas Transmission, Inc., under its FPC Gas Rate Schedule No. 14. The proposed rate is 45.0 cents per Mcf. In consideration for the rate increase, petitioner proposes to perform remedial,

workover, and recompletion operations on its 10 wells resulting in an estimated additional 840,500 Mcf of natural gas dedicated to the interstate market.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17398 Filed 7-30-74;8:45 am]

[Docket No. CP74-278]

KANSAS-NEBRASKA NATURAL GAS CO.

Order Granting Interventions, Setting Hearing Date and Prescribing Procedure

JULY 24, 1974.

On April 29, 1974, Kansas-Nebraska Natural Gas Company, Inc. (K-N) filed in Docket No. CP74-278 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing K-N, in effect, to reclassify a portion of the supply of natural gas sold to the fertilizer plant of Farmland Industries, Inc. (Farmland), all as more fully set forth in the application.

By order issued on December 10, 1962, in Docket No. CP63-28 (28 FPC 977), the Commission authorized K-N, inter alia, to deliver to Farmland's Hastings, Nebraska plant 10,000 Mcf of natural gas per day on a firm basis, to be used as raw material in the production of anhydrous ammonia fertilizer, and to deliver 8,000 Mcf of gas per day on an interruptible basis to be used for process heat in the operation of plant equipment.

K-N proposes to supply to Farmland's plant a maximum daily quantity of 16,000 Mcf of gas on a basis articulated as "special processing firm industrial priority"—which essentially subordinates this gas to residential and small commercial users—pursuant to an agreement dated March 1, 1974, plus approximately 2,000 Mcf per day on an interruptible basis, pursuant to an agreement of April 1, 1974.

Under the terms of the agreement of March 1, 1974, K-N will charge Farmland for 10,000 Mcf supplied on a firm basis to the fertilizer plant until the Commission grants a certificate of public convenience and necessity authorizing the new priority of service, a demand charge of 13.0 cents per Mcf of daily demand plus a commodity charge of 34.2 cents per Mcf delivered, and under the terms of the agreement of April 1, 1974 for the remaining 8,000 Mcf the following rate for interruptible service:

First 50,000 cu. ft. per month 87.1¢ per 1,000 cu. ft.
Next 50,000 cu. ft. per month 70.6¢ per 1,000 cu. ft.
Next 200,000 cu. ft. per month 59.6¢ per 1,000 cu. ft.
Next 9,700,000 cu. ft. per month 50.1¢ per 1,000 cu. ft.
Excess over 10,000,000 cu. ft. per month 48.1¢ per 1,000 cu. ft.

If and when the Commission approves the special priority service, K-N will then charge Farmland for 16,000 Mcf of gas per day a demand charge of 11.1 cents per Mcf of daily demand and a commodity charge of 42.2 cents per Mcf of gas deliveries.

K-N states that suppliers of agricultural fertilizer are predicting a shortage of anhydrous ammonia fertilizer and that the special priority service is necessary to ensure process heat for maximum operating efficiency at Farmland's Hastings fertilizer plant.

On June 4, 1974, Farmland and Northwestern Public Service Company (Northwestern) petitioned to intervene in these proceedings. Further, Northwestern requested a formal hearing on the issues, claiming that this action, if approved, would limit its ability to obtain adequate gas deliveries in the future, that the proposed rates are inconsistent with the public convenience and necessity and that this action would be discriminatory because other customers of K-N had been unable to increase their contract demands for year-around firm service.

On June 19, 1974, Farmland and K-N filed answers to Northwestern's petition for formal hearing. They urged that no formal hearing be held. It was asserted that Northwestern's complaints were not sufficiently specific warrant a formal hearing and that the allegations were themselves false.

On June 27, 1974, Northwestern replied to these answers by reasserting and enlarging on its previous claims.

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 intervention of Farmland and Northwestern in this proceeding may be in the public interest.

The Commission orders. (A) The application for a certificate of public convenience and necessity filed in Docket No. CP74-278 is hereby set for hearing.

(B) Farmland and Northwestern are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of said interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the 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 August 21, 1974 at 10:00 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 12, 1974, Applicant shall file with the Commission and serve upon all parties, the Office of Administrative Law Judges and the Commission staff, the testimony and exhibits in support of its 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.74-17399 Filed 7-30-74;8:45 am]

[Docket No. CP75-6]

LONE STAR GAS CO.

Notice of Application

JULY 23, 1974.

Take notice that on July 5, 1974, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP75-6 an application pursuant to section 7 (b) and (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the retention in place of certain facilities constructed and operated under the provisions of § 157.22 of the Commission's regulations (18 CFR 157.22); and for permission and approval for the abandonment of certain surplus pipeline capacity which was eliminated by the installation of the facilities proposed herein to be retained, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant claims that a segment of its Line 71-23-1-4 consisting of 6-inch pipe crossing the Red River between Wichita County, Texas, and Tillman County, Oklahoma, used to transmit natural gas to the Town of Grandfield, Oklahoma, was found in a deteriorated condition, leaking excessively and creating a potentially hazardous situation, as well as being subject to failure. Applicant states that as a result, it performed emergency repairs and modifications to assure maintenance of adequate natural gas service, consisting of the insertion of

4-inch polyethylene pipe inside the 6-inch steel pipe between station 55+59 on the south side of the river and Station 82+85 on the north side of the river, and the installation of a regulator at Station 20+31 on the south side of the river to protect the polyethylene pipe from excessive operating pressures. Although the insertion of the 4-inch pipe necessarily results in a reduction of operating pressures and capabilities, Applicant claims that there is still ample capacity remaining to serve the requirements of the Town of Grandfield, Oklahoma, and other customers served from the Grandfield tap line. Accordingly, Applicant desires to retain the facilities so installed and to operate the Grandfield tap line at the reduced capacity on a permanent basis.

Applicant states that the cost of the modification to the Grandfield tap line and the Grandfield Measuring Station is estimated at $14,450, which was financed from working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-17400 Filed 7-30-74; 8:45 am]

[Docket No. E-8912]

LOUISVILLE GAS AND ELECTRIC CO.

Notice of Application

JULY 24, 1974.

Take notice that on July 12, 1974, Louisville Gas and Electric Company (Applicant) of Louisville, Kentucky, filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of unsecured Promissory Notes to commercial banks, to trust companies, and to commercial paper dealers in amounts not exceeding in the aggregate $60,000,000 outstanding at any one time.

The Promissory Notes to be issued by the Applicant to commercial banks will be issued on various days during the period ending December 31, 1975, but no Note will mature more than twelve months after date of issue or renewal. The interest rate on master notes will be dependent upon the money market conditions prevailing during the life of the Note.

The Promissory Notes issued to commercial paper dealers will be issued on various days during the period ending December 31, 1975, but no Note will mature more than nine months after date of issue nor will any Note be extended or renewed. The interest rate on such Notes will be dependent upon the term of the Notes and the money market conditions at the time of issuance.

According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed the sum of (1) the dollar amount of Applicant's receivables arising out of the sale of electric and gas service, (2) the dollar amount of Applicant's inventory of fuel and gas stored underground, and (3) the dollar amount of depreciation and amortization charges on plant and equipment for the preceding year.

The proceeds from the issuance of the Notes will be added to the general funds of the Applicant which general funds will be used, among other things, to finance in part the Applicant's 1974–1975 construction program. Applicant estimates that construction expenditures for the years ending December 31, 1974 and 1975 will total about $52,000,000 and $93,000,000, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17401 Filed 7-30-74;8:45 am]

[Docket No. E-8832]

METROPOLITAN EDISON CORP.

Extension of Time and Postponement of Hearing

JULY 24, 1974.

On July 16, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued June 6, 1974, in the above-designated matter. The motion states that Metropolitan Edison Company has no objection to the motion. On July 19, 1974, Staff Counsel filed a notification of concurrence by the Borough of Middletown with staff's motion.

On July 22, 1974, the Borough of Middletown filed a response to staff motion and requested an additional two weeks extension of the procedural dates.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony and Exhibits, August 13, 1974.
Service of Intervener's Testimony and Exhibits, August 27, 1974.
Service of Company's Rebuttal, September 10, 1974.
Hearing, September 24, 1974 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17402 Filed 7-30-74;8:45 am]

[Docket No. RP74-62-1]

MISSISSIPPI RIVER TRANSMISSION CORP. AND GEORGIA-PACIFIC CORP.

Notice of Extension of Time

JULY 24, 1974.

On July 23, 1974, Georgia-Pacific Corporation requested an extension of time within which to file briefs on exceptions to the decision issued June 26, 1974, in the above-designated matter. The request states that none of the parties object to the extension.

Upon consideration, notice is hereby given that the time is extended to and including August 5, 1974, within which briefs on exceptions may be filed. Briefs opposing exceptions may be filed on or before August 26, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17403 Filed 7-30-74;8:45 am]

[Project No. 2114]

PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY

Application for Approval of Easement

JULY 24, 1974.

Public notice is hereby given that application for approval of an easement for a transmission line has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Public Utility District No. 2 of Grant County (correspondence to: Mr. R. W. Gillette, Manager, Public Utility District No. 2 of Grant County, P.O. Box 878, Ephrata, Washington 98823). The easement is located within the boundaries of constructed Project No. 2114, known as the Priest Rapids Project, located on the Columbia River in Chelan, Douglas, Kittitas, Grant, Yakima, and Benton Counties, Washington.

The application seeks Commission approval of an easement granted by Public Utility District No. 2 of Grant County to Pacific Power & Light Company for the Company's 230 kV Pomona-Wanapum transmission line, which crosses project lands of the Wanapum Development in Section 16, T. 16 N., R. 23 E., W. M. adjacent to the Wanapum substation. The right-of-way is 125 feet wide and about 3000 feet long. The land affected by the easement is located in Kittitas County.

The constructed line parallels Bonneville Power Administration's 500 kV transmission line where it crosses the Columbia River and then crosses the District's Powerhouse Lines 2 and 3 before terminating at the switchyard.

Applicant states that the line will not interfere with bank fishing or present or proposed recreational development.

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.74–17404 Filed 7–30–74;8:45 am]

[Docket No. CI73–694]

RODMAN CORP.

Further Extension of Time and Postponement of Hearing

JULY 24, 1974.

On July 19, 1974, a joint motion was filed by Staff Counsel and The Rodman Corporation for a further extension of the procedural dates fixed by notice issued July 8, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of evidence by the Staff, September 10, 1974.
Service of rebuttal testimony by Rodman, September 20, 1974.
Hearing, October 1, 1974 (10:00 a.m. EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–17405 Filed 7–30–74;8:45 am]

[Docket No. R–472]

REPORT OF SUPPLY AND REQUIREMENTS FPC FORM NO. 16

Notice of Proposed Rulemaking

JULY 25, 1974.

Notice is hereby given, pursuant to Section 553 of Title 5 of the U.S. Code and Section 16 of the Natural Gas Act (52 Stat. 830, 15 U.S.C. 717o) that the Commission proposes to amend § 260.12 of Part 260, Statements and Reports (Schedules), Subchapter G—Approved Forms, Natural Gas Act, Chapter 1, Title 18 of the Code of Federal Regulations, to add six new schedules,[1] to FPC Form No. 16, Report of Supply and Requirements.

By Order No. 489 issued August 24, 1973, in Docket No. R–472 (50 FPC __), the Commission promulgated § 260.12 to prescribe FPC Form No. 16, Report of Supply and Requirements, to be filed by natural gas pipeline companies making sales in interstate commerce of natural gas for resale. The proposed additional schedules in Form No. 16 will provide the Commission with detailed information on the impact of gas shortages on the individual distributors and direct industrial customers of the pipelines as well as on the customers of distributors. Additionally, they will provide information concerning the impact of the curtailments on alternate fuels and assist the Commission in cooperating with the Federal Energy Administration in comprehending the effect of the gas shortage on the national economy.

Proposed Schedule 1A will require the pipelines to furnish information showing their deliveries, curtailments and requirements, customer-by-customer, each month for a year prior to the filing of the report. It will require details for each customer of the pipeline receiving from the pipeline 100,000 Mcf or more of gas per year and combined data for the remainder. A similar schedule will require the data projected month-by-month for one year subsequent to the filing of the form.

Proposed Schedule 1B will require the pipelines to report for each curtailed distributor (receiving normally 100,000 Mcf or more of gas per year (remainder combined)), the names of the large customers curtailed by the distributor, month-by-month, with volumes, end use, SIC code[2] and alternate fuel information for for each such large customer. Similar information will be projected month-by-month for one year in the future.

Proposed Schedule 1C will require the pipelines to furnish end use, SIC code and alternate fuel information for each large direct customer curtailed by the pipeline, actual and projected for one year.

Inasmuch as these proposed additional schedules will duplicate to a large extent the data in the current FPC Form No. 17, which is filed monthly by the pipelines, we propose to eliminate the requirement for the pipelines to file Form No. 17.

Accordingly, it is proposed to amend § 260.12 of Part 260, Statements and Reports (Schedules), Subchapter G—Approved Forms, Natural Gas Act, Chapter 1, Title 18 of the Code of Federal Regulations, to add six new schedules (three for actual experience and three for projections) in the form set forth in the attachment hereto, to FPC Form No. 16, Report of Supply and Requirements.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than September 9, 1974, data, views, comments, or suggestions, in writing concerning the proposed amendment. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information during regular business hours. Submittals to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposal should be addressed and whether the person filing requests a conference with the Staff of the Federal Power Commission to discuss the proposed amendment. The Commission will consider all such written submittals before acting on the matter proposed herein. The Staff, in its discretion, may grant or deny requests for a conference.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–17418 Filed 7–30–74;8:45 am]

SOHIO PETROLEUM CO. ET AL.

Certificates of Public Convenience and Necessity Issued to Producer Respondents and Designation of FPC Gas Rate Schedules and Schedule Supplements Accepted for Filing

JULY 22, 1974.

By Opinion No. 662 and order issued August 7, 1973, in Docket No. AR70–1 (Phase I), mimeo. p.20, paragraph (J), the Commission issued certificates of public convenience and necessity to producer respondents based upon applica-

[1] New schedules filed as part of the original document.

[2] Standard Industrial Classification, issued by the Office of Management and Budget.

tions pending on the effective date of the opinion.[1] The opinion did not further identify the particular producer respondents or the dockets in which the applications had been filed. In order that the applicants might be advised of the disposition of their applications there is affixed as Appendix hereto a definitive list of the affected applications.

The applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission proposing to initiate, add, delete, or succeed in part to natural gas service in interstate commerce. Those FPC gas rate schedules or rate schedule supplements are now or have heretofore been accepted for filing and designated as indicated in the Appendix hereto.

KENNETH F. PLUMB,
Secretary.

[1] The statutory hearing for those certificate applications, for sales in the Permian Basin, which had been noticed and for which the period for filing protests or interventions had expired prior to August 7, 1973, is considered to have been held when Opinion No. 662 and order were acted on by the Commission and permanent certification of such applications was accomplished by ordering paragraph (J) thereof. Those applications which either had not been noticed prior to August 7, 1973, or for which the notice period had not yet expired do not fall within the purview of Opinion No. 662's statutory hearing and have been issued separately or will be considered in the future.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document [1]	No.	Supplement
G-11580 ..... C 3-2-73	Sohio Petroleum Co. (operator) et al.	Northern Natural Gas Co. (North Eunice San Andres Gas Pool, Lea County, N. Mex.).	Amendment agreement 2-2-73.	63	11
CI61-1332 ..... C 2-28-72	Cities Service Oil Co. (operator).	Transwestern Pipeline Co. (Bluitt Gasoline Plant, Roosevelt County, N. Mex.).	Amendment 1-24-72	213	6
			Contract 1-24-72	213	7
CI63-708 ..... C 7-14-72, 7-24-72	CRA, Inc	Northern Natural Gas Co. (Dove Creek and Velrex Fields, Irion and Schleicher Counties, Tex.).	Amendment agreement 4-21-72.	49	26
			Letter 7-17-72	49	1-26
CI63-708 ..... C 6-11-73	do	Northern Natural Gas Co. (Las Perlas Field, Irion County, Tex.).	Amendment agreement 3-1-73.	49	29
			Effective date: Date of initial delivery.	.....	.....
CI64-708 ..... D 4-16-73 [2]	Gulf Oil Corp. (operator) et al.	Transwestern Pipeline Co. (Worsham Bayer Ellenburger Field, Reeves County, Tex.).	Letter agreement 1-25-73	373	9
CI65-561 ..... C 3-6-72	Cities Service Oil Co. (operator).	Natural Gas Pipeline Co. of America (Bluitt Gasoline Plant, Roosevelt County, N. Mex.).	Amendment 3-1-71	214	10
			Contract 3-1-71	214	11
CI66-606 ..... A 1-17-66	Exxon Corp	El Paso Natural Gas Co. (Cooper Jal Field, Lea County, N. Mex.).	Contract 11-3-52	386	.....
			Supplement agreement 1-1-61.	386	1
			Supplement agreement 12-21-65.	386	2
CI66-808 ..... A 3-1-66	The Atlantic Richfield Co.	El Paso Natural Gas Co. (West Waha Field, Reeves County, Tex.).	Contract 2-14-66	300	.....
CI66-1106 ..... C 3-13-72, 5-24-72	CRA, Inc	Northern Natural Gas Co. (Mertzon Plant, Irion and Tom Green Counties, Tex.).	Letter 11-18-71	51	7
			Letter 5-15-72	51	8
CI66-1106 ..... C 7-14-72, 7-24-72	do	Northern Natural Gas Co. (Dove Creek, West Mertzon, and Las Perlas Canyon Sand) Fields, Tom Green, and Irion Counties, Tex.).	Amendment agreement 4-25-72.	51	10
			Letter 7-11-72	51	1-10
			Letter 7-13-72	51	2-10
CI68-605 ..... A 10-30-67	Southwestern Natural Gas, Inc.	West Lake Natural Gasoline Co. and Sinclair Oil & Gas Co. (Nena Lucia (Strawn Reef) Field, Nolan County, Tex.).	Contract 9-8-67	3	.....
CI70-267 ..... A 9-16-69	Exxon Corp	Transwestern Pipeline Co. (Barstow Field, Ward County, Tex.).	Contract 5-2-69	469	.....
CI70-460 ..... A 11-12-69	do	Northern Natural Gas Co. (Pikes Peak Field, Pecos County, Tex.).	Contract 10-14-69	471	.....
CI71-530 ..... C 6-16-72	Phillips Petroleum Co.	El Paso Natural Gas Co. (Goldsmith Plant, Ector County, Tex.).	Amendment 5-16-72	483	4
CI71-560 ..... A 2-1-71 C 3-11-71 C 10-19-72	do	El Paso Natural Gas Co., (Sales Ranch Field, Martin and Midland Counties, Tex.).	Contract 1-8-71	484	.....
			Supplement agreement 9-26-72.	484	1
			Amendment agreement 9-26-72.	484	5
CI-71-815 ..... A 5-10-71	Midwest Oil Corp	Transwestern Pipeline Co., (New Mexico State V No. 1, Chaves County, N. Mex.).	Contract 4-28-71	59	.....
CI71-901 ..... A 6-25-71	Mobil Oil Corp	Northern Natural Gas Co., (Gomez (Ellemburger) Field, Pecos County, Tex.).	Contract 6-8-71	471	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document [1]	No.	Supplement
CI72-275..... A 11-5-71	Phillips Petroleum Co.	El Paso Natural Gas Co., (James Ranch Area, Eddy County, N. Mex.).	Contract 10-14-71.....	492	.....
CI72-309..... A 11-24-71	Getty Oil Co.....	El Paso Natural Gas Co. (Cotton Draw Field, Eddy County, N. Mex.).	Contract 9-1-71.....	194	.....
CI72-424..... A 1-13-72	Hassie Hunt Trust....	El Paso Natural Gas Co. (North Puckett (Wolfcamp) Field, Pecos County, Tex.).	Contract 1-7-72.....	40	.....
CI72-502..... A 2-11-72	Warren Petroleum Co., a division of Gulf Oil Corp.	El Paso Natural Gas Co. (Eunice Plant, Lea County, N. Mex.).	Contract 1-1-72.....	60	.....
			Contract 10-3-47.....	60	1
			Amendment 5-1-50.....	60	2
			Amendment 10-26-59.....	60	3
CI72-519..... A 2-22-72	Cities Service Oil Co..	El Paso Natural Gas Co. (Cavems Area, Eddy County, N. Mex.).	Contract 1-25-72.....	382	.....
C 8-23-72			Supplement agreement 8-11-72.	382	3
CI72-587..... A 3-17-72	Atlantic Richfield Co. (operator) et al.	Transwestern Pipeline Co. (Rock Tank Field, Eddy County, N. Mex.).	Contract 3-6-72.....	654	.....
CI72-590 [2] A 3-20-72 C 2-20-73	Phillips Petroleum Co. (operator) et al.	El Paso Natural Gas Co. (Goldsmith Plant, Ector County, Tex.).	Contract 3-1-72.....	497	.....
CI72-591 [2] A 3-20-72 C 2-20-73	do.....	El Paso Natural Gas Co. (Eunice Plant, Lea County, N. Mex.).	do.....	498	.....
CI72-592 [2] A 3-20-72 C 2-20-72	do.....	El Paso Natural Gas Co. (Lee Plant, Lea County, N. Mex.).	Contract 3-1-72.....	499	.....
CI72-593 [2] A 3-20-72 C 2-20-73	do.....	El Paso Natural Gas Co. (Hobbs Plant, Lea County, N. Mex.).	do.....	500	.....
CI72-594 [2] A 3-20-72 C 2-20-73	do.....	El Paso Natural Gas Co. (Lusk Plant, Lea County, N. Mex.).	do.....	501	.....
CI72-595 [2] A 3-20-72, 3-30-73	do.....	El Paso Natural Gas Co. (Fullerton Plant, Andrews County, Tex.).	do.....	502	.....
CI72-596 [2] A 3-20-72 C 2-20-73	do.....	El Paso Natural Gas Co. (Crane Plant, Crane County, Tex.).	do.....	503	.....
CI72-597 [2] A 3-20-72, 3-3-73	do.....	El Paso Natural Gas Co. (Ector Plant, Ector County, Tex.).	do.....	504	.....
CI72-598 [2] A 3-20-72	do.....	El Paso Natural Gas Co. (Wilson Plant, Lea County, N. Mex.).	Contract 3-1-72.....	505	.....
			(Effective date: Date of commission authorization).		
CI72-635..... A 4-3-72	Cities Service Oil Co.	Transwestern Pipeline Co. (Rock Tank Field, Eddy County, N. Mex.).	Contract 3-23-72.....	384	.....
CI72-685 [2] A 4-21-72, 3-30-73	Phillips Petroleum Co. (operator).	El Paso Natural Gas Co. (Tunstill Plant, Reeves County, Tex.).	Contract 3-1-72.....	506	.....
CI72-686 [2] A 4-21-72, 6-5-72, 3-2-73	do.....	El Paso Natural Gas Co. (Winkler Plant, Winkler County, Tex.).	do.....	507	.....
CI72-705..... A 5-1-72	Atlantic Richfield Co.	Northern Natural Gas Co. (Shoe Bar Atoka Pool, Lea County, N. Mex.).	Contract 3-24-72.....	656	.....
CI72-706..... A 5-1-72	Sun Oil Co.....	Transwestern Pipeline Co. (Halley Field, Winkler, County, Tex.).	Contract 4-10-72.....	509	.....
CI72-716..... (CS71-2) F 5-8-72, 7-20-72	Skelly Oil Co. (successor to George F. Thagard, Jr., trustee).	Natural Gas Pipeline Co. of America (Haley Unit, Loving and Winkler Counties, Tex.).	Contract 4-12-71.....	257	.....
			Assignment 9-13-71.....	257	1
CI72-731..... A 5-15-72	Gulf Oil Corp.....	El Paso Natural Gas Co. (North Puckett (Wolfcamp) Field, Pecos County, Tex.).	Contract 1-8-72.....	435	.....
CI72-745..... A 5-19-72	Hunt Oil Co.....	Northern Natural Gas Co. (Elsinore (Devonian) Field, Pecos County, Tex.).	Contract 5-5-72.....	71	.....
CI72-755 [2] A 5-22-72 C 1-24-73	Warren Petroleum Co., A Division of Gulf Oil Corp. (Operator).	El Paso Natural Gas Co. (Tatum Gasoline Plant, Lea County, N. Mex.).	Contract 3-1-72.....	61	.....
			Letter agreement 5-16-72....	61	1
CI72-756 [2] A 5-22-72 C 1-24-73	do.....	El Paso Natural Gas Co. (Caliche Gasoline Plant, Lea County, N. Mex.).	Contract 3-1-72.....	62	.....
CI72-757 [2] A 5-22-72 C 1-24-73	do.....	El Paso Natural Gas Co. (Monument Gasoline Plant, Lea County, N. Mex.).	do.....	63	.....
CI72-758 [2] A 5-22-72 C 1-24-73	do.....	El Paso Natural Gas Co. (Saunders Gasoline Plant, Lea County, N. Mex.).	Contract 3-1-72.....	64	.....
			Letter agreement 5-16-72....	64	1
CI72-759 [2] A 5-22-72 C 1-24-73	do.....	El Paso Natural Gas Co. (Eunice Gasoline Plant, Lea County, N. Mex.).	Contract 3-1-72.....	65	.....
			Letter agreement 5-16-72....	65	1
CI72-760 [2] A 5-22-72 C 1-24-73	do.....	El Paso Natural Gas Co. (Waddel Gasoline Plant, Crane County, Tex.).	Contract 3-1-72.....	66	.....
			Letter Agreement 5-16-72...	66	1
CI72-762 [2] A 5-23-72, 11-22-72	Skelly Oil Co. (operator).	Northern Natural Gas Co. (Eunice Plants, Lea County, N. Mex.).	Contract 3-15-72.....	262	.....
			Letter agreement 3-15-72....	262	1
CI72-764..... A 5-24-72	Gulf Oil Corp.....	Transwestern Pipeline Co. (Rock Tank Morrow Field Eddy County, N. Mex.).	Contract 4-25-72.....	436	.....

