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PART I

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CHAPTER I—GENERAL ACCOUNTING OFFICE

SUBCHAPTER A—GENERAL PROCEDURES

PART 6—EMPLOYEES RESPONSIBILITIES AND CONDUCT

Standards of Performance

Part 6 is revised to incorporate clarifying interpretations issued by the Department of State concerning employees' acceptance of gifts from foreign governments and a number of clarifications of existing internal regulations pertaining to outside activities of GAO employees and special employees, as well as to reflect the realignment of material consistent with the recently issued GAO operations manual.

Part 6 is revised in its entirety, as follows:

AUTHORITY: Sec. 311, 42 Stat. 25, as amended (31 U.S.C. 52; interpret or apply 18 U.S.C. 201–218).

§ 6.1 Foreword.

Government service requires the maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees. This assures the proper performance of Government business and confidence in the Government by its citizens. This part sets forth standards of conduct for all employees of the General Accounting Office.

Subpart A—Purpose and General Information

§ 6.2 Purpose, scope, and applicability.

This part sets forth the policies of the General Accounting Office which prescribe standards of conduct and responsibilities for its employees and special Government employees.

§ 6.3 Forms.

This part prescribes:

(a) GAO Form 256, Request for Permission to Engage in Outside Employment.

(b) GAO Form 310, Confidential Statement of Employment and Financial Interests (GAO Employees).

(c) GAO Form 311, Confidential Statement of Employment and Financial Interests (Special Government Employees).

§ 6.4 Definitions.

In this part:

(a) "Employee" means an officer or employee of the General Accounting Office other than a special Government employee.

(b) "Special Government employee" means an officer or employee who is retained, designated, appointed, or employed to perform, with or without compensation, for a period not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis (18 U.S.C. 202). (Specific provisions pertaining to special employees are contained in Subpart E.)

(c) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(d) "Former employee" means a former General Accounting Office employee or former special Government employee (as defined in paragraph (b) of this section). (Specific provisions are discussed in Subpart F.)

(e) Words importing the masculine gender include the feminine as well, and words importing the plural include the singular.

§ 6.5 Standards of conduct for Government service.

The Government service requires the maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees to assure the proper performance of Government business and the maintenance of confidence by citizens in their Government. This is especially true of service

in the U.S. General Accounting Office because of the unique functions and special trust placed upon the Office. General Accounting Office employees and special Government employees are therefore expected and required to exercise informed judgments to avoid misconduct.

§ 6.6 General policy on conduct for General Accounting Office employees.

The personal demeanor of employees of the General Accounting Office is subject to the closest public and official scrutiny and as representatives of the Office they are judged by their personal associates and activities as well as by their official actions and conduct. In all their dealings, employees of the General Accounting Office shall so conduct themselves as to permit no reasonable basis for suspicion of unethical conduct or practices. The obligation to protect fully the interests of the Government as a whole and the General Accounting Office as an agency of the Congress demands the avoidance of circumstances which invite conflict between self-interest and the integrity of employment with the General Accounting Office. Loyalty to the Office and its programs and purposes is a necessary attribute.

§ 6.7 Proscribed actions.

An employee shall avoid any action, whether or not specifically prohibited by this part which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving improper preferential treatment to any person;

(c) Impeding Government efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Government decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Government or its operations.

§ 6.8 Interpretation and advisory service.

The General Counsel, with the approval of the Comptroller General, shall designate a counselor for the General Accounting Office who shall be responsible for the coordination of counseling services provided under § 6.9 and for assuring that counsel and interpretations on questions of conflicts of interest matters covered by this part are available to deputy counselors designated under § 6.9.

§ 6.9 Appointment of deputy counselors.

Subject to the approval of the Comptroller General, the counselor named under § 6.8 may designate, when appropriate and needed, deputy counselors to assist General Accounting Office employees and special Government employees. Deputy counselors designated under this paragraph shall be qualified and in a position to give authoritative advice and guidance to employees and special Government employees who seek advice and guidance on conflicts of interest questions. In those divisions where no deputy counselor has been designated, the counselor for the General Accounting Office will be available to assist the employees and special Government employees.

§ 6.10 Compliance.

The heads of divisions and offices shall be responsible for seeing to it that this part is fully complied with in their respective divisions or offices. Except as otherwise specifically provided for in this part, any matter coming within the provisions of this part arising in the General Accounting Office will be referred immediately by the head of division or office or other official concerned to the Director, Office of Personnel Management, for appropriate disposition.

§ 6.11 Disciplinary and other remedial action.

(a) A violation of any of these regulations by an employee or special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

(b) When, after consideration of the explanation of the employee or special Government employee provided by § 6.61, the Comptroller General decides that remedial action is required, he shall take immediate steps to end the conflicts of interest or the appearance of conflicts of interest. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of his conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

§ 6.12 Effecting disciplinary and remedial actions.

Remedial action, whether disciplinary or otherwise, shall be effected in accordance with applicable laws and regulations.

§ 6.13 Access to pertinent laws and related materials.

Copies of pertinent laws, Executive Order No. 11222, as amended, GAO Orders and Civil Service Regulations and instructions relating to ethical and other conduct will be made available upon request by employees and special Government employees. Requests should be directed to the Associate Director, Personnel Operations, room 7536, GAO Building.

§ 6.14 Miscellaneous statutory provisions.

Each employee will acquaint himself with each statute that relates to his ethical and other conduct as an employee of the General Accounting Office with particular reference to the following:

(a) House Concurrent Resolution 175, 85th Congress, 2nd Session, 72 Stat. B12, the "Code of Ethics for Government Service."

(b) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783(b)); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against interference with civil service examinations (18 U.S.C. 1917).

(k) The prohibition against fraud or false statement in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against proscribed political activities—in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

Subpart B—Policy Pertaining to Gifts, Entertainment, and Favors

§ 6.15 Proscribed gifts, entertainment, and favors.

Except as provided in § 6.16 and § 6.19, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(a) Has, or is seeking to obtain, contractual or other business or financial relations with the Federal Government;

(b) Conducts operations or activities that are subject to audit, investigation, decision or regulation by the General Accounting Office; or

(c) Has interests that may be substantially affected by the performance

or nonperformance of the employee's official duty.

§ 6.16 Permissible gifts, entertainment, and favors.

Despite the limitations established by § 6.15 above, the following exceptions are made:

(a) A gift, gratuity, favor, entertainment, loan, or other similar favor of monetary value may be accepted by the employee when it or they stem from a family or personal relationship, such as those between the employee and his parents, children, or spouse, and when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors.

(b) Food and refreshments of nominal value may be accepted on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where the employee may properly be in attendance.

(c) Loans from banks and other financial institutions may be accepted on customary terms to finance the proper and usual activities of employees, such as home mortgage loans.

(d) Unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars and other items of nominal intrinsic value may be accepted.

§ 6.17 Gifts to superiors.

An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior or accept a gift presented as a contribution from an employee receiving less pay than himself (5 U.S.C. 7351).

§ 6.18 Gifts and decorations from foreign governments.

(a) An employee may not request or otherwise encourage the tender of a gift or decoration from a foreign government or an official thereof.

(b) An employee may accept and retain:

(1) a gift of minimal value tendered or received as a souvenir or mark of courtesy;

(2) a gift of more than minimal value when it appears that to refuse the gift would be likely to cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States. However, a gift of more than minimal value is deemed to have been accepted on behalf of the United States Government and must be deposited with the Chief of Protocol of the Department of State for disposal. (A gift of minimal value is defined as any present or other thing, other than a decoration, which has a retail value not in excess of $50 in the United States.)

(c) An employee may accept, retain, and wear a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the Comptroller General and the concurrence of the Secretary of State.

(d) Members of an employee's family and household are also subject to the regulations contained in this paragraph. A member of an employee's family and household is defined as "a relative by blood, marriage, or adoption who is a resident of the household." See 22 CFR, Chapter 1, part 3.

§ 6.19 Reimbursement of travel and living expenses.

Neither § 6.15 nor § 6.30 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part when not engaged on official business. However, this section does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits. When traveling on official business, no reimbursement may be accepted from private sources. Notwithstanding this paragraph, the requirements relating to the acceptance of contributions and awards, travel, subsistence and other expenses in section 4111(a), title 5, United States Code, and the regulations thereunder in Subpart G, Part 410, Book III, Supplement 990–1, Federal Personnel Manual, continue to apply.

Subpart C—Miscellaneous Prohibited Practices

§ 6.20 Indebtedness of employees.

(a) *An employee is expected to handle just financial obligations in a proper manner.* An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purposes of this paragraph, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the General Accounting Office determines does not, in the circumstances, reflect adversely on the Office as his employer. In the event of a dispute between an employee and an alleged creditor, this paragraph does not require the General Accounting Office to determine the validity of the disputed debt.

(b) *Reports on indebtedness.* While the General Accounting Office will not become a collection agency for private creditors of an employee, each complaint of nonpayment of a debt will be referred to the employee concerned and the employee will be requested to report in writing as to what he proposes to do about the debt.

§ 6.21 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

§ 6.22 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 6.23 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in § 6.31 directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 6.24 Prohibited financial interests.

An employee shall not:

(a) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities.

(b) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information, obtained through his Government employment.

(c) See Subpart G for details on statements of employment and financial interests.

§ 6.25 Bribery, graft, and conflicts of interest.

An employee shall not engage in acts prohibited by chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest as appropriate to the employee concerned. Three of the more important "conflict of interest" provisions are summarized as follows:

(a) An employee may not, except as provided by law for the proper discharge of his official duties, ask or seek any compensation for services by him or another in connection with any proceeding, request for a ruling or other determination before any Government agency or officer in which the United States is a party or has a direct and substantial interest (18 U.S.C. 203).

(b) An employee may not, except in the discharge of his official duties, represent anyone else (with or without compensation) before a court or Government agency in a matter in which the United States is a party or has a direct or substantial interest (18 U.S.C. 205).

(c) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209).

§ 6.26 Conflicts resulting from assignments.

An employee will not participate in any audit, investigation, survey, examination, ruling, decision or determination, contract, claim, controversy, or other matter before the General Accounting Office in which he, his spouse, minor

child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest with the following exceptions:

(a) The employee need not disqualify himself if his financial holdings are in shares of widely held diversified mutual funds or regulated investment companies in which he does not serve as director, officer, partner, or advisor. The indirect interest in business entities which the holder of shares in a widely diversified mutual fund or regulated investment company derives from ownership by the fund or investment company of stocks in business entities is hereby exempted from the provisions of 18 U.S.C. 208(a) in accordance with the provisions of 18 U.S.C. 208(b)(2) as being too remote or inconsequential to affect the integrity of of the employee's services.

(b) If the employee first informs the Comptroller General through his head of division or office, in writing, of the nature and circumstances of the audit, investigation, survey, examination, ruling, decision or determination, contract, claim, controversy, or other matter in which he is participating and makes full disclosure of the financial interest and receives in advance a written determination made by the Comptroller General that the interest is not so substantial as to be deemed likely to affect the integrity of the employees services, the employee need not consider himself disqualified (18 U.S.C. 208(b)).

§ 6.27 Disqualification procedure.

Where the employee, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person with whom he is negotiating or has an arrangement concerning prospective employment, has a financial interest in any matter in which he is participating as part of his official duties, he will so inform the Comptroller General through the head of his division or office in writing, and he will thereupon be relieved of his duties and responsibilities in that particular matter unless the head of division or office, after consultation with and the approval of the Comptroller General, finds that pursuant to § 6.26(b) above, the interest is too remote or too inconsequential to affect the integrity of the employee's services in which case the Comptroller General will notify the employee in writing. In cases of disqualification of the employee, the assignment of the employee will be changed or the matter will be reassigned to another employee. A memorandum of disqualification will be made and forwarded by the Comptroller General to the employee with copies to the head of the division or office concerned, the Director, Office of Personnel Management, and the counselor for the General Accounting Office.

§ 6.28 Nondisqualifying interests.

This part does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by applicable law or regulations.

§ 6.29 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government nor shall he conduct himself in such a manner as to give rise to a reasonable belief that he is engaging in criminal, infamous, immoral, or notoriously disgraceful conduct.

Subpart D—Employment Outside the General Accounting Office

§ 6.30 Policy.

An employee shall not engage in outside employment or other outside activity, with or without compensation, not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to:

(a) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; or

(b) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

§ 6.31 Engaging in teaching, lecturing, and writing.

Employees may (subject to the provisions of § 6.32(c)) engage in teaching, lecturing, and writing that is not prohibited by law, this part, or other GAO orders. An employee shall not, however, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the foreign service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Comptroller General gives written authorization for the use of nonpublic information on the basis that such use is in the public interest. In addition, the Comptroller General shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations, of the General Accounting Office, or which draws substantially on official data or ideas which have not become part of the body of public information.

§ 6.32 Permissible participation by employees.

This part does not preclude an employee from:

(a) Participation in the activities of national or State political parties not precluded by law.

(b) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit, educational and recreational, public service, or civic organization.

(c) Outside employment when permission has been granted in advance by the Director, Office of Personnel Management, or his designee, and the employee has been notified in writing of the approval. This permission will be granted in accordance with the policies, procedures, and limitations set forth in this part.

§ 6.33 Criteria for considering outside employment.

In considering requests for outside employment, the following criteria will be applied:

(a) The provisions of applicable law.

(b) The policies incorporated in this part including the possibility of conflicts of interest.

(c) The general attendance record of the employee.

(d) The nature of his official duties in relation to the nature of the duties which will comprise the outside employment.

(e) The financial need or other justification for such outside employment.

(f) The amount of time and hours of work required by the outside employment.

§ 6.34 Requesting permission to engage in outside employment.

An employee will request permission to engage in outside employment by executing, in full, Form GAO 256 and forwarding it through his immediate supervisor to the head of his division or office.

§ 6.35 The head of the division or office will evaluate executed Form GAO 256 and make recommendations.

The head of division or office will upon receipt of a fully executed Form GAO 256 evaluate the request in light of existing law, and policies and regulations provided by this part. Should the request be found proper and in the best interests of the Office and not in violation of law, regulations, and policies, the head of the division or office will transmit the request with his favorable recommendation to the Director, Office of Personnel Management. If the head of division or office finds otherwise, he will recommend that the request be denied, record his reasons, and transmit the request and related papers to the Director, Office of Personnel Management.

§ 6.36 Review by the Director, Office of Personnel Management.

The Director, Office of Personnel Management, or his designee, will review requests to engage in outside employment including the recommendation of the head of division or office for proper, fair, and uniform application of this part. If the head of division or office and the Director, Office of Personnel

Management, or his designee, agree, the request may be officially approved or disapproved and the employee will be notified. If they do not agree, the request and all recommendations will be submitted to the Comptroller General for ultimate determination. The Comptroller General will thereupon consider the entire record, make the final determination, and cause the employee to be notified.

§ 6.37 Expiration of permission for outside employment.

Grants of permission to engage in outside employment will normally expire 3 calendar years from the date of last issue, unless sooner revoked or modified. Permission to engage in outside employment, which is about to expire, will be considered for renewal upon receipt of a request on Form GAO 256. Procedures for renewal will be the same as those for original application and should be made, if continuity of permission is desired, from 30 to 60 days before the expiration of current permission.

§ 6.38 Permission applies only to specific request for outside employment.

Permission to engage in outside employment extends only to the specific employment described in the request considered. New requests must be made in writing in accordance with these procedures to cover any changes or modifications in outside employment.

§ 6.39 Prohibited practices.

(a) An employee with permission to engage in outside employment will not hold himself out to the public as an attorney or accountant by such means as:

(1) Placing his name on an office door;

(2) Having his name listed in the classified section of the telephone directory;

(3) Using business stationery with his name on letterheads or envelopes.

(b) Permission to engage in outside employment will not be granted for the purpose of representing clients in court or before Government agencies except in rare cases when permission may be granted for specific appearances.

(c) An employee may not use his employment with the General Accounting Office as a means of soliciting or obtaining outside employment.

(d) An employee may not engage in outside employment while he is on sick leave from his duties. Deviations from this policy may be permitted in rare instances when prior approval is obtained from the Director, Office of Personnel Management, upon favorable recommendation from the head of division or office involved.

§ 6.40 Employees in grades GS–13 and above.

Employees in grades GS–13 and higher will not, normally, be given permission to engage in outside employment. Exceptions will be made for good and sufficient reasons, such as where a critical need exists for additional income by the employee or where the employment is found to be in the public interest in terms of opportunity for valuable experience beneficial both to the employee and to the General Accounting Office. Each request for an exception under this paragraph shall be in sufficient detail to permit a judgment that it is merited. If an exception is made for employees in grade GS–13 and higher, permission will be granted for 1-year intervals.

§ 6.41 Engaging in income tax work.

An employee may be permitted to engage in income tax work and to sign income tax returns as a preparer provided:

(a) The taxpayer has no Government contracts and has no business with the United States Government;

(b) The employee does not in any manner intercede with or appear for the taxpayer before the Internal Revenue Service, the courts, or other Government body;

(c) The employee is not engaged in the audit of the Internal Revenue Service by the General Accounting Office.

Subpart E—Instructions Governing Ethical and Other Conduct and Responsibilities of Special Government Employees

§ 6.42 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 6.43 Use of inside information.

A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this paragraph, "inside information" means information obtained by reason of his Government employment which has not become part of the body of public information.

§ 6.44 Teaching, lecturing, and writing.

A special Government employee may, without prior approval, teach, lecture, or write in a manner not otherwise inconsistent with § 6.23.

§ 6.45 Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

§ 6.46 Gifts, entertainment, and favors.

Except as provided in § 6.16 (as in the case of employees), a special Government employee, while so employed or in connection with his employment, shall not receive or solicit, either for himself or another person, particularly one with whom he has family, business, or financial ties, anything of value as a gift, gratuity, loan, entertainment, or favor from a person who:

(a) Has, or is seeking to obtain, contractual or other business or financial relations with the General Accounting Office.

(b) Has interests that may be substantially affected by the performance or nonperformance of his official duties.

§ 6.47 Miscellaneous statutory provisions.

Each special Government employee shall acquaint himself with each statute that relates to his ethical and other conduct as a special Government employee of the General Accounting Office and the Government with particular reference to the statutes cited in § 6.14 and the following:

(a) A special Government employee may not, otherwise than as provided by law for the proper discharge of his official duties, receive or agree to receive, or solicit any compensation for any services by himself or another; and may not, except in the proper discharge of his duties, represent or assist anyone, with or without compensation, before a department, agency, court, court-martial, officer, or any civil, military, or naval commission in connection with a particular matter in which the United States is a party or has a direct or substantial interest, provided, however, that these restrictions apply to a special Government employee only in relation to a particular matter involving a specific party or parties:

(1) In which he has at any time participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or

(2) Which is pending in the department or agency of the Government in which he is serving, except that this provision (§ 6.47(a)(2)) shall not apply when he has served in such department or agency no more than 60 days during the immediately preceding period of 365 consecutive days. He is bound by the restraint of this provision (§ 6.47(a)(2)) despite the fact that the matter is not one in which he has ever participated personally and substantially (18 U.S.C. 203, 205).

(b) A special Government employee shall not participate in his governmental capacity in any matter in which to his knowledge he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest (18 U.S.C. 208).

(c) After his Government employment has ended, a special Government employee is subject to the prohibition pertaining to a "former employee" in matters connected with his former duties (18 U.S.C. 207).

Subpart F—Prohibited Activities by Former Employees

§ 6.48 Prohibited activity at anytime after termination of Government employment.

A former employee shall not at any time after his Government employment has ended, knowingly represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

§ 6.49 Prohibited for 1 year after termination of Government employment.

For 1 year after his Government employment has ended, a former employee shall not appear personally before any court or Government agency as agent or attorney for anyone other than the Government in connection with a matter in which the Government is a party or has a substantial interest and which was under his official responsibility as an employee of the Government at any time during the last year of his Government employment (18 U.S.C. 202(b) and 207 (b)).

Subpart G—Statements of Employment and Financial Interests

§ 6.50 Employees required to submit statements of employment and financial interests.

(a) *Employees.* GAO Form 310, Confidential statement of Employment and Financial Interests (Rev. 4–74), is required from the following General Accounting Office (GAO) employees ("employee" is defined in § 6.4(a)):

(1) The Comptroller General, the Deputy Comptroller General, the Assistant Comptrollers General, and the General Counsel.

(2) Employees in positions in grades GS–15 or above.

(b) *Special Government employees.* (1) With the exception of those special Government employees exempted from this requirement by § 6.51(b) GAO Form 311, Confidential Statement of Employment and Financial Interests (Rev. 7–74), is required from each special Government employee ("special Government employee" is defined in § 6.4(b)).

(2) The requirement of subparagraph (b)(1) above becomes applicable to a special Government employee who is already employed but was exempted therefrom under § 6.51(b)(1) at the time of his employment, if the special Government employee is to be assigned to work on a specific audit, legal, or other problem.

(c) GAO Form 310 and GAO Form 311 may be referred to as "statements" hereafter in this chapter.

§ 6.51 Employees not required to submit statements.

(a) *Employees.* Employees in positions in grades GS–14 and below are excluded from the reporting requirements of this subpart. The likelihood of their involvement in conflict-of-interest situations is too remote or the degree of supervision over them and the review of their work is such that the integrity of the Government is protected. However, this exclusion does not in any way modify or limit an employee's responsibilities under § 6.24 through § 6.27.

(b) *Special Government employees* (1) The provision of § 6.50(b)(1) is waived for special Government employees who are employed to render advice, counsel, or expert services on recruiting, and staff development including CPA review courses, because the nature of their employment and level of responsibility is such that any financial interests that they might have would be too remote to affect the integrity of the Government.

(2) The Comptroller General or the General Counsel may waive the requirement of § 6.50(b)(1) when he finds that the submission of the statement is not necessary to protect the integrity of the Government.

§ 6.52 Employee's complaint on filing requirement.

An employee who feels that his position has been improperly included by this part as requiring the submission of a statement may obtain a review of that decision by filing a grievance with the Comptroller General in accordance with GAO Order 0846.1.

§ 6.53 Submission of statements.

(a) *Employees.* (1) The Comptroller General shall file GAO Form 310 with the Director, Office of Personnel Management (OPM) who shall retain it with other such statements.

(2) The Deputy Comptroller General, the Assistant Comptrollers General, the Information Officer, and the heads of divisions or offices shall submit their GAO Forms 310 to the Comptroller General.

(3) Each employee, below the level of head of division or office, who is required to submit GAO Form 310, shall submit it to his head of division or office.

(b) *Special Government Employees.* In most instances, special Government employees shall submit their GAO Forms 311 to the head of the division or office to which they are assigned. If they are assigned to work directly under an official above the level of head of division or office, e.g., the Comptroller General, an Assistant Comptroller General, etc., they will submit their statements to that official.

(c) *Retention of personal copy.* Each employee or special Government employee who is required to submit GAO Form 310 and 311, respectively, should make and retain a copy thereof for his own records.

§ 6.54 Time of submittal of statements.

(a) *Employees.* Each employee required to submit a statement shall submit it no later than 30 days after his assumption of a position subject to the reporting requirement of § 6.50(a).

(b) *Special Government employees.* Each special Government employee required to submit a statement shall submit it no later than the effective date of his appointment to GAO. Upon reappointment immediately following separation, a special Government employee shall file a new statement or certify that the latest statement on file is currently correct, whichever is appropriate.

§ 6.55 Supplementary statements.

(a) *Employees.* Changes in or additions to the information contained in an employee's statement shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative statement is required. Notwithstanding the filing of the annual statement each employee shall at all times avoid acquiring a financial interest that would result in taking an action which would result in a violation of the conflict-of-interest provisions of section 208 of title 18, United States Code or this part.

(b) *Special Government employees.* Changes in or additions to the information contained in a special Government employee's statement shall be reported in supplementary statements, submitted every 90 days after his appointment until he is no longer subject to § 6.50(b).

§ 6.56 Interests of relatives of employees.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be his interest. "Member of an employee's immediate household" means those relatives by blood who are residents of his household.

§ 6.57 Information not known by employees or special Government employees.

If any information required to be included in a statement or supplementary statement, including holdings placed in trust, is not known to the employee or special Government employee but is known to another person, the employee or special Government employee shall request the other person to submit information on his behalf.

§ 6.58 Information not required.

(a) This part does not require an employee or special Government employee to include in a statement or supplementary statement any information relating to his connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are considered to be "business enterprise" and are required to be included in an employee's or special Government employee's statement.

(b) An employee or special Government employee need not report in his statement shares of widely held diversified mutual funds or regulated investment companies in which he does not

serve as director, officer, partner, or advisor. The indirect interest in business entities which the holder of shares in a widely diversified mutual fund or regulated investment company derives from ownership by the fund or investment company of stocks in business entities is considered too remote or inconsequential to affect the integrity of the employee's or special Government employee's services.

§ 6.59 Confidentiality of statements and related documents.

The documents listed in paragraph (a) below shall be treated in strict confidence at all times!

(a) *Maintenance of documents.* The Director, Office of Personnel Management, shall retain the following documents in a confidential file, secured in an appropriate manner.

(1) Statements of employment and financial interests:

(i) GAO Form 310, filed by employees under § 6.50(a).

(ii) GAO Form 311, filed by special Government employees under § 6.50(b).

(2) Supplementary statements filed by employees and special Government employees under § 6.55.

(3) Documents submitted by an employee or special Government employee in connection with the investigation of a conflict or apparent conflict of interest under § 6.63.

(b) *Access to documents.* No persons other than the Comptroller General, the Deputy Comptroller General, the Assistant Comptrollers General, the appropriate head of division or office, the counselor for the GAO (see § 6.8), and the Director, Office of Personnel Management, shall have access to the documents listed in paragraph (a) above and then only to carry out the purposes of this part. No disclosure of information shall be made from such documents except as specifically authorized by the Comptroller General for good cause shown.

(c) *Transmission of documents.* The documents listed in paragraph (a) above shall be transmitted in such a manner as to ensure confidentiality. If messenger service is used, the documents should be sealed in an unfranked envelope marked "Confidential" and placed in a messenger envelope. Individual envelopes should be used for each employee. A description of the contents and an explanation of the reason for transmission should be included. If documents are being sent to the Director, Office of Personnel Management, for safekeeping, it will suffice to indicate the contents and the reviewer on the unfranked envelope, e.g.:

GAO Form 310 submitted by—name, title of position, division or office; Reviewed by—head of division or office.

§ 6.60 Reviewing official.

Reviewing officials are those to whom employees and special Government employees shall submit their statements in accordance with § 6.53 (a) (2), (3), and (b).

§ 6.61 Review of statements by reviewing official.

The reviewing official, for employees and special Government employees under his jurisdiction, will review each statement of employment and financial interests, each supplementary statement, and all relevant information from other sources, if any, to determine whether there are any conflicts or apparent conflicts of interest on the part of the employee or special Government employee submitting the statement. If it is pertinent to a conflict-of-interest decision, the reviewing official may request the employee or special Government employee to supplement the information in the statement by stating the number or amount of shares, stock options, bonds, and other securities owned by him, his spouse, minor child, or other member of his immediate household.

§ 6.62 Findings of no conflict of interest.

If the reviewing official finds that there are no conflicts or apparent conflicts of interest in individual cases, the matter will be considered resolved unless other information on the case becomes available or circumstances change.

(a) *Employees.* After such finding in the case of an employee, the reviewing official shall sign that employee's GAO Form 310, thereby certifying that he has reviewed it and has found no conflict or apparent conflict of interest. The GAO Form 310 shall then be forwarded, in accordance with the confidentiality safeguards prescribed in § 6.59(c), to the Director, Office of Personnel Management, for safekeeping.

(b) *Special Government employees.* After such finding in the case of a special Government employee, the reviewing official shall sign that special Government employee's GAO Form 311, thereby certifying that he has reviewed it and has found no conflict or apparent conflict of interest. The reviewing office shall then complete OPM Form 78, and the reviewing official shall sign it, again certifying that he has reviewed the special Government employee's GAO Form 311 and has found no conflict or apparent conflict of interest. (This duplicate certification is necessary because Civil Service Commission regulations require OPM to maintain documentation of such certification—OPM Form 78—in each special Government employee's Official Personnel Folder, while the actual GAO Form 311 is kept in a separate file in accordance with the requirements of § 6.59(a). The GAO Form 311 and OPM Form 78 shall then be forwarded, in accordance with the confidentiality safeguards prescribed in § 6.59(c), to the Director, Office of Personnel Management, for safekeeping. (An OPM Form 78 should accompany each GAO Form 311, but OPM Form 78 need not be sealed inside an unfranked envelope for transmission.)

(c) *Routing of no conflict finding.* In the case of either Government employees or special Government employees, whenever there is a finding of no conflict of interest the statement should not be forwarded to the counselor. It should be sent directly to the Director, Office of Personnel Management, for safekeeping in accordance with the confidentiality safeguards prescribed in § 6.59. Statements should be forwarded to the counselor, in accordance with § 6.63(b) only if the reviewing official believes that a conflict or apparent conflict exists.

§ 6.63 Findings of conflict of interest.

If the reviewing official believes that a statement of employment and financial interests or information from other sources discloses a conflict or apparent conflict of interest, the employee or special Government employee concerned shall be asked to explain the conflict or apparent conflict.

(a) *If the explanation is satisfactory.* If the employee's or special Government employee's explanation is satisfactory to the reviewing official and he determines that there is no conflict or apparent conflict of interest, the case will be considered closed unless further information or changed circumstances reactivate it. And the documents, including any produced in connection with explanation, along with the appropriate statement of certification (see § 6.62) shall be forwarded in accordance with the confidentiality safeguards prescribed in § 6.59(c) to the Director, Office of Personnel Management, for safekeeping.

(b) *If there is a possible conflict which requires a determination.* If the reviewing official determines that there is a conflict or apparent conflict of interest, he will present the case to the counselor for review. If the reviewing official and the counselor fail to agree or if both agree that there is a conflict or apparent conflict or interest, the counselor will make a report on the case to the Comptroller General for final disposition. The report will:

(1) contain a statement of the facts in the case;

(2) point out specifically the areas of conflict or apparent conflict and the reasons why it is felt that a conflict exists or does not exist;

(3) contain the views of the reviewing official and those of the counselor;

(4) contain a summary of the employee's or special Government employee's explanation, signed by him; and

(5) be signed by both the reviewing official and the counselor.

(c) *Decision by the Comptroller General.* Upon receipt of the report, the Comptroller General will consider the matter, afford the employee or special Government employee concerned an opportunity to explain the conflict or apparent conflict, make a final decision, and take appropriate action in accordance with § 6.11(b) and § 6.12.

(d) *If the possible conflict is resolved.* If, after consultation, the reviewing official and the counselor agree that there is no conflict or apparent conflict of interest, all pertinent documents, along with the appropriate statement of certi-

fication (see § 6.62) shall be forwarded, in accordance with the confidentiality safeguards prescribed in § 6.59(c), to the Director, Office of Personnel Management, for safekeeping.

§ 6.64 Effect of employees' statements on other requirements.

The statements and supplementary statements required of employees are in addition to and not in substitution for or in derogation of any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit the employee or any other person to participate in a matter in which the employee's or the other person's participation is prohibited by law, order, or regulation.

[SEAL] ROBERT F. KELLER,
Deputy Comptroller General of the United States.

[FR Doc.74-20309 Filed 9-3-74;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 24—BOARD OF CONTRACT APPEALS, DEPARTMENT OF AGRICULTURE

Subpart A—Organization and Functions

Subpart B—Rules of Procedure

Correction

In FR Doc.74-19712 and FR Doc. 74-19713 appearing at pages 30912 and 30914, respectively, in the issue for Monday, August 26, 1974, make the following changes:

1. On page 30913, the penultimate line of the first column, the section reference reading "24.40" should read "24.4".

2. On page 30915, the third column, under Rule 26:

a. The last word in the fifth line which reads "quote" should read "after".

b. The word "benefit" in the sixth line should read "briefing".

3. On page 30915, the third column, under Rule 27, the parenthetical designation in line seven which reads "(1)" should read "(b)".

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

United States Standards for Grades of Processed Raisins [1]

On page 24515 of the FEDERAL REGISTER of July 3, 1974, and corrected on page 26650 of the FEDERAL REGISTER of July 22, 1974, a notice of proposed rulemaking was published that would amend the United States Standards for Grades of Processed Raisins by redefining "small" or "midget" size raisins; and to slightly reduce the percentage of substandard and undeveloped raisins allowed in select size; and to increase this allowance in the small size.

Statement of consideration leading to the amendments. The Raisin Administrative Committee requested two minor amendments to the U.S. Standards for Grades of Processed Raisins. The first requested revision was to redefine "small" or "midget" size raisins to permit a slight increase in the number of larger sized raisins. This will in turn permit the industry to market approximately 5 percent more of the total crop under the small (or midget) size classification. This size raisin is used primarily by the bakery and cereal industries.

The second requested revision slightly reduces the percentage of substandard and undeveloped raisins in select size raisins and slightly increases this allowance in small size. The net effect of this change is minimal although there will be a slight improvement in the quality of raisins in consumer size packages. At the same time there will be no appreciable effect upon small size since substandard and undeveloped raisins more closely approximate the midget size.

The only response to the request for comments to the proposal was received from the Raisin Administrative Committee reaffirming their support of the proposal. The Committee, which administers the Federal Marketing Agreement and Order Regulating the Handling of California Raisins, together with its Federal Raisin Advisory Board, is an elected body of knowledgeable growers, handlers, and processors.

No written objections have been received and the proposed amendments to the United States Standards for Grades of Processed Raisins are hereby promulgated without change, pursuant to the authority contained in the Agricultural Marketing Act of 1946, as amended (Sec. 205, 60 Stat. 1090, as amended (7 U.S.C. 1624)). Certain editorial changes and changes in presentation format are being made throughout the text of the standards.

Accordingly, the full text of the United States Standards for Grades of Processed Raisins with the adopted amendments is set forth below.

The amended standards are as follows:

AUTHORITY: §§ 52.1841 to 52.1851 issued under sec. 205, 60 Stat., 1090, as amended (7 U.S.C. 1624).

PRODUCT DESCRIPTION, SUMMARY OF TYPES

§ 52.1841 Product description.

Processed raisins are dried grapes of the Vinifera varieties, such as Thompson Seedless (Sultanina), Muscat of Alexandria, Muscatel Gordo Blanco, and Sultana. The processed raisins are prepared from clean, sound, dried grapes; are properly stemmed and capstemmed except for cluster or uncapstemmed raisins; and are sorted or cleaned, or both, and except for cluster or uncapstemmed raisins are washed in water to assure a wholesome product.