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document [1]	No.	Supplement
CI72-771 [2] A 5-25-72, 11-22-72	Skelly Oil Co. (operator).	El Paso Natural Gas Co. (Eunice Plants, Lea County, N. Mex.).	Contract 3-1-72	263	
CI72-841 A 6-19-72	Exxon Corp.	El Paso Natural Gas Co. (West Fort Chadbourne Field, Runnels County, Tex.).	Contract 6-2-72	509	
CI72-854 A 5-23-72	Skelly Oil Co. (operator) et al.	El Paso Natural Gas Co. (East Vealmoor Plant, Howard County, Tex.).	Contract 6-20-72	260	
CI73-14 A 7-7-72, 3-7-73	Continental Oil Co.	Transwestern Pipeline Co. (Maljamar Area, Lea County, N. Mex.).	Contract 5-1-72	379	
CI73-22 A 7-10-72	Pennzoil Co.	Transwestern Pipeline Co. (acreage in Eddy County, N. Mex.).	Contract 6-19-72	35	
CI73-23 A 7-12-72	do	Transwestern Pipeline Co. (acreage in Eddy County, N. Mex.).	Contract 7-6-73	36	
CI73-26 A 7-12-72	Belco Petroleum Corp. et al.	Natural Gas Pipeline Co. of America (James Ranch Area, Eddy County, N. Mex.).	Contract 6-2-72	17	
CI73-85 (CS72-852) F 8-7-72	Suburban Propane Gas Corp. (successor to Delta Drilling Co. et al.).	Northern Natural Gas Co. (Davidson Ranch Area, Crockett County, Tex.).	Contract 10-27-65	21	
			Amendment 5-19-66	21	1
			Amendment 5-30-66	21	2
			Amendment 11-30-70	21	3
			Agreement 6-22-72	21	4
			Assignment 7-14-72	21	5
			Release agreement 4-6-73	21	6
CI73-85 D 6-25-73 [4]	Suburban Propane Gas Corp.	Northern Natural Gas Co. (Davidson Ranch Area, Crockett County, Tex.).	Effective date: Date of commission authorization.		
CI73-99 A 8-10-72	Phillips Petroleum Co.	El Paso Natural Gas Co. (Drag A and Drag B Leases, Eddy County, N. Mex.).	Contract 7-25-72	509	
CI73-113 A 8-17-72	Hunt Oil Co.	El Paso Natural Gas Co. (acreage in Eddy County, N. Mex.).	Contract 8-7-72	72	
CI73-127 A 8-24-72	Suburban Propane Gas Corp.	Northern Natural Gas Co. (Davidson Ranch Field, Crockett County, Tex.).	Contract 6-30-72	22	
			Assignment 7-14-72	22	1
CI73-127 C 6-25-73 [4]	do	Northern Natural Gas Co. (Davidson Ranch Field, Crockett County, Tex.).	Amendment agreement 4-6-73.	22	3
			Effective date: Date of initial delivery.		
CI73-165 A 9-5-72	do	Northern Natural Gas Co. (Ozoha Plant, Clearfork Field, Crockett County, Tex.).	Contract 7-11-72	23	
CI73-189 A 9-13-72	Skelly Oil Co.	El Paso Natural Gas Co. (Cedar Canyon Unit, Eddy County, N. Mex.).	Contract 8-25-72	265	
CI73-227 (G13805) F 9-25-72	McCulloch Oil Corp. (successor to Atlantic Richfield Co.).	El Paso Natural Gas Co. (Fowler Field, Lea County, N. Mex.).	Contract 7-19-39	23	
			Amendment agreement 4-2-42.	23	1
			Letter agreement 12-6-49	23	2
			Amendment agreement 12-18-61	23	3
			Assignment 4-8-72	23	
CI73-252 A 10-6-72	Gulf Oil Corp.	Northern Natural Gas Co. (Flying W (Ellenburger) Field, Winkler County, Tex.).	Contract 8-22-72	438	
CI73-282 A 10-16-72	Phillips Petroleum Co.	El Paso Natural Gas Co. (Northwest James Ranch Prospect Field, Eddy County, N. Mex.).	Contract 9-26-72	513	
CI73-292 (CS71-646) F 10-24-72	McCulloch Oil Corp. of Texas (successor to Ladd Petroleum Corp.).	Northern Natural Gas Co. (Fort Stockton-Dixel Unit, Pecos County, Tex.).	Contract 12-1-70	4	
			Amendment agreement 5-1-72.	4	1
			Assignment 9-6-72	4	2
CI73-471 A 1-12-73	Mobile Oil Corp.	El Paso Natural Gas Co. (Morrison (3600' Wolfcamp) (Ellenburger) Field, Crockett and Val Verde Counties, Tex.).	Contract 12-28-72	490	
			Letter Agreement 12-28-72	490	1
CI73-673 A 4-5-73	Atlantic Richfield Co.	El Paso Natural Gas Co. (NMFU, Mattix No. 1, Lea County, N. Mex.).	Contract 2-21-73	668	
CI73-689 A 4-9-73	Continental Oil Co.	El Paso Natural Gas Co. (Fowler Upper Yeso Field, Lea County, N. Mex.).	Contract 2-21-73	400	
CI73-695 A 4-16-73 [5]	Gulf Oil Corp.	Transwestern Pipeline Co. (Worsham Bayer Ellenburger Field, Reeves County, Tex.).	Contract 2-1-73	451	
			Effective date: Date of initial delivery.		
CI73-727 A 4-30-73	Amoco Production Co.	El Paso Natural Gas Co. (Levelland (San Andres) Field, Cochran County, Tex.).	Contract 12-7-72	617	
CI73-750 A 5-3-73	Chevron Oil Co., Western Division.	El Paso Natural Gas Co. (Fowler Upper Yeso Field, Lea County, N. Mex.).	Contract 2-21-73	45	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchase and location	FPC gas rate schedule		
			Description and date of document	No.	Supp.
CI73-770..... (CI62-825) F 5-3-73	Gulf Oil Corp. (successor to Mobil Oil Corp.).	El Paso Natural Gas Co. (Rojo Caballos South (Ellenburger) Field, Pecos County, Tex.).	Contract 12-28-60.....	444	.....
			Letter agreement 12-6-62....	444	1
			Letter agreement 12-26-62...	444	2
			Amendment agreement 6-14-65.	444	3
			Amendment agreement 12-22-65.	444	4
			Amendment agreement 9-21-71.	444	5
			Amendment agreement 4-19-73.	444	6
			Letter agreement 4-25-73....	444	7
			Assignment 5-22-73.....	444	8
CI73-835..... (CS73-81) F 5-29-73	Suburban Propane Gas Corp. (successor to Pauley Petroleum, Inc.).	Northern Natural Gas Co. (Sonora (Canyon Sand) Field, Sutton County, Tex.).	Contract 12-30-63.....	27	.....
			Amendment agreement 2-23-65.	27	1
			Supplement agreement 5-11-67.	27	2
			Amendment agreement 5-25-67.	27	3
			Amendment agreement 11-24-69.	27	4
			Assignment 5-9-73.....	27	5
CI73-859..... A 6-6-73	Atlantic Richfield Co.	Northern Natural Gas Co. (Drinkard Field, Lea County, N. Mex.).	Contract 3-30-73.....	670	.....
CI74-25..... A 7-13-73	Suburban Propane Gas Corp.	Northern Natural Gas Co. (Mayer Ranch Area, Sutton County, Tex.).	Contract 1-3-72.....	28	.....
			Supplement agreement 11-22-72.	28	1
			Letter agreement 12-11-72....	28	2
			Supplement agreement 5-4-73.	28	3

[1] Where no effective date is shown, the rate schedule filing has heretofore been accepted.
[2] Acreage being deleted is being added to another contract with the same buyer in docket No. CI73-695.
[3] Authorization does not include renewals and extensions of plant supply contracts which have not terminated. Under Opinion No. 639 applicant is not entitled to the new gas ceiling rate for residue gas attributable to raw gas purchased under a new plant supply contract until the old gas supply contract expires.
[4] No certificate deletion filing required; acreage being deleted is being added to another contract with the same buyer in docket No. CI73-127.
[5] Subject acreage is being deleted from docket No. CI73-85.
[6] Subject acreage is being deleted from docket No. CI64-708.

[FR Doc.74-17213 Filed 7-30-74;8:45 am]

[Docket No. RP74-71-2]

SOUTHERN NATURAL GAS CO. AND ATLANTA GAS LIGHT CO.

Enforcement of Tariff Provisions and Requiring Reports

JULY 24, 1974.

The proceeding in Docket No. RP74-71-2 involves a request for relief from the curtailment plan of the Southern Natural Gas Company (Southern) by Atlanta Gas Light Company (Atlanta) on behalf of Georgia Power Company (Georgia Power) in order to provide 90,000 Mcf per day of natural gas to Georgia Power's plant Yates located at Newnan, Georgia, approximately 40 miles southwest of Atlanta. The Commission was first notified of the delivery of 90,000 Mcf per day by a letter dated June 24, 1974, from Southern which stated that deliveries had commenced on that day for a period of 15 days on an emergency basis pursuant to section 9.5 of Southern's currently effective curtailment plan. Subsequent thereto, the Commission issued orders dated June 29 and July 3, 1974, directing a hearing on the propriety of the use of § 9.5, and whether Atlanta should be required to immediately pay back all volumes of gas taken pursuant to the asserted emergency action. A hearing in the matter was held on July 9, 1974, and briefs are to be filed with the Presiding Administrative Law Judge on July 26 and August 5, 1974, for preparation of an Initial Decision.

On July 2, 1974, Atlanta stated that Georgia Power had requested that emergency deliveries of 90,000 Mcf per day at the Yates Power Plant be continued for an additional 30 days beyond the 15 day period for which relief had been provided. Atlanta also stated that Southern had advised that it was unwilling to continue emergency deliveries at Yates under § 9.5 of the tariff beyond the 15 day period, absent Commission action. Atlanta urged the Commission to grant relief so that it could provide gas to Georgia Power at the Yates plant for the 30 day period commencing on July 9, which would terminate on August 8, 1974. On July 9, 1974, the Commission issued a letter-order to Atlanta stating that Southern was authorized to deliver 90,000 Mcf per day for the 30-day period by diversion of natural gas from present entitlements at other delivery points on Atlanta's system, provided that Atlanta deliveries are not increased thereby. In response to a letter filed by Atlanta on July 10 for clarification of the aforesaid letter-order, the Commission issued a letter-order on July 18, 1974, stating that "it was intended to permit relief from Southern's existing and effective curtailment plan to the extent necessary to allow Atlanta to rearrange the volumes of gas received from Southern so that the diversion produces no net increase in deliveries to Atlanta in excess of those permitted under the operation of Southern's currently effective curtailment plan."

The matter presently before the Commission is a complaint by Southern filed on July 23, 1974, which refers to the letter-orders of July 9 and July 18 and states that at about 4:30 p.m. Thursday July 18, 1974, Atlanta advised Southern that it had reduced its purchases from Southern in the Atlanta delivery area by 90,000 Mcf per day to make such gas available for purchase by Atlanta at Newnan-Yates delivery point for resale by Atlanta to Georgia Power's Yates plant. Southern further reported that Atlanta had ceased reducing its purchases in the Atlanta area delivery point or at other delivery points and is continuing to take approximately 90,000 Mcf per day of emergency gas at the Newnan-Yates delivery point. Southern stated that it believed that Atlanta was in violation of the Commission's order of July 9 and July 18, 1974, which provided that Atlanta deliveries are not increased by the permitted rearrangement of deliveries. Southern requested instructions from the Commission as to how to proceed. The Commission has also received a letter from Atlanta dated July 23 stating that it has requested Southern to increase deliveries at the Newnan-Yates delivery point by 90,000 Mcf, and to decrease deliveries in the Atlanta area from 367,390 Mcf to 277,390 Mcf.

Atlanta appears to have misinterpreted the Commission's letter-orders in asserting the right to 367,390 Mcf in the Atlanta area as a basis from which the 90,000 Mcf diversion to the Yates plant would be subtracted. The summer time entitlement of Atlanta from Southern based on information filed by Southern indicated that Atlanta's total market requirement in the Atlanta area approximates 277,000 Mcf. This should be the volume from which gas may be diverted to the Yates plant of Georgia Power. Southern will therefore be directed to enforce the provisions of its existing tariff, and Commission orders, regarding total deliveries to Atlanta. Southern is charged with the responsibility for enforcing and adhering to its tariff. If it should ultimately develop that Southern's interpretation of its tariff and its action thereunder are found by the Commission to be improper, the Commission will enter such order as the public interest may require. To hold otherwise would invite all customers to attempt to secure all of their desired deliveries and would lead to chaos. Southern will further be directed to impose on Atlanta all applicable overrun charges as provided by the presently effective tariff for all gas taken by Atlanta after July 9, 1974, in excess of volumes which were permitted under Southern's currently effective curtailment plan and the Commission's orders of July 9, and July 18, 1974. The Commission's orders of July 9, and July 18, 1974, in this docket, permitted no net increase in actual deliveries to Atlanta because of the allowed diversion of gas to the Yates plant.[1] Southern also will be directed to file a report on the daily volumes of gas delivered to Atlanta by delivery point for each day from July 9, 1974, through August 8, 1974, setting forth the amounts of overrun and the basis for computation.

[1] Atlanta filed additional comments on July 24, 1974, which are noted, on its differing views with Southern.

The Commission orders. (A) Southern Natural Gas Company is immediately directed to enforce the provisions of its presently effective curtailment plan in its tariff so as to reduce total deliveries to Atlanta Gas Light Company so that Atlanta's receipts of gas from Southern are no greater than would have occurred without the delivery of emergency gas to Georgia Power Company's Yates Plant at the Newnan-Yates delivery point, on June 24, 1974.

(B) Southern Natural Gas Company is directed to apply the provision of its existing FPC Tariff on overruns of takes of natural gas by Atlanta Gas Light Company for every day after July 9, 1974, on which days the total takes of gas by Atlanta exceeded authorized delivery levels pursuant to Southern's currently effective curtailment plan, absent deliveries to the Georgia Power Company's Yates Plant.

(C) Southern Natural Gas Company is directed to file in this docket within ten days after the close of the 30-day period for which authorizations were issued for rearrangements of delivery to Atlanta, a report showing daily volumes of gas delivered to Atlanta by delivery point, the amounts of overrun, and the basis for the computation and the results of its adherence to ordering Paragraph (B) above.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17406 Filed 7-30-74;8:45 am]

[Docket No. CP75-12]

SOUTHERN NATURAL GAS CO.

Notice of Application

JULY 24, 1974.

Take notice that on July 15, 1974, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP75-12, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue operation of two meter stations and to continue sales of natural gas for resale to The Polaris Corporation (Polaris) and Swanee Natural Gas Corporation (Swanee), which sales have heretofore been subject to the jurisdiction of the Louisiana Public Service Commission as intrastate sales, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it receives gas produced in Louisiana and the Gulf of Mexico, offshore Louisiana, into its South Louisiana Supply System (SLSS), and transports said gas through the SLSS in interstate commerce for resale in several States. Applicant further states that both Polaris and Swanee receive gas from Applicant's SLSS as follows:

Polaris purchases gas from Applicant for resale to The U.S. Public Health Service Hospital at Carville, Louisiana, Polaris' sole customer. Polaris receives this gas from the West Leg of Applicant's SLSS at a point near Carville in Iberville Parish, Louisiana.

Swanee purchases gas from Applicant for resale to residential and commercial customers in Catahoula, Louisiana. Swanee receives this gas from the 20-inch supply lateral off the West Leg of Applicant's SLSS at a point near St. Martinville in St. Martin Parish, Louisiana.

Additionally, Applicant states that both of the meter stations for which Applicant requests a certificate herein are located on the West Leg of Applicant's SLSS.

Based on the foregoing, Applicant states that the facilities used to serve Polaris and Swanee and the sales of gas to these customers appear to be subject to the jurisdiction of this Commission rather than the jurisdiction of the Louisiana Public Service Commission. Therefore, Applicant requests certification of said sales and facilities.

Applicant states that the proposed service will not require any additional facilities, will in no way enlarge or reduce its sales obligations and will have no effect on its ability to serve present customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before Aug. 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must filed a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17407 Filed 7-30-74;8:45 am]

[Docket No. E-8905]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Tariff Change

JULY 24, 1974.

Take notice that on July 15, 1974 Southwestern Electric Power Company (Southwestern) tendered for filing revised tariff agreements between itself and Central Louisiana Electric Company, Inc. This proposal would increase the cost of service as reflected in SWEPCO Supplement No. 6 to Rate Schedule FPC No. 59 and CLECO Supplement No. 4 to Rate Schedule FPC No. 4. Southwestern proposes that the agreement become effective July 1, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17408 Filed 7-30-74;8:45 am]

[Docket No. RP74-51]

SOUTHWEST GAS CORP.

Notice of Further Extension of Time

JULY 24, 1974.

On July 19, 1974, Southwest Gas Corporation filed a motion for an extension of time within which to file its rebuttal testimony as required by notice issued May 31, 1974. The motion states that none of the participants have any objection to the motion.

Upon consideration, notice is hereby given that the time is extended to and including July 26, 1974, within which Southwest Gas Corporation shall file its rebuttal testimony. The hearing will be held on August 6, 1974, at 10:00 a.m. as scheduled.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17409 Filed 7-30-74;8:45 am]

[Docket Nos. CI74-82, CI74-132, CI74-244]

TEXACO INC., ET AL.

Notice of Extension of Time and Postponement of Hearing

JULY 24, 1974.

On July 18, 1974, Pennzoil Producing Company filed a motion for an extension of the procedural dates fixed by order issued July 3, 1974, in the above-designated matter. The motion states that there is no objection by the other appli-

cants, Staff or the interveners. By letter received on July 22, 1974, Texaco requested that the extension be granted to all parties.

Upon consideration, notice is hereby given that the procedural dates in the above matter be modified as follows:

Service of evidence by Applicants and interveners supporting the applications, August 30, 1974.
Service of evidence by the Staff and any interveners opposing the applications, September 13, 1974.
Service of Rebuttal Evidence, September 27, 1974.
Hearing, October 9, 1974 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17410 Filed 7-30-74;8:45 am]

[Docket No. RP74-41]

TEXAS EASTERN TRANSMISSION CORP.

Further Extension of Time and Postponement of Hearing

JULY 24, 1974.

On May 21, 1974, The Public Service Commission of the State of New York filed a motion for a further extension of the procedural dates fixed by notice issued April 29, 1974, in the above-designated matter. On June 28, 1974, Staff Counsel filed a motion for a further extension. On July 3, 1974, a notice was issued deferring the procedural dates pending further notice.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of evidence by staff, August 30, 1974.
Service of evidence by interveners, October 2, 1974.
Service of Rebuttal evidence, October 16, 1974.
Prehearing Conference, October 23, 1974 (10:00 a.m. e.d.t.).
Hearing, November 5, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17412 Filed 7-30-74;8:45 am]

[Docket No. CP75-10]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JULY 24, 1974.

Take notice that on July 11, 1974, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP75-10 an application pursuant to section 7(b) and (c) of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval of the abandonment, for the 12-month period commencing November 5, 1974, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities, which will not result in changing Applicant's system salable capacity of service from that authorized prior to the filing of the instant application.

Applicant further states that the total cost of the proposed abandonment, relocation, construction, and operation will not exceed $3,000,000, nor will the cost of any single project exceed $500,000. Applicant states that the proposed facilities will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before Aug. 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17411 Filed 7-30-74;8:45 am]

[Docket No. CP75-9]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JULY 23, 1974.

Take notice that on July 11, 1974, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP75-9 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of one additional point of delivery from Consolidated Gas Supply Corporation (Consolidated) to Applicant located on Applicant's transmission line, Block 224 Ship Shoal Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By Commission Order issued August 28, 1972 (48 FPC 380), Applicant was authorized to transport volumes of gas for Consolidated from Louisiana to a point near Leidy, Pennsylvania. The Application indicates Consolidated has gas available in Ship Shoal Block 246 and adjoining areas offshore Louisiana. Applicant states that by agreement dated May 21, 1974, Applicant and Consolidated have provided for an additional delivery point on Applicant's 20-inch line on the "A" Production Platform, Block 224 Ship Shoal Area, offshore Louisiana. Applicant seeks authorization for operation of such interconnection as a delivery point for transportation of gas. Applicant claims there will be no increase in transportation volumes.

Applicant states that the proposed additional delivery point in Ship Shoal Block 224 is the terminus of a 16-inch pipeline, to be jointly owned and operated by Applicant and Consolidated, which commences at Consolidated's source of gas in Ship Shoal Block 246. Applicant further states that a joint application for a certificate of public convenience and necessity covering this 16-inch pipeline from Ship Shoal Block 224 to Ship Shoal Block 246 and associated facilities will be filed.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is re-

quired, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17413 Filed 7-30-74;8:45 am]

[Docket No. CP75-8]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

JULY 24, 1974.

Take notice that on July 11, 1974, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001 and Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301 (Applicants), filed in Docket No. CP75-8 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing 1) the construction and operation of certain natural gas facilities in the Ship Shoal Area, offshore Louisiana and 2) the acquisition by Transco of a partial ownership interest in Consolidated's "A" and "B" Platforms, Block 246, Ship Shoal Area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to construct and operate: 1) approximately 4.6 miles of 16-inch transmission pipeline extending from Transco's existing 20-inch line in Block 224, Ship Shoal Area to Consolidated's "A" Production Platform, in Block 246, 2) 0.1 mile of 8-inch line between Consolidated's "B" Production Platform and the 16-inch line, and 3) measuring and regulating facilities to be located on Consolidated's "A" and "B" Platforms. Applicants state that Transco will physically construct and operate the proposed facilities and will own a 70 percent interest therein; the remaining 30 percent interest will be owned by Consolidated.

Applicants estimate that overall costs of the proposed facilities will total $6,176,000 which will be borne in the same percentage as the interest ownership. Applicants state that Transco's share of such costs will be initially financed from funds on hand while Consolidated's share will be financed with funds on hand and funds to be obtained from its parent corporation.

The application indicates that Transco has contracted for the purchase of volumes[1] of natural gas in Block 246 representing approximately 20 percent of the reserves below 9,025 feet and 40 percent of such reserves above 9,025 feet within such Block. Transco states that such volumes of gas are necessary to assist it in meeting present and future market requirements. The application further indicates that Consolidated, owner of a 30 percent working interest to all depths in the Block 246 Field, will utilize its interest in the proposed facilities to bring its share of the reserves in such field to Transco's existing line in Ship Shoal Area Block 224 where Transco has agreed to accept such volumes for transportation under the long-term transportation agreement between the two companies.

By this application Transco is also seeking authority for the acquisition of an ownership interest of up to 70 percent in Consolidated's "A" and "B" Platforms. The application indicates that Transco's present interest amounts to approximately 25 percent in the "A" Platform and 40 percent in the "B" Platform but will increase as additional gas is contracted for.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petititon for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17414 Filed 7-30-74;8:45 am]

[Docket Nos. RP72-23, et al and RP73-35]

TRUNKLINE GAS CO.

Extension of Time and Postponing Hearing On Purchased Gas Cost Issue

JULY 24, 1974.

On July 12, 1974, Staff Counsel filed a motion for postponement of the procedural dates fixed by notice issued June 5, 1974, in the above-designated matter. The motion states that neither Trunkline nor the interveners object to this postponement.

On July 12, 1974, the Staff Counsel also filed a motion for severance of the purchased gas cost issue and stay of proceedings, institution of investigation and hearing of producer rate, for joinder of party and consolidation of proceedings.

Upon consideration, notice is hereby given that the procedural dates relating to the advance payment issue are further modified as follows:

Staff serve testimony, July 26, 1974.
Interveners serve testimony, August 9, 1974.
Trunkline serves rebuttal testimony, August 30, 1974.
Prehearing conference and hearing, September 4, 1974.

The procedural dates relating to the purchased gas cost issue are deferred pending further order of the Commission on the motion for severance of the purchased gas cost issue and stay of proceedings, institution of investigation and hearing of producer rate, for joinder of party and consolidation of proceedings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17415 Filed 7-30-74;8:45 am]

[Docket No. CP71-166]

UNITED GAS PIPE LINE CO. AND SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

JULY 24, 1974.

Take notice that on July 1, 1974, United Gas Pipe Line Company (United), 1500 Southwest Tower, Houston, Texas 77002, and Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, (Petitioners) filed in Docket No. CP71-166 a petition to amend the order of the Commission issued pursuant to section 7 (c) of the Natural Gas Act on May 3, 1971 (45 FPC 629), in the subject docket as amended June 6, 1972 (47 FPC 1551), authorizing the exchange of gas between Petitioners, by authorizing the exchange of gas at two additional points in De Soto and Bienville Parishes, Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of May 3, 1971, as amended, authorized Petitioners, inter alia, to transport and exchange natural gas at various points of interconnection of their facilities on a best efforts gas-for-gas basis to either party requiring gas.

Petitioners request that the subject order be further amended to authorize two additional delivery points as follows:

1. Norris Oil Company (Norris) will deliver to United for the account of Southern, 49.2 per cent of all gas produced from Norris' Fletcher No. 1 Well located in De Soto Parish, Louisiana. United will redeliver equivalent volumes to Southern at a point of interconnection located near Perryville, Louisiana.

2. L. R. Brammer, Jr. (Brammer) will deliver to Southern for the account of United, up to 61.5 percent of all gas produced from Brammer's Ella Davis No. 3 Well located in Bienville Parish, Louisiana. Southern will

[1] Transco estimates these volumes to be 12,000 Mcf of gas per day out of a total production of 30,000 Mcf per day.

redeliver equivalent volumes to United at a point of interconnection located near Perryville, Louisiana.

Petitioners maintain that the proposed exchange will give added flexibility and reliability to the respective pipeline systems. Petitioners state that the implementation of the proposed exchange of gas will not require the construction of any new facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before Aug. 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17416 Filed 7-30-74;8:45 am]

[Docket No. RI75-10]

W. W. F. OIL CORP., ET AL.

Notice of Petition for Special Relief

JULY 24, 1974.

Take notice that on July 15, 1974, W. W. F. Oil Corporation, et al. (Petitioner), Post Office Box 1746, Shreveport, Louisiana 71166, filed a petition for special relief in Docket No. RI75-10 pursuant to § 2.76 of the Commission's General Policy and Interpretations seeking a rate exceeding that applicable area ceiling under Opinion No. 598. Petitioner seeks a price of 72.0 cents per Mcf for the sale of natural gas to Tennessee Gas Pipeline Company under its FPC Gas Rate Schedules Nos. 6 and 7 from two wells located in the Atchafalaya Bay Area, St. Mary, Terrebonne and Iberia Parishes, Louisiana. In consideration for this price increase petitioner proposes to sidetrack one of the wells to restore production on the lease and to rework the other well. Petitioner estimates that the side tracking operation will result in the production of an additional 1,500,000 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to the proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17417 Filed 7-30-74;8:45 am]

DEPARTMENT OF STATE

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Notice of Meeting

The Department of State announces that Study Group 1 of the U.S. CCITT National Committee will meet on August 22, 1974 at 10 a.m. in Room 847 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The agenda of the August 22 meeting concerns continued preparation for participation in a meeting of a Working Party of CCITT Study Group I of the International Telecommunication Union to be held in Geneva, Switzerland, September 30–October 4, 1974. It will include a review of word count studies already made and others expected from the participants and of plans for recommendations to be made to the CCITT Study Group.

Members of the general public who desire to attend the meeting on August 22 will be admitted up to the limit of the capacity of the meeting room.

Dated: July 24, 1974.

RICHARD T. BLACK,
Chairman,
U.S. National Committee.

[FR Doc.74-17458 Filed 7-30-74;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

FIREARMS; GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Agnew, Spiro T., 6415 Shadow Road, Chevy Chase, Maryland, convicted on October 10, 1973, in the United States District Court, District of Maryland.

Amos, Jr., Walter Gordon, Route 5, Rocky Mount, Virginia, convicted on September 9, 1968, in the United States District Court, Western District of Virginia, Danville Division.

Blondheim, Richard M., 3210 5th Avenue, South, Milwaukee, Wisconsin, convicted on September 9, 1940, in the District Court, Eleventh Judicial District of State of Idaho in and for the County of Twin Falls; January 17, 1942, in the District Court of Lyon County, Kansas; and on October 5, 1961, in the Superior Court, Dane County, Wisconsin.

Carpenter, William H., 3333 Flower Valley Avenue, Memphis, Tennessee, convicted on November 16, 1962, in the Criminal Court of Shelby County, Tennessee.