§ 52.1841a Product description of Layer (or Cluster) Muscat Raisins.

Muscat raisins of the variety Muscat of Alexandria when referred to as "Layer (or Cluster) Muscat raisins" means that the raisins have not been detached from the main bunch stem.

§ 52.1842 Summary of types (varieties) of processed raisins.

(a) Type I—Seedless:
(1) Unbleached (natural).
(2) Sulfur Bleached and Golden Seedless.
(3) Soda Dipped.
(b) Type II—Muscat:
(1) Seeded (seeds removed).
(2) Unseeded-capstemmed (loose).
(3) Unseeded-uncapstemmed (loose).
(4) Soda-dipped Unseeded-capstemmed (Valencia).
(5) Soda-dipped Unseeded-uncapstemmed (Valencia).
(6) Soda-dipped Seeded (Valencia).
(7) Layer (or Cluster).
(c) Type III—Sultana.
(d) Type IV—Mixed types. A mixture of two or more different types (varieties) of raisins including sub-types outlined in this section but other than (1) mixtures containing Layer (or Cluster) Muscats, (2) mixtures containing Unseeded-uncapstemmed Muscats, and (3) mixtures of Seeded and Unseeded Muscats.

TYPE I—THOMPSON SEEDLESS RAISINS; SIZES, COLORS, GRADES

§ 52.1843 Sizes of Thompson Seedless raisins.

The size designations and measurement requirements for the respective sizes are:

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and Regulations.

(a) *"Select"* size raisins means that not more than 60 percent, by weight, of all the raisins will pass through round perforations 22/64 inch in diameter, but not more than 10 percent, by weight, of all the raisins may pass through round perforations 20/64 inch in diameter.

(b) *"Small"* (or "midget") size raisins means that 95 percent, by weight, of all the raisins will pass through round perforations 24/64 inch in diameter, and not less than 70 percent, by weight, of all raisins will pass through round perforations 22/64 inch in diameter.

(c) *"Mixed"* size raisins means a mixture which does not meet either the requirements for "select" size or for "small" (or "midget") size.

§ 52.1844 Colors of Sulfur Bleached and Golden Thompson Seedless raisins.

The color of Sulfur Bleached and Golden Seedless Thompson Seedless Raisins is not a factor of quality for the purposes of these grades. The color requirements applicable to the respective color designations are as follows:

(a) *"Well-bleached color"* (or "extra fancy color") means that the raisins are practically uniform in color and may range from yellow or golden to light amber color with a predominating yellow or golden color and that not more than ½ of 1 percent, by weight, of all the raisins may be definitely dark berries.

(b) *"Reasonably well-bleached color"* (or "fancy color") means that the raisins are reasonably uniform in color and may range from yellow or golden or greenish yellow to light amber wherein the predominating color may be greenish yellow or light amber and that not more than 3 percent, by weight, of all the raisins may be definitely dark berries.

(c) *"Fairly well-bleached color"* (or "extra choice color") means that the raisins are fairly uniform in color and may range from yellow or greenish yellow to amber or light greenish amber and that not more than 6 percent, by weight, of all the raisins may be definitely dark berries.

(d) *"Bleached color"* (or "choice color") means that the raisins may be variable in color and may range from yellowish green to dark amber or dark greenish amber; that not more than 15 percent, by weight, of all the raisins may be definitely dark berries in Sulfur Bleached; that not more than 20 percent, by weight, of all the raisins may be definitely dark berries in Golden Seedless.

(e) *"Definitely dark berries"* means raisins which are definitely darker than dark amber and characteristic of naturally "raisined" grapes.

§ 52.1845 Grades of Thompson Seedless raisins.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of Thompson Seedless Raisins that have similar varietal characteristics; that in Unbleached and Soda Dipped raisins have a good typical color; that have a good characteristic flavor; that show development characteristics of raisins prepared from well-matured grapes with not less than 80 percent, by weight, of raisins that are well-matured or reasonably well-matured raisins, and not more than 1 percent, by weight, of select and mixed size raisins and 2 percent, by weight, of small (midget) size raisins may have substandard development (including undeveloped raisins); that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

(1) Not more than 1 piece of stem per 96 ounces of raisins may be present;

(2) Not more than 15 capstems per 16 ounces of raisins may be present;

(3) Not more than ½ percent, by weight, of select size raisins; 1 percent, by weight, of mixed size and small (midget) size raisins may be undeveloped;

(4) Not more than 4 percent, by weight, of raisins may be discolored, damaged, or moldy; *Provided*, That not more than 2 percent, by weight, may be damaged, and not more than 2 percent, by weight, may be moldy;

(5) Not more than 5 percent, by weight, of raisins may be sugared.

(6) The appearance or edibility of the product may not be affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of Thompson Seedless Raisins that have similar varietal characteristics; that in Unbleached and Soda Dipped raisins have a reasonably good typical color; that have a good characteristic flavor; that show development characteristics of raisins prepared from reasonably well-matured grapes with not less than 70 percent, by weight, of raisins that are well-matured or reasonably well-matured raisins and not more than 1½ percent, by weight, of select size raisins, 2 percent, by weight, of mixed size raisins, and 3 percent, by weight, of small (midget) size raisins have substandard development (including undeveloped raisins); that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

(1) Not more than 2 pieces of stem per 96 ounces of raisins may be present;

(2) Not more than 25 capstems per 16 ounces of raisins may be present;

(3) Not more than ½ percent, by weight, of select size raisins; 1 percent, by weight, of mixed size raisins; and 2 percent, by weight, of small (midget) size raisins may be undeveloped;

(4) Not more than 6 percent, by weight, of raisins may be discolored, damaged, or moldy; *Provided*, That not more than 3 percent, by weight, may be damaged, and not more than 3 percent, by weight, may be moldy;

(5) Not more than 10 percent, by weight, of raisins may be sugared;

(6) The appearance or edibility of the product may not be more than slightly affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "U.S. Grade C" or "U.S. Standard" is the quality of Thompson Seedless Raisins that have similar varietal characteristics; that in Unbleached and Soda Dipped raisins have a fairly good typical color; that have a fairly good flavor; that show development characteristics of raisins prepared from fairly well-matured grapes with not less than 55 percent, by weight, of raisins that are well-matured or reasonably well-matured raisins, and not more than 2 percent, by weight, of select size raisins; 3 percent, by weight, of mixed size raisins; or 5 percent, by weight, of small (midget) raisins may have substandard development (including undeveloped raisins); that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart;

(1) Not more than 4 pieces of stem per 96 ounces of raisins may be present;

(2) Not more than 35 capstems per 16 ounces of raisins may be present;

(3) Not more than 3 percent, by weight, of small (midget) size raisins may be undeveloped; and not more than 1 percent, by weight, of raisins other than small (midget) size may be undeveloped;

(4) Not more than 9 percent, by weight, of raisins may be discolored, damaged, or moldy: *Provided*, That not more than 5 percent, by weight, may be damaged, and not more than 4 percent, by weight, may be moldy;

(5) Not more than 15 percent, by weight, of raisins may be sugared;

(6) The appearance or edibility of the product may not be materially affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(7) Not more than a trace of grit, sand, or silt may be present that affects the appearance or edibility of the raisins.

(d) "Substandard" is the quality of Thompson Seedless Raisins that fail to meet the requirements of U.S. Grade C or U.S. Standard.

§ 52.1845a Definitions of maturity in Thompson Seedless raisins.

(a) "Well-matured raisins or reasonably well-matured raisins" means raisins that are full-fleshed and rounded in appearance.

(b) "Fairly well-matured" raisins means raisins that are thin-fleshed and angular in appearance.

(c) "Substandard development" means raisins that are practically lacking in flesh.

TABLE I — ALLOWANCES FOR DEFECTS IN TYPE I, THOMPSON SEEDLESS RAISINS

Defects	U.S. Grade A or U.S. Fancy		U.S. Grade B or U.S. Choice		U.S. Grade C or U.S. Standard	
	Maximum count (per 96 ounces)					
Pieces of stem	1		2		4	
	Maximum count (per 16 ounces)					
Capstems	15		25		35	
	Maximum (percent by weight)					
Sugared	5		10		15	
Discolored, damaged or moldy raisins	4		6		9	
Provided these limits are not exceeded:						
Damaged	2		3		5	
Moldy	2		3		4	
Substandard and Undeveloped	Total	Maximum Undeveloped	Total	Maximum Undeveloped	Total	Maximum Undeveloped
Select size	1	1/2	1-1/2	1/2	2	1
Mixed size	1	1	2	1	3	1
Small (Midget) size	2	1	3	2	5	3
	Appearance or edibility of product					
Slightly discolored or damaged by fermentation or any other defect not described above	May not be affected		May not be more than slightly affected		May not be materially affected	
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.				Not more than a trace may be present that affects the appearance or edibility of the product.	

TYPE II—MUSCAT RAISINS; SIZES, GRADES

§ 52.1846 Sizes of Muscat raisins.

The size of Muscat raisins except for Layer (or Cluster) Muscat raisins, are not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purposes of these grades. The common size designations and measurement requirements applicable thereto include, but are not limited to, the following:

(a) *Seeded.* (1) "Select" size raisins means that not less than 30 percent, by weight, of all the raisins will not pass through round perforations $^{22}/_{64}$ inch in diameter; and the balance will pass through round perforations $^{34}/_{64}$ inch in diameter but not more than 5 percent, by weight, of all the raisins may pass through round perforations $^{22}/_{64}$ inch in diameter.

(2) "Small" (or "midget") size raisins means that all of the raisins will pass through round perforations $^{34}/_{64}$ inch in diameter and not less than 90 percent, by weight, of all the raisins will pass through round perforations $^{22}/_{64}$ inch in diameter.

(3) "Mixed" size raisins means a mixture of sizes that do not meet the requirements of "select" size.

(b) *Unseeded.* (1) "4 Crown" means raisins that will not pass through round perforations $^{42}/_{64}$ inch in diameter.

(2) "3 Crown" means raisins that will pass through round perforations $^{42}/_{64}$ inch in diameter but will not pass through round perforations $^{34}/_{64}$ inch in diameter.

(3) "2 Crown" means raisins that will pass through round perforations $^{34}/_{64}$ inch in diameter but will not pass through round perforations $^{24}/_{64}$ inch in diameter

(4) "1 Crown" means raisins that will pass through round perforations $^{24}/_{64}$ inch in diameter.

§ 52.1846a Sizes of Layer (or Cluster) Muscat raisins.

The size of Layer (or Cluster) Muscat raisins is incorporated in the grades of the finished product. The size designation and measurement as applicable to Layer (or Cluster) Muscat Raisins are:

(a) *"3 Crown size or larger".* "3 Crown size or larger" in Layer (or Cluster) Muscat raisins means that the raisins, exclusive of stems and branches, are of such a size that they will not pass through round perforations $^{34}/_{64}$ inch in diameter.

§ 52.1847 Grades of Muscat raisins.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of Muscat Raisins that have similar varietal characteristics; that have a good typical color with not more than 10 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded or Seeded (Valencia) raisins; that have a good characteristic flavor; that show development characteristic of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded or Soda-Dipped Seeded raisins may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table II of this subpart:

(1) Not more than 1 piece of stem per 32 ounces of raisins may be present;

(2) Not more than 10 capstems per 16 ounces of raisins may be present in other than uncapstemmed raisins; and not more than 20 loose capstems per 16 ounces of raisins may be present in uncapstemmed raisins;

(3) Not more than 12 seeds per 16 ounces of raisins in Seeded or Soda-dipped Seeded raisins may be present;

(4) Not more than 1 percent, by weight, of raisins may be undeveloped;

(5) Not more than 5 percent, by weight, of raisins may be discolored, damaged, or moldy: *Provided,* That not more than 3 percent, by weight, may be damaged, and not more than 2 percent, by weight, may be moldy;

(6) Not more than 5 percent, by weight, of raisins may be sugared;

(7) The appearance or edibility of the product may not be affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of Muscat Raisins that have similar varietal characteristics; that have a reasonably good typical color with not more than 15 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded or Seeded (Valencia) raisins; that have a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except

that Seeded or Soda-dipped Seeded raisins may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table II of this subpart:

(1) Not more than 2 pieces of stem per 32 ounces of raisins may be present;

(2) Not more than 15 capstems per 16 ounces of raisins may be present in other than uncapstemmed raisins; and not more than 20 loose capstems per 16 ounces of raisins may be present in uncapstemmed raisins;

(3) Not more than 15 seeds per 16 ounces of raisins in Seeded or Soda-dipped Seeded raisins may be present;

(4) Not more than 2 percent, by weight, of raisins may be undeveloped;

(5) Not more than 7 percent, by weight, of raisins may be discolored, damaged, or moldy: *Provided*, That not more than 4 percent, by weight, may be damaged, and not more than 3 percent, by weight, may be moldy;

(6) Not more than 10 percent, by weight, of raisins may be sugared;

(7) The appearance or edibility of the product may not be affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "U.S. Grade C" or "U.S. Standard" is the quality of Muscat Raisins that have similar varietal characteristics; that have a fairly good typical color with not more than 20 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded or Seeded (Valencia) raisins; that have a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded or Soda-dipped Seeded raisins may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table II of this subpart:

(1) Not more than 3 pieces of stem per 32 ounces of raisins may be present;

(2) Not more than 20 capstems per 16 ounces of raisins may be present in other than uncapstemmed raisins; and not more than 20 loose capstems per 16 ounces of raisins may be present in uncapstemmed raisins;

(3) Not more than 20 seeds per 16 ounces of raisins in Seeded or Soda-dipped Seeded raisins may be present;

(4) Not more than 2 percent, by weight, of raisins may be undeveloped;

(5) Not more than 9 percent, by weight, of raisins may be discolored, damaged, or moldy: *Provided*, That not more than 5 percent, by weight, may be damaged, and not more than 4 percent, by weight, may be moldy;

(6) Not more than 15 percent, by weight, of raisins may be sugared;

(7) The appearance or edibility of the product may not be affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(8) Not more than a trace of grit, sand, or silt may be present that affects the appearance or edibility of the raisins.

(d) "Substandard" is the quality of Muscat Raisins that fail to meet the requirements of U.S. Grade C or U.S. Standard.

§ 52.1847a Grades of Layer (or Cluster) Muscat raisins.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of Layer (or Cluster) Muscat raisins that have similar varietal characteristics; that have a good typical color; that have a good characteristic flavor; that are uniformly cured and show development characteristic of raisins prepared from well-matured grapes; that contain not more than 23 percent, by weight, of moisture; that not less than 30 percent, by weight, of the raisins, exclusive of stems and branches, are 3 Crown size or larger; and that meet the following additional requirements as also outlined in Table IIa of this subpart:

(1) The raisins are practically free from shattered (or loose) individual berries and small clusters of 2 or 3 berries each;

(2) Not more than 1 percent, by weight, of raisins may be undeveloped;

(3) Not more than 3 percent, by weight, of raisins may be damaged;

(4) Not more than 5 percent, by weight, of raisins may be sugared;

(5) Not more than 2 percent, by count, of raisins may be moldy;

(6) The appearance or edibility of the product may not be affected by raisins damaged by fermentation; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of Layer (or Cluster) Muscat raisins that have similar varietal characteristics; that have a reasonably good typical color; that have a good characteristic flavor; that are uniformly cured and show development characteristic of raisins prepared from reasonably well-mature grapes; that contain not more than 23 percent, by weight, of moisture; that not less than 30 percent, by weight, of the raisins, exclusive of stems and branches, are 3 Crown size or larger; and that meet the following additional requirements as also outlined in Table IIa of this subpart:

(1) The raisins are reasonably free from shattered (or loose) individual berries and small clusters of 2 or 3 berries each;

(2) Not more than 2 percent, by weight, of raisins may be undeveloped;

(3) Not more than 4 percent, by weight, of raisins may be damaged;

(4) Not more than 10 percent, by weight, of raisins may be sugared;

(5) Not more than 3 percent, by count, of raisins may be moldy;

(6) The appearance or edibility of the product may not be more than slightly affected by raisins damaged by fermentation; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) *"Substandard"* is the quality of Layer (or Cluster) Muscat raisins that fail to meet the requirements of "U.S. Grade B" or "U.S. Choice."

TABLE II--ALLOWANCES FOR DEFECTS IN TYPE II, MUSCAT RAISINS

Defects	U.S. Grade A or U.S. Fancy	U.S. Grade B or U.S. Choice	U.S. Grade C or U.S. Standard
	Maximum count (per 32 ounces)		
Pieces of stem	1	2	3
	Maximum count (per 16 ounces)		
Capstems in other than uncapstemmed types	10	15	20
Seeds in seeded types	12	15	20
Loose capstems in uncapstemmed types	20	20	20
	Maximum count (percent by weight)		
Undeveloped	1	2	2
Sugared	5	10	15
Discolored, damaged, or moldy	5	7	9
Provided these limits are not exceeded:			
Damaged	3	4	5
Moldy	2	3	4
	Appearance or edibility of product		
Slightly discolored or damaged by fermentation or any other defect not described above	May not be affected	May not be more than slightly affected	May not be materially affected
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

TABLE IIa-ALLOWANCES FOR DEFECTS IN LAYER (OR CLUSTER) MUSCAT RAISINS

Defects	U.S. Grade A or U.S. Fancy	U.S. Grade B or U.S. Choice
	Maximum (by weight) (percent)	
Undeveloped	1	2
Damaged	3	4
Sugared	5	10
	Maximum (by count) (percent)	
Moldy raisins	2	3
Shattered (or loose) individual berries and small clusters of 2 or 3 berries each.	Practically free.	Reasonably free.
Damaged by fermentation	Appearance or edibility of product may not be affected.	Appearance or edibility of product may not be more than slightly affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.	

TYPE III—SULTANA RAISINS; SIZES, GRADES

§ 52.-848 Sizes of Sultana raisins.

Size designations are not applicable to Sultana Raisins.

§ 52.1849 Grades of Sultana raisins.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of Sultana Raisins that have similar varietal characteristics; that have a good typical color; that have a good characteristic flavor; that show development characteristic of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table III of this subpart:

(1) Not more than 1 piece of stem per 32 ounces of raisins may be present;

(2) Not more than 25 capstems per 16 ounces of raisins may be present;

(3) Not more than 1 percent, by weight, of raisins may be undeveloped;

(4) Not more than 4 percent, by weight, of raisins may be discolored, damaged, or moldy; *Provided,* That not more than 2 percent, by weight, may be damaged, and not more than 2 percent, by weight, may be moldy;

(5) Not more than 5 percent, by weight, of raisins may be sugared;

(6) The appearance or edibility of the product may not be affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of Sultana Raisins that have similar varietal characteristics; that have a reasonably good typical color; that have a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Tables III of this subpart:

(1) Not more than 2 pieces of stem per 32 ounces of raisins may be present;

(2) Not more than 45 capstems per 16 ounces of raisins may be present;

(3) Not more than 2 percent, by weight, of raisins may be undeveloped;

(4) Not more than 6 percent, by weight, of raisins may be discolored, damaged, or moldy; *Provided,* That not more than 3 percent, by weight, may be damaged, and not more than 3 percent, by weight, may be moldy;

(5) Not more than 10 percent, by weight, of raisins may be sugared;

(6) The appearance or edibility of the product may not be more than slightly affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "U.S. Grade C" or "U.S. Standard" is the quality of Sultana Raisins that have similar varietal characteristics; that have a fairly good typical color; that have a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table III of this subpart:

(1) Not more than 3 pieces of stem per 32 ounces of raisins may be present;

(2) Not more than 65 capstems per 16 ounces of raisins may be present;

(3) Not more than 2 percent, by weight, of raisins may be undeveloped;

(4) Not more than 9 percent, by weight, of raisins may be discolored, damaged or moldy; *Provided:* That not more than 5 percent, by weight, may be damaged, and not more than 4 percent, by weight, may be moldy;

(5) Not more than 15 percent, by weight, of raisins may be sugared;

(6) The appearance or edibility of the product may not be materially affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(7) Not more than a trace of grit, sand, or silt may be present that affects the appearance or edibility of the raisins.

(d) "Substandard" is the quality of Sultana Raisins that fails to meet the requirements of U.S. Grade C or U.S. Standard.

TABLE III--ALLOWANCES FOR DEFECTS IN TYPE III, SULTANA RAISINS

Defects	U.S. Grade A or U.S. Fancy	U.S. Grade B or U.S. Choice	U.S. Grade C or U.S. Standard
	Maximum count (per 32 ounces)		
Pieces of stems	1	2	3
	Maximum count (per 16 ounces)		
Capstems	25	45	65
	Maximum (percent by weight)		
Undeveloped	1	2	2
Sugared	5	10	15
Discolored, damaged, or moldy	4	6	9
Provided these limits are not exceeded:			
Damaged	2	3	5
Moldy	2	3	4
	Appearance or edibility of product		
Slightly discolored or damaged by fermentation or any other defect not described above	May not be affected	May not be more than slightly affected	May not be materially affected
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

TYPE IV—MIXED TYPES OF RAISINS GRADES

§ 52.1850 Grades of mixed types.

The grade for a lot of mixed types of processed raisins shall be the lower (or lowest) grade of any varietal type in the mixture based on the respective requirements for each type, except for moisture, in accordance with this subpart. Mixed types of processed raisins of U.S. Grade A or U.S. Fancy, U.S. Grade B or U.S. Choice, or U.S. Grade C or U.S. Standard may contain not more than 18 percent, by weight, of moisture. Mixed types of processed raisins that as a mixture exceed 18 percent, by weight, of moisture are "Substandard."

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1851 Definitions of terms.

(a) *"Capstems"* means small woody stems exceeding ⅛-inch in length which attach the raisins to the branches of the bunch.

(b) A "piece of stem" means a portion of the branch or main stem.

(c) "Seeds" refers to the whole, fully developed seeds which have not been removed during the processing of Muscat Seeded Raisins.

(d) "Undeveloped" refers to extremely light berries that are lacking in sugary tissue indicating incomplete development; are reddish in color; are completely shriveled and hard; have fine wrinkles on smaller units and moderately deep wrinkles on slightly larger units; and are commonly referred to as "worthless".

(e) "Damaged" raisins means raisins affected by sunburn, scars, mechanical injury, or other similar means which seriously affect the appearance, edibility, keeping quality, or shipping quality of the raisins. In Muscat Seeded Raisins, mechanical injury resulting from normal seeding operations is not considered damage.

(f) "Sugared" means either external or internal sugar crystals are present and the accumulation of such crystallized fruit sugars in the flesh of the raisins or on the surface are readily apparent.

(g) "Grit, sand, or silt" means any particle of earthy material.

(h) "Moisture" means the percentage by weight of the processed raisins, exclusive of branch and heavy stem material, that is moisture when determined by the "Dried Fruit Moisture Tester Method" or in accordance with methods that give equivalent results.

(i) "Slightly discolored" means a raisin affected by a brown to dark brown discolored area around the capstem end of the raisin that is less than the area of a circle ⅛-inch in diameter.

(j) "Discolored" means a raisin affected by a brown to dark brown discolored area around the capstem end of the raisin that equals or exceeds the area of a circle ⅛-inch in diameter; *Provided:* That the overall appearance, keeping quality, and edibility of the product are not seriously affected.

Effective date. This revision to the United States Standards for Grades of Processed Raisins shall be effective October 15, 1974, and shall supersede all previous issues.

Dated: August 28, 1974.

E. L. PETERSON,
Administrator.

[FR Doc.74-20308 Filed 9-3-74;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR BARLEY CROP INSURANCE; APPENDIX

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on February 12, 1974 (39 FR 5303), which were designated for barley crop insurance for the 1975 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations.

COLORADO

Sedgwick
Washington

(Secs. 506, 516, 52 Stat. 73 as amended, 77, as amended (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-20388 Filed 9-3-74;8:45 am]

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

PART 932—OLIVES GROWN IN CALIFORNIA

Subpart—Rules and Regulations

The following amendment of the Subpart—Rules and Regulations prescribes the grade and size requirements for California olives processed during the 1974–75 crop year for use in the production of limited use styles (halved, quartered, segmented, sliced, chopped or minced) of canned ripe olives. It relaxes the size requirements that would otherwise apply to such olives during said crop year pursuant to the provisions of the Federal marketing order for olives grown in California.

The publication hereof gives notice of the approval of amendment, as hereinafter set forth, of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108–932.161) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, hereinafter referred to collectively as the "order." This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of said rules and regulations was unanimously recommended by the Olive Administrative Committee, established under said marketing agreement and order as the agency to administer the terms and provisions thereof.

The provisions of paragraphs § 932.52(a)(2) and (a)(3) of the order specify, in terms of minimum weights for individual olives according to variety, the minimum sizes of processed olives that may be used in the production of Whole or Pitted styles of canned ripe olives. Section 932.52(a)(3) also provides that processed olives smaller than the sizes so prescribed, as recommended annually by the committee and approved by the Secretary, may be authorized for limited use (production of Halved, Sliced, or Chopped or Minced styles of canned ripe olives) but any such limited use size olives so used shall be not smaller than the applicable size specified in the paragraph except for the tolerances recommended to, and approved by, the Secretary. Pursuant thereto this amendment establishes, for olives from the 1974–75 crop utilized for limited use, the minimum sizes specified in said § 932.52(a)(3) and includes a size tolerance of 25 percent for undersize Variety Group 1 olives and 20 percent for undersize Variety Group 2 olives. The same size requirements will apply to olives used in the production of quartered and segmented styles (segmented style olives means olives that meet the standards for quartered style except that the pitted olives shall each have been cut lengthwise into more than four approximately equal parts) pursuant to the provisions of § 932.155(d). The amendment includes, for olives used to produce the halved or sliced styles, the grade requirements specified in § 932.52 and modified in § 932.149. The minimum grade for the chopped or minced style is currently specified in § 932.149. The minimum grade of olives used to produce quartered or segmented styles is currently specified in § 932.155.

This liberalization reflects the committee's appraisal of the 1974–75 olive crop and marketing conditions and are its recommendations for the minimum grade and sizes of olives that will provide consumers with good quality fruit of the styles specified herein and for improving returns to producers pursuant to the declared policy of the act.

It is hereby found that amendment of said rules and regulations, as hereinafter set forth, is in accordance with the provisions of the marketing agreement and order, and will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

The provisions of § 932.153 are revised to read as follows:

§ 932.153 Establishment of grade and size requirements for processed 1974–75 olives for limited use.

(a) *Grade.* On and after September 3, 1974, any handler may use processed olives of the respective variety groups in the production of halved or sliced styles of canned ripe olives if such olives were processed after September 2, 1974, and meet the grade requirements specified in § 932.52(a)(1) as modified by § 932.149.

(b) *Sizes.* On and after September 3, 1974, any handler may use processed olives in the production of halved, sliced or chopped or minced styles of canned ripe olives if such olives were processed during the period September 3, 1974, through August 31, 1975, and meet the following requirements:

(1) The processed olives shall be identified and kept separate and apart from any olives processed before September 3, 1974, or after August 31, 1975;

(2) Variety Group 1 olives, except the Ascolano, Barouni, or St. Agostino varieties, shall be of a size which individually weigh 1/90 pound: *Provided,* That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/90 pound;

(3) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties shall be of a size which individually weigh 1/140 pound: *Provided,* That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/140 pound;

(4) Variety Group 2 olives, except the Obliza variety, shall be of a size which individually wgeigh 1/140 pound: *Provided,* That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/180 pound;

(5) Variety Group 2 olives of the Obliza variety shall be of a size which individually weight 1/140 pound: *Provided,* That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/140 pound.

It is hereby further found that it is impracticable, unnecessary, 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 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective at the time hereinafter set forth, in that (1) the time intervening between the date when the information upon which this amendment is based became available and the time such amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) the handling of the 1974 crop of olives is expected to begin on or about the effective time hereof; (3) compliance with the amended rules and regulations will require of handlers no special preparation therefor which cannot be completed by the effective time hereof; and (4) this amendment relaxes restrictions on the handling of olives.

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

Dated, August 29, 1974, to become effective September 3, 1974.

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

[FR Doc.74–20330 Filed 9–3–74;8:45 am]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Handling Regulation

Correction

In FR Doc. 74–19375 appearing in the issue for Thursday, August 22, 1974, the following change should be made in the second line of the second column on page 30342: "paragraphs (9)(2), (4)(i), and (5) of this section," should be deleted and "subparagraph (2), (4)(i), and (5) of paragraph (g)" inserted.

CHAPTER XXIV—BOARD OF CONTRACT APPEALS, DEPARTMENT OF AGRICULTURE

PART 2400—ORGANIZATION, FUNCTIONS, AND RULES OF PROCEDURE

Technical Amendment

Correction

In FR Doc. 74 19711 appearing on page 30916 in the issue for Monday, August 26, 1974, make the following changes:

1. The first paragraph, the fifth line, which presently reads "137 and 139). In order to provide for" should read "30912). In order to provide for".

2. The second paragraph, the third line, which reads "cedure and 30 day effective date requrie-"should read "cedure and 30 day effective date require-".

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. J]

PART 210—COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS

Memorandum of Exchange Charges

The Federal Reserve Banks are prohibited from paying exchange charges by virtue of section 13 of the Federal Reserve Act, 12 U.S.C. 342, and cannot collect checks on banks demanding exchange charges. The Board of Governors has published a "Par List" for many years which lists cities in which checks will be cleared without the exaction of exchange charges. The list has become long and cumbersome, however, and the Board believes that a "Memorandum of Exchange Charges," which lists the banks at which exchange charges are made, would be a desirable alternative to the Par List. The Board is, therefore, amending Regulation J to reflect the new publication.

§ 210.2 [Amended]

Effective September 1, 1974, footnote 2 in § 210.2 is amended to read as follows:

[2] The Board of Governors publishes from time to time a "Memorandum on Exchange Charges" which indicates the banks that would make exchange charges on cash items forwarded by Federal Reserve Banks and consequently would not be paying their checks at par.

No change of policy is intended by virtue of the new publication and the Board is merely publishing a more convenient list of banks which exact an exchange charge. Public comment is, therefore, not necessary.

(5 U.S.C. 553(d))

By order of the Board of Governors, August 28, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–20317 Filed 9–3–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–WE–37–AD; Amdt. 39–1951]

PART 39—AIRWORTHINESS DIRECTIVES

Certain McDonnell Douglas Airplanes

The agency has received reports of numerous fan failures of CF6 turbine engines. One of the failures resulted in fan blade fragment ejection in the number two engine striking the main fuel supply hose to that engine. The hose was cut and a fire ensued.

Due to the drilled fan blade fragmentation characteristics, the manufacturer has developed a protective shield which the agency has determined to be an approved modification to afford the needed protection. This airworthiness directive requires the installation of the shield for the number two engine per the manufacturer's service bulletin, or an equivalent FAA-approved modification.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to install a protective shield for the main fuel supply hose for the number two engine on certain designated series models of DC–10 aircraft.

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

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

McDONNELL DOUGLAS. Applies to DC-10-10, -10F, -30, -30F, Series Airplanes, Incorporating General Electric CF6 Turbine Engines, Certificated in all Categories

To provide additional fire protection for the number two engine main fuel hose, in the event of fan blade fragmentation, accomplish the following:

(1) On or before December 1, 1974, unless already accomplished, install a fuel hose shield, for the number two engine per McDonnell Douglas Service Bulletin No. 71-57, or later FAA-approved revisions, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(2) Aircraft may be flown to a base for the accomplishment of the modification described in this AD, per FAR's 21.197 and 21.199.

This amendment becomes effective September 6, 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 on August 23, 1974.

ARVIN O. BASNIGHT,
Director,
FAA Western Region.

[FR Doc.74-20320 Filed 9-3-74;8:45 am]

[Airspace Docket No. 73-SW-19]

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

Revocation of an Amendment to Part 71

On April 26, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 10276) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign several airways in the vicinity of Monroe, La., simultaneously with the relocation of the Monroe VORTAC.

After due consideration of all comments the FAA, on July 10, 1973 (38 FR 18363), adopted the proposed amendment with a minor modification, effective November 8, 1973. Since that time the effective date has been postponed several times because of technical problems associated with the relocation of the Monroe, La. VORTAC.

It has now become apparent that the VORTAC will not be relocated this year. For this reason the FAA concludes that the amendment should be revoked.

The revocation of the amendment, however, does not preclude the FAA from issuing similar notices or rules in the future, or commit the FAA to any course of action.

This amendment revokes a rule that was issued over one year ago but, because of subsequent delaying amendments, has never become effective. This revocation imposes no burden upon any member of the public and is in the public interest in that the attendant regulations will conform with the existing airway structure. This action, therefore, is a minor amendment in which the public is not particularly interested and notice and public procedure thereon are unnecessary. However, in the interest of achieving that conformity at an early date, it may become effective on September 4, 1974.

In consideration of the foregoing, effective September 4, 1974, the amendment to Part 71, as published July 10, 1973, in the FEDERAL REGISTER (38 FR 18363) as Airspace Docket No. 73-SW-19, is revoked.

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

Issued in Washington, D.C., on August 28, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-20323 Filed 9-3-74;8:45 am]

[Airspace Docket No. 74-WA-4]

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

Revocation of an Amendment to Part 71

On February 1, 1974, FR Doc. 74-2675 was published in the FEDERAL REGISTER (39 FR 4075) amending Part 71 of the Federal Aviation Regulations, by redescribing V-69 and V-69W between Shreveport, La., and El Dorado, Ark., effective May 23, 1974. These airways were based in part on relocation of the Monroe, La., VORTAC. Technical problems associated with commissioning of the Monroe VORTAC at the new location has caused the effective date of that amendment to be postponed several times.

It has now become apparent that the VORTAC will not be relocated this year. For this reason the Federal Aviation Administration (FAA) concludes that the amendment should be revoked.

The revocation of the amendment, however, does not preclude the FAA from issuing similar notices or rules in the future, or commit the FAA to any course of action.

This amendment revokes a rule that was issued over six months ago, but because of subsequent delaying amendments, has never become effective. This revocation imposes no burden upon any member of the public and is in the public interest in that the attendant regulations will conform with the existing airway structure. This action, therefore, is a minor amendment in which the public is not particularly interested and notice and public procedure thereon are unnecessary. However, in the interest of achieving that conformity at an early date, it may become effective on September 4, 1974.

In consideration of the foregoing, effective September 4, 1974 the amendment to Part 71, published February 1, 1974, in the FEDERAL REGISTER (39 FR 4075) as Airspace Docket No. 74-WA-4, is revoked.

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

Issued in Washington, D.C. on August 28, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-20321 Filed 9-3-74;8:45 am]

[Airspace Docket No. 74-NW-11]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Routes

On July 1, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 24238) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would alter three jet routes in the Olympia, Wash., area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Two comments received were favorable. The Department of the Navy objected to the proposed alteration of Jet Route 54 on the basis that the route would transit airspace over the Olympic Peninsula currently used by the U.S. military for flight training and would have a serious derogatory effect on those activities.

The agency agrees that the route would transit airspace used by the military for flight training activities. However, the airspace in question is within area positive control airspace and ATC would provide separation service between aircraft on Jet Route 54 and all other air traffic including military training activities in the area. Accordingly, air traffic on Jet Route 54 could be recleared and rerouted if required to provide separation from military activities in the area. The agency does not agree therefore, that the proposed alteration to Jet Route 54 would have a derogatory effect on military flight operations.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 7, 1974, as hereinafter set forth.

Section 75.100 (39 FR 699-14585) is amended as follows:

1. In J-34: "Jet Route No. 34 (Seattle, Wash.; to Westminster, Md.) From Seattle, Wash., via Ephrata, Wash.; Helena, Mont." is deleted and "Jet Route No. 34 From Hoquiam, Wash., via Olympia, Wash., Moses Lake, Wash.; Helena, Mont.;" is substituted therefor.

2. J-54 is revised to read as follows: "Jet Route No. 54 From Pendleton, Oreg., via Olympia, Wash.; to Neah Bay, Wash., NDB."

3. J-126 is revised to read as follows: "Jet Route No. 126 From Los Angeles, Calif., via the INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; Stockton, Calif.; Sacramento, Calif.; Red Bluff, Calif.; Medford, Oreg.; Eugene, Oreg.; Newberg, Oreg.; Olympia, Wash.; to Vancouver, British Columbia, Canada."

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

Issued in Washington, D.C., on August 28, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-20322 Filed 9-3-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-872, Amdt. 29]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Reasonable Level of Compensation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 29, 1974, effective August 1, 1974.

In accordance with established procedures and methodology, the Board has completed its review of commercial fuel prices for foreign and overseas MAC air transportation services as of August 1, 1974, and is herein amending the surcharge provisions in Part 288 of its Economic Regulations (14 CFR Part 288) applicable to the rates established for those services.[1]

We have reviewed reported fuel price changes as of August 1, 1974, compared to average fuel prices during the base year ended December 31, 1973. These comparisons are set out in Appendices A and B.[2] On the basis of these results, we will adjust the fuel surcharge rates as follows: the long-range Category B and the Category A rate from 11.94 to 11.60 percent, the Pacific interisland short-range Category B rate from 2.60 to 2.59 percent, and the "all other" short-range Category B rate from 5.79 to 4.38 percent, to be effective retroactively to August 1, 1974.

Under established procedures, surcharge rates resulting from our monthly review of commercial fuel prices are made effective as adjusted final rates, retroactive to the first day of the month under review, and as temporary surcharge rates (subject to final adjustment) for the period commencing on the first day of the following month. Accordingly, we find good cause exists to make the within final and temporary rates effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) as follows:

1. Section 288.7 is amended in the second proviso following the tables in paragraph (a)(1), and in the proviso in paragraph (d)(2), as set forth below.

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *

(1) * * *; *And, provided further,* That (i) effective August 1 through August 31, 1974, the total minimum compensation pursuant to the rates specified in paragraph (a)(1) of this section for (*a*) services performed with regular jet, wide-bodied jet and DC-8F-61-63 aircraft, (*b*) Pacific interisland services performed with B-727 aircraft, and (*c*) all other services performed with B-727 aircraft shall be further increased by surcharges of 11.60 percent, 2.59 percent and 4.38 percent, respectively; and, (ii) on and after September 1, 1974, the total minimum rates specified in paragraph (a)(1) of this section for (*a*) services performed with regular jet, wide-bodied jet and DC-8F-61-63 aircraft, (*b*) Pacific interisland services performed with B-727 aircraft, and (*c*) other services performed with B-727 aircraft shall be further increased by temporary surcharges of 11.60 percent, 2.59 percent and 4.38 percent, respectively, subject to amendment (upward or downward) upon final determination by the Board.[3]

* * * * *

(d) * * *

(2) * * *

Provided, however, That (i) effective August 1 through August 31, 1974, the total minimum compensation specified in paragraphs (d)(1) and (d)(2) above shall be further increased by a surcharge of 11.60 percent; and, (ii) on and after September 1, 1974, the total minimum compensation specified in paragraphs (d)(1) and (d)(2) above shall be further increased by a temporary surcharge of 11.60 percent, subject to amendment (upward or downward) upon final determination by the Board.

* * * * *

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stats. 743, 758 and 771, as amended (49 U.S.C. 1324, 1373 and 1386))

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-20352 Filed 9-3-74;8:45 am]

SUBCHAPTER D—SPECIAL REGULATIONS

[Regulation SPR-79, Amdt. 7]

PART 372a—TRAVEL GROUP CHARTERS

Statements of Charges; Editorial Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 29, 1974, effective September 24, 1974.

By SPR-78, effective August 12, 1974, the Board amended Part 372a of its Special Regulations (14 CFR Part 372a), which sets forth the Travel Group Charters (TGC) rule, by revising various of its restrictions. Among the revised restrictions were: (1) The elimination of the standby list for eligible assignees of participants and, instead, permitting the interests of original participants to be assignable to the general public; and (2) the reduction of the deadline for filing the list of original participants from 90 to 60 days prior to the scheduled departure date.

Through inadvertence, SPR-78 did not include the necessary revision of § 372a.28(b) so as to reflect the above-described substantive rule changes. The purpose of this amendment is to cure the inadvertent omission.

This editorial amendment is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19 and shall become effective on September 24, 1974. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

Accordingly, the Board hereby amends § 372a.28 by revising paragraph (b) to read as follows:

§ 372a.28 Statements of charges.

* * * * *

(b) All such announcements, statements, or solicitation material shall identify the carrier(s) and the type of aircraft to be used for the charter, and shall state that for a person to be eligible to be a passenger on a charter flight, he must either be included in the list to be filed no later than sixty (60) days before flight departure or be the assignee of a charter participant so listed.

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958, as amended; 72 Stat. 743; (49 U.S.C. 1324) Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; (49 U.S.C. 1324 (note)))

By the Civil Aeronautics Board:

[SEAL] THOMAS J. HEYE,
General Counsel.

[FR Doc.74-20351 Filed 9-3-74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74-227]

CUSTOMS BONDS

Miscellaneous Amendments

On September 17, 1973, a notice of proposed rulemaking pertaining to a revision of the Customs Regulations relating to Customs bonds was published in the FEDERAL REGISTER (38 FR 25995). Pursuant to this revision, a new part of the regulations, Part 113, entitled "Customs Bonds," would be added to the Customs Regulations, revising and replacing Part 25. This revision is part of the overall revision of the Customs Regula-

[1] ER-869, July 31, 1974.

[2] Appendices A and B filed as part of the original document.

[3] The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types.

tions, which includes a rearrangement of the sequence of parts in Chapter I, Title 19, of the Code of Federal Regulations.

Previously, on July 20, 1973, Treasury Decision 73–197, which amended Part 25 of the Customs Regulations to permit the establishment of the Automated Bond Information System (ABIS) for certain Customs term bonds, was published in the FEDERAL REGISTER (38 FR 19361). On January 31, 1974, Treasury Decision 74–49 was published in the FEDERAL REGISTER (39 FR 3932) and amended the new provisions relating to the Automated Bond Information System to permit an importer submitting a bond on Customs Form 7553 for the first time to submit that bond and the accompanying bond transcript on, or at any time before, the effective date of the bond. None of these amendments were included in the notice of proposed rulemaking of September 17, 1973, setting forth the proposed revision of the Customs Regulations relating to Customs bonds. In order to incorporate the changes made by Treasury Decisions 73–197 and 74–49, the following changes have been made in the revised provisions originally proposed:

(1) Sections 113.26(a) and 113.62(b)(3) have been deleted inasmuch as these provisions have been invalidated by the new Automated Bond Information System procedures.

(2) Section 113.26(b), relating to the distribution to various ports of copies of blanket smelting and refining bonds, has been placed in a separate new section, § 113.27.

(3) A new § 113.26, entitled "Bond transcript for certain term bonds," now sets forth the procedure for handling the term bonds included in the Automated Bond Information System.

(4) Section 113.14(k)(2) has been changed to specify that the minimum amount of the Term Bond for Temporary Importation, Customs Form 7563–A, is $10,000. Under the Automated Bond Information System procedure, this bond is valid at all ports of entry.

On November 8, 1973, Treasury Decision 73–312, which amended, among other provisions of the Customs Regulations, § 25.18(a) relating to extensions of time for compliance with bond requirements and stipulations, was published in the FEDERAL REGISTER (38 FR 30882). In order to incorporate this change in the revised provisions relating to Customs bonds, § 113.43(a) has been changed to provide for the inapplicability of that section to invoices or documents required to be produced within 2 months of the transaction date in accordance with § 141.61(e) of the Customs Regulations.

After consideration of the comments received in response to the notice of proposed rulemaking of September 17, 1973, setting forth the proposed revision of the Customs Regulations relating to Customs bonds, the following additional changes have been made in the provisions originally proposed:

(1) In paragraph (c) of § 113.2, the clause "or such longer period as he may fix when in his opinion special circumstances existing in a particular instance require such longer period" has been added to the end of the paragraph in view of the fact that the Commissioner of Customs pursuant to 19 U.S.C. 1623(b)(3), may authorize for certain term bonds a term exceeding one year where, in his opinion, special circumstances warrant a longer period.

(2) Paragraph (gg) of § 113.14 described the Public Gauger bond as one of the bonds subject to approval by the district director of Customs. Under the procedure to become a licensed public gauger approved by Customs (§ 151.43(b) of the Customs Regulations), a prospective licensed public gauger may obtain the Public Gauger bond form from the district director, but this bond, together with a completed application and other necessary documentation, must be submitted directly to, and approved by, the Commissioner of Customs. Therefore, the Public Gauger bond has been placed in § 113.13, relating to bonds approved by the Commissioner of Customs. However, inasmuch as the other bonds requiring approval by the Commissioner of Customs must be submitted to the district director for forwarding to the Commissioner, they have been placed in a separate paragraph (a), under § 113.13, and the Public Gauger bond has been placed in paragraph (b) of that section.

(3) In § 113.14(e)(2), "and T.D. 55876" has been added after the words "in the form prescribed in T.D. 46594, as amended by T.D. 52626" in order to completely describe the form to be used for the term bond to produce the manifest and shipper's export declarations for goods exported to Canada.

(4) In § 113.14(i)(1), the amount in which the single entry Bond for Exportation or Transportation or for Transportation and Exportation, Customs Form 7557, shall be taken has been clarified. As originally proposed, § 113.14(i)(1) provided that this bond shall be taken in an amount equal to double the estimated duty. However, section 1.11 of the Customs Regulations defines "duties" as "Customs duties and any internal revenue taxes which attach upon importation". For clarification, therefore, § 113.14(i)(1) has been changed to state that the single entry Bond for Exportation or Transportation, or for Transportation and Exportation shall be taken in an amount equal to double the ordinary Customs duty on the merchandise (including any taxes required by law to be treated as duties) plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director.

(5) Section 113.14(p), as originally proposed, contained a description of the procedure to be followed by the district director of Customs upon his approval of, or his discontinuance of the use of, the Bond for the Control of Instruments of International Traffic, Customs Form 7587. This procedure is an internal Customs procedure and is not a proper subject to be covered by the Customs Regulations. Consequently, the second sentence of § 113.14(p), which contained this procedure, has been deleted.

(6) In § 113.14(r), the phrase "or landing bond in the form prescribed in T.D. 47886", has been added after the words "Landing Bond, Customs Form 7593," to permit the use of a bond following the format set forth in T.D. 47886 in the event Customs Bond Form 7593 is not obtainable.

(7) In § 113.14(y), the phrase "filed at the option of the drawback claimant" has been changed to read "filed by the drawback claimant" with respect to the filing of the Drawback Export Bond, Customs Form 7613, by drawback claimants using the exporter's summary procedure described in § 22.7 of the Customs Regulations. Although a drawback claimant using this procedure may file either the Drawback Export Bond or the General Term Bond for Entry of Merchandise, Customs Form 7595, he does not have the option of not filing any bond, as the original wording of § 113.14(y) may have indicated. The change described above will correct this misunderstanding.

(8) Section 113.14(bb), describing the special bond for the exportation of convict-made goods, has been deleted inasmuch as present Customs procedure renders the use of this bond obsolete. Pursuant to §§ 12.42 through 12.45 of the Customs Regulations, any article suspected of having been produced by the use of convict labor, forced labor, or indentured labor shall not be released until all questions relating to its admissibility have been resolved.

(9) Because of the deletion from § 113.14 of paragraphs (bb) (bond for the exportation of convict-made goods) and (gg) (Public Gauger bond), paragraphs (cc), (dd), (ee), and (ff) of section 113.14 have been redesignated (bb), (cc), (dd), and (ee), respectively, and paragraphs (hh) and (ii) of § 113.14 have been redesignated (ff) and (gg).

(10) Section 113.21(d), relating to the use of abbreviations, has been changed to permit the use on the bond of the abbreviation of the name of the State of incorporation of the principal or the surety. The failure to provide for the use on the bond of the abbreviations for State names was inadvertent.

(11) Section 113.34(d), relating to the execution of bonds by attorneys in fact, has been changed to include a cross-reference to § 141.46 of the Customs Regulations, which permits a customhouse broker to retain his powers of attorney in his office, provided he makes them available for inspection by representatives of the Department of the Treasury. Any other person having a power of attorney is required under § 141.44 of the Customs Regulations to file a copy of the power with the district director in each Customs district in which the power is to be exercised in a Customs matter.

In addition to the above changes, a number of editorial corrections have been made in the text of the revised provisions originally proposed.

Included as part of the revision is a parallel reference table showing the relationship of the sections in new Part 113 to the superseded sections of Part 25.

Accordingly, new Part 113, and conforming changes in Parts 10, 11, 12, 18, 19, 24, 25, 114, 133, 141, 142, and 172 of the Customs Regulations (Chapter I, Title 19, of the Code of Federal Regulations) are hereby adopted as set forth below.

Effective date. These amendments will be effective October 4, 1974.

VERNON D. ACREE,
Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

Approved: August 21, 1974.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

In § 10.39, paragraph (a) is amended by substituting in the first sentence "§ 113.55" for "§ 25.15", and paragraph (d) is amended by adding a new subparagraph (3) to read as follows:

§ 10.39 Cancellation of bonds.

* * * * *

(d) * * *

(3) *Demand for return to Customs custody.* When the demand for return to Customs custody is made in the case of merchandise entered under schedule 8, part 5C, Tariff Schedules of the United States (19 U.S.C. 1202), liquidated damages in an amount equal to double the estimated duties on the merchandise not returned shall be demanded, except that in the case of samples solely for use in taking orders, motion-picture advertising films, professional equipment, tools of trade, and repair components for professional equipment and tools of trade, the liquidated damages demanded shall be in an amount equal to 110 percent of the estimated duties.

* * * * *

§ 10.41a [Amended]

In § 10.41a, the fifth sentence of paragraph (c) is amended by substituting "§ 113.14(p)" for "§ 25.4(a)(34)".

§§ 10.43 and 10.71 [Amended]

Sections 10.43(a) and 10.71(c) are amended by substituting "§ 113.42" for "§ 25.16(c)".

Section 10.112 and the centerhead before that section are amended to read as follows:

LATE FILING OF FREE ENTRY AND REDUCED DUTY DOCUMENTS

§ 10.112 Filing free entry documents or reduced duty documents after entry.

Whenever a free entry or a reduced duty document, form, or statement required to be filed in connection with the entry is not filed at the time of the entry or within the period for which a bond was filed for its production, but failure to file it was not due to willful negligence or fraudulent intent, such document, form, or statement may be filed at any time prior to liquidation of the entry or, if the entry was liquidated, before the liquidation becomes final. See § 113.43(c) of this chapter for satisfaction of the bond and cancellation of the bond charge.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 11—PACKING AND STAMPING; MARKING

§§ 11.12 and 11.12a [Amended]

Sections 11.12(c) and 11.12a(c) are amended by substituting "§ 113.14" for "§§ 25.3 and 25.4".

§ 11.12b [Amended]

In § 11.12b, paragraph (c) is amended by substituting "§ 113.14" for "§ 25.4".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 12—SPECIAL CLASSES OF MERCHANDISE

§§ 12.73 and 12.91 [Amended]

Sections 12.73(c), and 12.91(d) are amended by substituting "§ 113.14" for "§ 25.4(a)".

§ 12.80 [Amended]

Section 12.80(c) is amended by substituting "§ 113.14" for "§ 25.4(a)".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

§ 18.20 [Amended]

In § 18.20, paragraph (b) is amended by substituting § 113.55 for § 25.15.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS, AND CONTROL OF MERCHANDISE THEREIN

§ 19.17 [Amended]

In § 19.17, paragraph (e) is amended by substituting in the second sentence "T.D. 72-244" for "T.D. 50267, as amended by T.D. 52403".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

§ 24.11 [Amended]

In § 24.11, paragraph (a)(2) is amended by substituting "§ 113.14(u)" in place of "§ 25.4(a)(32)".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 25—CUSTOMS BONDS

§§ 25.1 through 25.19 [Deleted]

Chapter I of Title 19, Code of Federal Regulations, is amended by deleting Part 25.

(R.S. 251, as amended, secs. 623, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

PART 113—CUSTOMS BONDS

Chapter I of Title 19, Code of Federal Regulations, is amended by adding new Part 113 as follows:

Subpart A—General Provisions

Subpart B—Classes and Approval of Bonds

Subpart C—General and Special Bond Requirements

Subpart D—Principals and Sureties

Subpart E—Production of Documents

Subpart F—Assessment of Damages and Cancellation of Bond

Subpart G—Special Provisions Concerning Consolidated Aircraft Bonds and General Term Bonds for the Entry of Merchandise

AUTHORITY: R.S. 251, as amended, secs. 623, 624, 46 Stat. 759, as amended; (19 U.S.C. 66, 1623, 1624). Subpart E also issued under sec. 484, 46 Stat. 722, as amended (19 U.S.C. 1484). Additional authority and statutes in-

terpreted or applied are cited in the text or following the sections affected.

§ 113.0 Scope.

This part sets forth the general requirements applicable to bonds. It contains the general authority and powers of the Commissioner of Customs in requiring bonds, the classes of bonds and their approval and execution, general and special bond requirements, the requirements which must be met to be either a principal or a surety, the requirements concerning the production of documents, and the authority and manner of assessing damages and of cancelling the bond or charges against a bond.

Subpart A—General Provisions

§ 113.1 Authority to require execution of bond or security.

Where a bond or other security is not specifically required by law, the Commissioner of Customs, pursuant to Treasury Department Order No. 165 Revised, as amended (T.D. 53654, 19 FR 7241), may by regulation or specific instruction require, or authorize the district director to require, such bonds or other security considered necessary for the protection of the revenue or to assure compliance with any pertinent law, regulation, or instruction.

§ 113.2 Powers of Commissioner of Customs relating to bonds.

Whenever a bond is required or authorized by law, regulations, or instructions, the Commissioner of Customs may:

(a) Prescribe the conditions and form of such bond, and fix the amount of penalty, whether for the payment of liquidated damages, or of a penal sum, except as otherwise specifically provided for by law.

(b) Provide for the approval of the sureties on the bond, without regard to any general provision of law.

(c) Authorize the execution of a term bond the conditions of which shall extend to and cover similar cases of importations over a period of time, not to exceed one year or such longer period as he may fix when in his opinion special circumstances existing in a particular instance require such longer period.

(d) Authorize the taking of a consolidated bond (single entry or term) in lieu of separate bonds to assure compliance with two or more provisions of law, regulations, or instructions. Such a consolidated bond shall have the same force and effect as the separate bonds in lieu of which it was taken. The Commissioner of Customs may fix the penalty of a consolidated bond without regard to any other provision of law, regulation, or instruction.

§ 113.3 Liability of surety on a terminated bond.

The surety, as well as the principal, remains liable on a terminated bond for obligations incurred prior to termination.

Subpart B—Classes and Approval of Bonds

§ 113.11 Name and classes of bonds.

(a) *Name.*—All bonds required to be given under the Customs statutes or regulations shall be known as Customs bonds.

(b) *Classes.*—Customs bonds shall consist of two classes:

(1) Those approved by the Commissioner of Customs (see § 113.13).

(2) Those approved by the district director (see § 113.14).

§ 113.12 Carnets.

A carnet is an international customs document which serves simultaneously as a customs entry document and as a customs bond. Therefore, carnets, provided for in Part 114 of this chapter, are ordinarily acceptable without posting further security under the Customs statutes or regulations requiring bonds.

§ 113.13 Bonds approved by the Commissioner of Customs.

(a) *Submitted to district director for forwarding to Commissioner of Customs.* The following bonds, after execution by the principals and sureties, shall be forwarded by the district director to the Commissioner of Customs for approval:

(1) *Proprietor's Manufacturing Warehouse Bond, Class 6, Customs Form 3583.*—Proprietor's Manufacturing Warehouse Bond, Class 6, Customs Form 3583, in an amount to be recommended by the district director, but not less than $5,000 on each building or area and not more than $50,000 on all buildings or areas, unless the Commissioner of Customs directs that additional security is necessary. Buildings connected by loading platforms or sheds shall be considered as separate buildings. This Customs bond shall be prepared in duplicate. The district director shall forward to the Commissioner, along with this bond, his recommendation, together with all reports, documents, and drawings filed in connection with the bond.

(2) *Blanket smelting and refining bond.*—Blanket smelting and refining bond in the form prescribed by T.D. 72-244, in an amount to be recommended by the district director and fixed by the Commissioner. The number of copies required for this bond are set forth in § 113.27.

(b) *Submitted directly to Commissioner of Customs.* Public Gauger bond, the form for which may be obtained from the district director, shall be submitted directly to the Commissioner of Customs in the amount of $10,000, in accordance with § 151.43(b) of this chapter.

§ 113.14 Bonds approved by the district director.

The following bonds are subject, after execution, to approval by the district director:

(a) *Proprietor's Warehouse Bond, Customs Form 3581.*—Proprietor's Warehouse Bond, Customs Form 3581, in the amount of $5,000 on each building or area covered, but not to exceed $50,000 on all buildings or areas, unless the district director believes additional security is necessary. Buildings connected by loading platforms or sheds shall be considered as separate buildings. All reports, documents, and drawings submitted in connection with the bonding of the warehouse shall be filed with the bond.

(b) *Bonds for the carriage of merchandise.*—(1) *Carrier's Bond, Customs Form 3587.*—Carrier's Bond, Customs Form 3587, for common carriers, contract carriers, and freight forwarders, in an amount to be determined by the district director, but in an amount not less than $25,000 in the case of motor and air carriers and in an amount not less than $50,000 in the case of other carriers.

(2) *Private Carrier's Bond, Customs Form 3588.*—Private Carrier's Bond, Customs Form 3588, in an amount to be determined by the district director.

(c) *Bond of Customs Cartman or Lighterman, Customs Form 3855.*—Bond of Customs Cartman or Lighterman, Customs Form 3855, in such amount as the district director deems necessary, but not less than $5,000, and not more than $50,000, unless the district director deems the latter amount insufficient. If the latter amount is considered by the district director insufficient, he shall report this fact to the Commissioner of Customs for the Commissioner's determination as to the amount of the bond.

(d) *Bond of Claimant of Seized Goods for Costs of Court, Customs Form 4615.*—Bond of Claimant of Seized Goods for Costs of Court, Customs Form 4615, in the amount of $250.

(e) *Bond to Produce Manifest and Shipper's Export Declarations for Goods Exported to Canada.*—(1) *Single entry bond, Customs Form 7303.*—Single entry Bond to Produce Manifest and Shipper's Export Declarations for Goods Exported to Canada, Customs Form 7303, in the amount of $1,000.

(2) *Term bond.*—Term bond to produce manifest and shipper's export declarations for goods exported to Canada, in the form prescribed in T.D. 46594, as amended by T.D. 52626 and T.D. 55876, in such amount as the district director may deem necessary.

(f) *Special carpet wool and camel's hair bond*—(1) *Single entry bond, Customs Form 7547.*—Special single entry carpet wool and camel's hair bond, Customs Form 7547, in an amount equal to the value of the wool or hair involved plus double the estimated duty, as determined at the time of entry.

(2) *Term bond, Customs Form 7549.*—Special term carpet wool and camel's hair bond, Customs Form 7549, in the amount of $10,000, or such larger amount as the district director may deem necessary.

(g) *Immediate Delivery and Consumption Entry Bond*—(1) *Single entry bond, Customs Form 7551.*—Immediate

Delivery and Consumption Entry Bond (Single Entry), Customs Form 7551, in the amount equal to the value of the articles, as set forth in the entry, plus the estimated duty (including any taxes required by law to be treated as duties) and the estimated amount of any other taxes imposed upon or by reason of importation, as determined at the time of entry except that:

(i) *Merchandise entered at reduced rate of duty.*—When the bond is to cover merchandise granted a conditional right of entry at a reduced rate of duty, the amount of the bond shall be fixed in an amount equal to the value of the articles, as set forth in the entry, plus the maximum rate of duty prescribed by the law.

(ii) *Merchandise remaining in Customs custody.*—When the merchandise involved will remain in Customs custody until (*a*) the examination of the merchandise has been completed, (*b*) it is found to be truly and correctly invoiced, and (*c*) it is determined that its release is not precluded by law or regulation and it is entitled to admission into the commerce of the United States, the bond shall be in an amount equal to the aggregate sum of double the estimated amount of ordinary Customs duty on the merchandise (including any taxes required by law to be treated as duties) plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director.

(iii) *Merchandise unconditionally free of duty.*—When the merchandise appears to the satisfaction of the district director to be unconditionally free of duty and not prohibited from admission into the commerce of the United States, the amount of the bond may be in such lesser amount as, in the opinion of the district director, will be sufficient to accomplish the purpose for which the bond is given, but in no case less than $100.

(iv) *Immediate delivery.*—When the bond relates to an application for immediate delivery, the amount of the bond shall be fixed in the amount equal to the value of the articles, based on the information furnished in the application, plus the estimated duty (including any taxes required by law to be treated as duties) and the estimated amount of any taxes imposed upon or by reason of importation, as determined at the time of the application.

(2) *Term bond, Customs Form 7553.*—Immediate Delivery and Consumption Entry Bond (Term), Customs Form 7553, in the amount of $10,000, or such larger amount as the district director may deem necessary. This bond shall be taken to cover only entries to be made at a single port and shall not be modified to cover more than one port. The rules prescribed in paragraph (g)(1) of this section for determining the amount of the single entry immediate delivery and consumption entry bond shall be applied in making charges against immediate delivery and consumption entry term bonds.

(h) *Warehouse Entry Bond, Customs Form 7555.*—Warehouse Entry Bond, Customs Form 7555, in an amount equal to the aggregate sum of double the estimated amount of ordinary Customs duty on the merchandise (including any taxes required by law to be treated as duties) plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director. When the bond is to cover merchandise granted a conditional right of entry at a reduced rate of duty, the amount of the bond shall be fixed on the basis of the maximum rate of duty prescribed by the law.

(i) *Bond for Exportation or Transportation or for Transportation and Exportation—(1) Single entry bond, Customs Form 7557.*—Single entry Bond for Exportation or Transportation or for Transportation and Exportation, Customs Form 7557, in an amount equal to the aggregate sum of double the ordinary Customs duty on the merchandise (including any taxes required by law to be treated as duties/plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director.

(2) *Term bond, Customs Form 7559.*—Term Bond for Exportation or Transportation or for Transportation and Exportation, Customs Form 7559, in the amount of $10,000, or such larger amount as the district director may deem necessary to afford ample security to the revenue.

(j) *Bond for Articles Entered or Withdrawn from Warehouse Conditionally Free of Duty, Customs Form 7561.*—Bond for Articles Entered or Withdrawn from Warehouse Conditionally Free of Duty, Customs Form 7561, in an amount equal to the aggregate sum of double the estimated amount of ordinary Customs duty on the merchandise (including any taxes required by law to be treated as duties) plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director. When the bond is to cover merchandise granted a conditional right of entry at a reduced rate of duty, the amount of the bond shall be fixed on the basis of the maximum rate of duty prescribed by the law.

(k) *Bond for Temporary Importations.*—(1) *Single entry, Customs Form 7563.*—Bond for Temporary Importations, Customs Form 7563, in an amount equal to double the duties which it is estimated would accrue (or such larger amount as the district director shall state in writing to the entrant, as is necessary to protect the revenue) had all the articles covered by the entry been entered under an ordinary consumption entry, except that in the case of samples solely for use in taking orders, motion-picture advertising films, professional equipment, tools of trade, and repair components for professional equipment and tools of trade, the bond shall be in an amount equal to 110 percent of the estimated duties.

(2) *Term bond, Customs Form 7563–A.*—Term Bond for Temporary Importations, Customs Form 7563–A, in such amount of $10,000 or such larger amount as may be fixed by the district director at the port where the bond is filed.

(l) *Bond for articles for exhibition, Customs Form 7565.*—Bond for articles for exhibition, Customs Form 7565, in an amount equal to the estimated duties, as determined at the time of entry.

(m) *Vessel, Vehicle, or Aircraft Bond.*—(1) *Single entry bond, Customs Form 7567.*—Vessel, Vehicle, or Aircraft Bond (Single Entry), Customs Form 7567, in such amount as the district director may deem necessary, but in no case less than $1,000.

(2) *Term bond, Customs Form 7569.*—Vessel, Vehicle, or Aircraft Bond (Term), Customs Form 7569, in the amount of $10,000, or such larger amount as may be fixed by the district director at the port where the bond is filed.

(n) *Single entry bond on entry for or withdrawal from manufacturing warehouse, Customs Form 7571.*—Bond on entry for or withdrawal from manufacturing warehouse (single entry), Customs Form 7571, in an amount equal to the aggregate sum of double the estimated amount of ordinary Customs duty on the merchandise, as determined at the time of entry (including any taxes required by law to be treated as duties) plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director.

(o) *Single entry bond to produce bill of lading, Customs Form 7581.*—Bond to Produce Bill of Lading (Single Entry), Customs Form 7581, in an amount equal to one and one-half times the invoice value.

(p) *Bond for control of instruments of international traffic, Customs Form 7587.*—Bond for the Control of Certain Instruments of International Traffic, Customs Form 7587, required by § 10.41a of this chapter in the amount of $10,000 or such larger amount as the district director may deem necessary to afford ample security to the revenue.

(q) *Antidumping Bond, Customs Form 7591.*—Antidumping Bond, Customs Form 7591, in an amount equal to the estimated value of the merchandise.

(r) *Landing bond for alcoholic beverages, Customs Form 7593.*—Landing Bond, Customs Form 7593, or landing bond in the form prescribed in T.D. 47886, to land spirits, wines, or other alcoholic liquors in foreign ports, in an amount equal to double the estimated duty.

(s) *General term bond for the entry of merchandise, Customs Form 7595.*—General Term Bond for Entry of Merchandise, Customs Form 7595, in the amount of $100,000, or such larger amount as may be fixed by the district director at the port where the bond is filed.

(t) *Bond to secure the payment of overtime services—(1) Single entry bond, Customs Form 7597.*—Single entry bond, Customs Form 7597, in an amount deemed by the district director to be sufficient to secure the payment of overtime services requested by or on behalf of parties in interest.

(2) *Term bond, Customs Form 7599.*—Term bond, Customs Form 7599, in an amount deemed by the district director to be sufficient to secure the payment of overtime services requested by or on behalf of parties in interest.

(u) *Superseding bond, Customs Form 7601.*—Superseding bond of the actual owner whose declaration has been filed pursuant to section 485(d), Tariff Act of 1930, as amended (19 U.S.C. 1485(d)), to pay increased and additional duties imposed upon or by reason of importation, to redeliver merchandise for marking and other purposes, and to perform all required acts with respect to merchandise not entitled to admission into the commerce of the United States, Customs Form 7601, in an amount equal to the amount of the single-entry bond or the bond charge which it supersedes.

(v) *Bond for conditionally-free withdrawal for supplies of fishing vessels, Customs Form 7603.*—Bond for Conditionally-Free Withdrawal of Distilled Spirits (Including Alcohol), Wines, or Beer, for Supplies of Fishing Vessels, Customs Form 7603, in an amount equal to the duties and taxes that would have been assessed had the supplies been regularly entered, or withdrawn, for consumption. When the form is used as a term bond, the bond shall be fixed in such larger amount as the district director may deem necessary.

(w) *Consolidated Aircraft Bond, Customs Form 7605.*—Consolidated Aircraft Bond, Customs Form 7605, filed with any district director at the option of the carrier, in the amount of $100,000, or such larger amount as may be fixed by the district director.

(x) *Bond for Accelerated Payment of Drawback.*— (1) *Single entry bond, Customs Form 7609.*—Bond for Accelerated Payment of Drawback (Single Entry), Customs Form 7609, in an amount equal to the amount of accelerated payment to be received on the entry covered.

(2) *Term bond, Customs Form 7611.*—Bond for Accelerated Payment of Drawback (Term), Customs Form 7611, in an amount sufficient to cover the maximum amount of accelerated payment to be outstanding at any time during the period of the bond.

(y) *Drawback Export Bond, Customs Form 7613.*—Drawback Export Bond, Customs Form 7613, filed by the drawback claimant using the exporter's summary procedure mentioned in § 22.7 of this chapter, in an amount equal to twenty five percent of the drawback claimed on entries filed by the principal (exporter-claimant) during the term of the bond.

(z) *Special bond for the entry of merchandise believed to involve unfair practices or unfair methods of competition.*—Special bond for the entry of merchandise believed to involve unfair practices or methods of competition, taken under the provisions of section 337(f), Tariff Act of 1930, as amended (19 U.S.C. 1337(f)), in the form prescribed in T.D. 45474. This bond shall be in an amount equal to the domestic value of the merchandise, as defined in § 12.39 (b) of this chapter.

(aa) *Special bond for the clearance of vessel penalized for carrying narcotics.*—Special bond for clearance of vessel penalized for carrying smoking opium or other narcotics under the provisions of section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), in the form prescribed in T.D. 45474. This bond shall be in an amount satisfactory to the district director to guarantee the payment of any fine imposed against the owner or master of the vessel.