Covert, Cloyd L., R. D. #1, St. Thomas, Pennsylvania, convicted on May 22, 1970, in the Fulton County Criminal Court, McConnelsburg, Pennsylvania, and on August 12, 1970, in the Franklin County Criminal Court, Chambersburg, Pennsylvania.

Douglas, John L., 358 Page Street, Apt. 3, San Jose, California, convicted on October 6, 1961, in the Santa Clara County Superior Court, California.

Elston, Paul D., 1011 New Hope Street, Apt. 18A, Norristown, Pennsylvania, convicted on April 21, 1971, in the Court of Common Pleas, Criminal Division, County of Luzerne, Pennsylvania.

Glisson, Edward R., Route #2, Adrian, Michigan, convicted on June 27, 1968, in the Circuit Court for the County of Lenawee, Michigan.

Harrison, Mark D., 915 Harvard Road, Monroeville, Pennsylvania, convicted on March 3, 1972, in the United States District Court, Eastern District of New York.

Martin, James C., 407 North 18th Avenue, Yakima, Washington, convicted on November 2, 1956, in the Superior Court for the State of Washington, in and for the County of Whitman; and on September 2, 1960, in the Superior Court for the State of Washington in and for the County of Chelan.

Myers, Charles J., North Oak Street, Bluffton Indiana, convicted on October 28, 1932, in the Wells Circuit Court, Wells County, Indiana.

Richardson, Curtis, Milan, Missouri, convicted on June 4, 1958, in the Circuit Court of Sullivan County, Missouri.

Ross, Sr., Thomas I., 4911 Briarwood Lane, Portsmouth, Virginia, convicted on September 17, 1973, in the United States District Court for the Eastern District of Virginia.

Savulchak, Charles, 214 Sagamore Street, Pittsburgh, Pennsylvania, convicted on April 4, 1961, in the Court of Quarter Sessions of the Peace for Allegheny County; and on August 25, 1961, in the Court of Quarter Sessions of the Peace for Allegheny County.

Still, James E., 926 Mayfair Circle, West, Orlando, Florida, convicted on August 25, 1961, in the Criminal Court, Orange County, Florida.

Yawn, James W., 2907 Silver Street, Jacksonville, Florida, convicted on February 3, 1969, in the Circuit Court (Criminal), Duval County, Florida.

Signed at Washington, D.C. this 22nd day of July, 1974.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.74-17479 Filed 7-30-74;8:45 am]

Customs Service

[T.D. 74-207]

REIMBURSABLE SERVICES

Excess Cost of Preclearance Operations

JULY 25, 1974.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set

forth below and will be effective with the pay period beginning August 18, 1974.

Installation:	*Biweekly excess cost*
Montreal, Canada	$7,979.00
Toronto, Canada	19,030.00
Kindley Field, Bermuda	2,837.00
Nassau, Bahama Islands	4,225.00
Vancouver, Canada	2,054.00
Winnipeg, Canada	385.00

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.74-17481 Filed 7-30-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-6]

WASHINGTON—MAIN MEDICAL PHARMACY

Notice of Hearing; Correction

A notice was published in the FEDERAL REGISTER of July 22, 1974 (39 FR 26656) providing notice of an administrative hearing relative to the revocation of the Certificate of Registration of Fleet Pharmacy, Inc., d/b/a Washington-Main Medical Pharmacy, Los Angeles, California.

The Drug Enforcement Administration Registration number noted on line 8, paragraph 1 of said notice is hereby amended to read as follows:

"AW 5915535"

Dated: July 25, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.74-17509 Filed 7-30-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT DES 74-78]

PROPOSED EASTERN NEW MEXICO WATER SUPPLY PROJECT, NEW MEXICO

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Eastern New Mexico Water Supply Project, New Mexico.

The environmental statement concerns a proposed 248-mile aqueduct to deliver a supplemental supply of municipal and industrial water from existing Ute Reservoir on the Canadian River to nine eastern New Mexico cities, in parts of Quay, Curry, Roosevelt, and Lea Counties.

Written comments may be submitted to the Regional Director (address below) on or before September 16, 1974.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4991.
Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-3017.
Office of the Regional Director, Bureau of Reclamation, Herring Plaza Box H-4377, Amarillo, Texas 79101, telephone (806) 376-2401.
Albuquerque Planning Office, Bureau of Reclamation, Post Office Box 252, Albuquerque, New Mexico 87103, telephone (505) 766-2272.

Single copies of the draft statement may be obtained on request from the Commissioner of Reclamation, Regional Director, or Albuquerque Planning Officer. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated: July 24, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-17433 Filed 7-30-74;8:45 am]

Office of the Secretary

[INT DES 74-64]

PROPOSED IMPORTATION REGULATIONS ON INJURIOUS WILDLIFE

Availability of Draft Environmental Statement

Correction

In FR Doc. 74-12847 appearing at page 19969, in the issue of June 5, 1974, the date reading "July 29, 1974." for receiving written comments should read "September 13, 1974."

Dated July 25, 1974.

DOUGLAS P. WHEELER,
Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc.74-16609 Filed 7-30-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation No. AO55]

ILLINOIS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Illinois:

Calhoun St. Clair
Marion

The Secretary has found that this need exists as a result of a natural disaster consisting of severe freezes March 17-31, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Daniel Walker that such designation be made.

Applications for Emergency loans must be received by this Department no later than September 16, 1974, for physical losses and April 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 26th day of July, 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74-17486 Filed 7-30-74;8:45 am]

[Designation No. AO58]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following parish in Louisiana:

Allen

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall, flooding and a tornado May 31, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edwin Edwards that such designation be made.

Applications for Emergency loans must be received by this Department no later than September 16, 1974, for physical losses and April 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 26th day of July, 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74-17487 Filed 7-30-74;8:45 am]

[Designation No. A057]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in Mississippi:

Coahoma

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall and flooding from May 1 to June 19, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237,

and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Bill Waller that such designation be made.

Applications for Emergency loans must be received by this Department no later than September 16, 1974, for physical losses and April 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 26th day of July, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-17485 Filed 7-30-74;8:45 am]

[Designation No. A056]

SOUTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in South Carolina:

Clarendon

The Secretary has found that this need exists as a result of a natural disaster consisting of a hailstorm and windstorm June 14, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor John C. West that such designation be made.

Applications for Emergency loans must be received by this Department no later than September 16, 1974, for physical losses and April 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 26th day of July, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-17488 Filed 7-30-74;8:45 am]

Forest Service

LAND USE PLAN FOR THE CHUGACH NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan for the Chugach National Forest, USDA-FS-FES(Adm)R10-74-01.

This environmental statement concerns a land use plan for the 4.7 million acre Chugach National Forest in Alaska.

This final environmental statement was transmitted to the CEQ on July 12, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20230

USDA, Forest Service
Alaska Region
Federal Office Building
Juneau, Alaska 99801

Forest Supervisor
Chugach National Forest
121 W. Fireweed Lane, Suite 205
Anchorage, Alaska 99503

Forest Supervisor, Chatham Area
Tongass National Forest
Federal Building
Sitka, Alaska 99835

Forest Supervisor, Stikine Area
Tongass National Forest
Federal Building
Petersburg, Alaska 99833

Forest Supervisor, Ketchikan Area
Tongass National Forest
Federal Building, Room 313
Ketchikan, Alaska 99901

A limited number of single copies are available upon request to Forest Supervisor, Chugach National Forest, 121 W. Fireweed Lane, Suite 205, Anchorage, Alaska 99503.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

US Dept. of Agriculture, Forest Service, Region 10, Joe Zylinski, 1kg, 6/26/74.

July 11, 1974.

C. A. YATES,
Regional Forester,
Alaska Region.

[FR Doc. 74-17470 Filed 7-30-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL INDUSTRIAL ENERGY CONSERVATION COUNCIL

A meeting of the Sub-Council on Public Awareness will be held Tuesday, August 6, 1974 from 2 p.m.-5 p.m. in Room 3814-B of the Main Commerce Building, 14th & E Streets, NW., Washington, D.C. The Sub-Council on Public Awareness is a working sub-group of the National Industrial Energy Conservation Council. This Sub-Council is primarily concerned in developing programs to continue consciousness of the need for energy conservation in business.

The agenda will include discussion of a public awareness model campaign developed for this Sub-Council by Carl Byoir and Associates. Newly developed publications and a second Industrial Energy Conservation film will be previewed and discussed.

The public will be permitted to attend and a limited number of seats will be available to the public.

Oral statements or participation by the public in the meeting will not be permitted, but any member of the public who wishes to file a written statement with the Council may do so before or after the meeting.

Persons who wish to attend the meeting should contact Herbert Schmitz at the Office of Energy Programs, Room 2203, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230—(202) 967-4703.

DAVID J. FOEGE,
Assistant Director, National Industrial Energy Conservation Council.

[FR Doc.74-17644 Filed 7-30-74;11:00 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the Advisory Committee on Accreditation and Institutional Eligibility will be held in two sessions, the first from 1 p.m. to 3 p.m., local time, August 15, 1974, in Room 3000, Federal Office Building 6, 400 Maryland Avenue, SW., Washington, D.C.; and the second from 4:30 p.m., local time, August 15 to 2 p.m., local time, August 17, 1974, at the Marriott Motor Hotel, Dulles International Airport, Virginia.

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, U.S. Code). The Committee is established to advise the Commissioner of Education in fulfilling his statutory obligations to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities concerning the quality of training offered by educational institutions and programs. It also serves to advise the Commissioner in fulfilling his statutory obligation to publish a list of State agencies which he has determined to be reliable authorities concerning the quality of public postsecondary vocational education in their respective States, pursuant to section 438(b) of the Higher Education Act of 1965, as amended by Pub. L. 92-318.

The retreat session of the meeting shall be open to the public from 4:30 p.m., August 15 through 2 p.m., August 17. During this session, the Committee will review and evaluate issues and problems confronting both the Office of Education and the Committee within the areas of the Committee's responsibilities as reflected by its new Charter. The Committee will review issues pertaining to the recognition of national and State approval agencies, operational procedures of the

Committee, organization and procedures of the Accreditation and Institutional Eligibility Staff, overall policy issues relating to institutional eligibilty and accreditation, and the Criteria for Recognition of national and State agencies.

Under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and clauses (4) and (6) of subsection (b) of section 552(b) of Title 5 of the United States Code, the meeting will be closed to the public from 1 p.m. to 3 p.m., Thursday, August 15. Closure of the meeting is to allow a free and frank discussion of action matters upon which final action was deferred from the last two Advisory Committee meetings. These matters deal with the request by the Defense Intelligence School for the award of degree granting authority, the hearing panel reports on the appeals of the American Chemical Society and the American Public Health Association, and the consideration of procedures through which the Commissioner may make determinations of satisfactory assurance that institutions will meet accrediting standards within a reasonable time.

The Committee has already heard public discussion of these issues. These petitions contain confidential financial information and matters will be discussed, the release of which would amount to a clearly unwarranted invasion of privacy of groups and individuals. These portions of the petitions are exempt from disclosure under 5 U.S.C. 552(b) (4) and (6). A discussion of the petitioner and the working papers necessarily ranges back and forth from exempt and nonexempt material, and the exempt portion cannot be separated out during the Committee's deliberations. Records shall be kept of all Committee proceedings, and shall be available to the public in the offices of the Accreditation and Institutional Eligibility Staff, Rooms 4068 and 4069, Regional Office Building 3, 7th and D, SW., Washington, D.C.

Signed at Washington, D.C. on July 17, 1974.

JOHN R. PROFFITT,
Director, Accreditation and Institutional Eligibility Staff, Office of Education.

[FR Doc.74–17376 Filed 7–30–74;8:45 am]

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Notice of Meeting

Notice of Public Meeting of the Executive Committee of the National Advisory Council on Extension and Continuing Education.

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, that a meeting of the Executive Committee of the National Advisory Council on Extension and Continuing Education will be held on August 19–20, 1974, in the Executive Suite of the Statler Hilton Hotel, 16th and K Streets, NW., Washington, D.C.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89–239. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Executive Committee will be open to the public, but because of the limited space available at the hotel, anyone wishing to attend the meeting should so inform the Council's staff office (382–7985) no later than August 12, 1974. The purpose of the meeting is to further consider the agenda for the Council in FY 1975. All records of Council proceedings are available for public inspection at the office of the Council's Executive Director, located in Suite 710, 1325 G Street, NW., Washington, D.C.

July 25, 1974.

EDWARD A. KIELOCH,
Executive Director.

[FR Doc.74–17457 Filed 7–30–74;8:45 am]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Part 4 (Social Security Administration) in the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare (33 FR 5836–5837, dated April 16, 1968) as amended, including as especially pertinent here, the additional amendment made by 38 FR 15648, dated June 14, 1973, is hereby further amended by adding the position of Hearing Examiner—Supplemental Security Income to those other positions in the Social Security Administration's Bureau of Hearings and Appeals that are delegated authority to exercise, in accordance with applicable rules and regulations, all duties, powers and functions of the Secretary of Health, Education, and Welfare which relate to the holding of hearings, administration of oaths and affirmations, issuance of subpoenas, examination of witnesses, receipt of evidence, rendition of decisions and review of decisions in connection with administrative appeals by individuals from determinations made under title XVI of the Social Security Act, as amended by section 301 of Pub. L. 92–603, and affecting their eligibility for, and amount of, supplemental security income benefits. These additional delegations are reflected as follows:

4–D.2 *Delegations of Authority to the Bureau of Hearings and Appeals*

In subdivision (6) of subsection a., add the following statement in parenthesis after the word "thereafter" "(The authorities specified in the paragraph preceding subsection a. above and the authorities specified in subdivision (6) above are also vested with Hearing Examiners—Supplemental Security Income)"

The foregoing delegations of authority are effective July 31, 1974.

(Section 6, Reorganization Plan No. 1 of 1953)

Dated: July 11, 1974.

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

[FR Doc.74–17435 Filed 7–30–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[Docket No. D–74–284]

REGIONAL ADMINISTRATOR, ET AL.

Redelegation of Authority Regarding Property Disposition

The redelegation of authority by the Assistant Secretary for Housing Management published at 35 FR 16106, October 14, 1970, as amended at 36 FR 13854, July 27, 1971, 36 FR 21539, November 10, 1971, 37 FR 10408, May 20, 1972, 38 FR 24243, September 6, 1973, 39 FR 2393, January 21, 1974, and 39 FR 7608, Feb. 27, 1974, is amended in the following respects:

1. A new section E is added to read as follows:

SEC. E. *Authority redelegated to the Supervisor, Fresno, California, Service Office.* The Supervisor of the Fresno Service Office, under the jurisdiction of the San Francisco Area Office, is designated as a contracting officer and is authorized to exercise the authorities redelegated in paragraph 8 of section A.

2. The present section E is redesignated as section F and is amended to read as follows:

SEC. F. *Exercise of redelegated authority.* Redelegations of authority in sections A through E shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator, Area Director, and Insuring Office Director, or any of them, to whom a delegate is responsible.

(Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971)

Effective date. This amendment to redelegation of authority is effective as of July 25, 1974.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.74–17491 Filed 7–30–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Notice 74–10]

CIVIL RESERVE AIR FLEET ADVISORY COMMITTEE

Notice of Renewal

Notice is hereby given that the Civil Reserve Air Fleet (CRAF) Advisory Com-

mittee is being renewed. The Office of Emergency Transportation, Office of the Secretary, is the sponsor of the committee which reports to the Secretary through the Assistant Secretary for Administration.

The committee consists of representatives of the individual civil air carriers actively participating in the CRAF program at the time a committee meeting is called; members of the civil air carrier industry who have expressed an interest in the CRAF program; representatives of the Office of the Secretary of Defense, the Department of the Air Force, the Military Airlift Command, the Department of Transportation's Federal Aviation Administration, the General Services Administration's Office of Preparedness, and the Civil Aeronautics Board.

The committee advises and makes recommendations to the Secretary of Transportation concerning problems related to participation by civil air carriers in the CRAF program and the allocation of some of their aircraft to the CRAF. Further, it provides a forum for members of the civil air carrier industry participating in the CRAF program and concerned members of the Department of Transportation and the Federal transportation community to discuss problems of mutual interest and to insure a clear understanding of the policies and practices used by the Department in the allocation of aircraft to the CRAF program.

The Secretary of Transportation has determined that the formation and use of the Civil Reserve Air Fleet Advisory Committee are necessary in the public interest in connection with the performance of duties imposed on the Department of Transportation by executive order and law.

Issued in Washington, D.C., on July 25, 1974.

GREER A. BUSBEE, Jr.,
Chairman, Civil Reserve Air Fleet Advisory Committee.

[FR Doc.74-17382 Filed 7-30-74;8:45 am]

ADVISORY COMMITTEE ON FEDERAL PAY

FEDERAL PAY

Proposed Adjustment

The Advisory Committee on Federal Pay announces two discussions of the proposed adjustment in Federal pay for Fiscal 1975, to be held in its offices—Room 101, 1016 16th Street, NW, Washington, D.C. 20036.

On September 5, beginning at 10 a.m., it will meet with organizations representing Federal employees or any interested government officials to obtain their views on the President's Pay Agent's report on the proposed adjustment. (The Pay Agent's report is scheduled for completion about August 30. Organizations representing Federal employees can request a copy of that report from the Committee.) Organizations representing Federal employees or interested government officials wishing to discuss the report orally with the Committee on that date should notify the Committee by Wednesday, August 28, either by writing or calling the Committee (Area Code 202-382-2296). Anyone wishing to submit written comments on the report should send them to the Committee at the above address by September 3. (Five copies of written statements should be submitted.) Both written submissions or requests for an opportunity to discuss the issues should include a telephone number where the organization or official can be reached.

On September 6, at 9:30 a.m., the Committee will discuss the Pay Agent's report with representatives of the President's Pay Agent.

Both discussions will be open to the public.

JEROME M. ROSOW,
Chairman, Advisory Committee on Federal Pay.

[FR Doc.74-17131 Filed 7-30-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-35 issued to the Boston Edison Company which revised Technical Specifications for operation of the Pilgrim Nuclear Power Station, located in Plymouth County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications of the Pilgrim Nuclear Power Station by:

1. Revising the bases which support certain technical specifications relating to overpressure transients to reflect assumptions used when reanalyzing these transients to take into account a change in the scram reactivity curve.
2. Increasing the required scram reactivity insertion rate.
3. Increasing the sodium pentaborate solution concentration in the standby liquid control system.

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. 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 applications for amendment dated October 16, 1973, February 15, 1974, and March 4, 1974, (2) Amendment No. 3 to License No. DPR-35, with any attachments, 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 Plymouth Public Library on North Street in Plymouth, Massachusetts 02360.

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 23rd day of July, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Directorate of Licensing.

[FR Doc.74-17450 Filed 7-30-74;8:45 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

The Atomic Energy Commission (the Commission) issued on February 5, 1974, and published in the FEDERAL REGISTER on February 7, 1974 (39 FR 4798), a notice of consideration of proposed changes in the Technical Specifications of Facility Operating License No. DPR-35 issued to the Boston Edison Company to permit operation of the Pilgrim Nuclear Power Station Unit 1 (located in Plymouth County, Massachusetts, and authorized for operation at 1998 MWt) using a partial loading of 8 x 8 fuel assemblies and to authorize changes in the limiting conditions for operation associated with fuel densification of the 8 x 8 and current 7 x 7 fuel assemblies.

On March 11, 1974, Mr. Daniel F. Ford of Massachusetts filed a timely petition for leave to intervene pursuant to 10 CFR 2.714, and was subsequently admitted as an intervenor in the proceeding. A hearing was held before an Atomic Safety and Licensing Board with all parties participating on April 22-26, 1974, in Plymouth, Massachusetts, and on May 8-9, 1974, in Boston, Massachusetts.

On July 23, 1974, the Atomic Safety and Licensing Board issued its Initial Decision concluding that the Technical Specifications of Facility Operating License No. DPR-35 should be revised as proposed. Accordingly, pursuant to the Initial Decision dated July 23, 1974, notice is hereby given that the Commission has issued, effective immediately, Amendment No. 4 to License No. DPR-35, incorporating Change No. 6 to the Technical Specifications. This action authorizes operation of Pilgrim Unit 1 with the 8 x 8 fuel and changes the limiting conditions for operation associated with fuel densification for 8 x 8 and 7 x 7 fuel assemblies.

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. 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, and on March 8, 1974, issued its favorable Safety Evaluation on the request.

For further details with respect to this action, see (1) the application for amendment date January 24, 1974 as supplemented on February 15, 1974, (2) the Board's Initial Decision dated July 23, 1974, (3) Amendment No. 4 to License No. DPR–35, with Change No. 6, (4) the Commission's related Safety Evaluation dated March 8, 1974, (5) the "Technical Report on the General Electric Company 8 x 8 Fuel Assembly" dated February 5, 1974, and (6) the Report of the Advisory Committee on Reactor Safeguards dated February 12, 1974. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A copy of items (3) and (4) 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 23rd day of July 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Directorate of Licensing.

[FR Doc.74–17451 Filed 7–30–74;8:45 am]

[Docket No. 50–261]

CAROLINA POWER AND LIGHT CO.

Hearing on Modification of Facility Operating License

In the matter of Carolina Power and Light Company (H. B. Robinson, Unit No. 2).

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the National Environmental Policy Act of 1969 (NEPA), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities" and Part 2, "Rules of Practice", notice is hereby given that a hearing will be held concerning the application of Carolina Power and Light Company to amend Facility Operating License No. DPR–23 which currently authorizes the Carolina Power and Light Company to possess, use, and operate the H. B. Robinson Unit No. 2 nuclear power plant facility located on the H. B. Robinson site, Darlington County, South Carolina, at steady state power levels up to a maximum of 2200 megawatts (thermal). The proposed amendment would authorize Carolina Power and Light Company to operate its H. B. Robinson Unit 2 at steady state power levels up to a maximum of 2300 megawatts (thermal). The present license for operation at 2200 megawatts (thermal) was issued on September 23, 1970.[1]

[1] On July 31, 1970, AEC issued the initial facility operating license which permitted low level testing up to a power level of 5 MWt. Authorization to operate at power levels up to 2200 MWt, was granted on September 23, 1970.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of John F. Wolf, Esq., Chairman, and Dr. A. Dixon Callihan and Dr. Richard F. Cole, Members.

A notice of "Proposed Issuance of Amendment to Facility License" was published in the FEDERAL REGISTER on April 30, 1974 (39 FR 15061). The notice provided that "On or before May 30, 1974, * * *, any person whose interest may be affected by this proceeding may file a petition to intervene * * * in accordance with the Commission's 'Rules of Practice' in 10 CFR Part 2". A petition for leave to intervene was thereafter filed by John D. Whisenhunt, Esq. Petitioner Whisenhunt was admitted as a party to the proceeding under the provisions of 10 CFR § 2.714.

A prehearing conference or conferences will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's "Rules of Practice". Notices as to the dates and places of the prehearing conference and hearings will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Board.

For further details pertinent to the matters under consideration, see (1) the application for amendment to operating license notarized February 4, 1974; and (2) the proposed amendment, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina. As they become available, the following documents may also be inspected at the above locations; (3) the Safety Evaluation Report to be prepared by the Directorate of Licensing, and (4) the Report of the Advisory Committee on Reactor Safeguards. Copies of item (2) above, and items (3) and (4) when available may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding, but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be determined by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than August 30, 1974. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's "Rules of Practice", may be filed by the parties to this proceeding not later than August 20, 1974.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's "Rules of Practice", an original and twenty (20) conformed copies of each such paper with the Commission.

It is so ordered.

Issued at Bethesda, Maryland this 22nd day of July 1974.

The Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene.

JOHN F. WOLF,
Chairman.

[FR Doc.74–17420 Filed 7–30–74;8:45 am]

[Docket Nos. 50–466, 50–467]

HOUSTON LIGHTING AND POWER CO.

Notice and Order for Prehearing Conference

In the matter of Houston Lighting & Power Company (Allens Creek Nuclear Generating Station, Units 1 and 2).

The Atomic Safety and Licensing Board will hold a prehearing conference on August 28, 1974, at 9:30 a.m. in the Holiday Hall at the Holiday Inn, I–10 West, 9799 Katy Freeway, Houston, Texas 77024. Representative of the parties will attend and members of the public may do so.

This prehearing conference is to be held in connection with the application of the Houston Lighting and Power Company for issuance of a construction permit for the proposed Allens Creek Nuclear Generating Station, Units 1 and 2 for which Notice of Hearing was published on December 28, 1973, in 38 FR 35521 and will consider the matters set forth in 10 CFR 2.752 including simplification of the issues, the obtaining of stipulations and admissions of facts, identification of witnesses, the setting of a hearing schedule and such other matters as may aid in the orderly disposition of the proceeding.

The evidentiary hearing, at which the parties present evidence and persons making limited appearances make statements, will be held in the future at a time to be set by the Board.

Issued at Bethesda, Maryland, this 25th day of July, 1974.

It is so ordered.

The Atomic Safety and Licensing Board.

FREDERIC J. COUFAL,
Chairman.

[FR Doc.74-17421 Filed 7-30-74;8:45 am]

[Docket No. 50-382A]

LOUISIANA POWER AND LIGHT CO. (WATERFORD STEAM GENERATING STATION, UNIT NO. 3)

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this anti-trust proceeding:

Alan S. Rosenthal, Chairman
William C. Parler, Member
Richard S. Salzman, Member

Dated: July 24, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74-17422 Filed 7-30-74;8:45 am]

[Docket No. 50-320]

METROPOLITAN EDISON CO., ET AL.

Hearing on Application for Facility Operating License

In the matter of Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (Three Mile Island Nuclear Station, Unit 2).

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the National Environmental Policy Act of 1969 (NEPA), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and Part 2, "Rules of Practice", notice is hereby given that a hearing will be held concerning the Three Mile Island Nuclear Station Unit No. 2 (the facility) of the applicants, Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company. The hearing will consider (1) whether, considering the matters covered by Appendix D to 10 CFR Part 50 of the Commission's regulations, the provisional construction permit should be continued, modified, terminated or appropriately conditioned to protect environmental values, and (2) the issuance or denial of a full-term facility operating license or its appropriate conditioning to protect environmental values, and will be held at a time and place to be set in the future by the atomic safety and licensing board (board) named herein, to begin in the vicinity of the facility located in Londonderry Township, Dauphin County, Pennsylvania. Construction of the facility was authorized by Construction Permit No. CPRR-66, issued by the Atomic Energy Commission on November 4, 1969. The facility is subject to the provisions of Section C of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits were issued prior to January 1, 1970.

The board, designated by the Chairman of the Atomic Safety and Licensing Board Panel, will consist of Edward Luton, chairman, Gustave A. Linenberger and Ernest O. Salo.

A notice entitled "Application for Facility Operating License" was published in the FEDERAL REGISTER on May 28, 1974 (39 FR 18497). The notice provided that, by June 27, 1974, any person whose interest might be affected by the proceeding might file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, Rules of Practice. Petitions for leave to intervene were filed by various petitioners including Citizens for a Safe Environment and York Committee for a Safe Environment. The Commonwealth of Pennsylvania requested leave to participate. A public hearing will be held. Citizens for a Safe Environment and York Committee for a Safe Environment have been admitted as parties to the proceeding. The Commonwealth of Pennsylvania will participate in accordance with 10 CFR 2.715(c).