(bb) *Special bond for the observance of neutrality.*—Special bond for observance of neutrality in the form prescribed in T.D. 45474, in an amount equal to double the value of the vessel and cargo on board, including her armament.

(cc) *Containerized Cargo Bond.*—Containerized Cargo Bond (Term), in the form prescribed in section 19.40 of this chapter, in the sum of $25,000, or such larger amount as the district director shall determine.

(dd) *Trade Fair Bond.*—Trade Fair Bond, in the form prescribed in § 147.3 of this chapter, in an amount to be determined by the district director.

(ee) *Copyright bond.*—Copyright bond, the form for which may be obtained from the district director, in an amount equal to the value of the articles, as set forth in the entry, plus the estimated duty. (See § 133.43 of this chapter.)

(ff) *Special bond for the importation of flammable fabrics.*—Special bond for the importation of flammable fabrics, the form for which may be obtained from the district director, in an amount equal to double the value of the merchandise.

(gg) *Bond of Customs Cartman for Issuance of Temporary Identification Card.*—Bond of Customs Cartman for Issuance of Temporary Identification Card, in the form prescribed in § 112.49(d) of this chapter, in an amount determined by the district director.

§ 113.15 Approval of bond.

The district director at the port where the bond is filed may approve any bonds described in § 113.14, if he is satisfied that:

(a) The amount of the bond is sufficient, and

(b) The bond is in proper form.

§ 113.16 Amount of bond approved by the district director.

The amount of any Customs bond approved by the district director shall not be less than $100, except when the law or regulation expressly provides that a lesser amount be taken. Fractional parts of a dollar shall be disregarded in computing the amount of the bond, which shall be stated always as the next highest dollar.

§ 113.17 Approved form of bond inadequate.

If a situation develops where the approved form of a bond, described in § 113.14, is deemed to be inapplicable, the district director may draft a form which he believes will be sufficient, but before the execution of the bond, the proposed form shall be submitted to the Commissioner of Customs for his consideration and approval.

§ 113.18 Retention of approved bonds.

All the bonds approved by the district director, described in § 113.14, except the Bond of Claimant of Seized Goods for Costs of Court, Customs Form 4615, shall remain on file in his office. The bond on Customs Form 4615, described in § 113.14(d), shall be transmitted to the United States attorney, as required by section 608, Tariff Act of 1930, as amended (19 U.S.C. 1608).

Subpart C—General and Special Bond Requirements

§ 113.21 Information required on the bond.

(a) *Identification of principal and sureties.*—The names of the principal and sureties and their respective places of residence shall appear in full in the body of the bond. In the case of a corporate principal or surety, its legal designation and the address of its principal place of business shall appear.

(b) *Date of execution.*—Each bond shall bear the date it was actually executed.

(c) *Statement of the amount.*—The amount of the bond shall be stated in both words and figures.

(d) *Use of abbreviations.*—Abbreviations shall not be used, except in dates, descriptions of merchandise, the marks and numbers on packages, and the State of incorporation of the principal or the surety.

(e) *Blank spaces on the bond.*—Lines shall be drawn through all spaces on the bond which are not filled in.

§ 113.22 Witnesses required.

(a) *Generally.*—The signature of each party to a bond executed by a noncorporate principal or surety shall be witnessed by two persons, who shall sign their names as witnesses, followed by their addresses.

(b) *Witness for both principal and surety.*—When two persons signing as witnesses act for both principal and surety, they shall so indicate by stating on the bond "as to both" or a similar term.

(c) *Corporate principal or surety.*—No witnesses are required where bonds are executed by properly authorized officers or agents of a corporate principal or corporate surety. For requirements concerning the execution of a bond by an authorized officer or agent of a corporate principal or surety, see §§ 113.34 and 113.37.

§ 113.23 Changes made on the bond.

(a) *Definition of the types of changes—(1) Modification or interlineation.*—For the purpose of this section, modifications or interlineations are changes which go to the substance of the bond, or are basic revisions of the bond.

(2) *Alterations or erasures.*—Alterations or erasures consist of minor changes, such as correction of typographical errors, or change of address, which do not go to the substance, or result in basic revision, of the bond.

(b) *Prior to signing.*—When erasures, alterations, modifications, or interlineations are made on the bond prior to its signing by the parties to the bond, a statement by an agent of the surety company or by the personal sureties to that effect shall be placed upon the bond.

(c) *After signing.*—If erasures or alterations are made after the bond is signed, but prior to the approval of the bond by Customs, the consent of all the parties shall be written in the bond. Except in cases where a change in the bond is expressly authorized by regulation, or by the Commissioner, no modification or interlineation shall be made on the bond after execution. When modification or interlineation is desired, a new bond will be executed.

(d) *After approval of the bond by Customs.*—Except in cases where change in the bond is expressly authorized by regulations, or instructions from the Commissioner, the district director shall not permit a change as defined in paragraph (a) of this section after the bond has been approved by Customs. When changes are desired, a new bond is required, which, when approved, shall supersede the existing bond.

(e) *Stipulations.*—All stipulations expressly authorized by the Commissioner pursuant to this section shall be securely attached to the related bond to prevent their loss or misplacement.

§ 113.24 Seals.

(a) *Bonds approved by the Commissioner of Customs.*—Bonds which are approved by the Commissioner of Customs must be under seal. The seal on such bonds shall be affixed adjoining the signatures of principal and sureties, if individuals, and the corporate seal shall be affixed adjoining the signatures of persons signing on behalf of a corporation.

(b) *Bonds approved by the district director.*—Bonds approved by the district director shall be under seal in accordance with the law of the State in which executed. However, when the charter or governing statute of a corporation requires its acts to be evidenced by its corporate seal, such seal is required.

§ 113.25 Termination date for term bonds.

The termination date of every term bond shall be the last day of the period and not the first day of a succeeding period; for example, January 1, 19—, to and including December 31 of that same year, and not January 1, 19—, to January 1 of the next year.

§ 113.26 Bond transcript for certain term bonds.

(a) *Submission.* There shall be furnished to the district director with each bond on Customs Forms 7553, 7563-A, 7569, 7595, and 7599 a completed Bond Transcript on Customs Form 53, in triplicate. The bond and bond transcript shall be furnished at least 60 days before the date on which the bond shows it is to become effective, except that a bond on Customs Form 7553 and the related bond transcript may be accepted on, or at any time before, the effective date of the bond, from an importer who has not previously had such a bond. It shall be the responsibility of the importer or his agent to execute the bond transcript.

(b) *Request for termination.* Each request to terminate a bond of a type named in paragraph (a) of this section prior to the expiration date of the bond shall be filed with the district director of Customs in whose office the bond was approved. The request must be accompanied by a completed Customs Form 53, in triplicate, appropriately marked to terminate an existing bond.

(c) *Submission of new bond to replace existing bond.* When a new bond is submitted to replace an existing bond, two bond transcripts must be furnished. One must be submitted to initiate the new bond, as required by paragraph (a) of this section; the other must be submitted to terminate the existing bond, as required by paragraph (b) of this section.

(d) *Date of termination*—(1) *When filed at least 60 days in advance of requested termination date.* The termination shall take effect on the date requested, if the request and bond transcript are filed at least 60 days in advance of the requested date.

(2) *When filed less than 60 days in advance of termination date.* If the request and bond transcript are not filed at least 60 days in advance of the requested date, the termination shall take effect on the 60th day after receipt by the district director.

(3) *When termination requested by surety without consent of the principal.* When termination of a bond is requested by the surety without the consent of the principal, it shall take effect on the 60th day after approval by the district director.

(4) *When new bond cannot be initiated.* When a new bond cannot be initiated because the Customs Form 53, as required by paragraph (a) of this section, is incorrect, any accompanying Customs Form 53 for termination of an existing bond shall not take effect until such time as both transcripts can take effect.

§ 113.27 Copies of blanket smelting and refining bonds.

Blanket smelting and refining bonds, described in § 113.13(b), requiring the approval of the Commissioner of Customs, shall be accompanied by a sufficient number of copies for transmittal by the Commissioner to each port at which the principal seeks to conduct business.

Subpart D—Principals and Sureties

§ 113.31 Information pertaining to principals and sureties on the bond.

The general information pertaining to the principal and sureties which must be given in the body of the bond is set forth in § 113.21(a).

§ 113.32 Same party as principal and surety; attorney in fact.

(a) *Same party as principal and surety.*—The same person, partnership, or corporation cannot be both principal and surety on a bond.

(b) *Attorney in fact for principal or surety.*—In executing a bond, a person may act as:

(1) Attorney in fact for both principal and surety;

(2) Surety and attorney in fact for the principal; or

(3) Principal and attorney in fact for the surety.

§ 113.33 Partnerships as principals.

(a) *Name of partners on the bond.*—Unless written notice of the full names of all partners in the firm has been previously filed with the district director, the names of all persons composing the partnership shall appear in the body of the bonds; for example, "Aaron A. Abel, Bertrand B. Bell and Charles C. Cole, composing the firm of Abel, Bell and Co.

(b) *Execution.*—Partnership bonds shall be executed in the firm name, with the name of the member or attorney of the firm executing it appearing immediately below the firm signature.

(c) *Action of one principal binding on all principals of the partnership.*—Pursuant to section 495 of the Tariff Act of 1930 (19 U.S.C. 1495), when a Customs bond is executed by any member of the partnership, the bond shall be binding on the other partners in like manner and to the same extent as if such other partners had personally joined in the execution.

§ 113.34 Corporations as principals.

(a) *Name of corporation on the bonds.*—The name of a corporation executing a Customs bond as a principal, may be printed or placed thereon by means of a rubber stamp or otherwise, followed by the written signature of the authorized officer or attorney.

(b) *Signature and seal of the corporation on the bond.*—The bond of a corporate principal shall be signed by an authorized officer or attorney of the corporation and the corporate seal shall be affixed immediately adjoining the signature of the person executing the bond, as provided for in § 113.24.

(c) *Bond executed by an authorized officer of corporation.*—When the bond is executed by an authorized officer of a corporation and no power of attorney has been filed with the district director, the following evidence of his authority to act shall be furnished:

(1) *Execution of Certificate as to Corporate Principal.*—The official character, authority, and signature of the person or persons executing the bond for the corporate principal may be certified by the secretary, assistant secretary, or other officer of the corporation. Such certification shall be made by executing, under corporate seal, the provision ap-

pearing in the bond entitled "Certificate as to Corporate Principal."

(2) *Evidence in lieu of the certificate.*—In lieu of the above certificate, there may be attached to the bond so much of the records of the corporation as will show the official character, authority, and signature of the officer signing. The following documents should be attached:

(i) A certificate from the proper public officer showing the legal existence of the corporation. The district director, on bonds which he approves (§ 113.14), may waive the production of evidence of incorporation when such fact is a matter of common knowledge and he certifies this fact.

(ii) A copy of the bylaws, or so much thereof as authorizes the execution of such bonds, certified by the secretary of the corporation and authenticated by its corporate seal.

(iii) A copy of the document authorizing such officer to sign such bond, certified by the secretary of the corporation under the corporate seal, or a power of attorney executed in accordance with subpart C of Part 141 of this chapter containing such authority.

(iv) A document verifying the signature of the officer properly attested under the corporate seal.

(d) *Bond executed by an attorney in fact.*—When an attorney in fact executes a bond on behalf of a corporate principal and a power of attorney has not been filed with the district director (unless exempted from filing by § 141.46 of this chapter), there shall be attached a power of attorney executed under the corporate seal by an officer of the corporation whose authority to execute such power shall be shown as prescribed in paragraph (c) of this section.

§ 113.35 Individual sureties.

(a) *Number required.*—If individuals sign as sureties, there shall be two sureties on the bond. In the case of bonds approved by the district director, however, one surety may be accepted if the district director is satisfied that such surety is sufficient for the protection of the Government.

(b) *Qualifications to act as surety.*—(1) *Residency and citizenship.*—Every surety on a Customs bond must be both a resident and citizen of the United States.

(2) *Married women.*—A married woman may be accepted as a surety, unless the State in which the bond is executed prohibits her from acting that capacity.

(3) *Granting of power of attorney.*—Any individual other than a married woman in a State where she is prohibited from acting as a surety may grant a power of attorney to sign as surety on Customs bonds. If the power of attorney is limited to bonds of one or several importers, the importers shall be named in the power.

(4) *Property requirements.*—Each individual surety must have unencumbered property liable to execution within the limits of the Customs district in which the contract of suretyship is to be performed. The current market value of such property must be equal to the penalty of any bond executed by him. If a single surety is accepted, he shall qualify in an amount equal to twice the penalty of the bond.

(c) *Oath and evidence of solvency.*—Before being accepted as a surety, the individual shall:

(1) Take an oath on Customs Form 3579, setting forth:

(i) The amount of his assets over and above all his debts and liabilities and such exemptions as may be allowed by law; and

(ii) The general description and the location of one or more pieces of real estate owned by him within the limits of the Customs district and the value thereof over and above all encumbrances.

(2) Produce such evidence of solvency and financial responsibility as the district director may require.

(d) *Determination of financial responsibility.*—An individual surety shall not be accepted on a bond until he has satisfied the district director as to his financial responsibility. The district director may refer the matter to the special agent in charge for immediate investigation to verify the financial responsibility of the surety.

(e) *Continuance of financial responsibility.*—In order to follow the continued solvency and financial responsibility of individual sureties, the district director shall require a new oath and determine the financial responsibility of each such surety as prescribed in paragraphs (c) and (d) of this section at least once every 6 months, and more often if he deems it advisable.

§ 113.36 Partners acting as surety in behalf of a partner or in behalf of a partnership.

A person may act as surety for a business partner when such person is acting with respect to his separate property and in his individual capacity and as such must qualify as an individual surety, in accordance with § 113.35. A member of a partnership shall not be accepted as surety on a bond executed by the firm as principal.

§ 113.37 Corporate sureties.

(a) *Lists of corporations and limits of their bonds.*—A list of corporations authorized to act as sureties on bonds, with the amount in which each may be accepted, shall be furnished annually to all district directors by the Secretary of the Treasury. No corporation shall be accepted as surety on a bond unless named in the current list and no bond shall be for a greater amount than the respective limit stated in such list, unless the excess is protected as prescribed in § 223.11 of the Bureau of Accounts Regulations (31 CFR 223.11).

(b) *Name of corporation on the bond.*—The name of a corporation executing a Customs bond, as a surety, may be printed or placed thereon by means of a rubber stamp or otherwise, followed by the written signature of the authorized officer or attorney.

(c) *Name of agent or attorney on the bond.*—The agent or attorney acting for a corporate surety shall have stamped, printed, or typed on each bond executed by him, below his signature, his full name as it appears on the bond.

(d) *Signature and seal of the corporation on the bond.*—A bond executed by a corporate surety shall be signed by an authorized officer or attorney of the corporation and the corporate seal shall be affixed immediately adjoining the signature of the person executing the bond, as provided for in § 113.24.

(e) *Two or more corporations as sureties on the same obligation.*—Two or more corporations may be accepted as sureties on any obligation the amount of which does not exceed the limitations of their aggregate qualifying power as fixed and determined by the Secretary of the Treasury. The amount for which each corporation may act as surety in all cases must be within the limitation prescribed by the Secretary, unless such excess is protected as prescribed in § 223.11 of the Bureau of Accounts Regulations (31 CFR 223.11). Each corporation shall limit its liability to a definite specified amount, in terms, upon the face of the bond by attaching the following:

KNOW ALL MEN BY THESE PRESENTS:

That we, _____, of _____ as principal, and _____, a corporation existing under the laws of the State of _____, and _____, a corporation existing under the laws of the State of _____, as sureties, are held and firmly bound unto the United States of America, in the sum of _____ thousand dollars ($_____), jointly and severally with each surety as hereinafter specified, and the said _____ jointly and severally with said principal in the sum of _____ thousand dollars ($_____) of said penal sum and no more; and the said _____ jointly and severally with said principal in the sum of _____ thousand dollars ($_____) of said penal sum and no more; for the payment of which respective sums we bind ourselves, our heirs, executors, and administrators, successors and assigns, in the manner and in the respective sums hereinbefore set forth, firmly by these presents. The obligors herein expressly agree that for the purpose of allowing a joint action against any or all of them, and for that purpose only, this bond shall be treated as the joint and several as well as the several obligation of each of the obligors.

Sealed with our seals, and dated this _____ day of _____, in the year one thousand nine hundred and _____.

(f) *Power of attorney for the agent or attorney of the surety.*—Corporations may execute powers of attorney to act in their behalf in the following manner:

(1) *Execution and contents.*—The corporate surety power of attorney shall be executed on Customs Form 5297, and shall contain the following information:

(i) Corporate surety name and number,

(ii) Name and address of agent or attorney, and his social security number,

(iii) Districts in which the agent or attorney is authorized to act,

(iv) Date of the power of attorney,

(v) Seal of the corporate surety, and

(vi) Attestation of any two principal officers.

(2) *Extent of authorization.*—Authorization must be by Customs districts and may not be limited to a single port. A separate Customs Form 5297 shall be submitted for each district, except when the authorization for the agent or attorney to act is for all districts. If the power of attorney covers all districts, the word "All" shall be entered in the appropriate space on the power of attorney.

(3) *Filing.*—Corporate surety powers of attorney executed on Customs Form 5297 shall be filed in duplicate (original and copy) at any Customs port of entry. The separate powers of attorney providing authority for an agent or attorney in any number of districts may be filed at one time at the same port. The original of the power of attorney shall be sent by the port to the Customs Data Center. The Customs Data Center shall periodically issue computer printouts reflecting all corporate powers of attorney, which shall be sent to all applicable ports of entry. The copy of the power of attorney shall be retained at the port where the power was filed for use in connection with bonds executed at the port for the surety company by the person covered by the power of attorney, until the first computer printout reflecting the power of attorney has been received.

(4) *Use at port where power not filed before receipt of computer printout.*—If the grantee desires to use his power of attorney at a port covered by the power, but other than the one where his power was filed, before the first computer printout reflecting this power of attorney is received, he shall file Customs Form 5297 in triplicate (original and two copies), rather than duplicate. The second copy shall be validated by Customs and returned to the grantee. The grantee, at the time of filing a bond at a port other than the port where the power of attorney was filed, shall exhibit this validated copy of the power of attorney as proof of his grant of authority. The validity of this copy of the power shall expire when the first computer printout reflecting this power of attorney is received.

(5) *Term and revocation.*—Corporate surety powers of attorney shall continue in force and effect until revoked. Any surety desiring that a designated agent or attorney be divested of his power of attorney must execute a revocation on Customs Form 5297.

(6) *Change on the power of attorney.*—No change, including a change due to typographical error, or change of address, shall be made on the Customs Form 5297 after it has been approved by Customs. To correct the power of attorney two separate Customs Forms 5297 shall be submitted, one revoking the previous power of attorney, and one containing a new grant of authority.

§ 113.38 Delinquent sureties.

(a) *Acceptance as surety when in default as principal on another Customs bond.*—No person shall be accepted as surety on any Customs bond while he is in default as principal on any other Customs bond.

(b) *Acceptance as surety when in default as surety on another Customs bond.*—A surety on a Customs bond which is in default may be accepted as surety on other Customs bonds only to the extent that his assets are unencumbered by such default.

§ 113.39 Acceptance of cash deposits or obligations of the United States in lieu of sureties on bonds.

(a) *General provision.*—In lieu of sureties on any bond required or authorized by any law, regulation, or instruction which the Secretary of the Treasury or the Commissioner of Customs is authorized to enforce, the district director is authorized to accept United States money, United States bonds (except for savings bonds), United States certificates of indebtedness, Treasury notes, or Treasury bills in an amount equal to the amount of the bond.

(b) *Authority to sell United States obligations on default.*—At the time of deposit of any obligation of the United States, other than United States money, with the district director, the obligor shall deliver a duly executed power of attorney and agreement in a form similar to that prescribed in Treasury Department Circular 154, dated October 31, 1969, as amended, authorizing the district director, in case of any default in the performance of any of the conditions or stipulations of the bond, to sell such obligation so deposited and to apply the proceeds of such sale, in whole or in part, to the satisfaction of any damages, demands, or deficiency arising by reason of such default. The format of the power of attorney and agreement, when the obligor is a corporation, is set forth below, and shall be modified as appropriate when the obligor is either an individual or a partnership:

POWER OF ATTORNEY AND AGREEMENT

(For corporation)

Know all men by these presents, that _____, a corporation duly incorporated under the laws of the State of _____, and having its principal office in the city of _____, State of _____, in pursuance of a resolution of the board of directors of said corporation, passed on the ____ day of _____, 19__, a duly certified copy of which resolution is hereto attached, does hereby constitute and appoint (Name and official title of bond-approving officer), and his successors in office, as attorney for said corporation, for and in the name of said corporation to collect or to sell, assign, and transfer certain securities described as follows:

_____

_____

_____

such securities having been deposited by it, pursuant to authority conferred by 6 U.S.C. 15, and subject to the provisions thereof and of Treasury Circular No. 154, dated October 31, 1969, as amended, as security for the faithful performance of any and all of the conditions or stipulations of a certain obligation entered into by it with the United States, under date of _____, which is hereby made a part hereof, and the undersigned agrees that, in case of any default in the performance of any of the conditions and stipulations of such undertaking, its said attorney shall have full power to collect said securities or any part thereof, or to sell, assign, and transfer said securities or any part thereof without notice, at public or private sale, free from any equity of redemption and without appraisement or valuation, notice and right to redeem being waived, and to apply the proceeds of such sale or collection in whole or in part, to the satisfaction of any damages, demands, or deficiency arising by reason of such default, as its said attorney may deem best; and the undersigned further agrees that the authority herein granted is irrevocable.

And said corporation hereby for itself, its successors and assigns, ratifies and confirms whatever its said attorney shall do by virtue of these presents.

In witness whereof, _____, the corporation hereinabove named, by (Name and title of officer), duly authorized to act in the premises, has executed this instrument and caused the seal of the corporation to be hereto affixed this _____ day of _____, 19__.

[Corporate seal.]

_____

By _____

Before me, the undersigned, a notary public within and for the county of _____, in the State of _____ (or the District of Columbia), personally appeared (Name and title of officer) and for and in behalf of said _____, a corporation, acknowledged the execution of the foregoing power of attorney.

Witness my hand and notarial seal this _____ day of _____, 19__.

[Notarial seal.] _____

Notary Public

NOTE.—Securities must be described by title, date of maturity, rate of interest, denomination, serial number, and whether coupon or registered. Failure to give complete description will warrant rejection of this power of attorney.

(c) *Application of United States money on default.*—If cash is deposited in lieu of sureties on the bond, the district director is authorized to apply such cash, in whole or in part, to the satisfaction of any damages, demands, or deficiency arising by reason of a default under the bond.

Subpart E—Production of Documents

§ 113.41 Entry made prior to production of documents.

When entry is made prior to the production of a required document, a card memorandum on Customs Form 5101 shall be prepared by the importer and presented with the entry, whether the importer gives bond on Customs Form 7551 or 7553, or other appropriate form, or stipulates to produce such document.

§ 113.42 Time period for production of documents.

Except when another period is fixed by law or regulations, any document for the production of which a bond or stipulation is given shall be delivered to the district director within 6 months from the date of the transaction in connection with which the bond or stipulation was given, or within any extension of such time which may be granted pursuant to § 113.43(a). If the period ends on a Saturday, Sunday, or holiday, delivery on the next business day shall be accepted as timely.

§ 113.43 Extension of time period.

(a) *Application received within time period.*—If a document (other than an invoice or document which must be produced within 2 months, as provided in § 41.61(e) of this chapter) referred to in § 113.42 is not produced within 6 months from the date of the transaction in connection with which the bond or stipulation was given, the district director, in his discretion, upon written application of the importer, may extend the period for one further period of 2 months.

(b) *Late application.*—No application for the extension of the period of any bond or stipulation given to assure the production of a missing document shall be allowed by the district director if such application is received later than 2 months after the expiration of the period of the bond or stipulation, and any such extension shall not be allowed by the district director for a period of more than 2 months from the date of expiration of the period.

(c) *Acceptance of a free-entry or reduced-duty document prior to liquidation.*—When a bond or stipulation is given for the production of any free-entry or reduced-duty document and a satisfactory document is produced prior to liquidation of the entry or within the period during which a valid reliquidation may be completed, provided the failure to file was not due to willful negligence or fraudulent intent, it shall be accepted as satisfying the requirement that it be filed in connection with the entry, and the bond charge for its production shall be cancelled.

§ 113.44 Assent of sureties to an extension of a bond.

(a) *Extension prescribed by law or regulations.*—The assent of the sureties to any extension of the period prescribed in a bond is not necessary when the extension is authorized by law or regulations.

(b) *Other extension.*—The assent of the sureties shall be obtained before any extension of the period prescribed in a bond, other than an extension authorized by law or regulaton, is allowed.

§ 113.45 Charge for production of a missing document made against a term bond.

When a charge for the production of a missing document is made against a term bond, the charge shall be in the amount of the single entry bond that would have been taken had the transaction been covered by a single entry bond.

§ 113.46 Cancellation of bond charges resulting from failure to produce documents.

Section 172.22 of this chapter sets forth provisions relating to the cancellation of bond charges resulting from failure to produce documents.

Subpart F—Assessment of Damages and Cancellation of Bond

§ 113.51 Cancellation of bond or charge against the bond.

The Commissioner of Customs may authorize the cancellation of any bond provided for in this part or any charge that may have been made against such bond, in the event of a breach of any condition of the bond, upon payment of such lesser amount or penalty or upon such other terms and conditions as he may deem sufficient.

§ 113.52 Failure to satisfy the bond.

If any Customs bond, except one given only for the production of free-entry or reduced-duty documents (see §§ 113.43 (c) and 172.22(c) of this chapter), is unsatisfied upon the expiration of 90 days after liability has accrued thereunder, the matter shall be reported to the United States attorney for prosecution unless measures have been taken to file an application for relief in accordance with the provisions of Part 172 of this chapter or to effect a satisfactory settlement.

§ 113.53 Waiver of Customs requirement supported by a bond.

(a) *Waiver by the Commissioner of Customs.*—When a Customs requirement supported by a bond is waived by the Commissioner of Customs, the waiver may be:

(1) Unconditional, in which case the importer is relieved from the payment of liquidated damages;

(2) Conditioned upon prior settlement of the bond obligation by payment of liquidated damages; or

(3) Conditioned upon such other terms and conditions as the Commissioner may deem sufficient.

(b) *Waiver by the district director.*—When a Customs requirement supported by a bond is waived by the district director pursuant to the authority conferred upon him in these regulations, the waiver shall be unconditional.

§ 113.54 Cancellation of erroneous charges.

(a) *Bonds.*—Section 172.31 of this chapter sets forth the cancellation of erroneous charges against the bond when it is determined that liquidated damages assessed or paid under a bond did not in fact accrue.

(b) *Carnets.*—Section 114.34 of this chapter sets forth the cancellation of erroneous charges involving carnets.

§ 113.55 Cancellation of export bonds.

(a) *Definition of exportation.*—An exportation is a severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country. The shipment of merchandise abroad with the intention of returning it to the United States with a design to circumvent provisions of restriction or limitation in the tariff laws or to secure a benefit accruing to imported merchandise is not an exportation. Merchandise of foreign origin returned from abroad under these circumstances is dutiable according to its nature, weight, and value at the time of its original arrival in this country.

(b) *Manner of cancellation.*—A bond to assure the exportation of merchandise may be cancelled:

(1) *Upon exportation.*—Upon the specification of such merchandise on the outward manifest or outward bill of lading, the inspector's certificate of lading, the record of clearance of the vessel or of the departure of the vehicle, and the production of a foreign landing certificate if such certificate is required by the district director.

(2) *Upon payment of liquidated damages.*—Upon the payment of liquidated damages in accordance with the provisions of § 10.39 of this chapter, if exportation or destruction is not timely in the case of articles entered under schedule 8, part 5C, Tariff Schedules of the United States (19 U.S.C. 1202).

(c) *Cancellation of vessel, vehicle, or aircraft bond.*—The requirement of the vessel, vehicle, or aircraft bond, Customs Form 7567 or 7569, may be considered as having been complied with upon the production of the applicable documents mentioned in paragraph (b)(1) of this section.

(d) *Foreign landing certificate.*—A foreign landing certificate, when required, shall be produced within six months from the date of exportation and shall be signed by a revenue officer of the foreign country to which the merchandise is exported, unless it is shown that the country has no Customs administration, in which case the certificate may be signed by the consignee or by the vessel's agent at the place of lading. Landing certificates are required in the following cases:

(1) *Mandatory.*—A landing certificate shall be required in every case to establish the exportation of narcotic drugs or any equipment, stores (except such articles as are placed on board vessels or aircraft under the provisions of section 309 or 317, Tariff Act of 1930, as amended (19 U.S.C. 1309 and 1317)), or machinery for vessels.

(2) *Optional with the district director.*—A landing certificate may be required by the district director for merchandise exported from the United States, or residue cargo, when he deems such a certificate necessary for the protection of the revenue.

(3) *Waiver.*—Except as provided for in § 4.88 of this chapter, in cases where landing certificates are required and they cannot be produced, an application for waiver thereof may be made to the Commissioner of Customs through the district director, accompanied by such proofs of exportation and landing abroad as may be available.

(e) *Articles less than $10.*—In the case of articles for which the ordinary Customs duty estimated at the time of entry did not exceed $10 and which are exported within the period of the bond (including any lawful extension) but without Customs supervision, the bond may be cancelled upon production of evidence of a bona fide exportation satisfactory to the district director.

Subpart G—Special Provisions Concerning Consolidated Aircraft Bonds and General Term Bonds for the Entry of Merchandise

§ 113.61 Consolidated Aircraft Bond.

(a) *Bond not authorization for carriage of bonded merchandise.*—Approval

of a Consolidated Aircraft Bond, Customs Form 7605, will not authorize an airline to act as a carrier for the transportation of bonded merchandise unless and until the airline filing the bond is qualified as a carrier for such transportation, in accordance with § 112.12 of this chapter.

(b) *Discontinuance of ordinary carrier's bond.*—When an airline has filed a bond on Customs Form 7605, and obtained Customs approval of the bond, it may obtain discontinuance of its bond on Customs Form 3587 by request to the district director at the port where the latter bond was approved.

§ 113.62 General Term Bond for Entry of Merchandise.

(a) *Application required.*—A principal desiring to execute the General Term Bond For Entry of Merchandise, Customs Form 7595, shall file with the district director an application for permission to file the bond.

(b) *Form of the application.*—The application for the General Term Bond For Entry of Merchandise, Customs Form 7595, shall show:

(1) The general character of the merchandise to be entered; and

(2) The total amount of ordinary Customs duties (including any taxes required by law to be treated as duties) accruing on all merchandise imported by the principal during the calendar year preceding the date of the application, plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director. Such total amount of duties and taxes shall be that which would have been required to be deposited had the merchandise been entered for consumption, even though some of or all the merchandise may have been entered under bond. If no imports were made during the calendar year prior to the application, a statement of the duties and taxes it is estimated will accrue on all importations during the current year shall be submitted.

PART 114—CARNETS

Part 114 is amended by adding at the end thereof a new § 114.34, reading as follows:

§ 114.34 Cancellation of erroneous charges.

(a) *TIR carnet.*—When it is determined that liquidated damages assessed or paid for any shortage, irregular delivery, or nondelivery of merchandise covered by a TIR carnet did not in fact accrue, the liquidated damages shall be cancelled by the district director and, if paid, refunded, as provided by § 18.8 of this chapter.

(b) *A.T.A. or E.C.S. carnet.*—When it is determined that liquidated damages assessed or paid for failure to properly reexport or destroy merchandise temporarily imported under cover of an A.T.A. or E.C.S. carnet did not in fact accrue, the liquidated damages shall be cancelled by the district director and, if paid, refunded as provided by § 10.39 of this chapter.

(c) *Determination dependent upon a construction of law.*—When the determination of whether or not the charge was erroneously made depends upon a construction of law, the charge shall not be cancelled without the approval of the Commissioner of Customs, unless there is in force a ruling by the Commissioner of Customs decisive of the issue. Approval of the Commissioner shall be requested in all doubtful cases. (See § 172.31 of this chapter.)

(R.S. 251, as amended, 77A Stat. 14, secs. 623, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1202 (Gen. Hdnte. 11), 1623, 1624))

PART 133—TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

§§ 133.24 and 133.46 [Amended]

Sections 133.24 and 133.46 are amended by substituting § 141.113(g) for § 25.17.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 141—ENTRY OF MERCHANDISE

§ 141.41 [Amended]

Section 141.41 is amended by substituting "Part 113" for "Part 25".

§ 141.102 [Amended]

In § 141.102, paragraph (d) is amended by substituting "Part 113" for "Part 25".

Section 141.113 is amended by adding a new paragraph (g) to read as follows:

§ 141.113 Recall of merchandise released from Customs custody.

* * * * *

(g) *Demand not complied with.*—When the demand of the district director for return of merchandise to Customs custody is not complied with, liquidated damages shall be assessed, except in the case of merchandise entered under schedule 8, part 5C, Tariff Schedules of the United States (19 U.S.C. 1202), in an amount equal to the value of the merchandise not returned, as determined at the time of entry, plus the estimated duties and taxes, if any. The amount of liquidated damages to be assessed on merchandise entered under schedule 8, part 5C, Tariff Schedules of the United States, are set forth in § 10.39 (d) (3) of this chapter.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624.)

PART 142—SPECIAL PERMITS FOR IMMEDIATE DELIVERY PRIOR TO ENTRY

§ 142.4 [Amended]

In § 142.4, paragraph (a) is amended by substituting "§ 113.14(g)(1)" for "§ 25.4(a)(9)", and paragraph (b) is amended by substituting "§ 113.14(g)(2)" for "§ 25.4(a)(10)".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 172—LIQUIDATED DAMAGES

Section 172.31 is amended to read as follows:

§ 172.31 Act or omission did not occur.

(a) *Definite.*—If it is definitely determined that the act or omission forming the basis for a claim for liquidated damages did not in fact occur, the claim shall be cancelled by the district director. If the liquidated damages have already been paid, they shall be refunded by the regional commissioner of Customs, and an appropriate notation shall be made on Customs Form 5955–A, if the transaction has already been recorded thereon.

(b) *Dependent upon a construction of law.*—When the determination of whether or not the claim was erroneously made depends upon a construction of law, the claim shall not be cancelled without the approval of the Commissioner of Customs, unless there is in force a ruling decisive of the issue.