A prehearing conference will be held by the board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's Rules of Practice. The date and place of the hearing will be set by the board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the board.

For further details pertinent to the matters under consideration, see the applicants' application for a facility operating license dated April 4, 1974; the applicants' Revised Environmental Report dated December 10, 1971, as amended; the Commission's Draft Detailed Statement dated June 1972; and the Final Environmental Statement dated December 1972; all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Local Public Document Room at the Government Publications Section, State Library of Pennsylvania, Harrisburg, Pennsylvania 17126. The Environmental Report may also be inspected at the State Clearinghouse, Office of State Planning and Development, Harrisburg, Pennsylvania 17120, and at the Tri-County Regional Planning Commission, 341 South Cameron Street, Harrisburg, Pennsylvania 17101. As they become available, the following documents may also be examined at the Commission's Public Document Room and the Local Public Document Room: (1) the Safety Evaluation prepared by the Directorate of Licensing; (2) an updated Final Environmental Statement; (3) the report of the Advisory Committee on Reactor Safeguards on the application for a facility operating license; (4) the proposed operating license; and (5) the proposed technical specifications, which will be attached to the proposed facility operating license.

Copies of items (1), (2), (3), and (4) may be obtained when they become available by request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the board, within such limits and on such conditions as may be determined by it. A person desiring to make a limited appearance is requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than August 30, 1974. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions within the scope of the hearing as specified above which he would like to have answered. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to 10 CFR 2.705 of the Commission's Rules of Practice, must be filed by the parties to this proceeding (other than the regulatory staff) not later than August 20, 1974.

Papers required to be filed in this proceeding may be filed by mail or by telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Pending further order of the hearing board designated for this proceeding, parties are required to file with the Commission, pursuant to the provisions of 10 CFR 2.708 of the Commission's Rules of Practice, an original and twenty (20) conformed copies of each paper.

It is so ordered.

Dated at Bethesda, Maryland this 24th day of July, 1974.

The Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene.

SIDNEY G. KINGSLEY,
Chairman.

[FR Doc.74-17423 Filed 7-30-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 25280; Agreement C.A.B. 24488; Order 74-7-113]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of July, 1974.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement was adopted at a special meeting of the North/Central Pacific specific commodity rates board at Fort Lauderdale on June 24, 1974, and would amend several rates for electronic components previously disapproved by the Board in Order 74-6-93 dated June 19, 1974. Generally speaking, the agreement proposes consolidation of rates published under six separate item numbers into one item number, and involves both increases and decreases in the previously disapproved rates.[1] The agreement would also amend certain unrelated rates previously approved by the Board in the abovementioned order.

The purpose of this order is to establish procedural dates for the receipt of carrier justification, comments and replies concerning the subject agreement. Carrier justification, and comments by interested persons, shall be submitted within 10 days of the date of this order. Replies shall be submitted within 20 days.

Accordingly, it is ordered, That:

1. All United States air carrier members of the International Air Transport Association shall file, within ten days of the date of this order, full documentation and economic justification for changes in rates embodied in the subject agreement;

2. Comments and/or objections from interested persons shall be filed within ten days of the date of this order; and

3. Replies to justifications submitted pursuant to ordering paragraph 1 above, and to comments submitted pursuant to ordering paragraph 2 above, shall be filed within 20 days of the date of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-17345 Filed 7-30-74;8:45 am]

[1] The proposed rates are detailed in the appendix hereto. Appendix filed as part of the original document.

[Docket No. 26871]

GLOBUS TOURIST OFFICE, MANTEGAZZA & ALBEK, LTD.

Foreign Indirect Air Carrier Permit (Swiss)

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on August 15, 1974, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW, Washington, D.C., before Administrative Law Judge Greer M. Murphy.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before August 8, 1974.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., July 26, 1974.

[SEAL] ROBERT L. PARK, *Chief Administrative Law Judge.*

[FR Doc.74-17475 Filed 7-30-74;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 17, 1974 (39 FR 27341, July 26, 1974), has been rescheduled and will be held on September 23, 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 26, 1974.

[SEAL] ROBERT L. PARK, *Chief Administrative Law Judge.*

[FR Doc.74-17474 Filed 7-30-74;8:45 am]

[Docket No. 23080-2; Order 74-7-116]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Temporary Mail Rates

Issued under delegated authority, July 26, 1974.

By Order 74-7-10, dated July 2, 1974, the Board directed all interested persons, and particularly the Postmaster General and all certificated air carrier parties to this investigation, to show cause why the Board should not amend its temporary rate order[1] so as to reflect the minimum chargeable weight and pickup and delivery charges proposed in the show cause order for LD-10 containers.

The time designated for filing notice of objection has elapsed, and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision by the Board.

[1] Order 74-1-89, January 16, 1974.

Upon consideration of the record, the findings and conclusions set forth in said Order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's Regulations promulgated in 14 CFR, Part 302, and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.16(g);

It is ordered, That:

1. Subparagraphs (e) and (g) of ordering paragraph 3 of Order 74-1-89, January 16, 1974, be and they hereby are amended as follows:

(a) In subparagraph (e), insert "LD-10" and "3150" in the columns headed "Container Type" and "Minimum Charge Weight" after the terms "LD-11" and "3350," respectively;

(b) In subparagraph (g), change "LD-11" to "LD-10 and LD-11" wherever it appears.

2. The temporary service mail rates established herein shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment to March 28, 1973, as may be required by the order establishing final service mail rates in Docket 23080-2.

3. This order shall be served upon Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may do so 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.

By FRANK R. CHABOT, *Chief, Government Rates Division, Bureau of Economics.*

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-17477 Filed 7-30-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

POWER LAWN AND GARDEN EQUIPMENT

Notice of Meeting

The Consumer Product Safety Commission gives notice that on August 6, 1974, Mr. Donald R. MacKay will meet

with the U.S. Technical Advisory Group to ISO/TC–23/SC–13 on International Safety Specifications for Power Lawn and Garden Equipment. The meeting will be held in Chicago at the O'Hare International Tower Hotel commencing at 9:30 A.M. The purpose of the meeting will be to review the results of the ISO/TC–23/SC–13 meeting in London and also to structure U.S. involvement in an ad hoc task force which will study the feasibility of combining structural integrity testing with thrown object testing.

The Commission published in the FEDERAL REGISTER on July 22, 1974 (39 FR 26662) notice of its intent to commence a proceeding for the development of a consumer product safety standard applicable to power lawn mowers, having preliminarily determined that certain power lawn equipment presents unreasonable risks of death or injury which could be eliminated or reduced with one or more safety standards.

Dated: July 26, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74–17473 Filed 7–30–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION ADVISORY COMMITTEE ON FEDERAL-STATE/LOCAL RELATIONSHIPS

Notice of Renewal

The Federal Communications Commission has determined that renewal of the Cable Television Advisory Committee on Federal-State/Local Relationships is in the public interest and necessary in order to discharge the agency's responsibilities. Notice of renewal is hereby published.

The Cable Television Advisory Committee on Federal-State/Local Relationships was established for the purpose of advising the FCC on problems concerning the allocation of regulatory responsibility for cable television among Federal, state, and local governments. The Committee's recommendations with regard to multi-jurisdictional regulation of cable television form the basis of a Notice of Proposed Rulemaking concerning Federal-State/local relationships, which the Commission adopted in April, 1974. The Committee currently serves to provide the FCC with the expertise necessary to examine and evaluate response to the Notice of Proposed Rulemaking. The Committee has been renewed for a period not to exceed February 2, 1976.

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

[FR Doc.74–17444 Filed 7–30–74;8:45 am]

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE

Notice of Renewal

The Federal Communications Commission has determined that renewal of the Cable Television Technical Advisory Committee is in the public interest and necessary in order to discharge the agency's responsibilities. Notice of renewal is hereby published.

The Cable Television Technical Advisory Committee, consisting of a steering committee and nine working panels, was established in order to provide the Commission with technical data and recommendations on a wide variety of technical issues related to present and future uses of cable television. The Committee provides the FCC with advice and recommendations concerning technical standards for carriage of cable origination programs, two-way communications and various other cable services. The Committee has been renewed for a period not to exceed February 2, 1976.

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

[FR Doc.74–17443 Filed 7–30–74;8:45 am]

[Report No. 710]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 22, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20054–CD–P–75, Airsignal of California, Inc. (KQZ798). C.P. to replace facilities to operate on 2173.6 MHz (Repeater) formerly operating on 72/76 MHz links, located 1.75 miles N.W. of Squaw Valley, Bear Mountain, California.

20056–CD–P–(8)–75, Simon Rubinsky (new). C.P. for a new base station located at New Hampshire Street, 0.5 Mile West of U.S. West of U.S. 77 and 83, Harlingen, Texas, to be operated on 454.100 MHz, 454.175 MHz, 454.225 MHz, 454.250 MHz, 454.275 MHz, 454.300 MHz, 454.325 MHz, 454.350 MHz. (2-way).

20057–CD–P–75, Gulf Central Communications and Electronics, Inc. (KKO352). C.P. to relocate facilities operating on 454.075 MHz (Base) at Loc. #3: 1.64 Miles Northeast of New Iberia, Louisiana.

20058–CD–P–75, Metro-Radiophone of Wisconsin, Inc. (KSV997). Consent to Transfer of Control from Delbert Harden & William Sills, III, Transferor, to James L. Straubel & Phillip J. Reuter, Transferee (Janesville, Wisconsin).

20060–CD–P–75, Southwestern Bell Telephone Company (new). C.P. for a new 2-way station to operate on 152.66 MHz located 2.4 miles ESE of Fort Stockton, Pecos, Texas.

20061–CD–P–75, Advanced Radio Communications Company (KLF495). C.P. to add location #3: Bull Run Mountain, 7.1 miles NNW of Haymarket, Virginia, to operate on 152.15 MHz.

20062–CD–P–75, Advanced Radio Communications Company (new). C.P. for a new 2-way station located at Bull Run Mountain, 7.1 miles NNW of Haymarket, Virginia, to operate on 152.090 MHz.

20063–CD–AL–75, Kern Radio Dispatch. (KMD993). Assignment of Radio Station License from Thomas R. Poor d/b/a Kern Radio Dispatch, Assignor, to Airsignal of California, Inc. (Maricopa, California).

20064–CD–P–(2)–75, RCC of Virginia, Inc. (new). C.P. for a new 2-way station to operate on 152.03 MHz and 152.009 MHz located at Mt. Pony, 2.8 miles southeast of Culpeper, Virginia.

Major Amendments

21127–C2–P–74, Southwest Communications Corporation (New). Amend base frequency to delete 152.18 MHz and substitute 454.150 and 454.250 MHz. All other particulars are to remain the same as reported on Public Notice #694, dated April 1, 1974.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

6635–C2–P–73, Joseph D Nix d/b/a Radio Telephone Service (KIJ356). Amend to change the location to 1018 West Peachtree Street, Atlanta, Georgia. Also to change the transmitter and transmission system. All other particulars are to remain as reported on Public Notice #640, dated March 19, 1973.

21648–C2–P–(4)–74, Edward C. Smith d/b/a Answer Rite Professional Telephone Service (New). Amend frequency 454.255 to read 454.225 MHz. All other particulars are to remain the same as reported on Public Notice #708, dated July 8, 1974.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

Texas

Mobilephone of Texas, Inc. (KLB322), 20674–C2–P–74.

Port Arthur Mobile Phone (KRS642), 20346–C2–P–74.

Corrections

20020–CD–P–(4)–75, Electronic Engineering Company (KAF242). Correct to add frequency 454.225 MHz. All other particulars to remain as reported on Public Notice #709, dated July 15, 1974.

2636–C2–P–72, Miami Valley Radiotelephone. Correct entry to read "Major Amendment" to change base frequency from 158.70 MHz to read 35.22 MHz. Also to change call sign from NEW to KLF577. All other particulars to remain as reported on Public Notice #570, dated November 15, 1971.

RURAL RADIO SERVICE

60005–CR–AL 75, Kern Radio Dispatch, Thomas R. Poor d/b/a (KNJ80). Temporarily Fixed. Consent to Assignment of Radio Station License from Thomas R. Poor d/b/a Kern Radio Dispatch, Assignor, to Airsignal of California, Inc., Assignee.

60006–CR–?–75, Continental Telephone Company of Texas (new). C.P. for a new Rural Subscriber-Fixed station to operate on 158.07 MHz located at Gulf States Weather Station, 6 miles North of Burkeville, Tex.

POINT-TO-POINT MICROWAVE RADIO SERVICE

4863–C1–ML–74, Southern Bell Telephone and Telegraph Company (KIQ97), Marathon, Florida. Mod. of License to change freqs. 4070 and 4150 MHz to 3770V and 3850V MHz toward Long Key, Fla.

4864–C1–ML–74, Same (KIQ78), Long Key, Florida. Mod. of License to change freqs. 4110 and 4190 MHz to 3730V and 3810V MHz toward Upper Matecumbe Key, Fla.

4865–C1–ML–74, Same (KIQ78), Upper Matecumba Key, Florida. Mod. of License to change freqs. 4070 and 415C MHz to 3770V and 3850V MHz toward Rock Harbor, Fla.

4866–C1–ML–74, Same (KIQ76), Rock Harbor, Florida. Mod. of License to change freqs. 4110 and 4190 MHz to 3730V and 3810V MHz toward Florida City, Florida.

4867–C1–ML–74, Same (KJJ89), Stock Island, Florida. Mod. of License to change freqs. 3990H, 4070H and 4150H MHz to 3770H, 3850H and 4010H MHz toward Little Torch Key, Fla.

4868–C1–ML–74, Same (KIQ98), Little Torch Key, Florida. Mod. of License to change freqs. 3950, 4110 and 4190 MHz to 3730V, 3810V and 3970V MHz toward Marathon, Fla.

4870–C1–ML–74, Same (KJJ90), Key West, Florida. Mod. of License to change freqs. 4110H and 4190H MHz to 3730H and 3810H MHz toward Stock Island, Fla.

03–CF–P–75, The Mountain States Telephone and Telegraph Company (KPN71), 10.8 Miles NNE of Boise, Idaho. Lat. 43°45'13" N., Long. 116°05'53" W. C.P. to add 11325H MHz toward Boise, Idaho, on azimuth 208°-12'.

04–CF–P–75, Same KPN70), 619 Bannock Street, Boise, Idaho. Lat. 43°36'57" N., Long. 116°1159" W. C.P. to add 10875H MHz toward Deer Point (KPN71), Idaho, on azimuth 28° 08'.

05–CF–P–75, South Central Bell Telephone Company (KYS48), 232 West Lexington Ave., Winchester, Kentucky. Lat. 37°59'35" N., Long. 84°11'02" W. C.P. to add freqs. 3710V, 3790V and 4190V MHz toward Stanton, Ky., on azimuth 123°30'; change polarity from V to H on freqs. 4030 and 4110 MHz toward Richmond, Ky.

06–CF–P–75, Same (KIV63), Approx. 2.3 Miles SE of Stanton, Kentucky. Lat. 37°48'52" N., Long. 83°50'41" W. C.P. to add 4198V; change 5952.6H and 6011.9H MHz to 4070V and 4150V MHz toward Winchester, Ky. on azimuth 303°43'; add 3750H, 3830H and 4198H MHz toward Beattyville, Ky. on azimuth 150°08'.

07–CF–P–75, South Central Bell Telephone and Telegraph Company (KJA77), Approx. 2.3 Miles NE of Beattyville, Kentucky. Lat. 37°36'07" N., Long. 83°41'29" W. C.P. to change 6219.5V, 6278.8V and 6338.1V MHz to 4030H and 4110H MHz; and 4190H MHz toward Stanton, Ky., on azimuth 330°13'; change 6189.8H, 6249.1H and 6308.4H MHz to 3710V and 3790V MHz; add 4190V MHz toward Jackson, Ky., on azimuth 103°16'; replace transmitter, change power and alarm center location.

08–CF–P–75, Same (KJA78), Approx. 0.9 Mile SW of Jackson, Kentucky. Lat. 37°32'47" N., Long. 83°23'54" W. C.P. to change 5937.8H, 5997.1H and 6056.4H MHz to 4070V and 4150V MHz; add 4198V MHz toward Beattyville, Ky., on azimuth 283°26'; change 5982.3H, 6041.6H to 3750H; add 4198H MHz toward Hazard, Ky. on azimuth 148°36'; replace transmitter, change power and alarm center location.

09–CF–P–75, Same (KJF99), Approx. 1.0 Mile NE of Hazard, Kentucky. Lat. 37°15'17" N., Long. 83°10'29" W. C.P. to change 6234.3H and 6293.6H MHz to 4030H MHz; add 4190H MHz toward Jackson, Ky. on azimuth 328° 45'; change freqs. 6219.5V, 6278.8V and 6345.5V MHz; add 4190H MHz toward Whitesburg, Ky., on azimuth 120°46'; change antenna location, coordinates, power and alarm center location; replace transmitter.

10–CF–P–75, Same (KJG47), Approx. 2.8 Miles SE of Whitesburg, Kentucky. Lat. 37°04'45" N., Long. 82°48'28" W. C.P. to change freqs. 5967.4V and 6026.7V MHz to 4070H and 4150H MHz; add 4198H MHz toward Hazard, Ky. on azimuth 300°59'; change 5952.6V and 6011.9V MHz to 3750H MHz; add 4198H MHz toward Hellier, Ky., on azimuth 47°22'; replace transmitter, change power and alarm center location.

11–CF–P–75, Same (KVD76), 108 Church Street, Whitesburg, Kentucky. Lat. 37°-07'09" N., Long. 82°49'35" W. C.P. to change power and alarm center location on freqs. 11385V and 11625H MHz toward Whitesburg, Ky., via passive repeater.

12–CF–P–75, Same (KJG46), Approx. 3.2 Miles West of Hellier, Kentucky. Lat. 37°17'07" N., Long. 82°31'38" W. C.P. to change 6204.7V and 6264.0V MHz to 4030H MHz; add 4190H MHz toward Whitesburg, Ky., on azimuth 227°32'; change 6189.8H and 6249.1H MHz to 3710V MHz toward Pikeville, Ky., on azimuth 355°51'; replace transmitter, change power and alarm center location.

13–CF–P–75, Same (KIV67), Approx. 1.8 Miles SW of Pikeville, Kentucky. Lat. 37°-27'43" N., Long. 82°32'36" W. C.P. to change 5937.8H and 5997.1H MHz to 4070V MHz toward Hellier, Ky., on azimuth 175°59'; change coordinates, power, alarm center location and replace transmitter.

14–CF–P–75, South Central Bell Telephone Company (KVD77), 402 Second Street, Pikeville, Kentucky. Lat. 37°28'52" N., Long. 82°31'02" W. C.P. to change 11385V MHz to 11305H MHz toward Pikeville, Ky., on azimuth 227°22'; change power, alarm center location, and replace transmitter.

15–CF–P–75, American Telephone and Telegraph Company (KCA46), 7 Miles East of Glastonbury, Connecticut. Lat. 41°42'34" N., Long. 72°28'26" W. C.P. to add 4070V and 4150V MHz toward a new point of communication at WEDH–TV, Hartford, Conn., on azimuth 281°57'.

16–CF–P–75, Citizens Utilities Company of California (KNL60), SE Corner of Second Street and Fourth Avenue, Chester, California. Lat. 40°18'10" N., Long. 121°13'-22" W. C.P. to change 5967.4H MHz to 2165.6V MHz toward Lake Almanor, Calif., on azimuth 128°32'; change power, emission, and replace transmitter.

17–CF–P–75, Same (KNL61), Lake Almanor Peninsula, 3.4 Miles North of Almanor, California. Lat. 40°15'30" N., Long. 121°09'00" W. C.P. to change 6189.9H MHz to 2115.6V MHz toward Chester, Calif., on azimuth 308°28'; change emission, power, and replace transmitter.

18–CF–P–75, Same (KMH75), 1455 Main Street, Burney, California. Lat. 40°52'55" N., Long. 121°39'38" W. C.P. to change 6226.9H, 6256.5H, 6345.5H, and 6375.2H MHz to 11175V and 10935V MHz toward Hatchet Mtn., Calif., on azimuth 265°00'; change emission, power, and replace transmitter.

19–CF–P–75, Same (KMH74), Hatchet Mountain, 6 Miles West of Burney, California. Lat. 40°52'29" N., Long. 121°46'12" W. C.P. to change 5974.8H, 6004.5H, 6093.5H, and 6123.1H MHz to 11585V and 11345V MHz toward Burney, Calif., on azimuth 85°00'; change emission, power, and replace transmitter.

20–CF–P–75, RCA Alaska Communications, Inc. (KFJ60), Coldfoot, 184 Miles NW of Fairbanks, Alaska. Lat. 67°16'42" N., Long. 150°15'56" W. C.P. to add 2117.2H MHz toward Hamlin, Alaska, on azimuth 190° 16'; 2112.0V MHz toward Table Mtn., Alaska, on azimuth 18°43'; 2122.0H MHz toward Cold Foot Camp, Alaska, on azimuth 125°17'; 2126.8V MHz toward a new point of communication at Alps-Eagle repeater on azimuth 200°48'.

21–CF–P–75, Same (New), Alps-Eagle Repeater, 27 Miles ENE of Evansville Village and 162 Miles NW of Fairbanks, Alaska. Lat. 66°57'16" N., Long. 150°34'45" W. C.P. for a new station on freq. 2176.8V MHz toward Coldfoot, Alaska, on azimuth 20°30'.

28–CF–MP–75, Peninsula Telephone and Telegraph Company (KPG70), Bahokus Peak, 1.7 Miles West of Neah Bay, Washington. Lat. 48°22'08" N., Long. 124°39'54" W. Mod. of C.P. to change power on freq. 5967.4V MHz toward Mt. Ellis Lookout, Wash., on azimuth 134°48'.

29–CF–MP–75, Same (KPG69), Mt. Ellis Lookout, 4.2 Miles NNW of Sappho, Washington. Lat. 48°07'58" N., Long. 124°18'20" W. Mod. of C.P. to change power on freq. 6219.5V MHz toward Bahokus Peak, Wash., on azimuth 314°48'.

30–CF–P–75, Southern Bell Telephone and Telegraph Company (KJK66), 268 N. Ridgewood Ave., Daytona Beach, Florida.

Lat. 29°12'53" N., Long. 81°1'33" W. C.P. to add 4010H MHz toward Samsula, Fla., on azimuth 192°51'.

31-CF-P-75, Same (KYN95), 4.5 Miles SSW of Samsula, Florida. Lat. 28°57'24" N., Long. 80°43'39" W. C.P. to add 4010V MHz toward Daytona Beach, Fla., on azimuth 12°49'; 3970H MHz toward Lake Harney, Fla., on azimuth 174°19'.

32-CF-P-75, Same (KYN96), Approx. 3.8 Miles SE of Geneva, Florida. Lat. 28°43'4" N., Long. 81°3'57" W. C.P. to add 4010H MHz toward Samsula, Fla., on azimuth 354°20'; 4010H MHz toward West Titusville, Fla., on azimuth 125°43'.

33-CF-P-75, Same (KZA72), 3705 Fox Lake Road, 3.3 Miles SW of Titusville, Florida. Lat. 28°35'03" N., Long. 80°51'20" W. C.P. to add 3970H MHz toward Lake Harney, Fla., on azimuth 305°49'; 3970V MHz toward Cocoa, Fla., on azimuth 154°01'.

34-CF-P-75, Same (KIU58), 712 Florida Avenue, Cocoa, Florida. Lat. 28°21'06" N., 80°43'39" W. C.P. to add 4010V MHz totoward West Titusville, Fla., on azimuth 334°05'.

Major Amendments

4129-C1-P-74, Southern Pacific Comunications Company (new), Sears Tower, Chicago, Illinois. Lat. 41°25'44" N., Long. 87° 38'10" W. Add freq. 10775V MHz toward Lowell, Ind., on new azimuth of 159°36'

4130-C1-P-74, Same (new), Change location to 153rd Ave., 3.1 Miles West of I-65, Lowell, Indiana. Lat. 41°20'24" N., Long. 87°22'13" W. Add freq. 11665V MHz toward Chicago, Ill., on azimuth 339°46'; and change azimuth to 183°36' toward Morocco, Ind.

4131-C1-P-74, Same (new), 1.5 Miles NE of Morocco, Indiana. Lat. 40°58'08" N., Long. 87°24'04" W. Change azimuth to 3°35' on path to Lowell, Ind.

4147-C1-P-74, Same (new), 2.25 Miles East of Greenwich, Ohio. Lat. 41°01'38" N., Long. 82°28'25" W. Change azimuth to 37°47' on path to Oberlin, Ohio.

4148-C1-P-74, Same (new). Change location to: 0.2 Mile South of U.S. Hwy. 20 and 0.9 Mile East of South Rd. #85, Oberlin, Ohio. Lat. 41°15'46" N., Long. 82°13'53" W. Change azimuth to 217°56' toward Greenwich and change azimuth to 41°39' toward Avon, Ohio.

4149-C1-P-74, Same (new), 0.9 Mile North of Avon, Ohio. Lat. 41°27'56" N., Long. 81°59'29" W. Change azimuth to 221°48' toward Oberlin, Ohio.

Corrections

3986-C1-P-74, General Telephone Company of Florida (WAD33), Lakeland, Florida. Correct coordinates to Read: Lat. 28°02'24" N., Long. 81°57'22" W.

3987-C1-P-74, Same (New), Lithia, Florida. Correct to Read: C.P. for a new station on freq. 2176.8H MHz toward Highland City, Fla. (All other particulars same as reported on Public Notice #698, dated 4-29-74.)

3774-C1-P-74, Same (WIU84), Wimauma, Florida, Correct to Read: C.P. to add 2162.4V MHz toward a new point of communication at Tampa, Fla. (All other particulars same as reported on Public Notice #696, dated 4-15-74.)

Special notice (point to point microwave)

On June 25 the Commission adopted new rules in its *Second Report and Order* in Docket No. 18920 (FCC 74-657—released July 5, 1974) pertaining to (among other things) minimum path distances for the 2, 4, 6, and 11 GHz bands (Section 21.710(a)) and circuit loading criteria for the 4, 6, and 11 GHz bands (Section 21.710(c)). These new rules become effective on August 9, 1974 for pending applications as well as newly filed applications.

In order not to delay processing and consideration of applications, applicants are requested to review all applications expected to be pending as of that date to determine compliance with the new rules. As necessary, such applicants should be amended to:

(1) Show compliance with the rules if this is not already clear from the information contained in the application.

(2) Modify the proposal to bring it into compliance.

(3) Submit a request for variance or a waiver, with supporting justification.

[FR Doc.74-17446 Filed 7-30-74;8:45 am]

DAVID ORTIZ RADIO CORP.

Standard Broadcast Applications Ready and Available for Processing

Notice is hereby given, pursuant to section 1.571(c) of the Commission's rules, that on September 4, 1974, the standard broadcast applications listed in the attached Appendix [1] will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on September 3, 1974, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on Sept. 3, 1974. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: July 24, 1974.

Released: July 25, 1974.

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

[FR Doc.74-17441 Filed 7-30-74;8:45 am]

PBX STANDARDS ADVISORY COMMITTEE

Notice of Renewal

The Federal Communications Commission has determined that renewal of the PBX Standards Advisory Committee is in the public interest and necessary in order to discharge the agency's responsibilities. Notice of renewal is hereby published.