(c) *Doubtful cases.*—Approval of the Commissioner of Customs shall be requested in all doubtful cases.

(R.S. 251, as amended, secs. 623, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

PARALLEL REFERENCE TABLE

NOTE: This table shows the relation of sections in revised Part 113 to superseded 19 CFR Part 25.

Revised Section	*Superseded Section*
113.0	None.
113.1	None.
113.2 and 113.3	None.
113.11	25.1.
113.12	25.1.
113.13(a)(1)	25.3(a)(1).
113.13(a)(2)	25.3(a)(3).
113.13(b)	New.
113.14(a)	25.4(a)(2).
113.14(b)(1)	25.4(a)(1)(i).
113.14(b)(2)	25.4(a)(1)(ii).
113.14(c)	25.4(a)(3).
113.14(d)	25.4(a)(4).
113.14(e)(1)	25.4(a)(5).
113.14(e)(2)	25.4(a)(6).
113.14(f)(1)	25.4(a)(7).
113.14(f)(2)	25.4(a)(8).
113.14(g)(1)	25.4(a)(9).
113.14(g)(2)	25.4(a)(10).
113.14(h)	25.4(a)(11).
113.14(i)(1)	25.4(a)(12).
113.14(i)(2)	25.4(a)(13).
113.14(j)	25.4(a)(14).
113.14(k)(1)	25.4(a)(15).
113.14(k)(2)	25.4(a)(16).
113.14(l)	25.4(a)(17).
113.14(m)(1)	25.4(a)(18).
113.14(m)(2)	25.4(a)(19)
113.14(n)	25.4(a)(21).
113.14(o)	25.4(a)(22).
113.14(p)	25.4(a)(34).
113.14(q)	25.4(a)(23).
113.14(r)	25.4(a)(24).
113.14(s)	25.4(a)(25).
113.14(t)(1)	25.4(a)(26).
113.14(t)(2)	25.4(a)(27).
113.14(u)	25.4(a)(33).
113.14(v)	25.4(a)(28).
113.14(w)	25.4(a)(35).
113.14(x) (1)–(2)	New.
113.14(y)	New.
113.14(z)	25.4(a)(29).
113.14(aa)	25.4(a)(30).
113.14(bb)	25.4(a)(32).
113.14(cc)–(gg)	New.
113.15	None.
113.16	25.4(b).
113.17	25.4(c).
113.18	25.4(a).
113.21(a)	25.5(a) and 25.8(a).

Revised Section	Superseded Section
113.21(b)	25.5(c).
113.21(c)	25.4(b).
113.21(d)	25.4(b).
113.21(e)	25.4(b).
113.22(a)	25.5(a).
113.22(b)	25.5(b).
113.22(c)	25.5(a).
113.23(a)	None.
113.23(b)	25.5(d).
113.23(c)	25.5(d).
113.23 (d) and (e)	None.
113.24(a)	25.6(a).
113.24(b)	25.6(b).
113.25	25.5(c).
113.26(a)	25.2(a).
113.26(b)	25.2(b).
113.26(c) and (d)	25.2,b).
113.27	25.3(b).
113.31	None.
113.32(a)	25.13.
113.32(b)	25.13.
113.33(a)	25.7(b).
113.33(b)	25.7(a).
113.33(c)	None.
113.34(a)	25.8(d).
113.34(b)	25.8(a).
113.34(c)	25.8(a), 25.5(a) and 25.8(b).
113.34(d)	25.8(c).
113.35(a)	25.9(a).
113.35(b)	25.9(a), 25.9(e), 25.9(f), and 25.9(b).
113.35(c)	25.9(a).
113.35(d)	25.9(c).
113.35(e)	25.9(d).
113.36	25.11.
113.37(a)	25.12(a).
113.37(b)	25.8(d).
113.37(c)	None.
113.37(d)	25.8(a).
113.37(e)	25.12(b).
113.37(f)	25.12(c) and 25.12(d).
113.38(a)	25.10(a).
113.38(b)	25.10(b).
113.39(a)	25.14.
113.39(b)	25.14.
113.39(c)	25.14.
113.41	25.16(a).
113.42	25.16(c).
113.43(a)	25.18(a).
113.43 (b) and (c)	25.18(c).
113.44(a)	25.18(d).
113.44(b)	25.18(d).
113.45	25.16(b).
113.46	None.
113.51	None.
113.52	25.15(e).
113.53(a)	25.17(f).
113.53(b)	25.17(f).
113.54(a)	None.
113.54(b)	None.
113.55(a)	Footnote 5.
113.55 (b) and (c)	25.15(a).
113.55(d)	25.15(b), 25.15(a), and 25.15(c).
113.55(e)	25.15(d).
113.61(a)	25.4(a)(35).
113.61(b)	25.4(a)(35).
113.62(a)	25.4(a)(25).
113.62(b)	25.4(a)(25).

[FR Doc.74-20376 Filed 9-3-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974—)

Subpart A—Introduction, General Provisions, and Definitions

GRANDFATHER PROVISIONS AND DEFINITIONS

On January 14, 1974, there was published in the FEDERAL REGISTER (39 FR 1779) a notice of proposed rule making and a proposed amendment to Subpart A of Regulation No. 16. The proposed amendment provides definitions pertaining to grandfather provisions and policy relating to the Social Security Administration making determinations with respect to the receipt of aid or assistance for December 1973 under an approved State plan under title I, X, XIV, or XVI of the Social Security Act.

Interested parties were given the opportunity to submit within 30 days, data, comments, or arguments with regard to the proposed amendments.

Five comments were received that had objections to the proposed regulations. The Seattle Urban League, the Church Council of Greater Seattle, the Skid Road Community Council, and the Department of Social Services, State of New York, objected to paragraph (c) of § 416.121 because it leaves the determination as to whether an individual was a recipient of aid or assistance for December 1973 strictly to the Social Security Administration although the Social Security Administration did not originally determine eligibility. They are very concerned that the Social Security Administration will be reversing many of the States' eligibility determinations. No change has been made; since supplementary security income is a Federal program, it would be inconsistent for the State to make binding decisions affecting a Federal program. The determination by the Social Security Administration that the individual was or was not a recipient under the State plan for December 1973 applies only to whether the "grandfathering" provisions are applicable and does not affect the States' prior determination insofar as they pertain to the State program.

The Ohio Department of Public Welfare objected to paragraphs (a) and (b) because they could be read or interpreted to disallow grandfather status to individuals receiving aid in December 1973 without first providing them with a prior hearing. However, reductions, suspensions, or terminations of supplemental security income, are subject to the requirement of notice and opportunity for hearing as set forth in Subparts M and N of these regulations. The Seattle Urban League, the Church Council of Greater Seattle, and the Skid Road Community Council indicated that the provisions of paragraph (a) may result in denying assistance to persons who were eligible under the State program, but who were terminated due to a departmental error, or who were ineligible only for one month, due to overpayment. However, paragraph (a) states, "It also includes an individual who filed an application prior to January 1974 and was otherwise eligible for aid or assistance." Therefore, this suggestion was not adopted because individuals who did not receive aid or assistance for December 1973 due to a prior overpayment or departmental error will not be denied since they were "otherwise eligible."

The proposed amendments are hereby adopted without substantive change except for the addition of paragraph (d) which reflects the provision of Pub. L. 93-233 that to be "grandfathered," a recipient of aid or assistance (on the basis of disability) in December 1973 must have also received aid or assistance for at least one month prior to July 1973. Two editorial changes have been made for the sake of clarity.

(Secs. 1102, 1611(a), 1611(g), 1611(h), 1614(a), and 1631(d)(1), Social Security Act as amended; sections 211 and 212 of Pub. L. 93-66, and section 9(2) of Pub. L. 93-233, 49 Stat. 647, as amended, 86 Stat. 1471, and 1476, 87 Stat. 154, 155, 957; 42 U.S.C. 1302, 1382(a), 1382(g), 1382(h), 1382c(a), 1383(d)(1))

Effective date. The amendments shall be effective on September 4, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: August 6, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: August 28, 1974.

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

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding § 416.121 to Subpart A to read as follows:

§ 416.121 Receipt of aid or assistance for December 1973 under an approved State plan under title I, X, XIV, or XVI of the Social Security Act.

(a) *Recipient of aid or assistance defined.* As used in this Part 416, the term "individual who was a recipient of aid or assistance for December 1973" under a State plan approved under title I, X,

XIV, or XVI of the Social Security Act means an individual who correctly received aid or assistance under such plan for December 1973 even though such aid or assistance may have been received subsequent to December 1973. It also includes an individual who filed an application prior to January 1974 and was otherwise eligible for aid or assistance for December 1973 under the provisions ceive such aid or assistance. It does not include an individual who received aid or assistance because of the pdovisions of 45 CFR § 205.10(a) (pertaining to continuation of assistance until a fair hearing decision is rendered), as in effect in December 1973, and with respect to whom it is subsequently determined that such aid or assistance would not have been received without application of the provisions of such 45 CFR § 205.10(a).

(b) *Aid or assistance defined.* As used in this Part 416, the term "aid or assistance" means aid or assistance as defined in titles I, X, XIV, and XVI of the Social Security Act, as in effect in December 1973, and such aid or assistance is eligible for Federal financial participation in accordance with those titles and the provisions of 45 CFR Chapter II as in effect in December 1973.

(c) *Determinations of receipt of aid or assistance for December 1973.* For the purpose of application of the provisions of this Part 416, the determination as to whether an individual was a recipient of aid or assistance for December 1973 under a State plan approved under title I, X, XIV, or XVI of the Social Security Act will be made by the Social Security Administration. In making such determination, the Social Security Administration may take into consideration a prior determination by the appropriate State agency as to whether the individual was eligible for aid or assistance for December 1973 under such State plan. Such prior determination, however, shall not be considered as conclusive in determining whether an individual was a recipient of aid or assistance for December 1973 under a State plan approved under title I, X, XIV, or XVI of the Social Security Act for purposes of application of the provisions of this Part 416.

(d) *Special provision for disabled recipients.* For purposes of § 416.901(b), the criteria and definitions enumerated in paragraphs (a) through (c) of this section are applicable in determining whether an individual was a recipient of aid or assistance (on the basis of disability) under a State plan approved under title XIV or XVI of the Act for a month prior to July 1973. It is not necessary that the aid or assistance for December 1973 and for a month prior to July 1973 have been paid under the State plan of the same State.

[FR Doc.74-20354 Filed 9-3-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

N-(Mercaptomethyl) Phthalimide S-(O-O-Dimethyl Phosphorodithioate)

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (44-757V) filed by Stauffer Chemical Co., 1200 South 47th St., Richmond, CA 94804, proposing safe and effective use of *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) for control of cattle ticks on beef cattle. The application also proposed label revisions regarding indications for use. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended in § 135a.14 by revising paragraph (c) to read as follows:

§ 135a.14 N-(Mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) emulsifiable liquid.

* * * * *

(c) *Conditions of use*—(1) *Methods of application.* Methods of application to control the following conditions on beef cattle:

	To control Method of use
Grubs	Dip, pour-on, or spray.
Lice	Do.
Hornflies	Dip or spray.
Cattle ticks	Spray.
Southern cattle ticks	Do.

(i) *Dip vat procedure.* (*a*) Prior to charging vat, empty old contents and thoroughly clean the vat. Add water to the vat. Add the drug at a rate of 1 gallon to each 60 gallons water. Add triple super phosphate at a rate of 100 pounds per 1,000 gallons of vat solution. Super phosphate is added to control the pH of the solution and insure vat stability. Super phosphate is usually available at most fertilizer dealers as 0–45–0, or 0–46–0. Stir the vat thoroughly, preferably with a compressed air device; however, any form of thorough mixing is adequate. Re-stir vat contents prior to each use. During the dipping operation, each time the vat's volume is reduced by ¼ of its initial volume, replenish the vat with water and add the drug at a rate of 1 gallon for each 50 gallons water added. Also add super phosphate at a rate of 10 pounds per 100 gallons of additional solution. Stir well and resume dipping. Repeat replenishment process as necessary. For evaporation, add additional water accordingly. For added water due to rainfall, merely replenish vat with the product according to directions.

(*b*) Vat should be emptied, cleaned, and recharged each time one of the following occurs: When the vat has been charged for 60 days. When the dip becomes too foul for satisfactory use, within the 60-day limit. If the number of animals dipped equals the number of gallons of the initial bath volume, within the 60-day limit.

(ii) *Spray method.* To prepare the spray, mix 1 gallon of the drug with 49 gallons of water and stir thoroughly. Apply the fresh mixture as a high-pressure spray, taking care to wet the skin, not just the hair. Apply to the point of "runoff", about 1 gallon of diluted spray per adult animal. Lesser amounts will permit runoff for younger animals.

(iii) *Pour-on method.* Dilute 1 part of the drug with 2 parts of water by slowly adding the water to the product while stirring. Apply 1 ounce of the diluted mixture per 100 pounds of body weight (to a maximum of 8 ounces per head) down the center line of the back.

(2) *Timing of applications for cattle grub control.* For optimum cattle grub control, it is important to treat as soon as possible after the heel fly season, before the grub larvae reach the gullet or spinal canal, as the rapid kill of large numbers of larvae in these tissues may cause toxic side effects such as bloat, salivation, staggering, and paralysis.

(3) *Warnings.* The drug is a cholinesterase inhibitor. Do not use this drug on animals simultaneously or within a few days before or after treatment with or exposure to cholinesterase-inhibiting drugs, pesticides, or chemicals. Do not apply within 21 days of slaughter. For use on beef cattle only. Do not treat sick, convalescent, or stressed cattle, or calves less than 3 months old except in Federal or State eradication programs where immediate treatment of all animals in an infested herd is mandatory. Be sure free access to drinking water is available to cattle prior to dipping. Do not dip excessively thirsty animals. Do not dip animals when overheated. Repeat treatment as necessary but not more often than every 7 to 10 days. Treatment for lice, ticks, and hornflies may be made any time of the year except when cattle grub larvae are in the gullet or spinal canal. Treatment for lice and ticks may be made any time 7 to 10 days following treatment for grubs. Do not treat grubs when the grub larvae are in the gullet or spinal canal. Do not get in eyes, on skin, or on clothing. Do not breathe spray mist. Wear rubber gloves, goggles, and protective clothing. In case of skin contact, wash immediately with soap and water;

for eyes, flush with water. Wash all contaminated clothing with soap and hot water before re-use.

* * * * *

Effective date. This order shall be effective September 4, 1974.

(Sec. 512(1), 82 Stat. 347 (21 U.S.C. 360b(1)))

Dated: August 29, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 74-20447 Filed 8-30-74;12:23 am]

Title 24—Housing and Urban Development

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

[Docket No. R-74-286]

INSURED MORTGAGES

Interest Rate Change

The following amendments are being made to this chapter to change the maximum interest rate which may be charged on a mortgage insured by this Department from 9 percent to 9½ percent and to change the maximum interest rate which may be charged on a loan insured pursuant to section 232(i) of the National Housing Act from 9¼ percent to 9¾ percent. The Secretary has determined that such change is necessary to meet the mortgage market, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public procedure are unnecessary and that said cause exists for making this amendment effective August 14, 1974.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

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

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages insured on or after August 14, 1974.

* * * * *

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

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

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9½ percent per annum with respect to loans insured on or after August 14, 1974.

* * * * *

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

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

§ 205.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 14, 1974.

* * * * *

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

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

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

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 14, 1974.

* * * * *

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

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

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

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 9½ percent per annum with respect to mortgages (or supplementary loans upon completion) on or after August 14, 1974.

* * * * *

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

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

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages insured on or after August 14, 1974.

* * * * *

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

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

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

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9½ percent per annum with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 14, 1974.

* * * * *

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

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

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

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 14, 1974. Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

* * * * *

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

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

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

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 14, 1974.

* * * * *

Subpart C—Eligibility Requirements—Supplemental Loans To Finance Purchase and Installation of Fire Safety Equipment

In § 232.560 paragraph (a) is amended to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9¾ percent per annum with respect to loans insured on or after August 14, 1974.

* * * * *

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

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

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

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages insured on or after August 14, 1974.

* * * * *

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

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

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

Section 235.540 is amended to read as follows:

§ 235.540 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages insured on or after August 14, 1974.

* * * * *

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

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

Subpart A—Eligibility Requirements for Mortgage Insurance

Section 236.15 is amended to read as follows:

§ 236.15 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 14, 1974.

* * * * *

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

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart A—Eligibility Requirements

Section 241.75 is amended to read as follows:

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9½ percent per annum with respect to loans insured on or after August 14, 1974. Interest shall be payable in monthly installments on the principal then outstanding.

* * * * *

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

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

Section 242.33 is amended to read as follows:

§ 242.33 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 14, 1974. Interest shall be payable in monthly installments on the principal then outstanding.

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

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

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

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 14, 1974.

* * * * *

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

Effective date. These amendments are effective as of August 14, 1974.

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

[FR Doc.74-20361 Filed 9-3-74;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 701—NEWLY COVERED EMPLOYMENT IN PUERTO RICO OTHER THAN GOVERNMENT SERVICE

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 54 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 631 (39 FR 17976), the Secretary of Labor appointed and convened Industry Committee No. 123-B for Newly Covered Employment in Puerto Rico other than Government Service, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 123-B are hereby published. The nature of the various classifications of the industry involving newly-covered employments other than government service in Puerto Rico is sufficient to provide a new Part 701 to Title 29, Code of Federal Regulations, and includes a new title and §§ 701.1, 701.2 and 701.3.

Part 701 reads as follows:

Secs.
701.1 Definition.
701.2 Wage rates.
701.3 Notices.

AUTHORITY: Secs. 5, 6, 8, 52 Stat. 1062, 1064 (29 U.S.C. 205, 206, 208).

§ 701.1 Definition.

The 1974 Coverage classifications include all activities other than government service to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1974.

§ 701.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in an activity brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1974.

(a) *Domestic service workers.* (1) The minimum wage for this classification is $1.40 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly the minimum

rate will be $1.55 an hour effective May 1, 1975; $1.70 an hour effective May 1, 1976; $1.85 an hour effective May 1, 1977; $2.00 an hour effective May 1, 1978; $2.15 an hour effective May 1, 1979; and $2.30 an hour effective May 1, 1980.

(2) This classification is defined to include all services of a household nature performed by an employee in or about the private home of the person by whom he or she is employed. A private home is a fixed place of abode of an individual or family. A separate and distinct dwelling maintained by an individual or family in an apartment house or motel may constitute a private home. However, a dwelling house primarily used as a boarding or lodging house for the purpose of supplying such services to the public as a business enterprise is not a private home.

(3) Domestic service in and about a private home includes services performed by persons employed as cooks, butlers, valets, maids, housekeepers, governesses, janitors, laundresses, caretakers, handymen, gardeners, footmen, grooms and chauffeurs.

(b) *Small retail and service establishments.* (1) The minimum wage for this classification is $2.00 an hour beginning January 1, 1975; $2.20 an hour effective January 1, 1976; and $2.30 an hour effective January 1, 1977.

(2) This classification is defined to include employees employed in retail and service establishments that are parts of covered enterprises and that have an annual dollar volume of sales which is not less than $225,000 after January 1, 1975, and is not less than $200,000 after January 1, 1976, and in any amount after January 1, 1977.

(c) *Small telegraph agencies.* (1) The minimum wage for this classification is $1.90 an hour through December 31, 1974; $2.00 an hour effective January 1, 1975; $2.20 an hour effective January 1, 1976; and $2.30 an hour effective January 1, 1977.

(2) This classification is defined to include employees engaged in handling telegraphic messages for the public where the revenue does not exceed $500 a month.

(d) *Motion picture theaters.* This activity comprises every theater where motion pictures are exhibited.

(1) *First class theaters.* (i) This classification includes motion picture theaters charging more than $1.00 (excise tax included) for admission to adults at least three days a week. Drive-in theaters are included in this class.

(A) *Motion picture projectionists and managers.* (*1*) The minimum wage for this classification is $1.90 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $2.05 an hour effective May 1, 1975; $2.20 an hour effective May 1, 1976; and $2.30 an hour effective May 1, 1977.

(B) *Electricians, plumbers, drivers, painters, and other arts crafts employees.* (*1*) The minimum wage for this classification is $1.90 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $2.05 an hour effective May 1, 1975; $2.20 an hour effective May 1, 1976; and $2.30 an hour effective May 1, 1977.

(C) *Box office cashiers, assistant motion picture projectionists and assistant managers.* (*1*) The minimum wage for this classification is $1.45 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.60 an hour effective May 1, 1975; $1.75 an hour effective May 1, 1976; $1.90 an hour effective May 1, 1977; $2.05 an hour effective May 1, 1978; $2.20 an hour effective May 1, 1979; and $2.30 an hour effective May 1, 1980.

(D) *Ticket takers, porters and other employees.* (*1*) The minimum wage for this classification is $1.40 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.55 an hour beginning May 1, 1975; $1.70 an hour effective May 1, 1976; $1.85 an hour effective May 1, 1977; $2.00 an hour effective May 1, 1978; $2.15 an hour effective May 1, 1979; and $2.30 an hour effective May 1, 1980.

(2) *Second class theaters.* (i) This classification includes motion picture theaters charging from $1.00 to more than 50 cents (excise tax included) for admission to adults, at least three days a week.

(A) *Motion picture projectionists and managers.* (*1*) The minimum wage for this classification is $1.60 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly the minimum rate will be $1.75 an hour effective May 1, 1975; $1.90 an hour effective May 1, 1976; $2.05 an hour effective May 1, 1977; $2.20 an hour effective May 1, 1978; and $2.30 an hour effective May 1, 1979.

(B) *Electricians, plumbers, drivers, painters and other arts and crafts employees.* (*1*) The minimum wage for this classification is $1.60 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.75 an hour beginning May 1, 1975; $1.90 an hour beginning May 1, 1976; $2.05 an hour effective May 1, 1977; $2.20 an hour beginning May 1, 1978; and $2.30 an hour effective May 1, 1979.

(C) *Box office cashiers, assistant motion picture projectionists and assistant managers.* (*1*) The minimum wage for this classification is $1.25 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.37 an hour effective May 1, 1975; $1.49 an hour effective May 1, 1976; $1.64 an hour effective May 1 1977; $1.79 an hour effective May 1, 1978; $1.94 an hour effective May 1, 1979; $2.09 an hour effective May 1, 1980; $2.24 an hour effective May 1, 1981; and $2.30 an hour effective May 1, 1982.

(D) *Ticket takers, porters and other employees.* (*1*) The minimum wage for this classification is $1.25 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.37 an hour effective May 1, 1975; $1.49 an hour effective May 1, 1976; $1.64 an hour effective May 1, 1977; $1.79 an hour effective May 1, 1978; $1.94 an hour effective May 1, 1979; $2.09 an hour effective May 1, 1980; $2.24 an hour effective May 1, 1982.

(e) *Third class theaters.* (1) This classification includes motion picture theaters not comprised in the classes in paragraphs (b) and (c) of this section.

(i) *Motion picture projectionists and managers.* (A) The minimum wage for this classification is $1.50 an hour. Thereafter this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.65 an hour effective May 1, 1975; $1.80 an hour effective May 1, 1976; $1.95 an hour effective May 1, 1977; $2.10 an hour effective May 1, 1978; $2.25 an hour effective May 1, 1979; and $2.30 an hour effective May 1, 1980.

(ii) *Electricians, plumbers, drivers, painters and other arts crafts employees.* (A) The minimum wage for this classification is $1.50 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.65 an hour effective May 1, 1975; $1.80 an hour effective May 1, 1976; $1.95 and hour effective May 1, 1977; $2.10 an hour effective May 1, 1978; $2.25 an hour effective May 1, 1979; an $2.30 an hour effective May 1, 1980.

(iii) *Box office cashiers, assistant motion picture projectionists and assistant managers.* (A) The minimum wage for this classification is $1.15 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.27 an hour effective May 1, 1976; $1.39 an hour effective May 1, 1977; $1.51 an hour effective May 1, 1978; $1.66 an hour effective May 1, 1979; $1.81 an hour effective May 1, 1980; $1.96 an hour effective May 1, 1981; $2.11 an hour effective May 1, 1982; $2.26 an hour effective May 1, 1983 and $2.30 an hour effective May 1, 1984.

(f) *Processing of shade-grown tobacco.* (1) The minimum wage for this classification is $1.60 an hour through December 31, 1974; $1.80 an hour effective January 1, 1975; $2.00 an hour effective January 1, 1976; $2.20 an hour effective January 1, 1977; and $2.30 an hour effective January 1, 1978.

(2) This classification includes all agricultural employees engaged in processing shade-grown tobacco prior to stemming.

(g) *Small logging operations.* (1) The minimum wage for this classification is $1.60 an hour through December 31, 1974; $1.80 an hour effective January 1,

1975; $2.00 an hour effective January 1, 1976; $2.20 an hour effective January 1, 1977; and $2.30 an hour effective January 1, 1978.

(2) This classification includes employees in forestry or lumbering operations where the number of employees is eight or less.

(h) *Agricultural employees of large conglomerates.* (1) The minimum wage for this classification is $1.60 an hour through December 31, 1974; $1.80 an hour effective January 1, 1975; $2.00 an hour effective January 1, 1976; $2.20 an hour effective January 1, 1977; and $2.30 an hour effective January 1, 1978.

(2) This classification includes agricultural employees of conglomerates with an annual gross volume of sales exceeding $10,000,000 regardless of the number of employees engaged in agriculture.

§ 701.3 Notices.

Every employer subject to the provisions of § 701.2 shall post in a conspicuous place in each department of its establishment where employees subject to the provisions of § 701.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

Effective date. The effective date for the commencement of these wage rates is September 20, 1974.

Signed at Washington, D.C. this 28th day of August, 1974.

BETTY SOUTHARD MURPHY,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.74-20358 Filed 9-3-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 204—DANGER ZONE REGULATIONS

Gulf of Mexico South of Pensacola Bay, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266 (33 U.S.C. 1)), § 204.140 establishing and governing the use and navigation of a danger zone used as a naval firing range in the Gulf of Mexico south of Pensacola, Florida is hereby revoked, effective on September 4, 1974.

Since the revocation constitutes only an agency or procedural matter, notice of proposed rule making and public procedures thereto are considered unnecessary. Accordingly, § 204.140 of Title 33 of the Code of Federal Regulations is hereby revoked as follows:

§ 204.140 [Revoked]

[Regs. August 19, 1974, DAEN-CWO-N] (Sec. 7, 40 Stat. 266 (33 U.S.C. 1))

Dated: August 19, 1974.

By authority of the Secretary of the Army:

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army, Chief, Plans Office, TAGO.

[FR Doc.74-20375 Filed 9-3-74;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

NATIONAL FORESTS SURFACE USE UNDER U.S. MINING LAWS

Correction

In FR Doc. 74-19865 in the issue of Wednesday, August 28, 1974, the following change should be made on page 31320 in § 252.13(c): The reference to § 252.4(a) should be to § 252.4(d).

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-16—PROCUREMENT FORMS

Transfer of Provisions

This change to the General Services Administration Procurement Regulations (GSPR) is to update and transfer forms from Chapter 5, GSPR, to Chapter 5A, GSPR.

The table of contents for Part 5A-16 is amended to add the following:

§ 5A-16.901-1094 Standard Form 1094, U.S. Tax Exemption Certificate.
§ 5A-16.901-1165 Standard Form 1165, Receipt for Cash-Subvoucher.
§ 5A-16.950-1720 GSA Form 1720, Request for Release of Classified Information to U.S. Industry.

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: August 9, 1974.

L. E. SPANGLER,
Acting Commissioner, FSS.

[FR Doc.74-20377 Filed 9-3-74;8:45 am]

Title 42—Public Health

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

PART 100—COST CONTAINMENT AND QUALITY CONTROL

Subpart A—Limitation on Federal Participation for Capital Expenditures

On June 27, 1974, there was published in the FEDERAL REGISTER (39 FR 23270) a notice of proposed rulemaking proposing certain amendments to 42 CFR Part 100, Subpart A, entitled "Limitation on Federal Participation for Capital Expenditures." The purposes of the amendments are (1) to clarify the definition of the term "health care facility" as applied to ambulatory health care facilities, and (2) to base the formula for distribution of funds to designated planning agencies as payment for the costs of agency review of capital expenditures for purposes of section 1122 of the Social Security Act on the amount of funds expended in each State to carry out sections 314 (a) and (b) of the Public Health Service Act during fiscal year 1974. Interested individuals were given until July 12, 1974, to submit comments and suggestions on the proposed amendments.

Comments were received with respect to both proposed changes to the regulation.

With respect to the change in the formula for distribution of funds, one commenter suggested that the formula be abandoned and replaced with a simple budget. Since the formula approach has been widely accepted we feel no need to change the methodology. A second commenter suggested that the change was acceptable but requested an adjustment to reflect changes in the cost of living since fiscal year 1974. The suggestion has not been accepted since funding from this source is not meant to cover all costs.

One commenter suggested that the definition of covered facilities be amended to include only facilities reimbursed under Part A of Title XVIII of the Social Security Act. Since the proposed change in the regulation was for the purpose of providing a more general definition of outpatient surgical facility, the suggested change has not been made at this time. However, because much interest has been raised with respect to facilities subject to review, the Department wishes to solicit comments and suggestions with respect to the definition found in § 100.102(e) concerning the term "organized ambulatory health care facilities". Comments and suggestions should be submitted to the Division of Comprehensive Health Planning, 5600 Fishers Lane, Rockville, Maryland 20852, no later than September 30, 1974. To the extent found necessary, a notice of proposed rule making will be published subsequent to September 30, 1974.

The proposed amendments are hereby adopted without change, as set forth below.

Effective date. These amendments are effective on September 4, 1974.

Dated: August 14, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: August 29, 1974.

FRANK CARLUCCI,
Acting Secretary.

1. Paragraph (e) of § 100.102 is amended by deleting the word "surgicenters" and inserting in lieu thereof "ambulatory surgical centers." As amended, such paragraph reads as follows:

§ 100.102 Definitions.

* * * * *

(e) "Health care facility" includes hospitals, psychiatric hospitals, tubercu-

losis hospitals, skilled nursing facilities, home health agencies, and providers of outpatient physical therapy services (including speech pathology services) as defined in section 1861 (e), (f), (g), (j), (o), and (p), respectively, of the Act (except that such term shall not apply with respect to outpatient physical therapy services performed by a physical therapist in his office or in a patient's home); kidney disease treatment centers, including freestanding hemodialysis units; intermediate care facilities as defined in section 1905(c) of the Act; and organized ambulatory health care facilities such as health centers, family planning clinics, and facilities providing surgical treatment to patients not requiring hospitalization (ambulatory surgical centers), which are not part of a hospital but which are organized and operated to provide medical care to outpatients.

* * * * *

2. Paragraph (a)(1) of § 100.110 is amended to read as follows:

§ 100.110 Payment by Secretary of Costs of Agency Review

(a) * * *

(1) The Secretary will determine, on the basis of information furnished to him by the designated planning agency and such other information as may be available to him, (i) the amount of funds, both Federal and non-Federal, which were expended in such State during the fiscal year ending June 30, 1974, to carry out sections 314 (a) and (b) of the Public Health Service Act, and (ii) the amount of such funds which were expended for the purpose of cost containment.

[FR Doc.74-20355 Filed 9-3-74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-29; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars; Republication and Correction of Standard

Correction

In FR Doc. 74-18525, appearing at page 31322 in the issue of Wednesday, August 28, the numbers in the section heading preceding the last paragraph on page 31322 should read "571.109" and "109" respectively.

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Alamosa National Wildlife Refuge, CO

The following special regulation is issued and is effective on September 4, 1974.

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

COLORADO

ALAMOSA NATIONAL WILDIFE REFUGE

The public hunting of geese, ducks, coots, mergansers, mourning doves, sora and Virginia rails, and Wilson's snipe on the Alamosa National Wildlife Refuge, Colorado is permitted in accordance with conditions as outlined below, but only on the area designated by signs as open to hunting:

(1) *Ducks, coots and mergansers.* October 5, 1974 through October 13, 1974, inclusive, and November 9, 1974 through January 3, 1975, inclusive.

(2) *Canada geese.* November 1, 1974 through December 31, 1974, inclusive. Hunting of Canada geese is restricted to those persons who have secured a special Colorado state permit for the Special San Luis Valley Goose Hunt.

(3) *Mourning doves.* October 5, 1974 through October 13, 1974, inclusive.

(4) *Sora and Virginia rails.* October 5, 1974 through October 13, 1974, inclusive, and November 1, 1974 through November 9, 1974, inclusive.

(5) *Wilson's snipe.* October 5, 1974 through October 13, 1974, inclusive, and November 1, 1974 through November 4, 1974, inclusive.

This open area, comprising 3,946 acres, is delineated on maps available at refuge headquarters, Alamosa, Colorado, and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Ave., Denver, Colorado 80215. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks, coots, mergansers, mourning doves, sora and Virginia rails, and Wilson's snipe, subject to the following special conditions:

(1) Shooting hours will be from one-half hour before sunrise until sunset for ducks, geese, coots and mergansers.

(2) Shooting hours will be from sunrise to sunset on mourning doves, sora and Virginia rails, and Wilson's snipe.

(3) *Dogs.* No more than two dogs per hunter may be used in the hunting of the above species.

(4) *Admittance.* Entrance to the area open to hunting and parking of vehicles will be restricted to designated parking areas.

(5) *Boats.* The use of boats is prohibited. One- or two-man life rafts that can be carried by an individual from the parking areas to the hunting area may be used to retrieve dead or wounded birds.

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 4, 1975.

HARVEY WILLOUGHBY,
Acting Regional Director, U.S. Fish and Wildlife Service, Denver, Colorado.

AUGUST 22, 1974.

[FR Doc.74-20379 Filed 9-3-74;8:45 am]

PART 32—HUNTING

Alamosa National Wildlife Refuge, CO

The following special regulation is issued and is effective on September 4, 1974.

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

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

The public hunting of rabbits, skunk, badger, raccoon, coyote, bobcat, and feral cat on the Alamosa National Wildlife Refuge, Colorado is permitted from October 5, through October 13, 1974, inclusive, and from November 1, 1974 through January 3, 1975, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,946 acres, is delineated on maps available at refuge headquarters, Alamosa, Colorado and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West Sixth Avenue, Denver, Colorado 80215.

Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits, skunk, badger, raccoon, coyote, bobcat, and feral cat subject to the following conditions:

(1) Shooting hours for cottontail rabbits will be from sunrise to sunset.