[1] Filed as part of the original document.

The PBX Standards Advisory Committee functions through two subcommittees: the Technical Standards Subcommittee and a Non-Voice Task Group. The Committee furnishes advice and recommendations to the FCC concerning the development of appropriate standards and a program of enforcement applicable to customer-provided Private Branch Exchange telephone facilities. Through the development of PBX standards, the Commission seeks to give customers the option of obtaining PBX devices from suppliers other than the telephone companies and to use such PBX's in connection with carrier facilities without the necessity of utilizing telephone company-provided network control signalling units or protective "connecting arrangements". The Committee has been renewed for a period not to exceed January 1, 1976.

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

[FR Doc.74-17442 Filed 7-30-74;8:45 am]

[Docket No. 20114, etc.; File No. BPH-8343 etc.]

UNITED BROADCAST INDUSTRIES, INC. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of United Broadcast Industries, Inc., Lake Charles, Louisiana, Docket No. 20114, File No. BPH-8343, Requests: 103.7 MHz, #279; 100 kW (H & V); 442 feet; Dixie Broadcasters, Inc., Lake Charles, Louisiana, Docket No. 20115, File No. BPH-8488, Requests: 103.7 MHz, #279; 100 kW (H & V); 540 feet; Amalgamated Research and Development Incorporated, Lake Charles, Louisiana, Docket No. 20116, File No. BPH-8760, Requests: 103.7 MHz, #279; 100 kW (H & V); 440 feet; D. J. of Lake Charles, Inc., Lake Charles, Louisiana, Docket No. 20117, File No. BPH-8859, Requests: 103.7 MHz, #279; 100 kW (H & V); 441 feet, for construction permits.

1. The Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications, which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. United Broadcast Industries, Inc. (United), proposes a studio site 0.5 mile North Highway 90, 6 miles East Highway 171, near Lake Charles, Louisiana. Section 73.210 of the Commission's rules provides that the main studio of a commercial FM station must be located in the proposed city of license, or that good cause must be shown for locating the main studio outside the community. Since United has not stated how accessible the proposed studio site would be to the residents of Lake Charles, it cannot be determined that operation by the applicant as proposed would be consistent with the public interest. Accordingly, an appropriate issue concerning United's studio site has been specified.

3. United has submitted a survey of the problems and needs of Lake Charles, Louisiana. However, United never specifically responded to question 1–A, part 1, of section IV–A of FCC Form 301, which requires the applicant to list the major communities or areas which it principally proposes to serve. It is therefore impossible to determine if the requirements of the Primer on the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), have been met.[1] Accordingly, an appropriate issue will be included against this applicant.

4. Exhibit number 10 to the application of Dixie Broadcasters, Inc. (Dixie), stated that more than 200 contacts with the general public, selected randomly from the telephone book, were completed. In addition, the applicant stated that an additional 43 interviews with the general public were conducted at shopping centers. By letter dated April 19, 1974, the Commission requested the applicant to identify, by name, the person(s) who conducted the general public survey. Dixie responded with the following information:

> The interviews with the general public were conducted by two women (one black, one white) who were recruited by Mr. Kruger for this purpose, and who made their survey contacts with members of the public, selected at random, at shopping centers throughout the city, on the downtown shopping Mall, etc.

It remains unclear whether the two women mentioned above were involved in only the general public surveys conducted at the shopping centers or whether they also made the telephone contacts. More importantly, however, it cannot be determined from the information given whether these two women were employees, prospective employees of the applicant, if they were under the direction of management-level employees, or if they were a professional research or survey service (see question and answer 11(b) of the Primer). It further appears that Dixie failed to conduct community leader interviews with any labor leaders. In view of the fact that, according to the applicant, labor unions are a significant group in the community, this would appear to be a significant omission (see Voice of Dixie, Inc., 45 FCC 2d 1027 (1974)). Accordingly, an issue will be specified against this applicant as well.

5. Exhibit C, revised, of the application of Amalgamated Research and Development, Inc. (Amalgamated), states that the general public survey was conducted by Mr. and Mrs. Milton Bellard. Mr. Bellard is a stockholder, president, and director of the applicant. We are unable to determine the nature of Mrs. Bellard's association with the applicant, if any. As a result, no determination can be made as to whether the requirements of question and answer 11(b) of the Primer have been met. Further, no labor leaders nor representatives of agricultural concerns in the community have apparently been contacted. Finally, the applicant's programming proposal has not been sufficiently defined for a determination to be made of whether programs are responsive to community problems and needs. Consequently, an issue has been included.

6. Amalgamated will require $254,481 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

Twenty-five percent down payment on equipment	$27,207
Twelve months' payments on equipment balance	27,207
Twelve months' interest on equipment balance	5,713
Miscellaneous items	6,200
Building	5,400
Land	10,000
Other items not covered by manufacturer's letter of credit	10,174
Working capital requirement	162,580
Total	254,481

To meet this requirement, Amalgamated relies upon existing capital and new capital. Amalgamated's balance sheet dated May 5, 1974, reveals cash and/or liquid assets (including prepaid expenses) in excess of current liabilities of only $4,343. In addition, the applicant has subscriptions receivable of $3,896. However, the subscribers have failed to file balance sheets as required by section III, page 3, paragraph 4(b), of FCC Form 301, indicating their ability to meet the subscriptions. As a result, these amounts cannot be considered available as required. Further, in amended section II, page 3, of the application, Amalgamated shows 650 shares subscribed. The applicant then proceeds to submit subscription documents for only 90 shares. Section II, page 2, shows 590 shares subscribed. It therefore cannot be determined whether 90, 590, or 650 shares have been subscribed. Since the applicant shows only $4,343 to meet a $254,481 requirement, a financial issue has been included. Further, since the financial data are sketchy and inconsistent, a general, rather than specific financial issue will be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether good cause exists for locating United Broadcast Industries, Inc.'s main studio outside the city of Lake Charles, and, if so, whether the main studio location would be consistent with the operation of the station in the public interest.

2. To determine the efforts made by United Broadcast Industries, Inc., Dixie Broadcasters, Inc., and Amalgamated Research and Development Incorporated to ascertain the community problems of the area to be served and the means by which the applicants propose to meet those problems.

3. To determine whether Amalgamated Research and Development Incorporated is financially qualified to construct and operate its proposed station.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

9. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

10. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 24, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–17445 Filed 7–30–74;8:45 am]

[1] See specifically questions and answers 4, 6, and 7 of the Primer.

FEDERAL MARITIME COMMISSION

PORT OF SEATTLE AND STATES STEAMSHIP CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 7, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with

particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward D. Ransom, Esq.
Lillick, McHose, Wheat, Adams & Charles
311 California Street
San Francisco, California 94104

Agreement No. T-2981 between the Port of Seattle (Port) and States Steamship Company (States) is a letter agreement under which Port grants States a Temporary Non-Preferential Assignment to perform customary terminal operating functions at Terminal 20, Transit Shed 5, Seattle, Washington, in accordance with Port's Tariff, for the account of States' vessels, Knutsen Line vessels, and any other vessels mutually agreed to by the Port and States. The arrangements under which the vessel-by-vessel utilization of Transit Shed 5, Terminal 20, and a container storage area, as agreed to are set forth in the letter agreement. This agreement is identified as Exhibit A to Federal Maritime Commission Agreement No. T-2976 between States and Bakke Steamship Corporation as Agent for Knutsen Line-Joint Service.

By Order of the Federal Maritime Commission.

Dated: July 26, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-17507 Filed 7-30-74;8:45 am]

STATES STEAMSHIP CO. AND BAKKE STEAMSHIP CORP.

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 Washingon office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 7, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Edward D. Ransom, Esq.
Lillick, McHose, Wheat, Adams & Charles
311 California Street
San Francisco, California 94104

Agreement No. T-2976, between States Steamship Company (States) and Bakke Steamship Corporation (Bakke), as agent for Knutsen Line-Joint Service (Knutsen), is an arrangement whereby States agrees to (a) share facilities with Bakke at an area at Terminal 20 assigned to States by the Port of Seattle under Agreement No. T-2981; and (b) perform terminal services at these facilities for Bakke and its principal Knutsen. As compensation, States will receive charges as provided for in section 8 of the Seattle Terminal Tariff No. 2-F, with the exception of charges for dockage and other charges assessed by the Port against States under Agreement No. T-2981, which Bakke is to pay directly to the Port.

Agreement No. T-2976-A is a letter of understanding which sets forth the details of the operations contemplated under Agreement No. T-2976, above. These include matters dealing with the parties' respective responsibilities relating to stevedoring and vessel operations, berthing priority, liability, insurance, and the like.

By Order of the Federal Maritime Commission.

Dated: July 26, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-17508 Filed 7-30-74;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA BANCORP.

Acquisition of Bank

Alabama Bancorporation, Birmingham, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Shoals National Bank of Florence, Florence, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 20, 1974.

Board of Governors of the Federal Reserve System, July 23, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17465 Filed 7-30-74;8:45 am]

ALTON BANCORP.

Formation of Bank Holding Company and Proposed Acquisition of Krogman Kiernan Insurance Agency

Alton Bancorporation, Alton, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 50.47 percent or more of the voting shares of The Alton Savings Bank, Alton, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Alton Bancorporation has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire a 50 percent interest in the Krogman Kiernan Insurance Agency, Alton, Iowa. Notice of the application was published on June 26, 1974, in The Democrat, a newspaper circulated in Alton, Iowa.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency, selling fire, casualty, life, hail, travel, inland marine, health and accident, performance and indemnity bonds, liability insurance of all kinds, and any other insurance usually sold by a general insurance agency. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 19, 1974.

Board of Governors of the Federal Reserve System, July 22, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17461 Filed 7-30-74;8:45 am]

COMMERCIAL BANK INVESTMENT CO. AND COMMERCIAL BANCORP. OF COLORADO

Acquisition of Bank

Commercial Bank Investment Company ("Investment Company"), and its subsidiary, Commercial Bancorporation of Colorado ("Bancorporation"), both of Sterling, Colorado, have applied in separate applications for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) for Bancorporation to acquire directly 97.5 percent or more of the voting shares, and for Investment Company to acquire directly 65.5 percent or more of the voting shares, of Century Bank and Trust, Denver, Colorado. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than August 20, 1974.

Board of Governors of the Federal Reserve System, July 24, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17469 Filed 7-30-74;8:45 am]

FIRST BANC GROUP, INC.

Acquisition of Bank

First Banc Group, Inc., Creve Coeur, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First Missouri Bank of Jefferson County, Arnold, Missouri, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than August 20, 1974.

Board of Governors of the Federal Reserve System, July 23, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17467 Filed 7-30-74;8:45 am]

FARMERS STATE CORP.

Formation of Bank Holding Company and Proposed Acquisition of Willis D. Schroeder Insurance Agency, D/B/A Farmers State Insurance Agency

Farmers State Corporation, Mountain Lake, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent of the voting shares of Farmers State Bank of Mountain Lake, Mountain Lake, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Farmers State Corporation has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of Willis D. Schroeder Insurance Agency, D/B/A Farmers State Insurance Agency, Mountain Lake, Minnesota. Notice of the application was published on July 4, 1974, in The Mountain Lake Observer, a newspaper circulated in the village of Mountain Lake, Minnesota.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community with a population of less than 5,000. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 19, 1974.

Board of Governors of the Federal Reserve System, July 22, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17460 Filed 7-30-74;8:45 am]

FIRST NATIONAL BOSTON CORP.

Acquisition of Banks

First National Boston Corporation, Boston, Massachusetts, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successors by merger to (1) Blackstone Valley National bank, Whitinsville, Massachusetts; (2) The First National Bank of Yarmouth, Yarmouth, Massachusetts; and (3) The First National Bank of Ipswich, Ipswich, Massachusetts. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the applications should submit his views in writing to the Reserve Bank to be received not later than August 20, 1974.

Board of Governors of the Federal Reserve System, July 23, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17464 Filed 7-30-74;8:45]

GRACEMONT BANKCORP.

Formation of Bank Holding Company

Gracemont Bankcorporation, Inc., Gracemont, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of The First National Bank of Gracemont, Gracemont, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 14, 1974.

Board of Governors of the Federal Reserve System, July 23, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17462 Filed 7-30-74;8:45 am]

MERCANTILE BANCORP.

Order Approving Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The Farmers Bank of Bowling Green, Bowling Green, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Missouri, presently controls 18 subsidiary banks with aggregate deposits of $1.5 billion, representing 10 percent of total commercial bank deposits in Missouri.[1] Acquisition of Bank ($16.4 million in deposits) would increase Applicant's share of commercial bank deposits in the State by approximately one-tenth of a percentage point and would not result in any significant increase in the concentration of banking resources in Missouri.

Bank is the largest of six banks in its market area (which is approximated by Pike County and a small portion of eastern Audrain County), controlling approximately 21 percent of total deposits in that area. Applicant's nearest subsidiary bank is located 35 miles southwest of Bank in another banking market. No significant competition exists between Bank and any of Applicant's present subsidiaries, and due to Missouri branch banking restrictions it is unlikely that any will develop in the future. Furthermore, population growth in Pike County has been relatively slow, making prospects for de novo entry unfavorable.

The financial and managerial resources and prospects of Applicant, its subsidiaries, and Bank are all regarded as satisfactory and consistent with approval of the application. Although no new customer services are definitely planned, Applicant will assist Bank in the planning and construction of a new main office. Considerations relating to the convenience and needs of the community are consistent with approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[2] effective July 22, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-17459 Filed 7-30-74;8:45 am]

[1] Deposit data are as of December 31, 1973, reflecting holding company formations and acquisitions approved through June 30, 1974.

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Governor Mitchell.

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The Sebastian River Bank, Sebastian, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 19, 1974.

Board of Governors of the Federal Reserve System, July 23, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17463 Filed 7-30-74;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Arlington Bank and Trust, Arlington, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of the shares of 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, the fourth largest multibank holding company in Texas, presently controls fifteen banks [1] with aggregate deposits of approximately $1,787 million, representing 5.14 percent of the total commercial bank deposits in Texas.[2] Approval of the present proposed acquisition would not result in a significant increase in the concentration of banking resources in Texas.

Bank is situated in Arlington, Texas, within the Dallas banking market area (approximated by the Dallas RMA). Bank has deposits of $84 million, representing a 1.2 percent share of market deposits, and is the eighth largest of 113 banks in the market. Approval of the application would have no adverse effects on competition in the Dallas banking market. Consummation of the proposed acquisition would increase Applicant's share of total commercial bank deposits in the Dallas banking market from 0.8 to 2.0 percent, an increase which would not represent a substantial degree of further concentration of Applicant's deposits in the market. Applicant's nearest subsidiary to Bank, which is also in the Dallas banking market, is located some 22 miles to the northeast. There is no substantial existing competition between Bank and any of Applicant's subsidiaries, nor is there a reasonable probability of substantial competition developing in the future, in view of the distances involved, the number of intervening banks, and Texas' restrictive branching laws. Removal of Bank as an independent bank and a potential vehicle for entry into the market would not have a significantly adverse effect on potential competition since three remaining banks in the immediate area and many small remaining banks in the market could serve as a means of entry into the market by other organizations. Bank's relatively small share of market deposits also contributes to the conclusion that the proposal would not have any adverse effect on potential competition. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval. The affiliation of Applicant with Bank would enhance Bank's ability to meet the expanding banking needs resulting from the accelerating growth of both the residential and commercial segments of Arlington, as well as enable Bank to strengthen its trust and investment services and to provide effective real estate, mortgage warehouse and construction financing. Accordingly, considerations related to the convenience and needs of the community to be served lend some weight toward approval. It is the Board's judgment that the proposed acquisition is in

[1] The Board's Orders of August 31, 1972, and November 28, 1972, approving the acquisition of certain banks by Applicant require, respectively, Applicant to divest all interest in Beaumont State Bank, Beaumont, Texas, by October 12, 1974, and all interest in Permian Bank and Trust, Odessa, Texas, by January 8, 1975.

[2] All deposit figures are as of June 30, 1973, and bank holding company statistics reflect holding company formations and acquisitions approved by the Board of Governors to the date of May 1, 1974. Subsequent to the latter date, the Board has approved Applicant's proposed acquisition of Southeast Bank, Houston, Texas; and the Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board, has approved Applicant's proposed acquisitions of three de novo banks in Houston, Texas, Plaza Commerce Bank, Commerce Medical Bank, and Westwood Commerce Bank; Guaranty National Bank and Trust Company of Corpus Christi, Corpus Christi, Texas; Union Bank of Fort Worth, Fort Worth, Texas; and First National Bank of Hurst, Hurst, Texas.

the public interest and that the application should be approved.

On the basis of the record,[3] 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 Dallas pursuant to delegated authority.

By order of the Board of Governors,[4] effective July 23, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-17468 Filed 7-30-74;8:45 am]

UNITED VIRGINIA BANKSHARES INCORP.

Acquisition of Bank

United Virginia Bankshares Incorporated, Richmond, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Bank of Gloucester, Gloucester, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 20, 1974.

Board of Governors of the Federal Reserve System, July 23, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17466 Filed 7-30-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-43]

THERM-X-GLOW, LTD.

Notice of Intent To Grant Exclusive Patent License

Notice is hereby given of intent to grant to Therm-X-Glow, Ltd., Bourne, Massachusetts, an exclusive, revocable license to practice the invention described in U.S. Patent No. 3,224,001 for "Inflatable Radar Reflector Unit", issued on December 14, 1965, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR 1245.2, as revised April 1, 1972. NASA will grant the exclusive license unless, within 30 days of this Notice, the Chairman, Inventions and Contributions Board, NASA, Washington, D.C., 20546, receives in writing any of the following, together with supporting documentation: (1) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (2) an application for a nonexclusive license under such invention, in accordance with § 1245.206(b) in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: July 24, 1974.

R. TENNEY JOHNSON,
General Counsel.

[FR Doc.74-17449 Filed 7-30-74;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 26, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration: Analysis of Factors which Affect Performance of X-Ray Technologists, Form FDABRH 0723, Single time, Collins, Technologists.

DEPARTMENT OF THE INTERIOR

Departmental: Alaska Natives Survey, Form ----, Single time, NRD/Wann, Individuals.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration: Physical Radiation Survey of Dental X-Ray Equipment Installations, Form PHS 3657-1, Occasional, Evinger, Dentists, dental hygienists, dental auxiliaries.

DEPARTMENT OF STATE

Application for Nonimmigrant Visa and Alien Registration, Form FS 257, Occasional, Evinger, Aliens visiting U.S.

DEPARTMENT OF STATE

Supplement to Personal Qualifications Statement, Form DSP 34, Occasional, Evinger, Applicants for employment.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-17538 Filed 7-30-74;8:45 am]

TARIFF COMMISSION

[332-70]

BRUSSELS TARIFF NOMENCLATURE FORMAT

Hearings on Certain Chapters of Draft Conversion of the Tariff Schedules of the United States

The U.S. Tariff Commission hereby gives notice that preliminary drafts of the following chapters of the tariff schedules of the United States (TSUS) converted to the format of the Brussels Tariff Nomenclature (BTN):

Chapter 58: Carpets, mats, matting and tapestries; pile and chenille fabrics; narrow fabrics; trimmings; tulle and other net fabrics; lace; embroidery.
Chapter 59: Wadding and felt; twine, cordage, ropes and cables; special fabrics; impregnated and coated fabrics; textile articles of a kind suitable for industrial use.
Chapter 60: Knitted and crocheted goods.
Chapter 61: Articles of apparel and clothing accessories of textile fabric, other than knitted or crocheted goods.
Chapter 62: Other made up textile articles.
Chapter 63: Old clothing and other textile articles; rags.

are being released today and that public hearings thereon will begin at 10 a.m. e.d.t., on August 26, 1974, in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. The purpose of these hearings is to obtain the comments and views of interested parties on the preliminary draft conversion.

Requests to appear at the hearings on these chapters must be filed in writing with the Secretary of the Commission not later than August 19, 1974. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after August 19, 1974. Any person who fails to receive such notification by August 22, 1974, should immediately communicate with the Office of the Secretary of the Commission.

In its public notice issued March 8, 1974, regarding hearings on other chapters of the draft converted schedules (39 FR 9719 of March 13, 1974) interested

[3] Concurring Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

[4] Voting for this action: Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns and Governor Mitchell.

parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of March 8, 1974, applies to the hearings on the chapters being released today to the extent that it is applicable.

As each of the chapters is completed and released, copies thereof are made available for public inspection at the Offices of the Commission in Washington, D.C., and New York, New York; at all field offices of the Department of Commerce; and at the offices of Regional and District Directors of Customs. The locations of these offices are listed in the notice of March 8, 1974.

By order of the Commission.

Issued: July 26, 1974.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.74-17478 Filed 7-30-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 559]

ASSIGNMENT OF HEARINGS

JULY 26, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after July 31, 1974.

MC-F-12138, Osborn Transportation, Inc.—Purchase (Portion)—Brown Transport Corp., Inc., now assigned July 29, 1974, at Washington, D.C., is cancelled and transferred to modified procedure.

MC-116004 Sub-31, Texas-Oklahoma Express, Inc., now being assigned September 9, 1974 (2 weeks), at Oklahoma City, Oklahoma in a hearing room to be later designated.

MC-139572, Pappas and Deffet Cartage, Inc., d.b.a. Pappas Trucking Unlimited, now being assigned hearing October 21, 1974 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

MC-120736 Sub-4, Strothman Express, Inc., now being assigned hearing November 4, 1974 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

MC-48958, Sub-121, Illinois-California Express, Inc., now being assigned hearing October 21, 1974 (1 week), at Salt Lake City, Utah, in a hearing room to be later designated.

MC-111397 Sub-103, Davis Transport, Inc., now being assigned hearing September 12, 1974 (2 days), in Room 235 Federal Bldg., & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-17499 Filed 7-30-74;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 26, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Alabama Docket No. 16862, filed July 15, 1974. Applicant: CONTINENTAL CRESCENT LINES, INC. (Continental Trailways), P.O. Box 8435, Jackson, Miss. 39204. Applicant's representative: Robert C. Black, P.O. Box 116, Montgomery, Ala. 36101. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *Passengers and their baggage; express, mail, and newspapers* in the same vehicle with passengers, between Cleveland, Ala., and Birmingham, Ala., over Alabama Highway 79, in both directions, serving no intermediate points excepting the Junction of Alabama Highways 79 and 75 at or near Pinson, Ala. (existing Cert. 275 with the APSC & ICC Certificate).

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala. 36102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 55023, filed July 11, 1974. Applicant: GILBRALTAR WAREHOUSES, 33300 Dowe Ave., Union City, Calif. 94587. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities:* I. Between the following points, in intrastate commerce: A. San Francisco, on the one hand, and, Oakland, Emeryville, Berkeley, Alameda, San Leandro, Richmond, Albany, Union City, El Cerrito, Milpitas, and Fremont, on the other hand; B. San Francisco, on the one hand, and Oakland, Emeryville, Berkeley, Alameda, San Leandro, Richmond, Albany, and El Cerrito, on the other hand; C. San Francisco, on the one hand, and points on U.S. Highway 101 between Daly City and San Jose, and points on State Highway 82 between Bayshore and San Jose, on the other hand. Restrictions: Such authority does not include the right to render service to, from, or between intermediate points. Applicant shall not establish through routes and joint rates, charges and classifications as to the separate authorities hereinabove set forth in subparagraphs A, B and C. II. Between the following points, in intrastate and interstate and foreign commerce: A. Union City, on the one hand, and San Francisco, Oakland, Emeryville, Berkeley, Alameda, San Leandro, Richmond, Albany, El Cerrito, Milpitas, Fremont, and Los Gatos, on the other hand; B. Union City, on the one hand, and points on U.S. Highway 101 between Daly City and San Jose, and points on State Highway 82 between Bayshore and San Jose, on the other hand; and C.

In performing the service herein authorized, Applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service. Restrictions: Transportation performed in interstate or foreign commerce shall be restricted to movements beginning at or ending at Applicant's warehouses in Union City, except that pursuant to the authority herein granted, carrier shall not transport any shipments of: (1) Used households goods, personal effects, and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B; (2) Automobiles, trucks and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truch chassis, truck trailers, trucks and trailers combined, buses and bus chasis; (3) Livestock, viz.: Barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers; (4) Liquids, compressed gases, commodities in semi-plastic form, and commodities in suspension in liquids in bulk, in tank trucks, in tank trailers, tank semitrailers or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (8) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 55025, filed July 11, 1974. Applicant: DREISBACH EXPORT PACKING CO., INC., doing

business as DREISBACH DRAYAGE CO., P.O. Box 7510, Oakland, Calif. 94601. Applicant's representative: Eldon M. Johnson, The Hartford Building, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Foodstuffs, pet foods, and pet food ingredients*, in vehicles equipped with mechanical refrigeration, serving all points within the San Francisco Territory (as hereinafter described) and points within twenty-five (25) miles thereof: The San Francisco Territory: Between points in California (including the City of San Jose) within an area bounded by a line beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean, thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101, southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right-of-way at Arastradero Road, southeasterly along the Southern Pacific Company right-of-way to Pollard Roard, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente, easterly along Pollard Road to W. Parr Avenue, easterly along W. Parr Avenue to Capri Drive, southerly along Capri Drive to E. Parr Avenue, easterly along E. Parr Avenue to the Southern Pacific Company right-of-way, southerly along the Southern Pacific Company right-of-way to the Campbell-Los Gatos city limits, easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road, northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue, easterly along Foxworthy Avenue to Almaden Road, southerly along Almaden Road to Hillsdale Avenue, easterly along Hillsdale Avenue to U.S. Highway 101, northwesterly along U.S. Highway 101 to Tully Road, northeasterly along Tully Road to White Road, northwesterly along White Road to McKee Road, southwesterly along McKee Road to Capitol Avenue, northwesterly along Capitol Avenue to State Highway 17 (Oakland Road), northerly along State Highway 17 to Warm Springs, northerly along the unnumbered highway via Mission San Jose and Niles to Hayward, northerly along Foothill Boulevard to Seminary Avenue, easterly along Seminary Avenue to Mountain Boulevard, northerly along Mountain Boulevard and Morga Avenue to Estates Drive.

Westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue, northerly along College Avenue to Dwight Way, easterly along Dwight Way to the Berkeley-Oakland Boundary Line, northerly along said boundary line to the campus boundary of the University of California, northerly and westerly along the campus boundary of the University of California to Euclid Avenue, northerly along Euclid Avenue to Marin Avenue, westerly along Marin Avenue to Arlington Avenue, northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue), northerly along U.S. Highway 40 to and including the City of Richmond, southwesterly along the highway extending from the City of Richmond to Point Richmond, southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street, westerly along said waterfront and shore line to the Pacific Ocean, southerly along the shore line of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 55030, filed July 12, 1974. Applicant: S & C FREIGHT LINES, INC., 300 East Gish Road, San Jose, Calif. 95112. Applicant's representative: Daniel W. Baker, 100 Pine Street, San Francisco, Calif. 94111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) Livestock; (c) Liquid or dry commodities in bulk; (d) Logs; (e) Fresh fruits and vegetables; (f) Automobiles, trucks, buses and trailer coaches and campers; (g) Cement; and (h) Commodities requiring the use of special refrigeration or temperature control, in specially designed and constructed refrigerator equipment; Between all points and places in the San Francisco Territory as defined hereafter and all points within ten miles of any point therein; Between all points on or within ten miles of the points in the following routes: (1) U.S. Highway 101 between San Francisco and Novato, inclusive; (2) Interstate Highway 80 between Richmond and Sacramento, inclusive; (3) State Highway 29 between Vallejo and Napa, inclusive; (4) Interstate Highway 680 between Fremont and Vallejo, inclusive; (5) State Highway 21 between Benicia and Cordelia, inclusive; (6) State Highway 4 between Pinole and Stockton, inclusive; (7) State Highway 24 between Oakland and Concord, inclusive; (8) Interstate Highways 580 and 205 between Hayward and Stockton, inclusive; (9) State Highway 99 between Sacramento and Modesto, inclusive; (10) Interstate Highway 580 and State Highway 132 between junction with Interstate Highway 205 and Modesto, inclusive; (11) U.S. Highway 101 between San Jose and Salinas, inclusive; (12) State Highway 68 between Salinas and Carmel, inclusive; (13) State Highway 17 between San Jose and Santa Cruz, inclusive; and (14) State Highway 1 between Santa Cruz and Monterey, inclusive; In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service. SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean.

Thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road.

Northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco water front at the foot of Market Street; westerly along said waterfront and shoreline

to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-17503 Filed 7-30-74;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 26, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before August 15, 1974.

FSA No. 42855—*Class and Commodity Rates Between Points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-474), for interested rail carriers. Rates on various commodities, in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff—Supplement 53 to Southwestern Freight Bureau, agent, tariff 87-J (TLFB Series), I.C.C. No. 1159. Rates are published to become effective on August 23, 1974.

FSA No. 42857—*Commodity Rates—Hollis and Eastern Railroad Company.* Filed by Southwestern Freight Bureau, agent (No. B-478), for interested rail carriers. Rates on property moving on point-to-point commodity rates, from and to stations on the Hollis and Eastern Railroad Company, to and from points in the United States and Canada.

Grounds for relief—Carrier competition and rate relationship.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42856—*Class and Commodity Rates Between Points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-475), for interested rail carriers. Rates on various commodities, in carloads and tank-car loads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 53 to Southwestern Freight Bureau, agent, tariff 87-J (TLFB Series), I.C.C. No. 1159. Rates are published to become effective on August 23, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-17500 Filed 7-30-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JULY 26, 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 12, 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-2860 (Sub-No. E18) (CORRECTION), filed May 17, 1974, published in the FEDERAL REGISTER July 8, 1974. Applicant: NATIONAL FREIGHT INC., 57 Westpark Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th St., NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Maryland on and east of U.S. Highway 15 and that part of Delaware north of the Chesapeake and Delaware Canal, to points in Alabama, Louisiana, Mississippi, Arkansas, Iowa, Nebraska, Kansas, Missouri, Illinois, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateway of points in Maryland, Delaware, or Virginia, east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal. The purpose of this correction is to include Delaware in the origin territory.

No. MC-35890 (Sub-No. E5) (CORRECTION), filed May 3, 1974, published in the FEDERAL REGISTER May 29, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth Street, SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (C) *New furniture*, uncrated, from points in Iowa and Minnesota to points in Virginia. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich., and Warren County, Pa. The purpose of this correction is to include (C) with the previous publication. The remainder of the letter-notice remains as published.

No. MC-75110 (Sub-No. E1), filed May 16, 1974. Applicant: ATLANTIC & PACIFIC MOVING CO., P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Frances Jabet, 1776 Broadway, New York, N.Y. 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 Missouri, on the one hand, and, on the other, Philadelphia, Pa. The purpose of this filing is to eliminate the gateways of (1) points within 50 miles of St. Louis, Mo. (2) points within 50 miles of East St. Louis, Ill., and (3) points in New York.

No. MC-75110 (Sub-No. E4), filed May 16, 1974. Applicant: ATLANTIC & PACIFIC MOVING CO., P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Frances Jabet, 1776 Broadway, New York, N.Y. 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 that part of Illinois on and west of a line beginning at the Illinois-Missouri State line, thence along Interstate Highway 57 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Missouri State line, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and East St. Louis, Ill., and points within 50 miles of each.

No. MC-75110 (Sub-No. E5), filed May 16, 1974. Applicant: ATLANTIC & PACIFIC MOVING CO., P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Frances Jabet, 1776 Broadway, New York, N.Y. 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 Colorado, on the one hand, and, on the other, Philadelphia, Pa. The purpose of this filing is to eliminate the gateways of (1) Clay Center, Kans., and points within 20 miles thereof, (2) Kansas City, Mo., and points within 25 miles thereof, and (3) St. Louis, Mo., and points within 50 miles thereof.

No. MC-75110 (Sub-No. E12), filed May 16, 1974. Applicant: ATLANTIC & PACIFIC MOVING CO., P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Frances Jabet, 1776 Broadway, New York, N.Y. 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 Colorado, on the one hand, and, on the other, Kansas City, Mo., and points within 25 miles thereof. The purpose of this filing is to eliminate the gateway of Clay Center, Kans., and points within 20 miles thereof.

No. MC–75110 (Sub-No. E13), filed May 16, 1974. Applicant: ATLANTIC & PACIFIC MOVING CO., P.O. Box 25–85, Oklahoma City, Okla. 73125. Applicant's representative: Frances Jabet, 1776 Broadway, New York, N.Y. 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 Colorado, on the one hand, and, on the other, Kansas City and St. Louis, Mo., and points within 25 miles of each. The purpose of this filing is to eliminate the gateways of: (1) Clay Center, Kans., and points within 20 miles thereof, and (2) Kansas City, Mo., and points within 25 miles thereof.

No. MC–75110 (Sub-No. E14), filed May 16, 1974. Applicant: ATLANTIC & PACIFIC MOVING CO., P.O. Box 25–85, Oklahoma City, Okla. 73125. Applicant's representative: Frances Jabet, 1776 Broadway, New York, N.Y. 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 that part of Nebraska, on and west of U.S. Highway 83, on the one hand, and, on the other, points in that part of Missouri on and south of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 66 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., and points within 25 miles thereof.

No. MC–82841 (Sub-No. E1), filed June 1, 1974. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Bruce A. Bullock, Suite 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, (1) between points within that part of Iowa on and bounded by a line beginning at the Iowa-Wisconsin State line, thence along Iowa Highway 9 to junction Iowa Highway 51, thence along Iowa Highway 51 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 4, thence along Iowa Highway 4 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Missouri River, thence along the Missouri River to U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, on the one hand, and, on the other, points in that part of Wyoming on and west of a line beginning at the Idaho-Wyoming State line, thence along Wyoming Highway 22 to junction U.S. Highway 187, thence along U.S. Highway 187 to U.S. Highway 30, thence along U.S. Highway 30 to junction Wyoming Highway 530, thence along Wyoming Highway 530 to the Wyoming-Utah State line.

(2) between points in that part of Iowa on and east of a line beginning at the Iowa-Wisconsin State line, thence along Iowa Highway 9 to junction Iowa Highway 76, thence along Iowa Highway 76 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Iowa-Illinois State line, on the one hand, and, on the other, points in that part of Wyoming on, west, and south of a line beginning at the Idaho-Wyoming State line, thence along Wyoming Highway 22 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Wyoming State line; and (3) from points in Iowa on and north of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 6 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Iowa-Nebraska State line, to points in New Mexico. The purpose of this filing is to eliminate the gateways of Valley, Nebr., Nickerson, Nebr., and points within 25 miles thereof, and Lincoln County, Colo.

No. MC–82841 (Sub-No. E3), filed June 1, 1974. Applicant: HUNT TRANSPORTATION, INC., 10770 Eye Street, Omaha, Nebr. 68127. 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: *Farm machinery*, (1) between points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 77 to junction unnumbered highway near Randolph, thence along unnumbered highway to junction U.S. Highway 24 near Leonardville, thence along U.S. Highway 24 to junction Kansas Highway 15, thence along Kansas Highway 15 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 35W, thence along U.S. Highway 35W to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Kansas Highway 1, thence along Kansas Highway 1 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points on and within that part of Iowa bounded by a line beginning at Burlington, thence along U.S. Highway 61 to junction Iowa Highway 78, thence along Iowa Highway 78 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction Iowa Highway 16, thence along Iowa Highway 16 to junction U.S. Highway 61, thence along U.S. Highway 61 to Burlington, (2) between points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 183 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 25, thence along Kansas Highway 25 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Kansas Highway 27, thence along Kansas Highway 27 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in that part of Iowa on, south, and east of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 34 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction Iowa Highway 92, thence along Iowa Highway 92 to the Missouri River.

Thence along the Missouri River to U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 148, thence along Iowa Highway 148 to junction Iowa Highway 49, thence along Iowa Highway 49 to junction Iowa Highway 25, thence along Iowa Highway 25 to the Iowa-Missouri State line, and (3) between points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line, thence along Kansas Highway 63 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in that part of Iowa on and within a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 61 to junction Iowa Highway 78, thence along Iowa Highway 78 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Missouri River, thence along the Missouri River to Iowa Highway 175,

thence along Iowa Highway 175 to junction Iowa Highway 183, thence along Iowa Highway 183 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 38, thence along Iowa Highway 38 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateways of Valley, Nebr., and Nickerson, Nebr., and points in Nebraska within 25 miles thereof.

No. MC–96324 (Sub-No. E6), filed May 16, 1974. Applicant: GENERAL DELIVERY INCORPORATED, P.O. Box 1816, Fairmont, W. Va. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, between points in Kentucky, on the one hand, and, on the other, points in Pennsylvania and Maryland. The purpose of this filing is to eliminate the gateway of the plant site of Continental Can Company at Clarksburg, W. Va.

No. MC–96324 (Sub-No. E7), filed May 16, 1974. Applicant: GENERAL DELIVERY INCORPORATED, P.O. Box 1816, Fairmont, W. Va. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, and machinery and crating materials* used in the manufacture and shipping thereof, between points in Ohio, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont (except that no service is authorized between points in that part of Ohio south of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 62 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line, on the one hand, and, on the other, points in Vermont and New Hampshire). The purpose of this filing is to eliminate the gateways of points in Harrison County, W. Va., and Fairmont, W. Va.

No. MC–100666 (Sub-No. E8), (CORRECTION), filed April 7, 1974, published in the FEDERAL REGISTER April 25, 1974. Applicant: MELTON TRUCK LINES, INC., 1129 Grimmet Drive, 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: (1) *Plastic pipe* (except oil field commodities as described by the Commission in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459) from East Camden, Ark., to points in Arizona. The purpose of this filing is to eliminate the gateway of Fort Smith, Ark. The purpose of this correction is to include Arizona in the destination territory. The remainder of the letter-notice in Sub-No. E8 remains as previously published.

No. MC–107295 (Sub-No. E2), (Correction), filed May 5, 1974, Applicant. PREFAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished wall paneling*, from Charlotte, N.C., (1) to points in Arizona, Louisiana, New Mexico, and Texas (Truman, Ark.)*; (2) to points in Michigan and that part of Ohio in, east, and north of Lucas, Wood, Seneca, Crawford, Richland, Ashland, Holmes, Tuscarawas, Harrison, and Jefferson Counties (Chester, W. Va.)*; and (3) to points in California, Colorado, Idaho, Illinois, Montana, Nevada, Oregon, Utah, Washington, Wyoming, and that part of Indiana in, north, and west of Vigo, Clay, Putman, Hendricks, Marion, Boone, Clinton, Howard, Miami, Fulton, Marshall, and Elkhart Counties (Paris, Ill.)*. The purpose of this filing is to eliminate the respective gateways indicated by asterisks above. The purpose of this correction is to redescribe the destination territory in part (3).

No. MC–107403 (Sub-No. E128), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solutions* (except phosphoric acid), in bulk, in tank vehicle, from the plantsite of Monsanto Chemical Company in Trenton, Mich., to points in West Virginia, within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio.

No. MC–107403 (Sub-No. E129), filed May 29, 1974. Applicant: MATLACK, INC., 10 West 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: *Coal tar*, in bulk, from Detroit, Mich., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC–107403 (Sub-No. E130), filed May 29, 1974. Applicant: MATLACK, INC., 10 West 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: *Coal tar*, in bulk, in tank vehicles, from Detroit, Mich., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of 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. E196), filed May 29, 1974. Applicant: MATLACK, INC., 10 West 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, road oil, coal tar, and coal tar products), from points in New York, to points in Maryland, within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of Lewistown, Pa.

No. MC–107403 (Sub-No. E197), filed May 29, 1974. Applicant. MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York, to points in Iowa, Minnesota, Missouri, and Nebraska. The purpose of this filing is to eliminate the gateway of Dover, Ohio and the plantsite of the Baird Chemicals Industries, Inc., located at or near Mapleton, Ill.

No. MC–107403 (Sub-No. E198), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except such oils and greases as may be included in the term chemicals), in bulk, in tank vehicles, from points in New York, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Dover, Ohio, and the plantsite 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. E199), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as described in the Maxwell Co., Extension-*Addyston*, 63 M.C.C. 677 (except gasoline, fuel oil, asphalt, kerosene, benzene, soda ash, and those derived from petroleum), from points in New York, to points in Indiana, and Michigan. The purpose of this filing is to eliminate the gateway of Painesville, Ohio.

No. MC–107403 (Sub-No. E201), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except gasoline, fuel oil, asphalt, kerosene, benzene, and not including petrochemicals to points in that part of Kentucky on and east of U.S. Highway 31 West), in bulk, in tank vehicles, from points in New York, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Delaware County, Ohio.

No. MC–107403 (Sub-No. E202), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's represent-

ative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except gasoline, fuel oil, asphalt, kerosene, benzene, and derivatives of coal tar), in bulk, in tank vehicles, from points in New York, to points in Tennessee (except Kingsport, and Elizabethton). The purpose of this filing is to eliminate the gateway of South Point, Ohio, and Ashland, Ky.

No. MC–107403 (Sub-No. E203), filed May 29, 1974. Applicant: MATLACK, INC., 10 West 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: *Non-flammable liquid chemicals* (except petroleum and petroleum products other than medicinal petroleum products, road oil, coal tar, and coal tar products), from the plantsite of E. I. DuPont de Nemours and Company, at Niagara Falls, New York, to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC–107403 (Sub-No. E205), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics, synthetic*, in bulk, in tank or hopper type vehicles, from Niagara Falls, N.Y. to points in North Carolina, Virginia, and Georgia. The purpose of this filing is to eliminate the gateway of Delaware City, Del.

No. MC–107403 (Sub-No. E206), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicle, from Niagara Falls, N.Y. to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Circleville, Ohio.

No. MC–107403 (Sub-No. E207), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper type vehicles, from Niagara Falls, N.Y. to points in Indiana, Michigan, and Kentucky. The purpose of this filing is to eliminate the gateway of Ashtabula, Ohio.

No. MC–107403 (Sub-No. E208), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper type vehicles, from Niagara Falls, N.Y., to points in Maryland. The purpose of this filing is to eliminate the gateway of Lewiston, Pa.

No. MC–107403 (Sub-No. E254), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-flammable liquid chemicals* (except petroleum, petroleum products, coal tar, and coal tar products), in bulk, from points in Pennsylvania, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Washington, Pa., Natrium, W. Va., and Ironton, Ohio.

No. MC–107403 (Sub-No. E255), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid paint materials*, and plastics, in bulk, in tank vehicles, from points in Pennsylvania, to points in Arkansas, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa., Natrium, W. Va., and Circleville, Ohio.

No. MC–107403 (Sub-No. E256), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from points in Pennsylvania, within 150 miles of Monongahela, Pa., to points in Michigan. The purpose of this filing is to eliminate the gateway of Wooster, Ohio.

No. MC–107403 (Sub-No. E257), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry resins*, in bulk, in tank vehicles, from points in Pennsylvania, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Newark, Ohio.

No. MC–107403 (Sub-No. E258), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in Pennsylvania, to points in Michigan. The purpose of this filing is to eliminate the gateway of Newark, Ohio.

No. MC–107403 (Sub-No. E259), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid coal tar products*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Maine, Massachusetts, Vermont, and New Hampshire. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC–107403 (Sub-No. E261), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petro-chemicals), in bulk, in tank vehicles, from Philadelphia, and Marcus Hook, Pa., to points in Ohio, Indiana, Illinois, Kentucky, Michigan, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway of Eagle Point, N.J., Pittsburgh, Pa., and Congo, W. Va.

No. MC–107403 (Sub-No. E262), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid paint materials*, and *plastics*, in bulk, in tank vehicles, from points in Pennsylvania, within 100 miles of Philadelphia, Pa., to points in Arkansas, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa., Natrium, W. Va., and Circleville, Ohio.

No. MC–107403 (Sub-No. E263), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk (except fly ash, salt, and those ordinarily transported in dump trucks), from the Valley Forge Terminal in Norristown, Pa., to points in Ohio, Indiana, Michigan, and Kentucky. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa., and Zanesville, Ohio.

No. MC–107403 (Sub-No. E264), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tolylene Di Isocyanate and resins*, in bulk, in tank vehicles, from points in Pennsylvania, Ohio, Maryland, and West Virginia, within 150 miles of Monongahela, Pa., to points in Alabama, Florida, Georgia,

Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. The purpose of this filing is to eliminate the gateway of Natrium, W. Va.

No. MC–107403 (Sub-No. E265), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Maleic acid, liquid resin*, and *coal tar products*, as defined by the Commission, and *acids*, and *chemicals*, as defined by the Commission (except petroleum and petroleum products as defined by the Commission), in bulk, in tank vehicles, from Philadelphia, Pa., and points within 25 miles, to points in Ohio, and West Virginia, within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of York Springs, Pa.

No. MC–107403 (Sub-No. E266), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquids* (except *milk, petroleum, petroleum products, coal tar*, and *coal tar products*) from Philadelphia, Pa., and points within 25 miles thereof, to points in Maine, Massachusetts, New Hampshire and Vermont. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC–107403 (Sub-No. E267), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from the Valley Forge Terminal in Norristown, Pa., to points in Massachusetts, and Vermont. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa., and Elizabeth, N.J.

No. MC–107403 (Sub-No. E268), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from the Valley Forge Terminal at Norristown, Pa., to points west of a line beginning at the Pennsylvania-New York State line, and extending along New York Highway 16, to its junction with New York Highway 98, thence along New York Highway 98 to Lake Ontario. The purpose of this filing is to eliminate the gateway of Lewiston, Pa.

No. MC–107403 (Sub-No. E269), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry resins, and dry plastics*, in bulk, in tank vehicles (except dump vehicles), from the Valley Forge Terminal at Norristown, Pa., to points in Maine, New Hampshire, New York, Ohio, and Vermont. The purpose of this filing is to eliminate the gateway of Pottstown, Pa.

No. MC–107403 (Sub-No. E270), filed May 29, 1974. Applicant: MATLACK, INC., 10 West 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: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 (except liquid hydrogen and except those commodities listed in said appendix which are also listed as chemicals in Appendix XV of the same report), from points in Pennsylvania, within 150 miles of Monongahela, Pa., to points in Maryland, South Carolina, North Carolina, Virginia, Florida, and Georgia. The purpose of this filing is to eliminate the gateway of Butler, Pa.

No. MC–107403 (Sub-No. E271), filed May 29, 1974. Applicant: MATLACK, INC., 10 West 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: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 (except asphalt and not including those commodities listed in said appendix which are also listed as chemicals in Appendix XV of the same report), in bulk, in tank vehicles, from points in Pennsylvania, within 150 miles of Monongahela, Pa., to points in New Jersey, New York, and Delaware. The purpose of this filing is to eliminate the gateway of Petrolia, Pa.

No. MC–107403 (Sub-No. E272), filed May 29, 1974. Applicant: MATLACK, INC., 10 West 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: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 20 (except asphalt and except those commodities listed in said appendix which are also listed as chemicals in Appendix XV of the same report), in bulk, in tank vehicles, from points in Pennsylvania, within 150 miles of Monongahela, Pa., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Petrolia, Pa., and Newark, N.J.

No. MC–107403 (Sub-No. E273), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 Philadelphia and Marcus Hook, Pa., to points in New York. The purpose of this filing is to eliminate the gateway of Delaware City, Del.

No. MC–107496 (Sub-No. E550), 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*, in bulk, from Madison, Wis., to points in Arkansas. The purpose of this filing is to eliminate the gateway of the plant or distribution terminal sites of Dundee Cement Company, located at or near Rock Island, Ill.

No. MC–107496 (Sub-No. E551), 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: *Vegetable oil*, in bulk, in tank vehicles, from Valley Park, Mo., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E556), 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: *Vegetable oil*, in bulk, in tank vehicles, from Valley Park, Mo., to points in Oregon. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E557), 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: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant site and storage facilities of the Armour Agricultural Chemical Company, located at or near Selma, Mo., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Military, Kans.

No. MC–107496 (Sub-No. E558), 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: *Vegetable oil*, in

bulk, in tank vehicles, from Valley Park, Mo., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E559), 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: *Vegetable oil*, in bulk, in tank vehicles, from Valley Park, Mo., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E560), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid-petrochemicals*, in bulk, in tank vehicles, from Forsyth, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateways of the plant site of Hawkeye Chemical Co., at or near Clinton, Iowa.

No. MC–107496 (Sub-No. E561), 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 Palmyra, Mo., and points within 10 miles thereof, to points in Schuyler, Adair, Macon, Clark, Lewis, Marian, Rolls, Pike, Audrain, Monroe, Shelby, Knox, and Scotland Counties, Mo. The purpose of this filing is to eliminate the gateway of Quincy, Ill.

No. MC–107496 (Sub-No. E562), 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 Palmyra, Mo., and points within 10 miles thereof, to points in Putnam, Sullivan, Linn, Chariton, Howard, Randolph, Boone, Calloway, Montgomery, Lincoln, Warren, St. Louis, and St. Charles Counties, Mo. The purpose of this filing is to eliminate the gateway of Quincy, Ill.

No. MC–107496 (Sub-No. E563), 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*, in bulk, from Madison, Wis., to points in Indiana. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–107496 (Sub-No. E565), 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 and 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 Omaha, Nebr., to points in South Dakota on and west of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Norfolk, Nebr.

No. MC–108496 (Sub-No. E566), 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: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Farmland Industries, Inc., near Hastings, Nebr., to points in Ohio. The purpose of this filing is to eliminate the gateway of Fort Madison, Iowa.

No. MC–107496 (Sub-No. E567), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from La Platte, Nebr., to points in Ohio. The purpose of this filing is to eliminate the gateway of the plantsite of Stauffer Chemical Co. (formerly the Des Plaines Chemical Co.) at or near Morris, Ill.

No. MC–107496 (Sub-No. E568), 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 vehicles, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Nebraska City, Nebr., to points in Ohio. The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa.

No. MC–107496 (Sub-No. E569), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Nebraska City, Nebr., to points in Michigan. The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa.

No. MC–107496 (Sub-No. E570), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds*, in bulk, in hopper vehicles, from La Platte, Nebr., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa.

No. MC–107496 (Sub-No. E571), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from St. Joseph, Mo., to points in Colorado on and north of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of La Platte, Nebr.

No. MC–107496 (Sub-No. E587), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil*, in bulk, in tank vehicles, from Minneapolis, Minn., to points in Virginia. The purpose of this filing is to eliminate the gateway of Menominee, Mich.

No. MC–107496 (Sub-No. E588), 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: *Vegetable oil*, in bulk, in tank vehicles, from points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission to points in Maryland. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E589), 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: *Vegetable oil*, in bulk, in tank vehicles, from Mankato, Minn., to points in Alabama. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 107496 (Sub-No. E590), 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: *Vegetable oil*, in bulk, in tank vehicles, from points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission to points in Alabama. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E599), 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: *Vegetable oil*, in bulk, in tank vehicles, from points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E600), 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: *Vegetable oil*, in bulk, in tank vehicles, from Mankato, Minn., to points in Oregon. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E605), 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 hydrogen, liquid oxygen, and liquid nitrogen), used in the treatment and processing of water and crude petroleum and as corrosion inhibitors, in bulk, from Casper, Wyo., to points in California on and south of a line from Needles along U.S. Highway 66 to Barstow, thence along California Highway 58 to the junction of U.S. Highway 101, thence along U.S. Highway 101 to the junction of California Highway 41, thence along California Highway 41 to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC–107496 (Sub-No. E606), 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 nitrogen, liquid hydrogen, and liquid oxygen), used in the treatment and processing of water and crude petroleum, and as corrosion inhibitors, in bulk, from Casper, Wyo., to points in Kansas. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC–107496 (Sub-No. E608), 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: *Petrochemicals*, in bulk, in tank vehicles, from points in Wyoming to points in Iowa (except points north of Iowa Highway 3). The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC–107496 (Sub-No. E609), 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: *Petrochemicals*, in bulk, in tank vehicles, from points in Wyoming to points in Illinois. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC–107496 (Sub-No. E610), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from points in Wyoming to points in Missouri. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC–107496 (Sub-No. E623), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, to points in New Jersey. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E624), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Denver, Colo., to points in Missouri. The purpose of this filing is to eliminate the gateway of the site of the Williams Brothers Pipeline Co., in Doniphon County, Kans.

No. MC–107496 (Sub-No. E625), 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 Kansas City, Kans., and Sugar Creek, Mo., to points in South Dakota. The purpose of this filing is to eliminate the gateways of Bedford, Iowa, and the terminal of the Kaneb Pipeline Co., at Le Mars, Iowa.

No. MC–107496 (Sub-No. E626), 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: *Petrochemicals*, in bulk, in tank vehicles, from Sugar Creek, Mo., and Kansas City, Kans., to points in South Dakota. The purpose of this filing is to eliminate the gateways of Bedford, Iowa, Council Bluffs, Iowa, and points within 10 miles thereof, and Fremont, Nebr.

No. MC–107496 (Sub-No. E627), 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 all refining and distributing points in Kansas to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Kansas City, Kans., points in Iowa, Omaha, Nebr., points in Doniphon County, Kans., and Rockford, Ill.

No. MC–107496 (Sub-No. E628), 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 Wausau, Wis., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Marshall, Minn.

No. MC–107496 (Sub-No. E629), 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 Nebraska. The purpose of this filing is to eliminate the gateways of Alexandria, Mo., and Council Bluffs, Iowa.

No. MC–107496 (Sub-No. E630), 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 Colorado. The purpose of this filing is to eliminate the gateways of Alexandria, Mo., Council Bluffs, Iowa, and points west of Red Willow County, Nebr.

No. MC–107496 (Sub-No. E631), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Iowa west of U.S. Highway 71 and south of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of the terminal of Kaneb Pipeline Company at or near Milford, Iowa.

No. MC–107496 (Sub-No. E632), 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 Kansas City, Mo., to points in Minnesota (except points west of Minnesota Highway 15 and south of U.S. Highway 14). The purpose of this filing is to eliminate the gateway of the plant site of the Northwestern States Portland Cement Company at Mason City, Iowa.

No. MC–107496 (Sub-No. E633), 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 Amboy, Ill., to points in Iowa in excess of 200 miles from Amboy. The purpose of this filing is to eliminate the gateways of Davenport and Clinton, Iowa.

No. MC–107496 (Sub-No. E634), 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 Wyoming. The purpose of this filing is to eliminate the gateway of points in Nebraska on and west of U.S. Highway 83.