(2) Shooting hours for jack rabbits, skunk, raccoon, coyote, badger, bobcat and feral cat shall coincide with those set by Federal and State proclamation for the hunting of migratory waterfowl.

(3) Dogs. Not to exceed two dogs per hunter, may be used in the hunting of the above species.

(4) Admittance. Entrance to the area open to hunting and parking of vehicles will be restricted to designated parking areas.

(5) Hunting with rifles and handguns is prohibited.

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 3, 1975.

ROBERT L. DARNELL,
Refuge Manager, Alamosa National Wildlife Refuge, Alamosa, Colorado.

AUGUST 21, 1974.

[FR Doc.74-20380 Filed 9-3-74;8:45 am]

PART 32—HUNTING

Sand Lake National Wildlife Refuge, SD

The following special regulation is issued and is effective on September 4, 1974.

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

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of pheasants on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000

acres, is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasants subject to the following conditions:

(1) The open season for hunting pheasants on the refuge is from December 2, 1974 through December 31, 1974, both dates inclusive.

(2) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles outside of the refuge and hunt on foot.

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 31, 1974.

THAD L. FULLER,
Acting Refuge Manager, Sand Lake National Wildlife Refuge.

AUGUST 26, 1974.

[FR Doc.74-20378 Filed 9-3-74;8:45 am]

PART 32—HUNTING

Migratory Game Bird Hunting

In the FEDERAL REGISTER, Volume 39, No. 139, page 26292, dated July 18, 1974, it was proposed that De Soto National Wildlife Refuge, Iowa and Nebraska, be added to the list of areas open to the hunting of migratory game birds.

The public was provided with a 30-day comment period and no comments were received.

Accordingly, § 32.11, List of open areas; migratory game birds, is amended as follows:

§ 32.11 **List of open areas.**

* * * * *

IOWA

DE SOTO NATIONAL WILDLIFE REFUGE

NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Effective date. This amendment becomes effective on Oct. 4, 1974.

F. N. SCHMIDT,
Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc.74-20487 Filed 9-3-74;8:45 am]

PART 32—HUNTING

Restricting on Bow Hunting

In the FEDERAL REGISTER, Volume 30, No. 148, page 27689, dated July 31, 1974, a regulation was proposed which would restrict the type of archery equipment hunters may use on national wildlife refuges.

The public was provided with a 30-day comment period and no comments were received.

Accordingly, § 32.2, General provisions, is amended by the addition of paragraph (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.

Effective date. This amendment becomes effective on Oct. 4, 1974.

F. N. SCHMIDT,
Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc.74-20488 Filed 9-3-74;8:45 am]

Title 45—Public Welfare

CHAPTER VIII—UNITED STATES CIVIL SERVICE COMMISSION

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Georgia

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing", one additional place for filing in Georgia:

Georgia

County; Place for filing; beginning date.
* * * * *
Twiggs; Jeffersonville—County Office Building; State Highway 96; September 3, 1974.

(Secs. 7 and 9 of the Voting Rights Act of 1965; Pub. L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRAY,
Executive Assistant to the Commissioners.

[FR Doc.74-20543 Filed 9-3-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 752—SCENIC ENHANCEMENT—LANDSCAPE AND ROADSIDE DEVELOPMENT

Rest Areas, Overlooks, and Information Centers

CORRECTIONS

1. In FR Doc. 74-15389, published at page 24630 in the issue dated Friday, July 5, 1974, the words "lands" is changed to "lanes" in the second sentence of § 752.106(d).

REVOCATION

2. In FR Doc. 74-15389, published at page 24630 in the issue dated Friday, July 9, 1974, paragraph e, including subparagraphs (1) through (5) of § 752.106 are hereby revoked and will be reissued as 23 CFR Part 650, Subpart E.

REVISION

3. In the above-mentioned document, § 752.107 is revised to clarify and correct inconsistencies contained therein. The revision reads as follows:

§ 752.107 **Information centers.**

(a) Safety rest areas may be provided with information centers for the purpose of advising the public of places of interest and such other information as a State may consider desirable. Section 319(a) or 319(b) funds may not be used for an information center in a separate building but may be used in establishing an information area in a safety rest area comfort and convenience building.

(b) Federal participation in comfort and convenience buildings, with or without information areas, will be determined by gross building square footage. Gross building square footage is to be computed as the area within the outer walls of the building, measured to the exterior wall surface. Basement or cellar areas are to be discounted by a factor of one-half and entrance foyers, breezeway areas, etc., by a factor of one-third.

(c) Federal participation in comfort and convenience buildings with provisions for dispensing information will be limited to the maximum gross building square footage determined by totaling a

basic allowance of 200 square feet plus 120 square feet for each water closet and/or urinal. Federal participation in comfort and convenience buildings without provisions for dispensing information will be limited to the maximum gross building square footage determined by totaling a basic allowance for 200 square feet plus 70 square feet for each water closet and/or urinal.

(d) When a State proposes to provide and operate a separate structure as an information center, the roadways and parking areas necessary for the information center may be constructed with either section 319(a) or 319(b) funds.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-20363 Filed 9-3-74;8:45 am]

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 753—ACQUISITION PROCEDURES FOR LANDSCAPING AND SCENIC ENHANCEMENT

Chapter I of Title 23, Code of Federal Regulations, is amended by adding a new Part 753, Acquisition Procedures for Landscaping and Scenic Enhancement, as set forth below. This part codifies policy and procedures formerly contained in Federal Highway Administration Policy and Procedure Memorandum 80-9 pertaining to the landscaping and scenic enhancement program.

The provisions of the Administrative Procedure Act, 5 U.S.C. 553 requiring notice of proposed rule making, opportunity for public participation, and delay in the effective date do not apply pursuant to the exceptions contained in 5 U.S.C. 553(a).

These amendments to Title 23, Code of Federal Regulations, are prepared under authority of 23 U.S.C. 315, 319, and the delegation of authority by the Secretary of Transportation at 23 CFR 1.32, and 49 CFR 1.48.

These regulations are effective on the date of issuance set forth below.

Sec.

AUTHORITY: (23 U.S.C. 319, 23 U.S.C. 315) 23 CFR 1.32, and 49 CFR 1.48.

§ 753.1 Purpose.

This part sets forth the policies and procedures relating to Federal participation in the cost of acquiring the property interests necessary for landscaping and scenic enhancement as required to implement section 319(b) of Title 23, United States Code, as revised in Title III of the Highway Beautification Act of 1965.

§ 753.2 Applicability.

The provisions of this part are applicable to all landscaping and scenic enhancement projects on the Federal-aid Primary and Interstate Systems regardless of whether Federal funds participated in the construction thereof, and to projects for landscaping and scenic enhancement on selected portions of the Federal-Aid Secondary Systems.

§ 753.3 General provisions.

(a) *Applicability of right-of-way policies and procedures.* (1) The appraisal and acquisition of property interests required for highway rights-of-way and for landscaping and scenic enhancement projects are, to a large extent, similar. The Federal-aid policies and procedures and requirements set forth in 23 CFR 710-741 will, therefore, govern except as may be specifically amended or modified herein.

(2) The term "right-of-way acquisition" and similar terms contained in 23 CFR 710-741 will be considered to mean the acquisition of real property interests required for landscaping and scenic enhancement parcels and projects.

(3) The participation of Federal funds will not be permitted in the costs of acquiring a dwelling or its related buildings through eminent domain procedures although participation may be allowed if such buildings are acquired in limited special situations through negotiations. If the State acquires a dwelling by condemnation, with or without the use of Federal funds, on a landscaping and scenic enhancement project, there will be no Federal-aid participation in any costs of the project.

(4) Where a dwelling is to be acquired, or the rights being acquired will cause a displacement of the occupants, the provisions of 23 CFR 740 are applicable.

(5) Where a business concern (including the operation of a farm) or nonprofit organization is displaced, the provisions in 23 CFR 740 are applicable.

(b) *Valuations.* All valuations of real property interests will be supported by appraisals. The term "appraisal" and "appraiser" as used herein apply only to the valuation of real property interests.

(c) *Review requirements.* All appraisals will be reviewed by a qualified review appraiser as required in 23 CFR 720.

(d) *Land interests to be acquired.* (1) Funds provided by section 319(b) of Title 23, United States Code, may participate only in the costs of acquisition of those real property interests or rights necessary to accomplish the purposes of the Landscaping and Scenic Enhancement provisions of the Highway Beautification Act of 1965. The Federal Highway Administration [FHWA] may reach agreement with the State on the acquisition of fee title, or permanent easements which are tantamount to fee title, for scenic overlooks, rest and recreation areas, and specific types of scenic areas such as wooded areas. Authorization for the acquisition of fee title for other beautification purposes shall only be made:

(i) On a showing by the State, on an individual parcel basis, that such acquisition is in the public interest and the FHWA concurs; or

(ii) When the State agrees on a statewide basis, to dispose of the interests not required, in accordance with the procedures set forth in paragraph (e) herein. Federal funds may participate in the acquisition costs less the proportionate amount credited from the subsequent sale after disposal has been accomplished.

(2) Where the State (i) determines to acquire real property interests in excess of those necessary to accomplish the intent of the landscaping and scenic enhancement provisions of the Highway Beautification Act of 1965 or (ii) where State law does not permit the acquisition of less than full title or disposition of partial interests as shown above, Federal participation will be limited to the appraised value of the real property interests in the parcel that the FHWA determines is necessary to accomplish the intent of the landscaping and scenic enhancement provisions of the Highway Beautification Act.

(e) *Disposal of land interests.* (1) Where real property interests are acquired which need not be retained, the State may dispose of such interests within two years after acquisition or within two years after the highway is open to traffic, whichever is the later date. It shall be considered that disposal has been accomplished when the State has sold or attempted to sell under approved disposal procedures which will tend to secure the greatest net credit or smallest net loss to the project.

(2) When the State does not dispose of these property interests within the prescribed time period, Federal participation in the acquisition costs will be limited as shown in paragraph (d)(2) above.

(3) Any land areas or rights and interests in those areas in which Federal

funds participated may be disposed of or relinquished by the highway department with the approval of the Federal Highway Administrator upon the showing that the disposal or relinquishment of the interests is in the public interest or that retention of the interests is no longer necessary to carry out the purposes of the Highway Beautification Act. Appropriate credit shall be made to Federal funds from the proceeds realized from the said disposal or relinquishment if for other than highway purposes.

(f) *Concurrent beautification and right-of-way projects.* (1) It is expected that each State will schedule its highway right-of-way and beautification project activities in such a manner as to produce the greatest efficiency and economy of operation consonant with the requirements of each program. The FHWA may withhold approval of authority to proceed on any project where is has reason to believe that concurrent operations would be substantially more economical regardless of funding, or otherwise in the public interest.

(2) The following criteria will govern the division of Federal-aid funds on concurrent projects:

(i) Where there is to be an acquisition of the whole property for right-of-way, right-of-way funds will be utilized for the acquisition and removal of property, real or personal, in accordance with 23 CFR 710–741.

(ii) When the same title in land is being acquired for the highway right-of-way and for landscaping and scenic enhancement purposes, the acquisition costs will be prorated to each fund in proportion to the land area required for each purpose. The costs of real property improvements will be charged in accordance with the purpose for which the land on which the improvements are located is being acquired.

(iii) Where land interests needed for landscaping and scenic enhancement projects differ from those required for the highway right-of-way, the cost of the acquisition of the landscaping and scenic enhancement interests will be charged to beautification funds. The "after" value of the right-of-way appraisal will be the "before" value of the property on which all or a portion of the rights are needed for the landscaping and scenic enhancement project.

(iv) Moving costs for personal property, other than household goods, unless entirely within the right-of-way, will be charged to beautification funds.

(g) *Reimbursement requirements.* The provisions for progress and final billings as contained in 23 CFR 710 apply to the Landscaping and Scenic Enhancement projects.

§ 753.104 State organization, policies and procedures.

(a) The State shall transmit to the FHWA four copies of information showing its organization, policies, procedures and control for accomplishing the provisions of this regulation. The FHWA shall not authorize the State to proceed with any landscaping and scenic enhancement projects covered by these provisions until such statement has been submitted. The statement shall be supplemented as the State obtains the necessary enabling legislation or where there have been substantial changes in previously stated practices and procedures.

(b) Two copies of the State's submission will be submitted to the Washington office accompanied by the recommendation from the division and regional offices. The Administrator will cause an examination to be made and will notify the State highway department of his findings and of the acceptance of all or selected portions of the State's submission. The State shall subsequently submit for examination all substantial changes in, or modification of, its practices and procedures either proposed or adopted for acceptance by the Administrator.

§ 753.5 Rest areas, overlooks and scenic areas.

(a) *General.* (1) Highway Beautification Act funds may be utilized to reimburse the State for the entire cost of acquisition of the necessary interests in strips of land adjacent to highway rights-of-way for the restoration, preservation and enhancement of scenic beauty. Such costs will be supported by appraisals.

(2) The acquisition of lands for safety rest and recreation areas and scenic overlooks is eligible for participation by either Beautification Act funds or regular highway funds as provided in 23 CFR 752.

(3) If lands for which a scenic area is programmed were purchased by the State as excess lands at the time of acquisition of the right-of-way, Federal participation under section 319(b) may be allowed under the following plan:

(i) If the final voucher has not been paid on the project, Federal participation would be limited to the difference, if any, between the original cost of the excess tract (such cost having been supported at the time of acquisition by acceptable appraisals) and the sale price of the property subject to the restrictive covenants as necessary to insure the development and maintenance of the scenic areas.

(ii) Advertisement and public sale to be conducted in accordance with normal State procedures.

(iii) If the sale of the property, subject to the restrictive covenants for scenic enhancement, does not show a loss of State highway funds there would be no Federal participation involved.

(iv) If it is deemed advisable for the proper protection and maintenance of the scenic area for the State to retain its original interest in the land, the Federal participation would be limited to the State's original cost as supported by appraisals at the time of acquisition. If only a portion of the excess area is needed for scenic enhancement, an area proration of the total cost of the excess only is considered a reasonable measure for establishing the amount to be charged to the beautification project.

(4) Where a scenic area has been acquired in fee and Federal funds have participated in the cost of only the necessary restrictive easement, the State may sell or lease the unneeded rights or interests. No credit to Federal funds is required. It is the State's responsibility to see that the restrictions or controls acquired or established by the State for the restoration, preservation or enhancement of a scenic strip are not violated. If the FHWA determines that the scenic restrictions or controls have been violated, it shall require the State to take the necessary corrective action or request that the amount of Federal participation in the parcel be refunded.

§ 753.6 Programming and authorizations—landscaping and scenic enhancement.

Projects for landscaping and scenic enhancement shall be programmed and authorized in accordance with the provisions in 23 CFR Part 752.

This regulation will be effective on the date of issuance set forth below.

Issued on: August 22, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-20362 Filed 9-3-74;8:45 am]

proposed rules

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 141]

ENTRY OF MERCHANDISE

Proposed Amendment of Regulations Relating to Completion of Entry Papers

Notice is hereby given that pursuant to the authority of R.S. 251, as amended ((19 U.S.C. 66), sections 481, 484, 624, 46 Stat. 719, 722, as amended, 759 (19 U.S.C. 1481, 1484, 1624)), it is proposed to amend § 141.61(f)(1) of the Customs Regulations (19 CFR 141.61(f)(1)) to specify where on the entry forms the invoice summary information described in that section should be placed.

Section 141.61(f)(1) of the Customs Regulations presently requires that for each invoice of dutiable, taxable, or conditionally free merchandise covered by an entry, there shall be placed, "in a conspicuous place among the entry data relating to such invoice," certain specified summary information from each of the invoices which, with appropriate summary deductions, will show a final amount representing the aggregate entered values of all of the merchandise on each invoice covered by the entry. To avoid confusion it is deemed desirable to amend § 141.61(f)(1) to specify where on the entry forms this summary information should be placed.

Accordingly, it is proposed to amend § 141.61(f)(1) of the Customs Regulations (19 CFR 141.61(f)(1)) to read as follows:

141.61 Completion of entry papers.

* * * * *

(f) *Value of each invoice*—(1) *Dutiable, taxable, or conditionally free merchandise.* For each invoice of dutiable, taxable, or conditionally free merchandise covered by the entry, there shall be shown among the entry data relating to such invoice the gross amount of such invoice, the deduction of the aggregate amount of any nondutiable charges included in such amount, the further deduction of the aggregate of any deductions from invoice values to make entered values, and the addition of the aggregate of any dutiable charges not included in the gross amount of the invoice and of any other additions to invoice values to make entered values, so that the final amount in the summary computation represents the aggregate of the entered values of all the merchandise on each invoice covered by the entry. All of the foregoing information should be placed in the lower part of column (2) (across columns (2a) and (2b)) on Customs Forms 7501 and 7502, and in the same location on any other entry forms on which such information is required to be shown pursuant to this paragraph.

* * * * *

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received on or before October 4, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

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

Approved: August 21, 1974.
DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-20383 Filed 9-3-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 72]

DISCHARGE OF WASTES FROM RAILROAD CONVEYANCES

Proposed Controls and Extension of Compliance Time

In the FEDERAL REGISTER of October 15, 1970 (35 FR 16179), the Commissioner of Food and Drugs proposed that the Public Health Service Interstate Quarantine Regulations (42 CFR, Part 72) be amended by revising § 72.154 to prohibit enroute discharge of human wastes, garbage, etc., from new railroad conveyances except at servicing areas approved by the Commissioner. With regard to nonnew conveyances, the proposal provided that effective means of preventing contamination, such as the locking of toilets, must be employed when conveyances, occupied or open to occupancy by travelers, are at a station.

A final order was published in the FEDERAL REGISTER of June 8, 1971 (36 FR 11025). In response to the comments received, the final order was expanded to include retrofitting of existing conveyances and to allow for an extension of time for full compliance in cases of demonstrated need. The retrofitting process was to have been completed by industry by December 31, 1974, with provisions to extend the deadline to December 31, 1977, if justified, but in no case beyond that date.

The provisions in the current regulation allowing for the possibility of an extension of compliance time past December 31, 1974, but in no case beyond December 31, 1977, were included principally upon the recommendation of both the Department of Transportation's Federal Railroad Administration and the House of Representatives' Conservation and Natural Resources Subcommittee (Committee on Government Operations).

Seven individual railroads have filed petitions requesting the Commissioner to grant extensions of compliance time to December 31, 1977. A petition has also been filed by the Association of American Railroads requesting that the entire railroad industry be granted an extension of compliance time for retrofitting of existing conveyances to December 31, 1977. Copies of these petitions are on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The Association of American Railroads contends that since the regulation has been in effect the railroads have made sincere efforts to retrofit their existing equipment with the necessary toilet facilities, but that these efforts have been hampered by technical, operational, and financial difficulties. The Association stated in its petition that, in response to a recent questionnaire, 47 major United States railroad systems indicated the following: (1) 2,496 new units of equipment, equipped with toilet facilities complying with the regulation were placed in service after July 1, 1972; (2) 4,597 units of equipment have been retrofitted to date to conform to the regulation; and (3) 24,100 units of equipment remain to be retrofitted by those railroads.

The Association of American Railroads believes that under present conditions it is an impossible task for those railroads to complete the job by December 31, 1974. It is felt, however, that it is reasonable to require that the entire railroad industry complete their retrofitting programs by December 31, 1977.

Since an overwhelming majority of the railroads will not meet the compliance deadline date of December 31, 1974, the Commissioner concludes that the regulation should be amended to set a new final compliance date for the entire railroad industry.

Because of the large number of nonnew conveyances to be retrofitted and the total costs involved (estimated at $45,000,000), the Commissioner is proposing a new compliance date of December 31, 1977. However, provisions will not

be included in the amended regulation to allow for any extension past December 31, 1977. Further, the proposed amendment would require that each railroad submit systematic documentation to the Food and Drug Administration regarding their progress towards compliance with the regulation. Additionally, the Commissioner is proposing a minimum compliance schedule for inclusion in the regulation. Railroads which have already exceeded this schedule will be expected during each succeeding year to progressively move towards complete compliance.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 361, 58 Stat. 703 (42 U.S.C. 264)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 72.154 be amended by revising paragraphs (b) and (d) and by adding new paragraphs (e) and (f) to read as follows:

§ 72.154 Railroad conveyances; discharge of wastes.

* * * * *

(b) *Nonnew railroad conveyances.* Human wastes, garbage, waste water, or other polluting materials shall not be discharged from any railroad conveyance after December 31, 1977, except at servicing areas approved by the Commissioner of Food and Drugs. In lieu of retention pending discharge at approved servicing areas, human wastes, garbage, waste water, or other polluting materials that have been suitably treated to prevent the spread of communicable diseases may be discharged from such conveyances, except at stations. The term "waste water or other polluting materials" does not include drainage of drinking water taps or lavatory facilities.

* * * * *

(d) *Submission of annual report.* Each railroad company shall submit to the Food and Drug Administration, beginning December 31, 1974, an annual report of accomplishments made toward compliance with this regulation. Annual reports shall be submitted until a report showing 100 percent compliance is submitted. No railroad company shall have less than 10 percent of the nonnew conveyances in operation in compliance by December 31, 1974, no less than 40 percent by December 31, 1975, and no less than 70 percent by December 31, 1976. All conveyances in operation after December 31, 1977, shall be in compliance with this section.

(e) *Requirements of annual report.* Annual reports, due on December 31 of each year, shall contain at least the following information:

(1) Company name and address.

(2) Name, title, and address of the company's chief operating official.

(3) Name, title, address, and telephone number of the person designated by the company to be directly responsible for compliance with this section.

(4) A statement that all new railroad conveyances placed into service after July 1, 1972, meet the requirements of this section.

(5) A complete, factual narrative statement explaining why retrofitting of noncomplying nonnew conveyances is incomplete.

(6) A statement of the percentage figure of conveyances retrofitted with waste discharge facilities in compliance with this section as of the reporting date and the percentage figure expected to be completed by December 31 of the following year.

(7) A tabular report with the following vertical columns: Equipment type, e.g., locomotive, caboose, passenger, and any others having toilets; number of toilets per conveyance; number of each equipment type in operation; and number of each to be retrofitted by December 31 of each year until 100 percent compliance with this section is achieved.

(f) *Requests for approval.* Requests for approval of servicing areas under the provisions of this section should be addressed to the Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Interested persons may, on or before October 4, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 28, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–20448 Filed 9–3–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 19995]

PROGRAM EXCLUSIVITY PROTECTION BY CABLE TELEVISION SYSTEMS

Order Extending Time for Filing Reply Comments

In the matter of amendment of subpart F of Part 76 of the Commission's rules and regulations with respect to network program exclusivity protection by Cable Television Systems.

1. On April 9, 1974, the Commission released its notice of inquiry and proposed rule making in Docket 19995. The time for filing comments in this proceeding was extended, by Order released July 11, 1974, to July 30, 1974, and the time for filing reply comments was extended to August 27, 1974 (39 FR 26429).

2. On August 19, 1974, the National Association of Broadcasters (NAB) filed a petition seeking an extension of time for filing reply comments in Docket 19995 to October 28, 1974. In its petition NAB argues that the 28 day period allotted by the Commission for filing replies is too brief to permit a proper analysis of the more than 200 comments filed in this proceeding and does not take into account several factors which would make adherence to the current deadline extremely difficult.

3. Under the existing circumstances we find that a reasonable extension of time is warranted. We note that comments in several other rule making proceedings will be due shortly. More importantly, however, we think it desirable to allow sufficient time for all parties to prepare comprehensive, substantive replies which will reach the heart of the issues raised in this proceeding. As we stated in our original notice of this proceeding, we expect that any general claims of harm made by commenting parties will be supported by specific data. So too do we expect that reply comments will be substantive in nature and not merely a rhetorical exercise on the part of advocates for a particular point of view. An extension of time will hopefully be in furtherance of that expectation.

4. In view of the foregoing we find that the public interest would be served by a partial grant of the petition filed by the National Association of Broadcasters. We, therefore, will grant an extension of 35 days for interested parties to file reply comments.

Accordingly, it is ordered, That the time for filing reply comments in Docket 19995 is extended to and including October 1, 1974.

This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated by § 0.289(c)(4) of the Commission's rules.

Adopted: August 23, 1974.

Released: August 27, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.74–20339 Filed 9–3–74;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 531]

[Docket No. 73–40]

FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE COMMERCE OF THE UNITED STATES

Enlargement of Time to Answer

Upon request of interested parties, and good cause appearing, time within which answers to Hearing Counsel's reply may be submitted in this proceeding is enlarged to and including September 9, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74–20391 Filed 9–3–74;8:45 am]

POSTAL SERVICE

[39 CFR Parts 123, 124]

NONMAILABLE WRITINGS AND ARTICLES

Proposed Revision; Delayed Effective Date

By a notice of proposed rulemaking published June 5, 1974 (39 FR 19958) the Postal Service announced that it was

considering a revision of 39 CFR Parts 123 and 124, which deal with matter the mailability of which is prohibited or conditioned by law. Comments were invited on the proposed revisions up to June 20, 1974, with a proposed effective date of July 1, 1974.

At the request of parties preparing comments, the comment period was extended to August 15, 1974, and the proposed effective date was changed to September 1, 1974. 39 FR 24244.

Because of the number and character of the comments received it is clear that the final regulations will not be ready for publication on September 1, 1974. Accordingly, the proposed September 1, 1974 effective date of the final regulations is cancelled. Notice and description of the changes in the regulations in light of the comments received, and the new effective date, will be published at a later time in the FEDERAL REGISTER in accordance with the incorporation by reference procedure of 39 CFR 111.3.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74-20314 Filed 9-3-74;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 529]

PATIENT WORKERS IN HOSPITALS AND INSTITUTIONS

Proposed Employment at Subminimum Wages

Pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended (29 U.S.C. 214)), Reorganization Plan No. 6 of 1950 (3 CFR 1945–53 Comp., p. 1004), and Secretary Orders 13–71 and 15–71 (36 FR 8755 and 8756), I hereby propose 29 CFR Part 529 as set out below. The purpose of this proposal is to provide a regulation governing the employment at subminimum wages under the Fair Labor Standards Act of patients, whose earning or productive capacity is impaired, in hospitals and institutions primarily engaged in the residential care of the sick, the aged, or the mentally ill or defective.

Interested parties may present written data, views, and argument in quadruplicate to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 on or before October 4, 1974. Such submission may bear on both the substance and details of the proposed regulations, Part 529. Upon consideration of such submissions, any changes as are appropriate, will be made in this part and published in the FEDERAL REGISTER.

Part 529 would read as follows:

PART 529—EMPLOYMENT OF PATIENT WORKERS IN HOSPITALS AND INSTITUTIONS AT SUBMINIMUM WAGES

Sec.

AUTHORITY: Sec. 14, 52 Stat. 1068, as amended (29 U.S.C. 214, unless otherwise noted).

§ 529.1 Statutory language and scope of regulations.

(a) The Fair Labor Standards Act as amended, among other things, makes provision for the employment of handicapped persons at subminimum wages under certificate. This provision is now designated as section 14(c) of the Act. It reads as follows:

(c)(1) Except as otherwise provided in paragraphs (2) and (3) of this subsection, the Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment under special certificates of individuals (including individuals employed in agriculture) whose earning or productive capacity is impaired by age or physical or mental deficiency or injury at wages which are lower than the minimum wage applicable under section 6 of this Act but not less than 50 per centum of such wage and which are commensurate with those paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality, and quantity of work.

(2) The Secretary, pursuant to such regulations as he shall prescribe and upon certification of the State agency administering or supervising the administration of vocational rehabilitation services, may issue special certificates for the employment of—

(A) handicapped workers engaged in work which is incidental to training or evaluation programs, and

(B) multihandicapped individuals and other individuals whose earning capacity is so severely impaired that they are unable to engage in competitive employment, at wages which are less than those required by this subsection and which are related to the worker's productivity.

(3)(A) The Secretary may by regulation or order provide for the employment of handicapped clients in work activities centers under special certificates at wages which are less than the minimum applicable under section 6 of this Act or prescribed by paragraph (1) of this subsection and which constitute equitable compensation for such clients in work activities centers.

(B) For purposes of this section, the term "work activities centers" shall mean centers planned and designed exclusively to provide therapeutic activities for handicapped clients whose physical or mental impairment is so severe as to make their productive capacity inconsequential.

(b) Authority to promulgate the regulations and issue the certificates referred to in section 14(c) has been delegated by the Secretary to the Administrator of the Wage and Hour Division (Secretary's Orders 13–71 and 15–71 (36 FR 8755 and 8756)).

(c) The regulations in Part 529 govern certificates authorizing special minimum wages for patient workers in hospitals and institutions for the sick, the aged, and the mentally ill or defective with the following exceptions which are governed by Parts 524 and 525 of this chapter, as appropriate:

(1) Patients of hospitals or institutions working for employers other than the hospital or institution.

(2) Patients working in sheltered workshops, including work activities centers, as defined in Part 525, operated by the hospital or institution.

§ 529.2 Definitions.

(a) "Administrator" means the Administrator of the Wage and Hour Division, U.S. Department of Labor, or the Administrator's authorized representative.

(b) "Patient worker" means a sick, aged or mentally ill or defective individual who resides in a hospital or institution and has an employment relationship with such establishment, other than in a sheltered workshop program.

(c) "Hospital or institution," hereinafter referred to as "institution," is a public or private, nonprofit or profit facility primarily engaged in (i.e., more than 50 percent of the income is attributable to) providing residential care for the sick, the aged, or the mentally ill or defective, including but not limited to nursing homes, rest homes, convalescent homes, homes for the elderly and infirm, half-way houses, residential centers for drug addicts or alcoholics, and the like, whether licensed or not licensed.

(d) "Employment relationship" generally arises whenever a patient performs work of any consequential economic benefit to the institution. A patient does not, however, become an employee if he merely performs personal housekeeping chores such as maintaining his own quarters. Determination of an employment relationship does not depend on the level of performance of the patient, the replacement or nonreplacement of a nonhandicapped worker, or the impairment or nonimpairment of the employment opportunities of a nonhandicapped worker. The total facts surrounding a given situation determine whether the test is satisfied.

(e) "Evaluation and training" means a program, authorized pursuant to section 14(c)(2)(A) of the Act, which provides competent instruction and supervision and is designed to determine a working patient's potential and to teach adjustment to a work environment or the skills related to one or more types of work. The duration of the evaluation and training depends on the total facts of the situation, but in no case shall exceed 12 months. Time spent in an employment relationship in the institution prior to the effective date of these regulations shall be counted in determining the duration a patient worker is in evaluation and training. (Any workweek dur-

ing which there was regular and recurrent engagement in work, even though small in amount, which gave rise to an employemnt relationship, shall be considered as a week spent in evaluation and training.)

(f) "Group minimum wage" means the minimum wage authorized pursuant to section 14(c)(1) of the Act which shall apply to all patient workers who have completed the evaluation and training program, if one has been authorized for the institution under this part (where no such program has been authorized, the group minimum wage applies immediately upon a patient's entering into an employment relationship with the institution), except for patient workers who are: Entitled to a commensurate wage higher than the group minimum wage; subject to an individual exception; or subject to a work activities center certificate, as defined in this part.

(g) "Individual exception" means authorization, pursuant to section 14(c)(2)(B) of the Act, to pay a particular patient worker whose earning or productive capacity is severely impaired less than the group minimum wage.

(h) "Work activities center" is an administrative classification given to a facility which has an approved program (other than a work activities center program as defined in Part 525), authorized pursuant to section 14(c)(3) of the Act, which is planned and designed exclusively to provide work activities for patients whose physical or mental impairment is so severe as to render their productive capacity inconsequential. The work activities shall be part of a recorded plan of therapy for such patients. Such activities need not, however, be restricted to a particular physical or program area of the institution, nor to a particular type of work. No program shall qualify for a work activities center certificate under this part unless the Administrator has first determined that the productive capacity of each individual in the program is so severely impaired as to make that person incapable of earning as commensurate pay at least 25 percent of the minimum wage under section 6 of the Act, and that the patient workers are participating in the program as a part of planned therapy. In making this determination, the Administrator may rely on representations made by a recognized voluntary monitoring agency or its duly designated representative, or by a member of the Advisory Committee on Sheltered Workshops.

(i) "Commensurate pay" (the term used in these regulations) is intended to have the same meaning as "equitable compensation" and "wages related to the worker's productivity," which terms are used in the statute, and means wages which are commensurate with those paid nonhandicapped workers in the institution or in industry in the vicinity for essentially the same type, quality, and quantity of work. So for example, the commensurate pay of a patient worker who is 75 percent as productive, considering quality and quantity, as the average nonhandicapped worker performing essentially similar work in the institution would be at least 75 percent of the wage paid to such nonhandicapped worker.

(j) "Voluntary monitoring agency" means a nonprofit, nongovernmental organization which has demonstrated an interest in the beneficial resolution of the problems of the sick, the aged, or the mentally ill or defective, and which has been so designated by the Administrator.

(k) "State agency" means the agency within the State which administers or supervises the administration of vocational rehabilitation services in any State of the United States, the District of Columbia, or any territory or possession of the United States.

(l) "The Act" means the Fair Labor Standards Act of 1938, as amended.

§ 529.3 Advisory Committee on Sheltered Workshops.

(a) The Advisory Committee on Sheltered Workshops, appointed periodically by the Secretary of Labor, shall advise and make recommendations to the Administrator concerning the administration and enforcement of this part and the need for amendments thereto and for such other purposes as may be desired by the Administrator.

(b) The Administrator may consult with the Advisory Committee on Sheltered Workshops prior to any action taken under this part and may afford the Committee 15 days, or such additional time as may be allowed, to present its views. The Administrator may also afford the Committee an opportunity to present its views in connection with any petition for review filed, any hearing held, and any petition for amendment of these regulations, or any proposed legislation by the Secretary of Labor pertaining to the problems dealt with in these regulations.

§ 529.4 Wage payments.

(a) A patient worker whose earning or productive capacity is not impaired shall be paid at least the statutory minimum wage. A patient worker whose earning or productive capacity is impaired to the extent that the individual is unable to earn at least the statutory minimum wage may be paid a subminimum wage but only after a certificate authorizing payment of such lower wage has been obtained from the Wage and Hour Division.

(b) Four types of certificates authorizing subminimum wages are available for patient workers in institutions: Evaluation and training, group minimum wage, individual exception, and work activities center. All but the individual exception are group certificates. Under a group certificate, the program is certificated and not the individual patient worker. In the case of the individual exception, authority to pay a subminimum wage must be obtained for each individual.