No. MC–107496 (Sub-No. E652), 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: *Phosphoric acid*, in bulk, in tank vehicles, from the plant and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark., to Denver, Keensburg, and La Salle, Colo. The purpose of this filing is to eliminate the gateway of Lawrence, Kans.

No. MC–107496 (Sub-No. E653), 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 Marshall, Minn., to points in Nebraska. The purpose of this filing is to eliminate the gateways of Yankton, S. Dak., and Sioux City, Iowa and points within 10 miles thereof.

No. MC–107496 (Sub-No. E654), 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 Indiana within 125 miles of Chicago on and north of Indiana Highway 14 to points in Iowa on and east of U.S. Highway 69. The purpose of this filing is to eliminate the gateway of East Chicago, Ind.

No. MC–107496 (Sub-No. E655), 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 fertilizer and fertilizer ingredients*, in bulk, in tank or hopper-type vehicles, from the plant of Central Nitrogen, Inc., near Terre Haute, Ind., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC–107496 (Sub-No. E656), 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 plantsite and storage facilities of Martin Marietta Cement Midwest Division, at or near Davenport, Iowa to points in Indiana on and south of U.S. Highway 24. The purpose of this filing is to eliminate the gateway of Bartonville, Ill., and points within 5 miles thereof.

No. MC–107496 (Sub-No. E681), 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*, in bulk, from the plant or distribution terminal sites of Dundee Cement Company located at or near St. Louis, Mo., to points in Texas (except points in Marion, Red River, and Bowie Counties). The purpose of this filing is to eliminate the gateway of the plantsite of Ash Grove Lime and Portland Cement Company in or near Chanute, Kans.

No. MC–107496 (Sub-No. E682), 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 or distribution terminal sites of Dundee Cement Company, located at or near Clarksville, Mo., to points in Texas. The purpose of this filing is to eliminate the gateway of the plantsite of Ash Grove Lime and Portland Cement Company in or near Chanute, Kans.

No. MC–107496 (Sub-No. E684), 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 Minnesota (except points in Freeborn, Mower, Fillmore, and Houston Counties). The purpose of this filing is to eliminate the gateways of points in Iowa, Taylor County, Iowa, and the terminal of the Kaneb Pipeline Co., at or near Milford, Iowa.

No. MC–107496 (Sub-No. E685), 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: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Clarion, Iowa to points in North Dakota. The purpose of this filing is to eliminate the gateway of Savage, Minn.

No. MC–107496 (Sub-No. E686), 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 Des Moines, Iowa, to points in North Dakota. The purpose of this filing is to eliminate the gateway of the barge, warehouse and storage facilities of Occidental Agricultural Chemical Corporation at Savage, Minn.

No. MC–107496 (Sub-No. E702), 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 Burlington, Iowa, to points in Linn, Chariton, Howard, Randolph, Boone, Calloway, Montgomery, Lincoln, Warren, St. Louis, and St. Charles Counties, Mo. The purpose of this filing is to eliminate the gateways of Ft. Madison, Iowa and points within 10 miles thereof and Quincy, Ill.

No. MC–107496 (Sub-No. E703), 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 Burlington, Iowa to points in Illinois on and north of a line from the Missouri-Illinois State line along U.S. Highway 54 to Springfield, thence along U.S. Highway 36 to Decatur and thence on and west of U.S. Highway 51 to the Illinois-Wisconsin State line (except points on and north of U.S. Highway 24). The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa and points within 10 miles thereof.

No. MC–107496 (Sub-No. E704), 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 Burlington, Iowa to points in Schuyler, Scotland, Clark, Adair, Knox, Lewis, Marion, Shelby, Macon, Ralls, and Monroe Counties, Mo. The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa and points within 10 miles thereof.

No. MC–107496 (Sub-No. E705), 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: *Sulphuric acid*, in bulk, in tank vehicles, from Dubuque, Iowa, to points in Ohio (except west of Ohio Highway 13 and north of a line from Ohio-Pennsylvania State line along U.S. Highway 30 to the junction of U.S. Highway 30N, thence over U.S. Highway 30N to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of the plant site of the Ashland Chemical Co., at or near Mapleton, Ill.

No. MC–107496 (Sub-No. E706), 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 plantsite of the North Western States Portland Cement Company at or near Cedar Rapids, Iowa to points in Kentucky. The purpose of this filing is to eliminate the gateway of Bartonville, Ill., and points within 5 miles thereof.

No. MC–107496 (Sub-No. E707), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of the Hawkeye Chemical Company at or near Clinton, Iowa to points in Kansas. The purpose of this filing is to eliminate the gateway of the plantsite of Ashland Chemical Company at or near Clinton, Iowa.

No. MC–107496 (Sub-No. E708), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of the Hawkeye Chemical Company, at or near Clinton, Iowa to points in Louisiana. The purpose of this filing is to eliminate the gateway of the plantsite of the Ashland Chemical Company at or near Mapleton, Ill.

No. MC–107496 (Sub-No. E709), 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: *Molasses*, in bulk, in tank vehicles, from points in Iowa to points in Idaho (except points in Idaho, Lewis, Latah, Clearwater, Benwah, Shoshone, Koothnia, Banner, and Boundly Counties). The purpose of this filing is to eliminate the gateway of Lucerne, Colo.

No. MC–107496 (Sub-No. E710), 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 feed ingredients*, derived from corn, in bulk, in tank or hopper vehicles, from the plantsite of Grain Processing Corporation (or its subsidiary Kent Feeds) at Muscatine, Iowa, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Pipestone, Minn.

No. MC–107496 (Sub-No. E711), 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: *Sulphuric acid* (except fertilizer), in bulk, in tank vehicles, from Ft. Madison, Iowa to points in South Dakota. The purpose of this filing is to eliminate the gateway of the plantsite of the Apple River Chemical Company at or near Niota, Ill.

No. MC–107496 (Sub-No. E712), 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: *Sulphuric acid* (except fertilizers), in tank vehicles from Ft. Madison, Iowa to points in Wisconsin. The purpose of this filing is to eliminate the gateway of the plantsite of the Apple River Chemical Company at or near Niota, Ill.

No. MC–107496 (Sub-No. E713), 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: *Sulphuric acid*, in bulk, in tank vehicles, from the site of the plant of the U.S. Industrial Chemical Company, about 6 miles west of De Soto, Kans., to points in Minnesota. The purpose of this filing is to eliminate the gateways of Charles City, Iowa and Fremont, Nebr.

No. MC–107496 (Sub-No. E714), 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: *Sulphuric acid*, in bulk, in tank vehicles, from the site of the plant of the U.S. Industrial Chemical Company, about six miles west of De Soto, Kans., to points in Illinois on and north of U.S. Highway 6. The purpose of this filing is to eliminate the gateway of the plantsite of the Hawkeye Chemical Co., at or near Clinton, Iowa.

No. MC–107496 (Sub-No. E717), 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: *Phosphoric acid*, in bulk, in tank vehicles, from the plant and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark., to Crete, Nebr. The purpose of this filing is to eliminate the gateway of Lawrence, Kans.

No. MC–110420 (Sub-No. E8), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coconut oil*, in bulk, in tank vehicles, (1) from Chicago, Ill., to points in Pennsylvania; (2) from Cudahy, Wis., to points in Pennsylvania; and (3) from Waterloo, Iowa, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of the plantsite of Armour and Company near Aurora, Ill.

No. MC–111545 (Sub-No. E372), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Louisiana, on the one hand, and, on the other, (a) points in those parts of Bell, Leslie, Harlan, Letcher, and Perry Counties, Ky., within 175 miles

of Chattanooga, Tenn., and (b) points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and east of a line beginning at the Tennessee-Virginia State line, thence along U.S. Highway 25E to Newport, thence along Interstate Highway 40 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Anderson, S.C.

No. MC–111545 (Sub-No. E371), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, indicator posts, floor stands, fittings, sleeves, and covers*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Alabama within 175 miles of Chattanooga, Tenn., to points in Arizona, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Anniston, Ala.

No. MC–111545 (Sub-No. E373), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between the District of Columbia, on the one hand, and, on the other, points in that part of Kentucky within 175 miles of Chattanooga, Tenn., and on and south of a line beginning at the Kentucky-Tennessee State line, thence alone U.S. Highway 127 to Ida, thence along Kentucky Highway 90 to Glasgow, thence along U.S. Highway 68 to Cadiz, thence along Kentucky Highway 139 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E374), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Nebraska on, west, and south of a line beginning at the Nebraska-Colorado State line, thence along U.S. Highway 385 to Alliance, thence along Nebraska Highway 2 to Hemingford, thence along Nebraska Highway 71 to Scottsbluff, thence along U.S. Highway 26 to the Nebraska-Wyoming State line, on the one hand, and, on the other, (a) points in that part of Maryland on and east of U.S. Highway 15; (b) points in that part of Connecticut on and east of a line beginning at the Connecticut-Massachusetts State line, thence along Connecticut Highway 159 to Hartford, thence along Interstate Highway 91 to junction Connecticut Highway 9, thence along Connecticut Highway 9 to junction Interstate Highway 95; and (c) points in that part of New Jersey on and south of New Jersey Highway 33. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Payne, Iowa.

No. MC–111545 (Sub-No. E375), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials, and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (B) *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, and machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in that part of Missouri on, north, and west of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 54 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in that part of Louisiana on and west of a line beginning at the Louisiana-Arkansas State line, thence along U.S. Highway 71 to junction U.S. Highway 167, thence along U.S. Highway 167 to Abbeville, thence along Louisiana Highway 82 to Esther, thence along Louisiana Highway 333 to Intracoastal, restricted in (A) and (B) above to the transportation of commodities, which because of size or weight require the use of special equipment. The purpose of this filing is to eliminate the gateways of Hugo, Okla., and Longview, Tex.

No. MC–111545 (Sub-No. E403), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, the transportation of which, because of size or weight, requires the use of special equipment, between points in Ascension, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne, and Washington Parishes, Louisiana, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 136 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Piedmont, Ala.

No. MC–111545 (Sub-No. E405), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith, between points in Kentucky, on the one hand, and, on the other, points in that part of Wisconsin on and west of a line beginning at the Wisconsin-Illinois State line, thence along U.S. Highway 51 to Wausau, thence along Wisconsin Highway 29 to Wittenberg, thence along U.S. Highway 45 to the Wisconsin-Michigan State line, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC–111545 (Sub-No. E406), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith, between points in that part of Ohio on and east of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 52 to Cincinnati, thence along U.S. Highway 42 to Cleveland, on the one hand, and, on the other, points in that part of Wisconsin on and west of a line beginning at the Wisconsin-Illinois State line, thence along Wisconsin Highway 104 to junction U.S. Highway 14, thence along U.S. Highway 14 to Madison, thence along along U.S. Highway 51 to Wausau, thence along Wisconsin Highway 52 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC–111545 (Sub-No. E407), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such machinery and contractors' equipment* as may be transported as ma-

chinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewerage, between points in that part of Iowa on and west of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 65 to Des Moines, thence along Interstate Highway 80 to Malcom, thence along U.S. Highway 63 to the Iowa-Minnesota State line, on the one hand, and, on the other, points in Louisiana, restricted to the transportation of shipments moving to or from pipeline rights of way, and further restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateways of Kansas City, Mo., Idabel, Okla., and Longview, Tex.

No. MC–111545 (Sub-No. E408), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, indicator posts, floor stands, fittings, sleeves, and covers*, the transportation of which, because of size or weight, requires the use of special equipment, (1) from points in Connecticut, Maine, Maryland, Rhode Island, and Virginia to points in Arizona, California, Nevada, New Mexico, and Oregon (Ringgold, Ga., and Anniston, Ala.)*; and (2) from points in Virginia to points in Arizona, California, Nevada, New Mexico, and Oregon (Asheville, N.C., and Anniston, Ala.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–111545 (Sub-No. E409), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation, of which, because of size or weight, requires the use of special equipment, between points in that part of Massachusetts on, east, and south of a line beginning at the Massachusetts-New York State line, thence along U.S. Highway 20 to Pittsfield, thence along Massachusetts Highway 9 to North Hampton, thence along U.S. Highway 5 to the Massachusetts-Vermont State line, on the one hand, and, on the other, points in that part of Missouri on, west, and south of a line beginning at the Missouri-Arkansas State line, thence along Missouri Highway 39 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and points in Oklahoma.

No. MC–111545 (Sub-No. E410), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron soil pipe and fittings and bituminized fibre pipe and fittings*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of South Carolina within 175 miles of Chattanooga, Tenn., to points in Kansas, Missouri, Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Holt, Ala.

No. MC–114019 (Sub-No. E251), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile* (asphalt, composition, and floor), from Hopetown, Ohio, to points in Colorado, Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and points in Missouri north of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of North Judson, Ind.

No. MC–114019 (Sub-No. E255), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and cartons*, from Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia, and Pennsylvania to Peoria, Champaign, Carbondale, and Springfield, Ill., Evansville and Iidianapolis, Ind., Louisville, Bellevue, and Covington, Ky., and St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Middletown or Fairfield, Ohio.

No. MC–114019 (Sub-No. E256), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, liquid or solid, *boards*, fibreboard and/or pulpboard, impregnated with asphalt, painted or not painted, *board*, wall, fibreboard, pulpboard, or strawboard, not impregnated with asphalt, *caps*, roofing, tin, *cement*, roofing, *clamps*, metal, *coating*, roof, having asbestos, pitch, tar, or rosin base, *creosote, fasteners*, metal, *felts*, building or roofing, saturated or unsaturated, *insulating material*, asbestos or felt paper, *nails, paint*, asphaltum, *paint*, coal tar, *paper*, building, roofing, or sheathing, saturated, unsaturated, *pitch*, roofing, *roofing*, composition or prepared, *siding*, asphalt, *shingles*, asphalt, asbestos, or composition, *sheathing, straps*, tin, with fasteners, *tar*, roofing, from points in Ohio to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, points in New York, on and east of Interstate Highway 87, Rhode Island and Vermont. The purpose of this filing is to eliminate the gateway of Sunbury, Pa.

No. MC–114019 (Sub-No. E257), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Minnesota on and south of U.S. Highway 14 to Louisville, Bellevue, and Covington, Ky., Pittsburgh, Pa., and points in Ohio, Indiana, and those in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Milwaukee, Wis.

No. MC–114019 (Sub-No. E259), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Sections A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Storm Lake, Iowa, to points in Connecticut, Delaware, Rhode Island, Baltimore, Md., and points within 5 miles thereof, and points in Virginia on and east of U.S. Highway 52, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–114019 (Sub-No. E260), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those requiring the use of special equipment), from the plant site of Jones and Laughlin Steel Corporation located in Putnam County, Ill., to Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and

Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania. The purpose of this filing is to eliminate the gateway of Greenville, Ohio.

No. MC-116142 (Sub-No. E1) (CORRECTION), filed May 12, 1974, published in the FEDERAL REGISTER July 8, 1974. Applicant: BEVERAGE TRANSPORTATION, INC., 625 Eberts Lane, P.O. Box 423, York, Pa. 17405. Applicant's representative: Christian V. Gray, 407 N. Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Malt beverages*, and *advertising materials* moving in conjunction with malt beverages, (1) from Newark, N.J., to points in Pennsylvania (except points in Philadelphia, Chester, and Delaware Counties) (Trenton, N.J.*); (2) from Pittsburgh, Pa., to points in New Jersey (Baltimore, Md.*); (3) from Cleveland, Ohio, to Baltimore, Md. (Harrisburg, Pa.*); (4) from Cleveland, Ohio, to Newark, N.J. (Philadelphia, Pa.*); (5) from Cleveland, Ohio, to New York, N.Y. (Philadelphia, Pa.,* and Newark, N.J.*); (6) from Cleveland, Ohio, to Hicksville, N.Y. (Williamsport, Pa.*); (7) from Detroit, Mich., to Wilmington, Del., points in Maryland, that part of New York on and west of New York Highway 19, and the District of Columbia (Pittsburgh, Pa.*); (8) from Columbus, Ohio, to points in New Jersey (Pittsburgh, Pa.,* and Baltimore, Md.*); (9) from Williamsburg, Va., to points in New Jersey, New York, and Pennsylvania (Baltimore, Md.*); (10) from Latrobe, Pa., to points in that part of New York on and east of Interstate Highway 87 (Baltimore, Md.*); and (11) from Cleveland, Ohio, to points in New Jersey (Williamsport, Pa.*); and (B) *Empty used malt beverage containers*, from the above-specified destination points to the above-specified origin points. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to clarify the territorial descriptions in (1) above.

No. MC-117823 (Sub-No. E1), filed May 12, 1974. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 240 California Avenue, Salt Lake City, Utah 84115. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Proposal 1: *Frozen foods*, from Compton, Calif., to points in Oregon and Washington. The purpose of this filing is to eliminate the gateway points in Idaho south of the southern boundary of Idaho County. Proposal 2: *Frozen foods*, from Marysville, Calif., to points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Sparks, Nev. Proposal 3: *Frozen foods*, from points in Washington, to points in Nevada. The purpose of this filing is to eliminate the gateway points in Idaho south of the southern boundary of Idaho County. Proposal 4: *Frozen fruit juices, juice concentrates, and citrus products*, from Corona and Ontario, Calif., to points in Oregon and Washington. The purpose of this filing is to eliminate the gateway points in Idaho south of the southern boundary of Idaho County. Proposal 5: *Frozen bakery goods*, from Fresno, Calif., to points in Washington and Oregon. The purpose of this filing is to eliminate the gateway of Sparks, Nev. Proposal 6: *Frozen canned fruits and vegetables*, from points in Oregon and Washington, to points in Arizona. The purpose of this filing is to eliminate the gateway of Provo, Utah.

Proposal 7: *Frozen foods*, from points in California, to Denver, Colo. The purpose of this filing is to eliminate the gateway points of Salt Lake City and Provo, Utah. Proposal 8: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *pickles and pickle products, and fruit juices, juice concentrates, and citrus products*, from points in California, to points in Idaho. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah. Proposal 9: *Frozen fruits, frozen berries, and frozen vegetables, and frozen fish* when moving in the same vehicle, at the same time, with frozen fruits, frozen berries, and frozen vegetables, between points in Washington and Oregon, on the one hand, and, on the other, points in California, restricted against the transportation of frozen fruits and frozen fish from points in Oregon. The purpose of this filing is to eliminate the gateway points in Idaho south of the southern boundary of Idaho County. Proposal 10: *Frozen foods*, from points in Oregon, to Denver, Colo. The purpose of this filing is to eliminate the gateway points in Idaho south of the southern boundary of Idaho County. Proposal 11: *Frozen foods*, from points in California to points in Wyoming. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-17506 Filed 7-30-74;8:45 am]

[Notice No. 24]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 26, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no signicant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's revised deviation rules-motor carriers of property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before August 30, 1974.

Successively filed letter-notices of the same carrier under the Commission's revised deviation rules-motor carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-75320 (Deviation No. 53), CAMPBELL "66" EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801, filed July 10, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Gainesville, Tex., over Interstate Highway 35 to Oklahoma City, Okla., thence over Interstate Highway 40 to junction U.S. Highway 75, thence over U.S. Highway 75 to Tulsa, Okla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Tulsa, Okla., over Turner Turnpike (Interstate Highway 44) to junction Oklahoma Highway 18, thence over Oklahoma Highway 18 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 82, thence over U.S. Highway 82 to Gainesville, Tex., and return over the same routes.

No. MC-2542 (Deviation No. 17), THE ADLEY CORPORATION, DOING BUSINESS AS ADLEY EXPRESS COMPANY, P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kansas 66207, filed July 15, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over Interstate Highway 93 to junction Interstate Highway 89, thence over Interstate Highway 89 to junction Vermont Highway 78, thence over Vermont Highway 78 to junction U.S. Highway 2, thence over U.S. Highway 2 to Rouses Point, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently

authorized to transport the same commodities, over pertinent service routes as follows: From Boston, Mass., over U.S. Highway 20 to Albany, N.Y., thence over U.S. Highway 9 to Champlain, N.Y., thence over U.S. Highway 11 to Rouses Point, N.Y., and return over the same routes.

No. MC–43421 (Deviation No. 34), DOHRN TRANSFER COMPANY, P.O. Box 1237, Rock Island, Ill. 61202, filed July 15, 1974. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Paul, Minn., over U.S. Highway 52 to junction Interstate Highway 90, thence over Interstate Highway 90 to Dakota, Minn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Paul, Minn., over U.S. Highway 61 to Dakota, Minn., and return over the same route.

No. MC–42405 (Deviation No. 8), MISTLETOE EXPRESS SERVICE (an Oklahoma corporation) doing business as Mistletoe Express, 111 N. Harrison, Oklahoma City, Okla. 73112, filed July 2, 1974. Carrier's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *General commodities*, with certain exceptions, over a deviation route as follows: From DeQueen, Ark., over U.S. Highways 59 and 71 to Acorn, Ark., thence over U.S. Highway 71 to Ft. Smith, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From DeQueen, Ark., over U.S. Highway 59 to junction U.S. Highway 271, thence over U.S. Highway 271 to Ft. Smith, Ark., and return over the same routes.

No. MC–42405 (Deviation No. 7), MISTLETOE EXPRESS SERVICE (an Oklahoma corporation) doing business as Mistletoe Express, 111 N. Harrison, Oklahoma City, Okla. 73112, filed July 2, 1974. Carrier's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fort Smith, Ark., over U.S. Highway 71 and/or Interstate Highway 40 to Alma, Ark., thence over U.S. Highway 71 to Fayetteville, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Fort Smith, Ark., over U.S. Highway 64 to junction U.S. Highway 59 at Sallisaw, Okla., thence over U.S. Highway 59 to Westville, Okla., thence over U.S. Highway 62 to Fayetteville, Ark., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–17502 Filed 7–30–74;8:45 am]

[Notice No. 61]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 26, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 44639 (Sub-No. 73) (REPUBLICATION), filed July 2, 1973, and published in the FEDERAL REGISTER issue of August 16, 1973, and republished this issue. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. An Order of the Commission, Review Board Number 1, dated July 16, 1974, and served July 19, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *wearing apparel and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk) between Copiague (Long Island), N.Y., and Lyndhurst, N.J., on the one hand, and, on the other, Wilson, N.C., and Eagle Rock, Va.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to change the territorial description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC–118127 (Sub-No. 24) (REPUBLICATION) filed February 12, 1973, and published in the FEDERAL REGISTER issue of March 29, 1973, and republished this issue. Applicant: HALE DISTRIBUTING COMPANY, INC., 914 South Vail Avenue, Montebello, Calif. 90640. Applicant's representative: William J. Augello, 120 Main Street, Huntington, N.Y. 11743. An Order of the Commission, Review Board Number 1, dated July 12, 1974, and served July 18, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of (1) *frozen foods* from points in Los Angeles and Orange Counties, Calif., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia (except (a) frozen fruit and avocado dip from points in Los Angeles County, Calif., to Baltimore, Md., Boston, Mass., Hartford, Conn., Philadelphia, Pa., New York, N.Y., Providence, R.I., and the District of Columbia; (b) frozen fruits and rhubarb from points in Los Angeles and Orange Counties, Calif., to points in Connecticut, Massachusetts, and New York; and (c) frozen bakery products from points in Los Angeles and Orange Counties, Calif., to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia), and (2) *commodities*, the transportation of which is partially exempt pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act when moving in the same vehicle and at the same time with frozen foods, from points in California to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to add part 2 as stated herein. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 135381 (Sub-No. 2) (REPUBLICATION), filed November 2, 1973, and published in the FEDERAL REGISTER issue of December 20, 1973, and republished

this issue. Applicant: DRUM TRANSPORTATION COMPANY, a Corporation, Rural Delivery No. 1, Montgomery, Pa. 17752. Applicant's representative: J. G. Dail, Jr., 1111 E Street, NW., Washington, D.C. 20004. An Order of the Commission, Operating Rights Board, dated June 17, 1974, and served July 16, 1974, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of *books, library supplies and equipment, and library furniture*, between the plantsites of Bro-Dart, Inc., at or near Williamsport, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, and New York, under a continuing contract or contracts with Bro-Dart, Inc., of Williamsport, Pa., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC–138512 (Sub-No. 2) (REPUBLICATION), filed December 26, 1973, and published in the FEDERAL REGISTER issue of January 31, 1974, and republished this issue. Applicant: ROLAND'S TRANSPORTATION SERVICES, INCORPORATED, doing business as, WISCONSIN PROVISIONS EXPRESS, 3383 East Layton Avenue, Cudahy, Wis. 53110. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. An Order of the Commission, Operating Rights Board, dated June 13, 1974, and served July 16, 1974, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1) *cheese and cheese products* (except commodities in bulk), from Green Bay, Wis., to Detroit, Grand Rapids, Holland, and Muskegon, Mich., and of (2) *equipment, materials, and supplies* used in the manufacture and distribution of cheese and cheese products (except commodities in bulk), from Detroit, Grand Rapids, Holland, and Muskegon, Mich., to Carthage, Mo., Green Bay, Wis., and Logan, Utah, restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities utilized by L. D. Schrieber Cheese Co., Inc., under a continuing contract or contracts with L. D. Schrieber, will be consistent with the public interest and national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to modify the commodity description and to indicate new origin points as stated herein. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC–27719 (NOTICE OF FILING OF PETITION TO MODIFY A COMMODITY DESCRIPTION), filed June 26, 1974. Petitioner: HAYES TRUCK LINES, INC., 1701 Bay Street, Tacoma, Wash. 98421. Petitioner's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Petitioner holds a motor *common carrier* certificate in No. MC–27719, issued November 1, 1971, authorizing, as pertinent, transportation, over irregular routes, of *heavy machinery, building material, and chlorine*, (1) between points in Pierce, King, Snohomish, Lewis, Thurston, Mason, and Grays Harbor Counties, Wash.; and (2) Between points in Pierce, King, Snohomish, Lewis, Thurston, Mason, and Grays Harbor Counties, Wash., on the one hand, and, on the other, points in Oregon. By the instant petition, petitioner seeks to modify its commodity description to read: *"Articles which because of size or weight require the use of special equipment, building material, and chlorine.* Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC–116200 (Sub-No. 2) (NOTICE OF FILING OF PETITION TO ELIMINATE A SERVICE RESTRICTION), filed June 20, 1974. Petitioner: UNITED PARCEL SERVICE, INC., 643 West 43rd Street, New York, N.Y. 10036. Petitioner's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Petitioner holds a motor *common carrier* certificate in No. MC–116200 (Sub-No. 2) issued March 4, 1963, authorizing transportation, over irregular routes, of *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, points in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh Luzerne, Montgomery, Northampton, Philadelphia, Schuylkill, and York Counties, Pa., points in that part of Vermont on and south of Vermont Highway 9, points in that part of New Hampshire on and south of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 9 to Concord, N.H., and thence along U.S. Highway 202 to the New Hampshire-Maine State line, and points in that part of Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 202 to junction Maine Turnpike, thence along Maine Turnpike to junction U.S. Highway 202, thence north along U.S. Highway 202 to Augusta, Maine, and thence south along Maine Highway 27 to Boothbay Harbor, Maine, including points on the highway boundary lines in Maine, New Hampshire, and Vermont, restricted by the following conditions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined and each package or article shall be considered as a separate and distinct shipment. (2) No service shall be rendered between department stores, specialty ships and retail stores or the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores. (3) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day. (4) No service shall be rendered in the transportation of moving picture and sound reproduction film, apparatus, mechanisms, installations, accessories, premiums, tickets, and complete film setups between motion picture distributors and motion picture theaters or television stations.