(c) Evaluation and training: Patient workers subject to an evaluation and training certificate shall receive at least commensurate pay; no minimum wage guarantee is required unless the Administrator, acting on his or her own initiative, or upon an adequately supported recommendation of a voluntary monitoring agency, shall determine it is in the best interest of the patient workers that a minimum wage guarantee be set.

(d) Group minimum wage: Patient workers subject to a group minimum wage certificate shall receive at least the minimum wage authorized in the certificate or commensurate pay, whichever is higher. The group minimum wage shall not be less, and may be more, than 50 percent of the minimum wage under section 6 of the Act.

(e) Individual exception: A patient worker subject to an individual exception shall receive not less than the minimum wage authorized in the individual exception certificate issued for that patient worker or commensurate pay, whichever is higher. An individual exception shall not be less, and may be more, than 25 percent of the minimum wage under section 6 of the Act.

(f) Work activities center: Patient workers subject to a work activities center certificate shall receive at least commensurate pay; no minimum wage guarantee is required unless the Administrator, acting upon his or her own initiative, or upon an adequately supported recommendation of a voluntary monitoring agency, shall determine it is in the best interest of the patient workers that a minimum wage guarantee be set.

(g) Compensable time for a patient worker starts when the individual begins to perform work involving an employment relationship.

(h) Each patient worker's work performance shall be reviewed by the institution at least every 3 months during the first year in an employment relationship, and at least every 6 months thereafter and his or her wages adjusted accordingly. The review shall relate the patient worker's quantity and quality of performance to that of nonhandicapped workers receiving the prevailing wage in the institution for similar work or work requiring similar skills. If similar work or work requiring similar skills is not performed by nonhandicapped workers in the institution, the prevailing wage paid nonhandicapped workers in the vicinity in industry maintaining acceptable labor standards shall be used.

§ 529.5 Deductions for services.

No part of the minimum wage and overtime earned by a patient worker can be deducted for the cost of room, board or services. The patient worker must receive his wages free and clear, except for legal payroll deductions. The institution may, thereafter, assess or collect the reasonable cost of room, board and other services actually provided to a patient worker to the extent authorized by State law and on the same basis as it assesses and collects from nonworking patients.

§ 529.6 Application for certificates.

(a) Application for a certificate for an evaluation and training program, a

group minimum wage, an individual exception, or a work activities center may be filed by any institution with the Regional Office or Caribbean Director of the administrative region or area of the Wage and Hour Division, U.S. Department of Labor, in which the institution is located. Application forms may be obtained from the appropriate Office.

(b) An application for an evaluation and training certificate and for an individual exception certificate for payment of a wage below 50 percent of the minimum wage under section 6 of the Act shall also be filed with the State agency. Before the Wage and Hour Division can act on such an application, the State agency must certify that the evaluation and training program meets the standards defined in § 529.2 or, in the case of an individual exception, that the individual's earning capacity is so severely impaired that he or she is unable to earn at least 50 percent of the minimum wage under section 6 of the Act.

(c) An institution initially applying for a certificate, other than an individual exception certificate, which does not have the information called for in the application, may be issued a temporary certificate if it meets the requirements of, and provides assurance of compliance with, this Part.

(d) Application for an individual exception certificate may be filed at the time of applying for a group minimum wage certificate or during the life of the certificate. The application must show, among other things, that the patient worker is unable to earn the minimum wage authorized in the group minimum wage certificate.

(e) An application for an individual exception filed before the patient worker has completed evaluation and training shall be considered timely. In such case, if action on the application is not completed before the expiration of the evaluation and training period, the minimum wage requested in the application by the institution (not less than 25 percent of the minimum wage) shall be the interim minimum wage.

§ 529.7 Criteria for consideration in issuance of certificates.

The following criteria will be considered by the Administrator in determining the necessity of issuing a certificate or certificates and the conditions to be specified therein:

(a) The present and previous earnings of the patient workers.

(b) Whether the patient workers are receiving commensurate pay.

(a) The nature and extent of the disabilities of the patient workers and the degree to which these factors affect earning or productive capacity of the patient workers.

(d) Whether the conditions required for certification under this part have been met.

(e) Whether the certification by the State agency and the representations by a voluntary monitoring agency, as applicable, have been made in accordance with this part.

§ 529.8 Issuance of certificates.

(a) Upon consideration of criteria specified in § 529.7, the Administrator may issue a certificate or certificates, as appropriate.

(b) If a certificate is issued, a copy shall be sent to the institution. If denied, the institution shall be notified in writing of the denial and the reasons therefor.

(c) A group minimum wage certificate may be issued for the entire institution or a department or departments of the institution.

§ 529.9 Terms and conditions of certificates.

(a) A certificate shall specify the terms and conditions under which it is granted.

(b) A certificate shall apply to every patient worker in the program for which the certificate is granted.

(c) A certificate shall be effective for a period to be designated by the Administrator, generally for a period of 1 year. Patient workers may be paid wages lower than the statutory minimum only during the effective period of a certificate.

(d) A group minimum wage certificate shall set a special minimum wage of not less than 50 percent of the minimum wage under section 6 of the Act. An individual exception certificate shall set a special minimum wage not less than 25 percent of the minimum wage under section 6 of the Act.

(e) An evaluation and training certificate and a work activities center certificate need not set a special minimum wage other than that required by paragraph (f) of this section or provided for by § 529.4.

(f) All patient workers subject to a certificate shall be paid wages commensurate with those paid nonhandicapped workers in the institution in which they are patients or in the vicinity in industry maintaining acceptable labor standards for essentially the same type, quality, and quantity of work, but not less than the certificate rate applicable if such a rate has been authorized.

(g) Patient workers shall be paid not less than one and one half times the regular rate for all hours worked in excess of the maximum workweek applicable under section 7 of the Act.

(h) No patient worker shall be newly-employed under a certificate issued under these regulations while abnormal labor conditions, such as a strike, a lock-out, or other similar condition, exist in the institution.

(i) Each patient worker and his parent or guardian shall be informed promptly and in writing of the minimum wage applicable to him and of the terms of the certificate. Such information may be provided to the patient worker by notice in the individual's pay envelope, or other suitable method.

(j) The terms of any certificate may be amended for cause, upon request of the institution, or a patient worker or his parent or guardian, or upon the initiative of the Administrator.

§ 529.10 Renewal of certificates.

(a) Application may be filed for renewal of any certificate.

(b) If an application for renewal has been properly and timely filed prior to the expiration date of a certificate, the certificate shall remain in effect until the application for renewal has been granted or denied.

(c) Patient workers may be paid wages less than the statutory minimum after notice that the application for renewal has been denied, if review of such denial is requested in accordance with § 529.13: *Provided, however,* That if the denial is affirmed on review, the institution shall reimburse any person covered by the certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of denial.

§ 529.11 Records to be kept.

Every institution shall maintain and have available for inspection by the Administrator records of:

(a) Disability, which show the nature of each patient worker's disability.

(b) Productivity, which show the productivity of each patient worker on a continuing basis or at periodic intervals as defined in § 529.4(h).

(c) Prevailing wage, which show the prevailing wages paid nonhandicapped workers in the institution or in industry in the vicinity for essentially similar work to that performed by the patient workers.

(d) When an evaluaton and training program is authorized by certificate, records showing which patient workers are in the evaluation and training program, and the total period of time each worker has been in such a category.

(e) When an institution holds both a work activities center certificate and a group minimum wage certificate, records showing which patient workers are under each certificate.

(f) Records showing the patient workers for whom individual exceptions have been authorized.

(g) In addition, the records required under all the applicable provisions of Part 516 of this chapter.

(h) Every institution having patient workers who are entitled to benefits under the Act shall at all times display a poster, as prescribed by the Administrator, in a conspicuous place in the institution where it may be observed readily by the patient workers and other workers in the institution.

(i) Records required by this section shall be kept for the periods specified in Part 516 of this chapter.

§ 529.12 Cancellation of a certificate.

(a) The Administrator may cancel any certificate for cause. A certificate may be canceled (1) as of the date of issuance, if it is found that fraud has been utilized in obtaining the certificate or in permitting a patient worker to be employed thereunder; (2) as of the date of violation, if it is found that any of the provisions of the Act or of the terms of the

certificate have been violated; or (3) as of the date of notice of cancellation, if it is found that the certificate is no longer necessary in order to prevent curtailment of opportunities for employment, or that the requirements of this part have not been complied with.

(b) If a petition for review is filed under § 529.13, the effective date of the cancellation shall be postponed until action is taken thereon: *Provided, however,* That if the cancellation order is affirmed on review, the institution shall reimburse any person covered by the certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of cancellation.

(c) Except in cases of willfulness or those in which the public interest requires otherwise, before any certificate shall be canceled, facts or conduct which may warrant such action shall be called to the attention of the institution in writing and it shall be afforded an opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 529.13 Review.

Any person aggrieved by any action of an authorized representative of the Administrator taken pursuant to this part may, within 60 days or such additional time as the Administrator may allow, file with the Administrator a petition for review. Such review, if granted shall be made either by the Administrator or by an authorized representative who took no part in the action under review, who may, to the extent it is deemed appropriate, afford other interested persons an opportunity to present data and views.

§ 529.14 Submission of information, investigations, and hearings.

The Administrator may require at any time the submission of such information, other than that specified elsewhere in this part, as is deemed appropriate, or may conduct an investigation, which may include a hearing, prior to taking any action pursuant to this part. To the extent it is deemed appropriate, the Administrator may provide an opportunity to other interested persons to present data and views.

§ 529.15 Relation to other laws.

Nothing contained in this part shall be construed as authorizing any act that is contrary to any Federal or State law or municipal ordinance.

§ 529.16 Issuance of certificates for experimental purposes.

In addition to the issuance of certificates as provided in §§ 529.1 to 529.15, the Administrator may authorize the issuance of certificates to permit employment of patient workers in institutions at less than the applicable minimum wage under section 6 of the Act as part of experimental programs to increase employment opportunities for such persons. Such certificates shall be issued in such types of cases and on such terms and conditions within the scope of section 14 of the Act as the Administrator shall determine will best further any such experimental programs.

§ 529.17 Amendment of this part.

The Administrator may at any time upon his or her own motion or upon written request of any interested person setting forth reasonable ground therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

Signed at Washington, D.C. this 21st day of August 1974.

BETTY SOUTHARD MURPHY,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.74-20356 Filed 9-3-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[CM–160]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Notice of Meeting

A meeting of the Secretary of State's Advisory Committee on Private International Law will be held at 10:00 a.m. on Friday, September 27, 1974, in room 5519 of the Department of State. The Committee meeting will be open to the public.

The principal topics of the meeting will be questions relating to recognition and enforcement of foreign judgments, recognition abroad of decisions regarding marriages, and conflict of laws in matrimonial property matters.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to September 27, 1974, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632–2107. All non-government attendees at the meeting should use the C Street entrance to the building.

Dated: August 26, 1974.

ROBERT E. DALTON,
Executive Director.

[FR Doc.74–20382 Filed 9–3–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

LAND RECORDS

Turtle Mountain Reservation; Turtle Mountain Public Domain Allotments; and Other Off-Reservation Lands

AUGUST 19, 1974.

This notice is published in accordance with 25 CFR 120 and in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by section 13(ff) of Secretarial Order 2508 (Amendment 49 published at 26 FR 11395).

Effective July 1, 1974, all source title documents and land records pertaining to trust or restricted Indian-owned lands on the Turtle Mountain Reservation in the State of North Dakota, and to Turtle Mountain public domain allotments in the States of North and South Dakota, are transferred from the Billings Title Plant to the Aberdeen Title Plant, Bureau of Indian Affairs, 115 4th Avenue, S.E., Aberdeen, South Dakota 57401.

The Aberdeen Title Plant has taken official custody of and is the office of record for the recording and maintenance of the aforementioned data and all records pertaining to other off-reservation lands in the States of North and South Dakota administered through the Turtle Mountain, Fort Berthold, Cheyenne River, and Fort Peck Agencies.

The Billings Title Plant, Bureau of Indian Affairs, Federal Building, 316 North 26th Street, Billings, Montana 59101, will retain official custody of all land records and source title documents pertaining to Indian-owned trust or restricted land included within the Turtle Mountain public domain allotments in the State of Montana administered through the Fort Balknap, Fort Peck, and Northern Cheyenne Agencies. Said title plant remains the office of record for the recording and maintenance of these land records.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74–20381 Filed 9–3–74;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

APPLICANT

Dr. Leslie W. Knapp
Oceanographic Sorting Center
Smithsonian Institution
Washington, D.C. 20560

Application to the Director, Bureau of Sport Fisheries and Wildlife (Fish and Wildlife Service), for a permit to conduct a survey of the Maryland darter population (*Etheostona sellar*) under Title 50, Chapter 1, Subchapter B, Part 13 of the Code of Federal Regulations, effective January 4, 1974.

1. Applicant:
Dr. Leslie Knapp
Oceanographic Sorting Center
Smithsonian Institution
Washington, D.C. 20560
phone: 202–381–5642.

2. Description of applicant:
a. date of birth: 17 November 1929
b. height: 5 feet 11 inches
c. weight: 170 pounds
d. color of hair: brown
e. color of eyes: brown
f. sex: male
g. Institutional affiliation: Smithsonian Institution, Washington, D.C. 20560

3. Principal supervisor:
Mr. Lynn Greenwalt
Director, U.S. Fish and Wildlife Service
Department of the Interior
Washington, D.C. 20240
phone: 202–343–4717

4. Location of activity:
Deer Creek, Susquehanna River and other likely tributaries in Harford and Cecil counties.

5. This permit is requested under Part 17, section 23 of subchapter B.

The new Stewartstown, Pennsylvania sewage treatment plant has proposed the discharge of chlorine treated waste into Deer Creek. An Environmental Protection Agency discharge permit is now under consideration. This Creek is the principle habitat of the Maryland darter (*Etheostoma sellare*) which appears on the U.S. List of Endangered Fauna. Seventy-six out of the 80 Maryland darters that have ever been identified have come from Deer Creek. This Creek may hold the only existing population of the Maryland darter. Section 7 of the Endangered Species Act of 1973 (16 U.S.C. §§ 1531–1543) requires all Federal departments and agencies to take steps necessary to insure that actions authorized or funded by them do not jeopardize the continued existence of any endangered species. In order to accurately assess the threat posed to the Maryland darter it will be necessary to conduct a survey of the population in Deer Creek and also in the Susquehanna River, and other likely tributaries in Harford and Cecil Counties.

The survey will be a cooperative effort including people with the State, U.S. National Museum, Pennsylvania Cooperative Fisheries Unit, as well as the Fish and Wildlife Service.

Because of the urgent need for information, the survey must be completed within 4–6 weeks. To do the best job possible when conditions permit, we plan to have several teams in the field at one time, seining in different areas. The overall survey will be under the direction of Dr. Leslie Knapp of the U.S. Fish and Wildlife Service. Each team will be supervised by one of the following, at one time or another:

Dr. Leslie Knapp, U.S. Fish and Wildlife Service, Washington, D.C.
Mr. Paul Hooper, Supervisor, Fishery Services, U.S. Fish and Wildlife Service, Boston, Mass.
Mr. John Sheridan, Project Leader, Division of Fishery Services, U.S. Fish and Wildlife Service, Yorktown, Va.
Dr. Robert Butler, Leader, Pennsylvania Cooperative Fishery Unit, U.S. Fish and Wildlife Service, State College, Pa.
Dr. Dean Arnold, Assistant Leader of Pennsylvania, Cooperative Fishery Unit, U.S. Fish and Wildlife Service, State College, Pa.

The Maryland State leaders will be:

Mr. W. R. Carter III, Biologist III, channelization project leader, staff specialist for environmental impact.
Mr. Harley Spier, Biologist II—Assistant channelization project leader.
Mr. Dale Weinrich, Biologist II—Assistant channelization project leader.

These State personnel are employed by the Fisheries Administration, Department of Natural Resources, Annapolis, Maryland 21401.

Search for the darter will be with the means that is least harmful and still likely to produce results. At the present time, this is deemed to be the small one-eighth inch mesh seine worked carefully over the bottom where the darter is likely to occur. No specimens will be removed from the stream or killed. Any likely darters will be held in live cages for identification by Dr. Knapp and released into the exact location from which they were taken.

6. Certification:

I hereby certify that I have read and am familiar with the regulations contained in Title 50 Part 13, of the Code of Federal Regulations and the other applicable parts of Subchapter B of Chapter 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

7. Desired effective date and duration: The permit will become effective at the conclusion of the 30 day period following the appearance of the notice in the FEDERAL REGISTER and extend for a period of 6 weeks following the date the permit becomes effective.

8. Date: Aug. 20, 1974.

9. Signature of applicant:

DR. LESLIE KNAPP,
U.S. Fish and Wildlife Service, Washington, D.C. 20240.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received on or before October 4, 1974 will be considered.

Dated: August 28, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-20373 Filed 9-3-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 2]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1975)

The CCC Monthly Sales List for the fiscal year ending June 30, 1975 published in 39 FR 24684 is amended as follows:

1. A section 29 is inserted and reads as follows:

29. *Butter Unrestricted use sales.* Market price but not less than 9 cents per pound over CCC's purchase price at each location. Sales are made under Announcement MP-14. Sales are in carlots only instore at storage location of products.

Effective date: August 20, 1974. Signed at Washington, D.C. on August 26, 1974.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-20387 Filed 9-3-74;8:45 am]

Soil Conservation Service

PINEY CREEK WATERSHED

Authorization for Planning

This provides notice of authorization dated August 26, 1974, to the concerned state conservationist of the Soil Conservation Service to provide planning assistance to specified local organizations for the indicated watershed. The state conservationist may now proceed with investigations and surveys as necessary to develop a watershed work plan under authority of the Watershed Protection and Flood Prevention Act (Pub. L. 83-566), as amended. Environmental assessments will be made in accordance with the requirements of the National Environmental Policy Act (Public Law 91-190), concurrently with the preparation of the watershed work plan.

Persons interested in this project may contact the local organizations or the state conservationist as indicated below: West Virginia: Piney Creek Watershed, 87,810 acres, Raleigh County.

Sponsors. Southern Soil Conservation District and Raleigh County Court.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: August 26, 1974.

KENNETH E. GRANT,
Administrator, Soil Conservation Service.

[FR Doc.74-20374 Filed 9-3-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BAYLOR COLLEGE OF MED.

Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00349-33-46040. Applicant: Baylor College of Medicine, 1200 Houston, Texas 77025. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to examine biological material in a broad based study of normal and diseased mammalian myocardium. Studies of normal fine structure of mammalian fetal, neonatal and adult heart as well as continuing investigation of animal models for myocardial disease will be performed. Basic information about cell components, particularly the Z disc, the T system, the sarcoplasmic reticulum and the nucleus, is sought. The ultrastructural changes in ischemic, anoxic and hypertrophic myocardium will be compared using a single system of preparation, fixation and tissue sampling.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Numbers 74-00057-33-46040 and 73-00435-33-46040 which were denied without prejudice to resubmission on November 28, 1973 and June 29, 1973, respectively, for informational deficiencies. In reply to question 8 of this submission, the applicant alleged the foreign article provided the following pertinent features:

1. Flexibility, rugged, able to stand long use periods, and excellent service history;
2. The ability to use 70 millimeter film as well as standard slates;
3. Accelerating voltages with automatic correction of lens current;
4. Better illumination system;
5. Overall dimension 49 x 34 inches;
6. Shorter focal length of the objective lens providing 4 Angstroms resolution [Specifications submitted by the applicant guarantees 6 Angstroms point to point. The determination of scientific equivalency shall be based on a comparison of the guaranteed pertinent specification of the article with the similar guaranteed pertinent specifications of the most closely comparable domestic instrument according to § 701.11(a) of the regulations.];
7. Magnification range 1500 to 200,000 X with 200 X scanning magnification;
8. Wobbler focusing device;
9. Anticontamination device; and
10. Availability of a totally eucentric goniometer stage. The Department of Health, Education, and Welfare (HEW) reviewed this application and compared the alleged pertinent features of the article with those of the most closely comparable domestic electron microscope, the Model EMU-4C, formerly manufactured by the Forgflo Corporation and currently supplied by the Adam David Company. HEW advised in its memorandum dated May 24, 1974 that the Model EMU-4C guarantees 5 Angstroms resolution, which is equivalent to the foreign article; 400 X magnification for scanning [the EMU-4C's magnification range is 400 to 240,000 X]; a focusing device; and an anticontamination device. With respect to features (1) through (5), cited above by the applicant, HEW advises that these are convenience features, none of which consti-

tutes a "pertinent specification" within the meaning of § 701.2(n) of the regulations. HEW also advises that feature (10) is neither pertinent nor was it ordered with the article and, therefore, it cannot be considered in the determination of scientific equivalency according to §§ 701.2(d) and 701.6(a)(3) of the regulations.

Accordingly, we find that the Model EMU–4C is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–20324 Filed 9–3–74;8:45 am]

CALIFORNIA INSTITUTE OF TECHNOLOGY

Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00245–33–46040. Applicant: California Institute of Technology, 1201 E. California Blvd., Pasadena, California 91109. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in a series of investigations on cellular membranes wherein the membranes of normal cells and virally transformed or neoplastic cells will be compared utilizing both techniques that are already available and some presently under development.

Research on the organization of genetic material in various organisms will also be performed in which the basic experiments are to make a detailed investigation of the interrelationships of various cell types, the structure of their axon and dendrites, the arrangement, distribution and appearance of their synapses, both inhibitory and excitatory. Investigations of the mode of formation of intercellular contacts between hepatoma cells and studies on the structure of genetic materials will also be performed. The article will also be used in the following courses:

Bi 133—Biophysics of macromolecules laboratory—designed to provide intensive training in the techniques for the characterization of biological macromolecules.

Bi 136—Optical methods in biology laboratory—dealing with the practice of operation of various types of light and electron microscopes.

Comments: Comments have been received with respect to this application from the Adam David Company which alleges that its model EMU–4C is of equivalent scientific value to the foreign article.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 73–00564–33–46040 which was denied without prejudice to resubmission on September 14, 1973, for informational deficiencies. In the reply to Question 8 the applicant alleged that the foreign article provided the following pertinent characteristics:

1. Resolution 5Å guaranteed point-to-point.
2. Magnification range from 200 X to 200,000 X.
3. Electromagnetic compensator to allow connection of astigmatism.
4. Three objective apertures which can be used interchangeably.
5. Cameras which can all be used in sequence without breaking the vacuum.
6. An airlock in which specimen change takes approximately 8 seconds.
7. Simple to use because gun alignment requires 5 minutes; the combination of lens currents required for alignment is preprogrammed on 5 specific positions of a switch. No alignment of the condenser, intermediate or projector less is necessary.
8. A eucentric goniometer stage.
9. A standard device permitting precise tilting ±6°.

The Department of Health, Education, and Welfare (HEW) reviewed this application and found the instrument EMU–4C to be the most closely comparable domestic instrument.

HEW advises in its memorandum dated March 15, 1974, that the EMU–4C provides equal resolution and magnification range (pole-piece change is not necessary). The balance of the features alleged to be pertinent by the applicant are conveniences which according the § 701.2 (n) of the regulations are not considered pertinent characteristics of the article. Accordingly, HEW recommends that the application be denied since the research or teaching purposes intended do not establish a pertinent characteristic for the article that justifies duty-free entry. Therefore, we find that the EMU–4C is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–20325 Filed 9–3–74;8:45 am]

COLUMBIA UNIVERSITY

Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00368–33–46040. Applicant: Columbia University, 116th Street and Broadway, New York, N.Y. 10027. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used as a research tool in the following studies:

1. Origin and fate of synaptic vesicles,
2. Synaptic mechanisms in the vertebrate retina, and
3. Lysosomes in the adrenal medulla and in nervous tissue.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 74–00107–33–46040 which was denied without prejudice to resubmission on January 3, 1974 for informational deficiencies. In reply to Question 8 the applicant alleged the foreign article provided the following pertinent features:

1. The viewing screen and viewing system * * * provide an exceptionally clear image which makes for much convenience in visual selection of regions to be photographed.
2. A built-in anticontamination device.
3. A built-in wobbler focusing aid or device.
4. Simple routine maintenance.
5. Airlock at the specimen chamber level.
6. A goniometer (tilting) stage.
7. Good Service.

The Department of Health, Education, and Welfare (HEW) compared the alleged pertinent features of the article with those of the most closely comparable domestic electron microscope, the model EMU–4C, which is currently being supplied by Adam David Company. HEW advised in its memorandum dated June 7, 1974 that the description of the research and teaching does not establish a pertinent characteristic for the article that upholds duty-free entry. HEW also advised that: "Cost and cost related items are cited that are either not relevant or available with the EMU–4C, such

as anticontamination device, focussing aid, prealigned filament, specimen airlock, tilt stage and service considerations. Viewing convenience is obviously a convenience not relevant or pertinent [within the meaning of § 701.2(n) of the regulation]." HEW also cited as a precedent Docket Number 74–00245–33–46040, also denied by the Department which conforms in essential elements with this application.

For these reasons, we find that the Model EMU–4C is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–20326 Filed 9–3–74;8:45 am]

National Oceanic and Atmospheric Administration

BIRMINGHAM ZOO

Issuance of Permit for Marine Mammals

On May 20, 1974, Notice was published in the FEDERAL REGISTER (39 FR 17784), that an application had been filed with the National Marine Fisheries Service by the Birmingham Zoo, 2630 Cahaba Road, Birmingham, Alabama 35233, to take one (1) male and six (6) female California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that, on August 23, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for one(1) male and four (4) female California sea lions (*Zalophus californianus*) to Birmingham zoo, subject to certain conditions set forth therein. The permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: August 23, 1974.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.74–20345 Filed 9–3–74;8:45 am]

BLAIR IRVINE

Notice of Receipt of Application for a Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Mr. Blair Irvine, Department of Zoology, University of Florida, Gainesville, Florida 32611, to take, by netting for tagging and release, up to 250 Atlantic bottlenosed dolphins (*Tursiops truncatus*), and an unlimited and unidentified number of stranded cetaceans for the purpose of scientific research.

The applicant proposes to radio tag six of the animals by fitting a small transmitter on a collar around the dorsal fin and attached by a bolt through the dorsal fin and held there by a time release nut. The transmitter will have up to a 20 mile range and will be located by a specially built automatic direction finder, each time the dolphin surfaces to breathe. One-quarter inch holes are made in the dorsal fin with a sharp instrument after the fin has been anesthetized. The instrument is heated red hot prior to application, so that the wound is immediately cauterized. The applicant cites that the dorsal fin is poorly enervated and has a minimum supply of blood vessels.

Previous use of this technique is described as usually eliciting little or no response from the dolphin. The animals that are to be radio tagged will also be freeze branded as an aid to individual recognition. The brands will be applied with −70° branding irons so that the resultant highly visible white scar has little chance of becoming infected.

A second program of the proposed research is to tag up to 250 dolphins with numbered colored plastic discs which are visible from an appreciable distance. They are attached through the dorsal fin with the procedure described for radio tag installation. The Applicant will launch a publicity campaign seeking sighting reports from boaters, yacht clubs and public marinas so that over a period of time such reports will provide data on the movements, group composition and activity patterns of various inshore groups of dolphins. The Applicant proposes the use of a tagging device, the spaghetti tag, which can be delivered without restraining the animal. The spaghetti tags are one-eighth inch in diameter by 13 inches long color coded flexible plastic tubes. They are quickly attached just under the blubber with a lance at close range. The Applicant states that the insertion of the spaghetti tag is not traumatic to the dolphins, as freshly tagged animals have often continued to ride the bow wave immediately after a tag was implanted.

A third program of this proposal is to place either disc or spaghetti tags on those individual cetaceans, among a group of stranded animals, which are most likely to survive.

The most likely species to be involved are the Atlantic pilot whale (*Globicephala macrohynchus*) and the false killer whale (*Pseudorca crassidens*). The Applicant plans to arrive at such a stranding and in cooperation with those in charge, apply tags, and record measurements of potential survivors. This work is intended to supply detailed information on the survivability of stranded animals returned to sea.

The applicant plans to request the assistance of dolphin collectors by accompanying them for the purpose of tagging the animals they might cull from their capture effort. This combined effort approach is stated to be desirable because of its dual usage of an expensive capture expedition, the minimum handling of the animals and the ability of later capture efforts to recognize undesirable animals.

The animals to be tagged by the applicant will be captured by a seine net and then assisted into specially designed stretchers to be sexed, measured and tagged while alongside the capture vessel. Those animals to be radio tagged will be taken aboard ship and kept moist while the tags are installed. To minimize handling of young animals, those under five feet will only be freeze-branded on the dorsal fin.

Mr. Irvine or his designated qualified assistant will perform all tagging procedures.

The purpose of this research is to establish basic biological information on free roaming Atlantic bottlenosed dolphins. The ability to readily identify individual animals will allow an analysis of seasonal movements or migration, daily movements and activity patterns, and the relationship of feeding activity to concentrations of fish. The Applicant will also study the relationship of the animal's behavior to physical factors such as tides, storms and concentrations of marine organisms.

Documents submitted with this application are available in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202–343–9445 and the Office of the Regional Director, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, telephone 813–893–3141.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors. Interested parties may submit written views on or before October 4, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: August 22, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.74–20342 Filed 9–3–74;8:45 am]

MARINELAND OF FLORIDA

Issuance of Permit for Marine Mammals

On May 20, 1974, notice was published in the FEDERAL REGISTER (39 FR 17784)

that an application had been filed with the National Marine Fisheries Service, by Marineland of Florida, Route 2, Box 122, St. Augustine, Florida, to take two (2) Pacific pilot whales (*Globicephala*) for public display.

Notice is hereby given that, on August 20, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit to Marineland of Florida subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Offices of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702 and the Regional Director, National Marine Fisheries Service Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: August 20, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74–20346 Filed 9–3–74;8:45 am]

NORTHWEST FISHERIES CENTER

Notice of Receipt of Application for a Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Northwest Fisheries Center, National Marine Fisheries Service, Seattle, Washington 98112, to conduct scientific research on pinniped populations along the west coast of the United States.

The pinniped species involved in the research are:

Pacific harbor seal (*Phoca vitulina richardii*);

Northern elephant seal (*Mirounga angustirostris*);

Guadalupe fur seal (*Arctocephala townsendi*);

Hawaiian monk seal (*Monachus schauinslandi*);

California sea lion (*Zalophus californianus*);

Northern sea lion (*Eumetopias jubatus*).

The principal objectives of this research are to gather information on the population sizes, seasonal distribution and trends in abundance of pinniped species which inhabit coastal and offshore areas of the western United States and the Leeward Chain of the Hawaiian Islands. The proposed research will involve the following activities:

1. Up to 500 California sea lions (*Zalophus californianus*) and 500 Northern elephant seals (*Mirounga angustirostris*) will be experimentally tagged annually during FY 1975 and FY 1976. The primary means of tagging will be with a metal tag placed on one flipper. Other techniques, such as freeze-branding or laser branding may be used;

2. Aerial surveys and counts or estimates from the ground of pinniped populations on rookeries and hauling areas, and at sea, will be conducted in the areas of the Hawaiian Leeward Islands, the California Channel Islands, Ano Nuevo Island, the Farallon Islands, and the west coast of the United States and Mexico;

3. Assess the incidence and causes of premature birth among California sea lions during 1975. This will be conducted under contract, and a separate permit application has been submitted;

4. Annually, for a period of four years, take, by killing, up to 50 California sea lions, five (5) northern sea lions and five (5) Pacific harbor seals to obtain data of prey species, feeding habits and feeding areas;

5. Assess, primarily through interviews with commercial fishermen, the impact of California sea lions on commercial fishing operations;

6. Collect any and all dead pinnipeds of the above mentioned species which are found at sea or beached.

The proposed research is essential to the development of management and conservation programs which will allow effective protection of the pinniped species under consideration. Additionally the information obtained through the research will be of use in negotiations for instituting international conservation agreements.

The research will be conducted under the direction of Mr. Clifford Fiscus, Wildlife Biologist (Research), of the Marine Mammal Division, Northwest Fisheries Center, National Marine Fisheries Service.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, the Office of the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98109, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on the application on or before October 4, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: August 23, 1974.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.74–20343 Filed 9–3–74;8:45 am]

WILLIAM F. SCHEVILL

Notice of Receipt of Application for a Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Mr. William F. Schevill, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts 02543 to take up to 24 marine mammals by tagging for scientific research.

The Applicant proposes to mark up to 24 cetaceans of the following species: 1. *Lagenorhynchus acutus,* Atlantic white-sided dolphin; 2. *Lagenorhynchus albirostris,* white beaked dolphin; 3. *Stenella* sp.; 4. *Delphinus delphis,* common dolphin; 5. *Tursiops truncatus,* Atlantic bottlenosed dolphin; 6. *Globicephala macrorhyncha,* short-finned blackfish; 7. *Globicephala malaena,* common pilot whale; 8. *Grampus griseus,* Risso's dolphin; 9. *Orcinus orca,* killer whale; 10. *Pseudorca crassidens,* false killer whale; and 11. *Balaenoptera acutorostrata,* minke whale.

by applying a non-lead base paint from a pressurized container on a long pole with a trigger mechanism. The proposed research is to test the feasibility of paint tagging versus other tagging methods such as radio tags, spaghetti tags and the Discovery mark. The applicant states that this technique involves no restraint of the animals and causes no injury. The paint marked animals will be visible at a distance and dependent on its durability will allow data to be gathered on herd movements and composition which are important parameters in the analysis of the stocks of the various species.

Mr. Schevill has been studying the ecology and natural history of whales and dolphins for the last 25 years, many of the studies having been at-sea observations of the species mentioned above.

The tagging procedures will be conducted in the North Atlantic Ocean between Bermuda and Nova Scotia and possibly off the coast of California. The work is to be conducted in the period of one year.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235; the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Sec-

retary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of scientific Advisors.

Interested parties may submit written data or views on this data on or before October 4, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: August 23, 1974.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.74-20344 Filed 9-3-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

ASSISTANT SECRETARY FOR HEALTH ADMINISTRATOR, HEALTH SERVICES ADMINISTRATION

Delegation of Authority

Notice is hereby given that the following delegation and redelegation of authority, with authority for further redelegation, has been made under the Menominee Restoration Act of 1973 (Pub. L. 93-197).

1. Delegation from the Secretary to the Assistant Secretary for Health to perform all of the authorities vested in the Secretary of Health, Education, and Welfare, by the Menominee Restoration Act of 1973 (Pub. L. 93-197).

2. Redelegation from the Assistant Secretary for Health to the Administrator, Health Services Administration, to perform all of the authorities delegated to the Assistant Secretary for Health regarding the administration of the Menominee Restoration Act of 1973 (Pub. L. 93-197).