(5) No service shall be rendered in the transportation of magazines, newspapers, and newspaper cuts and mats, from magazine and newspaper distributor, newsstand operators or printers. (6) No delivery service shall be provided under the authority granted herein to the premises of persons who or which have entered into contracts with carrier or affiliates and are served by them pursuant to permits issued by this Commission. (7) The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operation shall conform to the provisions of section 210 of the Act. By the instant petition, petitioner seeks (a) to modify restriction (2) above to read as follows: "Except between New York, N.Y., and points in Westchester, Putnam, Nassau, Suffolk, Rockland, and Orange Counties, N.Y., Fairfield County, Conn. and Hudson, Essex, Union, Bergen,

Passaic, Sussex, Morris, Somerset, Middlesex, Monmouth, and Ocean Counties, N.J. No service shall be rendered between department stores, specialty shops and retail stores or the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores," and (2) to delete the sixth restriction above in its entirety. Petitioner states that this modification may be made subject to the condition that petitioner surrender all contract carrier permits it now holds from this Commission. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 126176 (Sub-No. 2) (NOTICE OF FILING OF PETITION TO MODIFY TERRITORIAL DESCRIPTION), filed July 15, 1974. Petitioner: FISHER'S MOVING & STORAGE CO., P.O. Box 2095, Jonesboro, Ark. 72401. Petitioner's representative: Harold Fisher (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 126176 (Sub-No. 2), issued December 16, 1970, authorizing, as pertinent, transportation, over irregular routes, of *Household goods*, as defined by the Commission, between Jonesboro, Ark., and points in Arkansas within 50 miles of Jonesboro, on the one hand, and, on the other, points in Alabama, Illinois, Iowa, Kansas, Mississippi, Missouri, Oklahoma, Tennessee, that part of Kentucky west of U.S. Highway 45, that part of Louisiana north of U.S. Highway 80, and that part of Texas north of U.S. Highway 80 and east of U.S. Highway 81, including points on the indicated portions of the highway specified. By the instant petition, petitioner seeks to modify its territorial description to read: "Between Jonesboro, Ark., and points in Arkansas within 50 miles of Jonesboro, on the one hand, and, on the other, points in Alabama, Illinois, Iowa, Kansas, Mississippi, Missouri, Oklahoma, Tennessee, Kentucky, Louisiana, and Texas." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No .MC 136831 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO MODIFY A COMMODITY DESCRIPTION), filed July 18, 1974. Petitioner: BRITISH PACIFIC TRANSPORT, LTD., 60 Braid Street, New Westminister, British Columbia, Canada. Petitioner's representative: George R. LaBissoniere, 130 Andover Park East, Suite 101, Seattle, Wash. 98181. Petitioner holds a motor *common carrier* certificate in No. MC 136381 (Sub-No. 1), issued April 24, 1974, authorizing transportation, over irregular routes, of *Lumber and lumber products*, between ports of entry on the United States-Canada Boundary line located at or near Blaine and Sumas, Wash., on the one hand, and, on the other, points in Oregon and Washington. By the instant petition, petitioner seeks to modify its commodity description to read: *"Lumber and wood products."* Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC-22301 (Sub-No. 20), filed May 24, 1974. Applicant: SIOUX TRANSPORTATION COMPANY, INC., 1230 Steuben Street, Sioux City, Iowa 51102. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those requiring special equipment), Regular route: (1) Between Louisville and Omaha over Nebraska Highway 66 to junction with U.S. Highway 75, thence over U.S. 75 to Omaha; Alternate route: Over Nebraska Highway 50 to junction with Nebraska Highway 370, thence over Nebraska Highway 370 to junction with Nebraska Highway 85; thence over Nebraska Highway 85 to junction with U.S. Highway 275; thence over U.S. Highway 275 to Omaha. Service authorized to the intermediate points of Plattsmouth and Papillion and the off route points of South Bend and Cedar Creek. (2) Between Louisville and Lincoln over Nebraska Highway 50 to the junction with Nebraska Highway 1; thence over Nebraska Highway 1 to the junction with U.S. Highway 34; thence over U.S. Highway 34 to Lincoln. Alternate route: Over County Road, to the junction with U.S. Highway 6; thence over U.S. Highway 6 to Lincoln. Service authorized to the intermediate points of Murdock and Manley. Irregular Route: Between points within a 10 mile radius of Louisville and between points within said radial area, on the one hand, and, on the other hand, points in Nebraska.

NOTE.—Applicant states that the requested authority can be tacked at Louisville, Nebr., to provide service between Omaha and Lincoln, Nebr., on the other hand, and, on the other points in Nebraska. This is a matter directly related to the Section 5 proceeding in MC-F-12214 published in the FEDERAL REGISTER issue of May 22, 1974. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC-F-12235. (Correction) (KISSICK TRUCK LINES, INC.—PURCHASE—RAYMOND L. NELSON AND PATRICK D. FITZMORRIS, doing business as BRICK CARTAGE CO.), published in the June 19, 1974, issue of the FEDERAL REGISTER on page 21212. Prior notice should be changed to read: for acquisition by TENNYS ALKIRE.

No. MC-F-12237. (Correction) (SENTLE TRUCKING CORPORATION—PURCHASE—CRAUN TRANSPORTATION, INC.), published in the June 19, 1974, issue of the FEDERAL REGISTER on page 21213. Prior notice in the second column, the sixteenth line should be changed to read: "commodities specified immediately above; *refractory products*."

No. MC-F-12242. (Correction) (R & G AIRFREIGHT, INC.—PURCHASE (PORTION)—TRANS-JERSEY AIRCRAFT SERVICE, INC.), published in the June 26, 1974, issue of the FEDERAL REGISTER on page 23112. Prior notice should be modified to read: R & G AIRFREIGHT, INC.—PURCHASE—TRANS-JERSEY AIRCRAFT SERVICE, INC., and Applicants' attorney: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101.

No. MC-F-12246. (Correction) (RYDER TRUCK LINES, INC.—PURCHASE (PORTION)—ALTERMAN TRANSPORT LINES, INC.), published in the July 3, 1974, issue of the FEDERAL REGISTER on page 24564. Prior notice should be modified to include serving all intermediate points in Florida on the named routes, and as off-route points those in Mecklenburg County, N.C., all points in Florida not on the named routes, and Florala, Ala.

No. MC-F-12268. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: THE SANTA FE TRAIL TRANSPORTATION COMPANY, P.O. Box 56, Wichita, KS 67202 (MC-30605), with ILLINOIS CALIFORNIA EXPRESS, INC., P.O. Box 16404, Denver, CO 80216 (MC-48958), RED BALL MOTOR FREIGHT, INC., P.O. Box 47407, Dallas, TX 75207 (MC-2229), and NAVAJO FREIGHT LINES, INC. 1205 South Platte River Drive, Denver, CO 80223 (MC-76032), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving to and from points in Arriba, Bernal, Glorieta, Ilfeld, Las Vegas, Maxwell, Pecos, Raton, Romeroville, Rowe, Sands, San Jose, Serafina, Springer, Tecolote, Wagon Mound, and Watrous, New Mex. Attorney: William O. Turney, 2001 Massachusetts Ave. NW., Washington, DC 20036. THE SANTA FE TRAIL TRANSPORTATION COMPANY is authorized to operate as a common carrier in New Mexico and Colorado.

No. MC-F-12269. Authority sought for purchase by R-W SERVICE SYSTEM, INC., 20225 Goddard Rd., Taylor, MI

48180, of a portion of the operating rights of SCHERER FREIGHT LINES, INC., 380 Madison Ave., New York, NY 10017, and for acquisition by McLOUTH STEEL CORPORATION, 300 S. Livernois, Detroit, MI 48209, of control of such rights through the purchase. Applicants' attorneys: Robert A. Sullivan, P.O. Box 400, Northville, MI 48167, and Jack R. Turney, Jr., 2001 Massachusetts Ave., NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier* over regular routes, between Green Bay, Sheboygan, and Madison, Wis., on the north and Matton, St. Louis, and Quincy, Ill., on the south, Milwaukee and Kenosha, Wis., and Chicago, Kankakee, and Urbana, Ill., on the east, and Keokuk, Iowa, and Sterling, Ill., on the west, including irregular routes extending between Green Bay and St. Louis via Sheboygan and Milwaukee, Wis., Chicago, Joliet, and Springfield, Ill. (also via Madison and Beloit, Wis., and Peoria and Springfield, Ill.), and between Chicago and Keokuk and Quincy via Peoria. The authority to be retained is between Chicago, Ill., and Milwaukee, Wis. Vendee is authorized to operate as a *common carrier* in Ohio, Iowa, Michigan, Indiana, Illinois, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12270. Authority sought for purchase by TERMINAL WAREHOUSE COMPANY, 498 NW. 1st Street, New Brighton, MN 55112, of a portion of the operating rights of MINNESOTA-WISCONSIN TRUCK LINES, INCORPORATED, 965 Eustis St., St. Paul, MN 55114, and for acquisition by BURDETTE R. BOYD, 2194 W. Highway 36, St. Paul, MN 55113, of control of such rights through the purchase. Applicants' attorney: Joseph J. Dudley, W–1260 First National Bank Bldg., St. Paul, MN 55101. Operating rights sought to be transferred: *Paper (other than newsprint), wood pulp, and machinery parts* used in the manufacture of paper and paper products, as a *common carrier* over irregular routes, between Cloquet, Minn., on the one hand, and, on the other, Brainerd, Minn. Vendee is authorized to operate as a *common carrier* in Minnesota, Michigan, North Dakota, South Dakota, Iowa, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

MC–F–12271. Authority sought for purchase by THE MICKOW CORP., 1914 East Euclid, Des Moines, IA 50306, of the operating rights of CONTRACT STEEL CARRIERS, INC., 2559 South Archer Ave., Chicago, IL 60608, and for acquisition by DOUBLE-D SYSTEMS CORPORATION, also of Des Moines, IA 50306, of control of such rights through the purchase. Applicants' attorneys: Cecil Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50309, and Jack Goodman, 39 S. LaSalle St., Chicago, IL 60603. Operating rights sought to be transferred: *Steel articles and such materials* as are used or useful on highway construction projects (except cement, rock, sand, and gravel), as a *common carrier*, over irregular routes, from Chicago, Ill., to points in Iowa and Illinois (except those in Illinois within the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission), other than Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, LaSalle, McHenry, and Will Counties, Ill.; *iron and steel articles*, as described by the Commission in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Portage, Ind., to points in Iowa and Illinois (except those in Illinois within the St. Louis, Mo., Commercial Zone, as defined by the Commission), other than Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, LaSalle, McHenry, and Will Counties, Ill.; *iron and steel articles*, as described in Appendix V to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, except commodities which by reason of their size or weight require the use of special equipment or special handling other than those which because of length require the use of pole trailers, from the plant site and warehouses of Kankakee Electric Steel Company, Swanson Manufacturing Company, and Jones & McKnight, in Kankakee County, Ill., to points in Iowa; *iron and steel articles*, from the plant site of Jones and Laughlin Steel Corporation, located in Putnam County, Ill., to points in Iowa; and return with *materials, equipment, and supplies*, used in the manufacture and processing of iron and steel articles, with restriction. Vendee is authorized to operate as a *common carrier* in Iowa and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12273. Authority sought for control by FENICK INDUSTRIES, INCORPORATED, a non-carrier, 31 Fargo Street, Boston, MA 02210, of BOYD TRANSFER COMPANY, 4600 E. Fayette, Baltimore, MD 21224, and for acquisition by RICHARD J. FENICK, of the Boston, MA 02210 address, of control of BOYD TRANSFER COMPANY, through the acquisition by FENICK INDUSTRIES, INCORPORATED. Applicants' attorney: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Operating rights sought to be controlled: New furniture, with exceptions, as a *common carrier*, over irregular routes, from Baltimore, Md., to points in Delaware, Maryland, New Jersey (except Atlantic City, Beverly, Haddonfield, Jersey City, Lakewood, Moorestown, Newark, Trenton, Vineland, and Woodbury), Pennsylvania (except Paoli, Montgomeryville, Philadelphia, West Chester, and Willow Grove), and Virginia, with restrictions, Paper boxes, from New York, N.Y., to Baltimore, Md., furniture frames, from Jersey City, N.J., to Baltimore, Md., new furniture, from Baltimore, Md., to Newark and Jersey City, N.J., New York, N.Y., and Washington, D.C., new upholstered furniture, uncrated, from Baltimore, Md., to points in Pennsylvania, West Virginia, Virginia, Connecticut, Rhode Island, Massachusetts, and Delaware, points in New York except New York City, and points in New Jersey except Newark and Jersey City, new furniture, with exceptions from Baltimore, Md., to Atlantic City, Trenton, Beverly, Vineland, Haddonfield, Woodbury, Lakewood and Moorestown, N.J., and Montgomeryville, Paoli, Philadelphia, West Chester, and Willow Grove, Pa. Finck Industries, Incorporated, holds no authority from this Commission. However, it is affiliated with Mills Transfer Company, 31 Fargo Street, Boston, MA 02210, MC–765, which is authorized to operate as a *common carrier* in New Hampshire, Rhode Island, Maine, and Massachusetts. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12274. Authority sought for purchase by BOND TRANSPORT, INC., P.O. Box 548, Irwin, PA 15642, of the operating rights of DONALD STUMP, doing business as RICHLEY CARTAGE CO,. 232 W. Lake St., Chicago, IL 60606, and for acquisition by WILLIAM H. SCHLOTTMAN, 4620 Rolling Hills Rd., Pittsburgh, PA 15236, of control of such rights through the purchase. Applicants' attorneys: John A. Vuono and Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, PA 15219, and Robert H. Levy, 29 S. LaSalle St., Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, excepting among others, Class A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over irregular routes, between points in Chicago, Ill. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Ohio, West Virginia, and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12276. Authority sought for control by BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., Moorhead, MN 56560, of MOBILE HOME MOVERS AND SERVICES, INC., Anchorage, AL 99502, and for acquisition by JOHN C. BARRETT, River Oaks, Moorhead, MN 56560, of control of MOBILE HOME MOVERS AND SERVICES, INC., through the acquisition by BARRETT MOBILE HOME TRANSPORT, INC. Applicants' attorney: Robert G. Tessar, 1819 4th Ave., So. Moorhead, MN 56560. Operating rights sought to be controlled: *Mobile homes*, as a *common carrier* over irregular routes, between ports of entry in Alaska on the United States-Canada Boundary line, on the one hand, and, on the other, points in Alaska (except that area southeast of Yakutat Bay), with restriction, between points in Alaska (except points in that area southeast of Yakutat Bay), on the one hand, and, on the other, points in Colorado, Idaho, Indiana, Kansas, Michigan, Minnesota, Montana, Nebraska, Oklahoma, South Dakota, Washington, and Wisconsin, between points in Alaska, between points in that part of Alaska west of an imaginary line constituting a southbound extension of the Alaska-Canada (Yukon) Boundary line, on the one hand,

and, on the other, Haines, Alaska. BARRETT MOBILE HOME TRANSPORT, INC., is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–12277. Authority sought for purchase by BEAUFORT TRANSFER COMPANY, P.O. Box 151, Gerald, MO 63037, of the operating rights and property of AL J. FICK, doing business as WINKELMAN AND FICK TRUCK LINE, Meta, MO 65058, and for acquisition by OLIN FLOTTMANN AND JOHN H. MEYER, both of Gerald, MO 63037, of control of such rights and property through the purchase. Applicants' attorney: Thomas F. Kilroy, P.O. Box 624, Springfield, VA 22150. Operating rights sought to be transferred: *General commodities*, excepting among others Classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over irregular routes, between Meta, Mo., and points within 15 miles thereof, on the one hand, and, on the other, St. Louis, Mo., and East St. Louis, Ill. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Texas, Wisconsin, Georgia, Minnesota, Colorado, and Ohio. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–17504 Filed 7–30–74;8:45 am]

[Notice No. 107]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 24, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 3252 (Sub-No. 90 TA), filed July 16, 1974. Applicant: MERRILL TRANSPORT CO., a Corporation, 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Scrap metal*, in bulk, in dump vehicles, from Portland, Maine, to Middletown, N.Y., for 180 days. SUPPORTING SHIPPER: Louis Mack Co., Inc., 36 Union Street, Portland, Maine 04111. SEND PROTESTS TO: Louis Mack Co., Inc., 36 Union Street, Portland, Maine 04111. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 22182 (Sub-No. 26 TA), filed July 16, 1974. Applicant: NU-CAR CARRIERS, INC., 950 Haverford Road, P.O. Box 172, Bryn Mawr, Pa. 19010. 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: *Motor vehicles* (except motor homes), in initial movements, in driveaway and truckaway service, and *bodies, cabs, and parts of and accessories* for such vehicles, from points in Middlesex County, Mass., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Electromotion, 4 Alfred Circle, Bedford, Mass. 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 35469 (Sub-No. 44 TA), filed July 16, 1974. Applicant: MODERN TRANSFER CO., INC., 1300 Hanover Avenue, Allentown, Pa. 18001. Applicant's representative: P. F. Gilligan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Armour & Co., Pittsburgh, Pa., to Brentwood, Central Islip, Garden City, and Mt. Kisco, N.Y., for 180 days. SUPPORTING SHIPPER: James W. Scherling, Manager, Transportation & Distribution, Armour Food Company, Greyhound Tower, 111 W. Clarendon, Phoenix, Ariz. 85077. SEND PROTESTS TO: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 108121 (Sub-No. 13 TA), filed July 15, 1974. Applicant: TRANSPORT STORAGE & DISTRIBUTING CO., 200 SW. Michigan, Seattle, Wash. 98106. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and light duty trucks*, from Seattle, Wash., to points in Idaho, Oregon, and Montana, for 180 days. SUPPORTING SHIPPER: Mazda Motors of America, Inc., 120 Andover Park East, Seattle Wash., and Nissan Motor Corporation In U.S.A., P.O. Box 191, Gardena, Calif. 90247. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 108207 (Sub-No. 395 TA) (CORRECTION), filed June 13, 1974, published in the FEDERAL REGISTER issue of July 9, 1974, and republished as corrected this issue. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street (Mailing: P.O. Box 5888), Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above).

NOTE.—The purpose of this republication is to show the applicant correct sub number as 395, in lieu of 895, which was published in the FEDERAL REGISTER in error. The applicant correct MC number and sub is above. MC 108207 (Sub-No. 895 TA), is in error in the FEDERAL REGISTER. The rest of the application will remain the same.

No. MC 111729 (Sub-No. 454 TA), filed July 15, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success (NHP–PO) N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and payroll checks*, and (2) *Hydraulic pumps, hydraulic motors, pressed metal tank heads, and underground tunnel supports*, between Youngstown, Ohio, and Kendaville, Ind., for 90 days. SUPPORTING SHIPPER: Commercial Shearing, Inc., 1775 Logan Avenue, Youngstown, Ohio 44501. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 117815 (Sub-No. 232 TA), filed July 11, 1974. Applicant: PULLEY FREIGHT LINES, INC., 405 SE., 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from Luana, Maquoketa, Cresco, Fredericksburg, and Hopkinton, Iowa, to Reedsburg and Madison, Wis., and Faribault, Mountain Lake, Browerville, Minneapolis, and St. Paul, Minn., for 180 days. SUPPORTING SHIPPER: Land O'Lakes, Inc., 614 McKinley Place, Minneapolis, Minn. 55413. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 133591 (Sub-No. 9 TA), filed July 15, 1974. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt.

Vernon, Mo. 65712. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 65801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned foodstuffs* and (2) *Agricultural commodities* otherwise exempt when transported in mixed loads with canned foodstuffs, from Ulysses, Kans., to points in California, Arizona, Nevada, Utah, Oregon, and Washington, for 180 days. SUPPORTING SHIPPER: Western Natural Growers, Inc., P.O. Box 209, Ulysses, Kans. 67880. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC-138274 (Sub-No. 9 TA), filed July 15, 1974. Applicant: SHIPPERS BEST EXPRESS, INC., P.O. Box 15533, Salt Lake City, Utah 84115. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Cleveland, Tenn., to points in Utah, Montana, Idaho, Washington, Oregon, Nevada, and California, for 180 days. SUPPORTING SHIPPER: Marley Foods, Incorporated, 22 South Talbot, Layton, Utah (Frank D. Butcher, Vice President). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State Street, Salt Lake City, Utah 84138.

No. MC-138274 (Sub-No. 10 TA), filed July 15, 1974. Applicant: SHIPPERS BEST EXPRESS, INC., P.O. Box 15533, Salt Lake City, Utah 84115. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from West Fargo, N. Dak., to points in Montana, Utah, Colorado, Oregon, Washington, and California, for 180 days. SUPPORTING SHIPPER: Flavorland Industries, Inc., 1911 Cunningham Drive, Sioux City, Iowa 51107 (Jerry DeLoss, Traffic Manager). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Bureau of Operations, Interstate Commerce Commission, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 139543 (Sub-No. 1 TA), filed July 12, 1974. Applicant: MOLASSES TRANSPORTERS, INC., 1865 North Foster Drive, Baton Rouge, La. 70806. Applicant's representative: James R. Coxe, Jr. (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, bulk, packaged, and/or sacked for Seaboard Allied Milling Corporation, Port Allen, La., over the states of Louisiana, Mississippi, Alabama, Texas, and Florida at various destinations designated by Seaboard Allied Milling Corporation, for 180 days. SUPPORTING SHIPPER: Seaboard Allied Milling Corporation, P.O. Box 19148, Kansas City, Mo. 64141, Mr. G. R. Coughenour, Vice President & Mgr. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038, U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 139998 TA, filed July 15, 1974. Applicant: J. S. SHAFER, JR., 5140 Rivergrade Road, Baldwin Park, Calif. 91706. Applicant's representative: J. S. Shafer, Jr., P.O. Box 160, Baldwin Park, Calif. 91706. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper slag*, in bulk, in dump truck equipment, from McGill, Nev., to Irwindale, Calif., for 180 days. SUPPORTING SHIPPER: Valley Abrasive Shot Co., 4121 Yaleton Avenue, Covina, Calif. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Institute Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 140007 TA filed July 11, 1974. Applicant: BIG J TRUCKING COMPANY, INC., Route 4, Box 961, Marion, N.C. 29687. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salvaged plastic bags, plastic material, paperboard boxes, and wooden pallets*, for recycling, from points in North Carolina to points in California, Kansas, and Texas, for 180 days. SUPPORTING SHIPPER: Wall Salvage, Inc., 303 Lonon Avenue, Marion, N.C. 28752. SEND PROTESTS TO: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Room CC516, Charlotte, N.C. 28205.

No. MC 140008 TA, filed July 12, 1974. Applicant: WELLINGTON TRANSPORTATION CORPORATION, 3224 South Kingshighway, St. Louis, Mo. 63139. Applicant's representative: Tom B. Kretsinger, 101 W. 11th Street, Suite 910, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and ingredients, materials, and supplies* used in the production and packaging thereof; *industrial fragrances; advertising materials* when moving separately from the commodities to which they relate; and *exempt commodities*, when moving in the same vehicle and at the same time with commodities, the transportation of which is not exempt from economic regulation, (1) Between the plantsite and warehouse facilities of Universal Flavors of Missouri, Inc., at St. Louis, Mo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) Between the plantsite and warehouse facilities of Rapid Realty, Inc., Elk Rapids, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (3) Between the plantsite and warehouse facilities of Re-Mi Foods, Inc., at Bensenville, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (4) Between the plantsite and warehouse facilities of Universal Flavors of New Jersey, Inc., at Somerset, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (5) Between the plantsite and warehouse facilities of Green & Green, Inc., at Houston, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (6) Between the plantsite and warehouse facilities of Universal Flavors of California, Inc., at Santa Ana, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (7) Between the plantsite and warehouse facilities of Aromix, Inc., at Chicago, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (7) Between the plantsite and warehouse facilities of Universal Flavors of Indiana, Inc., at Indianapolis, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPERS: There are approximately 8 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-17501 Filed 7-30-74;8:45 am]

[Ex Parte No. MC-92]

MOTOR COMMON CARRIERS

Investigation of Impact of Rising Costs

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 25th day of July, 1974.

Upon consideration of the record in this proceeding and the report and order dated July 8, 1974, served July 10, 1974, the supplemental order entered July 17, 1974, served July 18, 1974, a telegraphic petition for leave to intervene and petition for further clarification filed by United States Steel Corporation on July 15, 1974, and a letter petition for clarification filed July 18, 1974 by the National Independent Truckers Unity Committee, treated herein as a petition for leave to intervene and a petition for clarification, and

It appearing, that petitioners have an interest in the proceeding and that their

intervention would not broaden the scope of the proceeding;

It further appearing, that United States Steel Corporation seeks clarification of the report in Ex Parte No. MC–92 and in particular inquires how a certificated carrier is to compute compensation to be paid to an owner operator upon cancellation of the surcharge and an increase in rates of 11 percent as authorized in I. & S. No. M–27825, General Increases, Iron, Steel and Brick, Central Territory and I. & S. No. M–27826, Increased Rates, Iron and Steel, Brick and Machinery;

It further appearing, that United States Steel Corporation asks which of the following examples constitutes the proper basis for the certificated carrier to compute the owner-operators compensation:

Base Rate [prior rate] equals $100.00.
Regular Percentage [owner-operators share of freight revenue] equals 75 percent.
Case 1—$83.25 (75 percent × 111).
Case 2—$84.75 (6 percent × 100 plus 75 percent × 105).
Case 3—$89.91 (75 percent × 111 plus 6 percent × 111).

It further appearing, that the National Independent Truckers Unity Committee seeks affirmation of its interpretation that in the case of an 11 percent increase conditioned upon the termination of the surcharge "owner-operators who lease equipment to these carriers [certificated carriers] for 75 percent of the gross revenue would be paid as follows: 6 percent of the gross revenue that the carrier received for a particular load before filing for the 11 percent increase provided for in the new order, then the carrier would deduct that 6 percent from the gross revenue obtained from the new established tariff rate (11 percent) and pay the owner-operator 75 percent of the balance" and a similar affirmation of its interpretation where the increase is 8 percent instead of 11 percent;

It further appearing, that tariffs filed in compliance with the requirements set forth in Ex Parte No. MC–92 are scheduled to become effective, absent suspension, before the time for filing replies has expired with respect to the subject petitions;

And it further appearing, that the report in Ex Parte No. MC–92 provided that:

* * * no owner-operator shall receive less compensation for *fuel* than he formerly received from the certificated carrier under the authority of Special Permission No. 74–2525;

It is ordered, That petitioners be, and they are hereby, permitted to intervene.

It is further ordered, That the compensation due owner-operators upon voluntary cancellation of the surcharge or upon termination of the surcharge by order of the Commission be, and it is hereby, to be computed in the following manner:

6 percent[1] of the old base rate (rate in effect July 8, 1974) plus the owner-operators' share of the revenues derived from the new rates after a reduction in dollar amount equal to the above 6 percent. (See "Case 2" in the second further appearing paragraph).

And it is further ordered, That the petitions in all other respects be, and they are hereby, denied.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–17493 Filed 7–30–74;8:45 am]

[1] Or other formerly applicable surcharges.

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