Dated: August 27, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management

[FR Doc.74-20328 Filed 9-3-74;8:45 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Notice of Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on September 6, 1974, in Washington, D.C.

The meeting will be held in Room 823 at the offices of the National Institute of Education, 1200 19th Street NW., Washington, D.C. 20208.

The National Council on Educational Research is established under section 405 (b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

The Chairman of the Council is Patrick Haggerty, Chairman of the Board, Texas Instruments, Incorporated, Dallas, Texas.

This meeting will be open to the public except for the closed session. The tentative agenda includes:

9:30 a.m.	Convene.
9:30 to 9:35	Minutes of July 12 meeting.
9:35 to 10	Director's Report.
10 to 11	NIE Studies of the Research and Development System.
11 to 4:30	Closed Session— NIE General Strategy for FY 1975 and FY 1976. FY 1975 Budget Alternatives. Education Voucher Program.

The public is invited to attend the open session. Written statements relevant to an agenda item may be submitted at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address below. Requests to address the Council meeting should be submitted in writing to the Chairman and the Executive Secretary in advance of the meeting. The Chairman will determine whether a presentation should be scheduled.

In order to verify the agenda, assure adequate seating arrangements, or to obtain summaries of this meeting and copies of any resolutions adopted by the Council at this meeting, interested persons are requested to contact Mrs. Caroline Phillips, Executive Secretary, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research, Office of Planning and Management, National Institute of Education, Washington, D.C. 20208, 202-254-7900.

THOMAS K. GLENNAN, Jr.,
Director.

[FR Doc.74-20628 Filed 9-3-74;12:10 p.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. D-74-289]

REGIONAL DIRECTORS OF FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Redelegation of Authority

Each Regional Director of the Federal Disaster Assistance Administration is authorized to exercise the power and authority of the Administrator with respect to Federal Disaster Assistance pursuant to section 1 of the Executive Order entitled, "Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974" signed July 11, 1974 (E.O. 11795, 39 FR 25939) except:

1. The authority to issue rules and regulations pursuant to the Disaster Relief Act of 1974, hereinafter referred to as "the Act" (88 Stat. 143 (42 U.S.C. 5121 * * * Note));

2. The authority to make grants to States for disaster preparedness plans pursuant to section 201 of the Act;

3. The authority to appoint a Federal Coordinating Officer pursuant to section 303 of the Act;

4. The authority to enter into agreements with the American National Red Cross, The Salvation Army, the Mennonite Disaster Service and other relief or disaster assistance organizations pursuant to section 312(b) of the Act;

5. The authority to determine that a State plan of self-insurance is satisfactory pursuant to section 314 of the Act;

6. The authority to sell or otherwise make available temporary housing units directly to States, other governmental entities and voluntary organizations pursuant to section 404(d)(2) of the Act;

7. The authority to approve a community disaster loan pursuant to section 414 of the Act;

8. The authority to provide assistance for the suppression of fires pursuant to section 417 of the Act;

9. All those authorities which are reserved to or require the approval of the Administrator in the regulations of the Federal Disaster Assistance Administration.

(Disaster Relief Act of 1974, 88 Stat. 143, 42 U.S.C. 5121 * * * Note; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)); E.O. 11795, signed July 11, 1974, 39 FR 25939.)

Effective date. This redelegation shall be effective as of August 5, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-20360 Filed 9-3-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON SUMMIT POWER STATION

Notice of Meeting

AUGUST 27, 1974.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Summit Power Station will hold a meeting on September 19, 1974 in the Pierce Arrow Room at the Holiday Inn at 1201 Christiana Road, Newark, Delaware 19711.

The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application by the Delmarva Power and Light Company for a permit to construct the Summit Power Station, Units 1 and 2.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Thursday, September 19, 1974, 1 p.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the Regulatory Staff and the Delmarva Power and Light Company, and will hold discussions with these groups pertinent to its review of matters related to the application for a construction permit for the Summit Power Station, Units 1 and 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 12:30 p.m. and at the end of the day to consider matters related to the above review. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold one or more closed sessions with representatives of the Regulatory Staff and Applicant for the purpose of discussing privileged information relating to the matters under review, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) U.S.C. 552(b) and that closed sessions may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than September 12, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and at the Newark Free Library, Elkton and Delaware Roads, Newark, Delaware 19711.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 2 p.m. and 4 p.m. on September 19, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on September 17, 1974, to the Office of the Executive Secretary of the Committee (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after September 23, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and within approximately nine days at the Newark Free Library, Elkton and Delaware Roads, Newark, Delaware 19711. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after December 18, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–20193 Filed 9–3–74;8:45 am]

[Docket No. 50–309]

MAINE YANKEE ATOMIC POWER 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. 5 to Facility Operating License No. DPR–36 issued to Maine Yankee Atomic Power Company which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station, located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment changes the Maine Yankee Technical Specifications to permit replacing 72 partially burned assemblies in the Maine Yankee core with unburned assemblies. The technical specification changes the description of the Maine Yankee core to include the new fuel and provides peak linear heat rates applicable to the reloaded core.

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 application for amendment dated May 21, 1974, and supplement dated August 13, 1974, (2) Amendment No. 5 to License No. DPR–36, 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 Wiscasset Public Library Association, High Street, Wiscasset, Maine 04578.

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 Reactors, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 23rd day of August, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.74–20348 Filed 9–3–74;8:45 am]

SAVANNAH RIVER PLANT

Additional High Level Waste Facilities; Availability of Final Environmental Statement

Notice is hereby given that a Summary Sheet and Final Environmental Statement, "Additional High Level Waste Facilities," Savannah River Plant, Aiken, South Carolina (WASH-1530), issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(c) of the National Environmental Policy Act of 1969 are being placed in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and in the Commission's Albuquerque Operations Office, Albuquerque, New Mexico; Chicago Operations Office, 9500 South Cass Avenue, Argonne, Illinois; Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho; Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee; Richland Operations Office, Federal Building, Richland, Washington; San Francisco Operations Office, 1333 Broadway, Oakland, California; and Savannah River Operations Office, Aiken, South Carolina.

The statement was prepared in support of the Commission's legislative action related to the appropriation of funds for the project. Comments received on the Draft Statement issued February 5, 1974 and AEC responses are included in the statement.

A limited number of copies are available, and copies will be furnished upon request addressed to the Office of the Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 28th day of August, 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-20318 Filed 9-3-74;8:45 am]

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH SPEAKING PEOPLE

ADVISORY COMMITTEE MANAGEMENT

Issuance of Guidelines

The Cabinet Committee on Opportunities for Spanish Speaking People is publishing the following guidelines applicable to all advisory committees who provide advice to the committee. The committee has determined that these guidelines are in the public interest, and, therefore, that they should be published in the FEDERAL REGISTER to take effect on September 4, 1974.

SECTION 1.1 *Scope.* (a) This part contains the Cabinet Committee's regulations implementing the Federal Advisory Committee Act.

(b) The regulations provided in this part apply to all advisory committees providing advice to the Cabinet Committee or any of its officials, except to the extent that statutory provisions establishing an advisory committee may specifically provide otherwise, pursuant to section 7(b) of Pub. L. 91-181, which states, "The Advisory Council shall advise the Committee with respect to such matters as the Chairman of the Committee may request."

SEC. 1.2 *Definitions.* (a) "Act" means the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770 (5 U.S.C. App. I et seq.)).

(b) "Advisory committee," subject to exclusions described in subparagraph (3) below, means any committee, board, commission, council, conference, panel, task force, or other similar group or any subcommittee or other subgroup thereof which is established by statute or reorganization plan; o established or utilized by the President or one or more agencies or officers of the Federal Government.

(1) In determining whether a group is an advisory committee the following factors will be considered:

(i) Fixed membership including at least one person who is not a full-time Federal employee;

(ii) Establishment by a Federal official or law; or if not Federally-established, the initiative for its use as an advisory body for the Federal Government comes from a Federal official rather than from a private group;

(iii) A defined purpose of providing advice regarding a particular subject or subjects;

(iv) An organizational structure (e.g., officers) and a staff;

(v) Regular or periodic meetings.

(2) The functions of an advisory committee are to be solely advisory. If a group provides advice to the Cabinet Committee, but the group's advisory function is incidental and inseparable from other (e.g., operational) functions, the provisions of this part do not apply. However, if the advisory function is separable, the group is subject to this part to the extent that the group operates as an advisory committee.

(3) Groups excluded from the effect of the provisions of this part include:

(i) Any committee, whether advisory, interagency, or intra-agency, which is composed wholly of full-time officers or employees of the Federal Government;

(ii) Any committee which is operational in nature (e.g., has functions which include making or implementing decisions, as opposed to the offering of advice or recommendations);

(iii) Any local civic group whose primary function is that of rendering a public service with respect to a Federal program;

(iv) The term "advisory committee" is not intended to include persons or organizations which have contractual relationships with agencies except those cases where the criteria described in subsection 1.2(b)(1), above, are present.

(c) Cabinet Committee means the Cabinet Committee on Opportunities for Spanish Speaking People.

(d) Chairman means the Chairman of the Cabinet Committee on Opportunities for Spanish Speaking People.

(e) OMB Secretariat is the office within OMB to administer the provisions of OMB Circular A-63.

(f) Statutory advisory committee is one established by the Congress or required to be established by the Congress.

(g) Non-statutory advisory committee is one established by the President or other Federal officer, including a committee which was authorized by, but not established by or required to be established by statute.

(h) Executive Secretary refers to the individual so designated by the Chairman to serve the advisory committee.

SEC. 1.3 *General policies.* (a) In interpreting this part, Cabinet Committee officials will be guided by the Act, the intent of Congress in enacting the Act, and the direction of the President as expressed in Executive Order 11686 and OMB Circular A-63.

SEC. 1.4 *Operation of advisory committee.* (a) *Meetings.* The provisions of this part shall apply to meetings of all Cabinet Committee advisory committees and all subgroups.

(1) *Calling of meetings and agenda.*

(i) No advisory committee shall hold any meeetings except at the call of or with the advance approval of the designated official.

(ii) No meeting shall be held in the absence of a quorum. Unless otherwise established in the charter of the committee, a quorum shall consist of a majority of the committee's authorized membership.

(iii) Each meeting of an advisory committee shall be conducted in accordance with an agenda prepared by the designated Cabinet Committee official. Ordinarily, copies of the agenda shall be distributed to the members of the committee prior to the date of the meeting. The agenda shall list the matters to be considered at the meeting and shall indicate whether any part of the meeting is concerned with matters which are within the exemptions of the Freedom of Information Act, 5 U.S.C. 552(b).

(2) *Notice of meetings.* (i) Except when the Director of the Office of Management and Budget determines otherwise for reasons of national security, notice of each advisory committee meeting shall be published in the FEDERAL REGISTER at least thirty (30) days prior to the meeting. The fact that a meeting is closed to the public pursuant to paragraph 10(d) of Pub. L. 92-463 does not affect the foregoing requirement. The notice shall state the name of the advisory committee, the time and place of the meeting, and the purposes of the meeting, and shall include a summary of the agenda. The notice shall state whether (or the extent to which) the public will be permitted to attend or participate in the meeting. If the meeting will be closed to the public, the notice shall also state the reasons for closing, including appropriate citation to the Freedom of Information Act. This notice shall be provided by the Cabinet Committee official, or his designee, to whom the advisory committee reports. In the case of a Presidential advisory committee this notice shall be provided by the

Executive Secretary of the Committee.

(ii) In addition to notice in the FEDERAL REGISTER, other forms of notice shall be used to the extent practicable.

(iii) When a meeting must be called without thirty days notice being given, the following steps shall be taken, to the extent possible:

(*a*) Advance notice shall be published in the FEDERAL REGISTER;

(*b*) Other forms of notice, such as newspaper publication, shall be utilized;

(*c*) In both a and b above, the notice must contain an explanation for the failure to give thirty days notice.

(*d*) In the event that no advance notice is given to the public, a notice of the meeting shall be published in the FEDERAL REGISTER as soon as possible after the meeting, containing insofar as applicable the information described in subsection 1.4(a)(2)(i).

(3) *Public participation at meetings.* (i) Subject to the exceptions described in subsection 1.4(a)(6) above, each advisory committee meeting shall be open to the public, and interested persons shall be permitted to attend, appear before, or file statements with, any advisory committee.

(ii) The Executive Secretary of each committee shall, with respect to any advisory committee meeting, all or part of which is open to the public, assure compliance with the following rules:

(*a*) Meetings shall be held at reasonable times and at places that are reasonably accessible to members of the public;

(*b*) The size of the meeting room shall be reasonable, considering such factors as the size of the advisory committee, the number of members of the public expected to seek to attend, and the resources and facilities available to the Cabinet Committee;

(*c*) Any member of the public who wishes to do so shall be permitted to file a written statement with the committee, before or after a meeting;

(*d*) To the extent that the time available for a meeting permits, interested persons may be permitted to present oral statements. Any person seeking to present an oral statement to a committee must obtain advance approval for such participation.

(*e*) Participation by members of the public in committee meetings or questioning of committee members or other participants shall not be permitted except with the authorization of the committee chairman.

(4) *Minutes and transcripts of meetings.* (i) Detailed minutes shall be kept of each meeting of each advisory committee, including meetings of formal and informal subgroups. The Executive Secretary of each advisory committee shall keep the minutes or designate some person to keep the minutes.

(ii) The minutes shall include at least the following: The time and place of the meeting; a list of advisory committee members and staff and agency employees present at the meeting; a detailed summary of matters discussed, including different positions advanced by members and conclusions reached by the committee; copies of all reports received, issued, or approved by the advisory committee; an explanation of the extent to which the meeting was open to the public; an explanation of the extent of public participation, including a list of members of the public who presented oral or written statements; and an estimate of the number of members of the public who attended the meeting.

(iii) Within a reasonable time after the meeting the minutes shall be completed and submitted to the chairman of the advisory committee.

(iv) Within a reasonable time after receipt of the minutes the chairman of the advisory committee shall certify to the accuracy of the minutes.

(5) *Designated Cabinet Committee Employee.* (i) Each advisory committee meeting will be chaired or attended by a designated Cabinet Committee employee. The Chairman shall designate the Cabinet Committee employee and determine whether he is to chair or attend the meetings. Ordinarily, the employee so designated will serve the advisory committee on a continuing basis.

(ii) No advisory committee shall conduct a meeting in the absence of the designated Cabinet Committee employee. If simultaneous subgroup meetings are to be held, each subgroup shall have a designated Cabinet Committee employee in attendance.

(6) *Closing advisory committee meetings.* (i) Subsection 10(d) of the Act provides that the provisions concerning open meetings and public participation not apply to any advisory committee which the President, or the head of the department to which the advisory committee reports, determines is concerned with matters listed in 5 U.S.C. 552(b) (popularly known as the Freedom of Information Act). In applying the provisions of 5 U.S.C. 552(b) to advisory committee meetings, liberal interpretations shall be assumed with respect to the openness of such meetings. Any determination to close a meeting (or portion) shall restrict such closing to the shortest reasonable time.

(ii) In applying the Freedom of Information Act exemptions to advisory committee meetings, the following rules shall be followed:

(*a*) If a meeting (or portion) will have the express purpose of discussing an existing document which is within one of the exemptions set forth in 5 U.S.C. 552(b), the meeting (or portion) may be closed to the public.

(*b*) Meetings closed solely on the basis that a document exempt from mandatory disclosure under exemption (5) (concerning intra-agency and inter-agency memoranda and letters) is to be discussed, may be closed only if the Chairman determines that it is essential to close such meeting (or portion) to protect the free exchange of internal views of committee members and avoid undue interference with agency or committee operation.

(*c*) A meeting (or portion) involving solely the internal expression of views and judgments of committee members, and not the discussion of an exempt document, may be closed if a finding is made that it is essential to close the meeting (or portion) to protect the free exchange of members' views and avoid undue interference with agency or committee operations, and such views if reduced to writing would be protected from mandatory disclosure under Section 552(b)(5) of Title 5 U.S.C. When feasible, the public shall be given an opportunity to present relevant information and views to the committee.

(*d*) If a meeting (or portion) will have the express purpose of discussing a matter which is within one of the exemptions set forth in 5 U.S.C. 552(b), other than exemption (5), the meeting (or portion) may be closed to the public, even though no specific exempt document is to be discussed.

(*e*) If the subject of a meeting will be such that none of subparagraphs (a) to (d) above furnishes a basis for closing it, the meeting shall be open to the public.

(*f*) When an advisory committee seeks to have a meeting (or portion) closed, the Executive Secretary shall make a request in writing for a determination by the Chairman. Such a request shall set forth the reasons why the meeting (or portion) should be closed. Whenever practical, the request shall be submitted at least thirty days before the scheduled date of the meeting.

(*g*) If the Chairman finds the request to be warranted and in accord with the policy of the Act and the Freedom of Information Act, the request shall be granted. The determination of the Chairman shall be in writing and shall contain a brief statement of the reasons for closing the meeting (or portion).

(*h*) If a meeting is to be held for the consideration of several separable matters, not all of which are within the exemptions of 5 U.S.C. 552(b), only the portion of the meeting dealing with exempt matters may be closed.

(*i*) When part of a meeting is to be closed, the agenda shall be arranged to facilitate attendance by the public at the open portion of the meeting.

(*j*) When a meeting (or portion) is closed, the advisory committee shall issue a report within fourteen (14) days setting forth a summary of its activities and related matters which are informative to the public consistent with the policy of 5 U.S.C. 552(b).

(b) *Access to Records.* (1) Subject to the provisions of 5 U.S.C. 552(b) and the Department's Public Information Regulation, all records, reports, and other documents of each advisory committee shall be available for public inspection and copying. Documents referred to herein include the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda or other documents which were made available to or prepared for or by each advisory committee.

(2) Available exemptions shall be waived whenever such waiver is appropriate.

(3) The requirements of public access apply only to records relating directly to

"advisory committee" functions of groups which are utilized as advisory committees but were not established for that purpose.

(4) The advisory committee records determined to be available for public inspection are to be made available for inspection and copying at the Office of Public Information of the Cabinet Committee. The Office of Public Information shall make available to any person copies of transcripts of committee proceedings or meetings at cost determined in accordance with the appropriate fee schedule.

(5) Advisory committee records will be made available until the advisory committee ceases to exist.

SEC. 1.5 *Administration of advisory committees.* (a) The Cabinet Committee shall provide the services of such experts and consultants as may be necessary to carry out the advisory committee's function.

(b) Such supportive staff members as the advisory committee may require to perform its duties shall be provided by and from the Cabinet Committee staff.

(c) *Rates of Pay.* (1) Members' pay. Each member of the advisory committee who is appointed from private life shall receive $100 per day for each day during which he is engaged in the actual performance of his duties as a member of the committee. A member of the committee who is an officer or employee of the Federal Government shall serve without additional compensation.

(2) The pay for consultants and experts utilized by advisory committees shall be fixed after giving consideration to the qualifications required of the consultant or expert and the significance, scope, and technical complexity of the work to be undertaken by the consultant or expert. In no case shall the rate of pay to such a consultant or expert exceed the maximum rate of pay which the Cabinet Committee may generally pay experts and consultants under U.S.C. 3109, or other law, including the statute establishing a committee.

(3) *Expenses.* The members of an advisory committee, or the staff of an advisory committee, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses including per diem in lieu of subsistence as authorized by 5 U.S.C. 5703 for persons employed intermittently in the government service.

SEC. 1.6 *Annual review/periodic reports.* (a) The Cabinet Committee shall conduct an Annual Review of all advisory committees within its administrative jurisdiction. The Committee Management Officer will be responsible for coordinating this review on behalf of the Chairman and for preparing a report on said review for submission to the Office of Management and Budget in accordance with OMB Circular A–63.

(b) The Committee Management Officer shall coordinate the preparation of the Cabinet Committee's Annual Report on its advisory committees which shall be submitted annually to the General Services Administration as required by Executive Order 11769 dated February 21, 1974.

SEC. 1.7 *Committee management officer.* (a) The Chairman shall designate a Cabinet Committee employee to implement this part, and to consult with the Office of Management and Budget on his behalf.

REYNALDO P. MADURO,
Executive Director.

[FR Doc.74–20385 Filed 9–3–74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

BOOKMATCHES

Proposed Safety Standards

The Consumer Product Safety Commission has preliminarily determined (1) that hazards associated with bookmatches present unreasonable risks of death or injury and (2) that one or more consumer product safety standards are necessary to eliminate or reduce those unreasonable risks of injury.

Accordingly, pursuant to section 7 of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1212–15 (15 U.S.C. 2056)), this notice commences a proceeding for the development of a consumer product safety standard applicable to bookmatches.

The development period for this standard shall end on February 1, 1975. The Commission, however, may extend the development time if it finds for good cause that a different period of time is appropriate. Any such extension will be announced by a notice in the FEDERAL REGISTER.

Persons interested in submitting existing standards or offering to develop a standard must follow the regulations (39 FR 16206 (May 7, 1974); 16 CFR Part 1105) concerning the submission of existing standards, offers to develop standards, and the development of standards. Relevant portions of the procedures prescribed by Part 1105 for submitting an existing standard as a proposed consumer product safety standard or offering to develop a consumer product safety standard are included below.

In accordance with section 7(b) of the Act and the regulations (16 CFR Part 1105) issued under section 7 of the Act, this notice (1) identifies the product and the nature of the risks of injury associated with the product, (2) is based on a determination that a consumer product safety standard is necessary to eliminate or reduce the risks of injury, (3) includes information with respect to existing standards known to the Commission that may be relevant to this proceeding, and (4) invites any person to submit an existing standard as a proposed consumer product safety standard or to submit an offer to develop a proposed consumer product safety standard for bookmatches.

This proceeding is concerned with the product category of bookmatches. Not included under this proceeding are individual safety matches packaged in boxes, survival matches, "strike anywhere" wooden "kitchen" matches, or other types of matches.

Data and other information about injuries associated with matches and the need for remedial action considered by the Consumer Product Safety Commission have been developed by the Commission staff and other sources, including the following:

1. Consumer Product Safety Commission files containing indepth investigations of burn injuries conducted by the Food and Drug Administration, 1965 through April 30, 1973.

2. National Commission on Fire Prevention and Control. *America Burning, Final Report to the President,* May 4, 1973.

3. National Electronic Injury Surveillance System (NEISS) Surveillance Data reported July 1, 1972 through January 1974.

4. Slater, James A.; Buchbinder, Benjamin; and Tovey, Henry, NBS Technical Note 750. *Matches and Lighters in Flammable Fabrics Incidents: The Magnitude of the Problem.* December 1972.

5. Trident Engineering Associates. *Design Concepts for Safer Matches and Lighters.* September 1972.

6. *Flammable Fabrics.* Fourth Annual Report by U.S. Department of Health, Education, and Welfare (Fiscal Year 1972).

The injuries associated with matches can roughly be classified into three general categories: (1) Those injuries associated with children playing with matches, (2) those associated with possible manufacturing and design defects, and (3) those injuries associated with general improper handling of matches.

The NEISS data indicate that during the period from July 1, 1972 through December 31, 1972, an estimated 6,200 cases treated in hospital emergency rooms resulted from accidents involving matches. Of the 93 in-depth investigations of match cases involving children at play, 55 resulted in clothing ignition. NBS Technical Note 750 states that file data current through September 1, 1972, indicate matches accounted for 370 of the 1,838 reported flammable fabrics incidents and that over 75 percent of the fatal Flammable Fabric incidents involved children under 11 or adults over 65. A review of the above injury data related to matches indicates that bookmatches are involved in a high percentage of the injuries.

A. *Nature of the risk of injury.* After review of the incidents reported by the sources cited above, the Commission has preliminarily determined that the nature of the hazards associated with bookmatches present, especially with regard to injuries associated with children, unreasonable risks of death, or injury.

(1) The primary hazard to be addressed by this standard is burn injuries sustained by children and others including mentally or physically impaired persons, who play with or otherwise improperly use bookmatches. All submissions of existing standards or offers to develop standards must address this hazard in addition to any other hazards that are addressed.

(2) Other hazards and the nature of the risks of injury include:

(i) Burn injuries sustained by persons who use bookmatches that spark or fragment, or have delayed ignition.

(ii) Eye injuries sustained by persons who use bookmatches that fragment and cause particles from such matches to lodge in a person's eye.

(iii) Burn injuries sustained by persons who use bookmatches that, when struck, ignite the remaining matches in the book.

(iv) Burn injuries sustained by persons, including children, using bookmatches that, after ignition, have been dropped on exposed parts of the body, or that have been dropped on and have ignited clothing, because such bookmatches have failed to extinguish in time to avoid such injuries.

(v) Burn injuries sustained by persons from fires that have resulted from unexpected ignition of bookmatches with no deliberate action by the user.

(vi) Burn injuries that have been sustained by persons from fires that have been set by the after-glow of extinguished bookmatches.

B. *Existing standards.* The Commission has received information about the existence and provisions of the following standards and specifications which may be relevant to this proceeding:

(1) Federal Specification EE–M–101; dated September 6, 1972.

(2) Canadian Government Specification Board—Standard for Matches: Book; dated March 1971.

(3) Canadian Regulations Respecting the Sale, Advertising and Importation of Matches; dated August 29, 1972.

(4) Indian Standard—Specification for Paper for Match Boxes; dated October 1965.

(5) Indian Standard—Specification for Safety Matches in Boxes; dated 1964.

(6) Israel Standard—Wood Matches; dated February 1958.

(7) British Standard—Specification for Matches and Amendment Slips 1 and 2; dated 1964.

With regard to these standards and specifications the Commission makes the following observations:

Federal Specification EE–M–101 is a purchasing specification, not a safety standard, and includes several provisions unrelated to reducing risks of injury associated with bookmatches. This specification lacks any provisions to control ignition of matches by children and mentally or physically impaired persons, or to prevent ignition of an entire book of matches when one match is struck. Neither the Canadian Specification nor the Canadian Regulations contain any provisions to control ignition of matches by children and mentally or physically impaired persons. The Indian Standard for paper for match boxes is applicable only to materials used for packaging matches and not to matches. The Indian Specifications for safety matches are applicable only to wooden matches; contain no provision to control ignition of matches by children and mentally or physically impaired persons; contain no provisions related to sparking, fragmenting or afterglow; and have limited humidity controls for testing. The Israel Standard is applicable only to wooden matches; contains no provision to control ignition of matches by children and mentally or physically impaired persons; has no provisions related to sparking; and contains no humidity controls for testing. The British Standard has no provision to control ignition of matches by children and mentally or physically impaired persons; has no provision relating to sparking, fragmenting or ignition of an entire book of matches when one match is struck; and recommends, but does not require, placement of the striker strip on the back side of match books. Some of the above standards do not contain reproducible test procedures to evaluate compliance or noncompliance with some or all of the safety performance criteria.

Several patents related to matches and match safety have been issued by the United States Patent Office. Copies of some of these patents are available for inspection at the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C. 20207. For patent information related to matches and match safety, the Patent Office should be consulted (703–557–3080).

C. *Invitation to offerors.* Pursuant to section 7 of the Act and the regulations thereunder (16 CFR part 1105), an invitation is hereby extended to all standards writing organizations, trade associations, consumer organizations, professional or technical societies, testing organizations and laboratories, university or college departments, wholesale or retail organizations, Federal, State, or local government agencies, engineering or research and development establishments, ad hoc associations, companies, and persons (all hereinafter called persons) to submit to the Commission on or before October 4, 1974, either of the following:

(1) One or more existing standards as a proposed consumer product safety standard in this proceeding.

(2) An offer to develop one or more proposed consumer product safety standards applicable to bookmatches to reduce or eliminate the primary hazard and any or all of the other hazards or unreasonable risks of injury associated with bookmatches identified in section A of this notice.

Persons who are not members of an established organization may form a group for the express purpose of submitting offers and developing standards. Such groups are referred to in the regulations as ad hoc associations (16 CFR 1105.5). An offer by an ad hoc association may be submitted on behalf of the members of the association. The individual member submitting the offer must submit to the Commission a notarized copy of a power of attorney from each member of the group authorizing that individual member to submit an offer on behalf of each other member.

D. *Submission of existing standards.* Persons may submit a standard previously issued or adopted by any private or public organization or agency, domestic or foreign, or any international standards organization, that contains safety-related requirements which the person believes would be adequate to prevent or reduce the primary hazard and any or all of the other hazards or the unreasonable risks of injury associated with bookmatches.

To be considered for publication as a proposed consumer product safety rule, standards previously issued or adopted must consist of (1) requirements as to performance, composition, contents, design, construction, finish, or packaging, or (2) requirements that a consumer product be marked with or accompanied by clear and adequate warnings or instructions, or requirements respecting the form of warnings or instruction, or (3) any combination of (1) and (2).

The submission should, to the extent possible:

(1) Identify the specific portions of the existing standard that are appropriate for inclusion in the proposed rule.

(2) Be accompanied, to the extent that such information is available, by a description of the procedures used to develop the standard and a listing of the persons and organizations that participated in the development and approval of the standard.

(3) Be supported by test data and other relevant documents or materials to the extent that they are available.

(4) Contain suitable test methods reasonably capable of being performed by the Commission and by persons subject to the Act or by private testing facilities.

(5) Include data and information to demonstrate that compliance with the standard would be technically practicable.

(6) Include data and information, to the extent that it can reasonably be obtained, on the potential economic effect of the standard, including the potential effect on small business and international trade. The economic information should include data indicating (a) the types and classes as well as the approximate number of consumer products that would be subject to the standard; (b) the probable effects of the standard on the utility, cost, and availability of the products; (c) any potential adverse effects of the standard on competition; and (d) the standard's potential disruption or dislocation, if any, of manufacturing and other commercial practices.

(7) Include information, to the extent that it can reasonably be obtained, concerning the potential environmental impact of the standard.

E. *Offers to develop standards.* 1. Any person may submit an offer to develop a proposed consumer product safety standard for bookmatches. Each offer shall include a detailed description of the procedure the offeror will utilize in developing the standard. Each offer shall also include:

(i) A description of the plan the offeror will use to give adequate and reasonable notice to interested persons (including individual consumers, manufacturers, distributors, retailers, importers, trade associations, professional and technical societies, testing laboratories, Federal and State agencies, educational institutions, and consumer organizations) of their right and opportunity to participate in the development of the standard;

(ii) A description of the method whereby interested persons who have re-

sponded to the notice may participate, either in person or through correspondence, in the development of the standard; and

(iii) A realistic estimate of the time required to develop the standard, including a detailed schedule for each phase of the standard development period.

2. Each offeror shall submit with the offer the following information to supplement the description of the standard development procedure:

(i) A statement listing the number and experience of the personnel, including voluntary participants the offeror intends to utilize in developing the standard. This list should distinguish between (i) persons directly employed by the offeror, (ii) persons who have made a commitment to participate, (iii) organizations that have made commitments to provide a specific number of personnel, and (iv) other persons to be utilized, although unidentified and uncommitted at the time of submission of the offer. The educational and experience qualifications of these personnel relevant to the development of the standard should also be included in the statement. This list should include only those persons who will be directly involved in person in the development of the standard.

(ii) A statement describing the type of facilities or equipment the offeror plans to utilize in developing the standard and how the offeror plans to gain access to the facilities or equipment the offeror plans to utilize in developing the standard.

3. Prior to accepting an offer to develop a standard, the Commission may require minor modifications of the offer as a condition of acceptance.

F. *Contributions to the offeror's cost.*

1. The Commission may, in accepting an offer, agree to contribute to the offeror's cost in developing a proposed consumer product safety standard. It is the Commission's intent that contribution to the offeror's cost will be the exception rather than the rule. The Commission expects that the bulk of the offeror's work will be done by volunteers or funded by non-Commission sources. Where contributions are provided the Commission must determine:

(i) That a contribution is likely to result in a more satisfactory standard than would be developed without a contribution; and,

(ii) That the offeror is financially responsible.

2. If an offeror desires to be eligible to receive a financial contribution from the Commission toward the offeror's cost of developing a proposed consumer product safety standard, the offeror shall submit with his offer to develop a standard:

(i) A request for a specific contribution with an explanation as to why such a contribution is likely to result in a more satisfactory standard than would be developed without a contribution;

(ii) A statement asserting that the offeror will employ an adequate accounting system that is in accordance with generally accepted accounting principles to record standards development costs and expenditures; and

(iii) A request for an advance payment of funds if necessary to enable the offeror to meet operating expenses during the development period.

G. *Submission information.* All submissions, offers, inquiries, or other communications concerning this notice should be addressed to the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C. 20207 (phone 202–634–7700). Submissions in response to this notice should be in five copies, if possible, and must be received by the Office of the Secretary not later than October 4, 1974, to be considered in this proceeding.

Dated: August 29, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-20386 Filed 9-3-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/106; FRL 256-6]

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 October 29, 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 October 29, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 5535-RNG. J. & L. Adikes, Inc., 182-12 93rd Ave., Jamaica NY 11423. GRO-WELL DIAZINON 25E INSECT SPRAY. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 25.00 percent; Aromatic Petroleum Derivative Solvent 57.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34770-E. Ambion Corp., 1860 Thomaston Ave., Waterbury CT 06714. DUROQUAT. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5 percent; Tetrasodium ethylenediamine tetraacetate 2.0 percent; Sodium carbonate 1.5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34770-R. Ambion Corp., 1860 Thomaston Ave., Waterbury CT 06714. AMBICIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5 percent; Tetrasodium ethylenediamine tetraacetate 2.0 percent; Sodium carbonate 1.0 percent; Sodium metasilicate, anhydrous 0.5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34429-R. American Chemical Corp., Bayamon, Puerto Rico 00619. SUPER PINE DISINFECTANT PINE OIL. Active Ingredients: Pine Oil 64 percent; Soap 16 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1730-3. American Cyanamid Co., 859 Berdan Ave., Wayne NJ 07470. PINE SOL. Active Ingredients: Pine oil 30.0 percent; Isopropanol 10.9 percent; Soap 10.0 percent; 4-Chloro1-2-Cyclopentylphenol and related compounds 0.1 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 239-2406. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. ORTHENE SYSTEMIC INSECT SPRAY. Active Ingredients: (O,S-Dimethyl acetylphosphoramidothioate) 75 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2909-A. Cramer Products, Inc., 153 W. Warren Gardner KS 66030. CRAMER CRAMER-SOL DISINFECTANT CLEANER. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 2.25 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 2.25 percent; Sodium Carbonate 3.0 percent; Tetrasodium ethylenediamine tetraacetate 1.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2909-L. Cramer Products, Inc. 153 W. Warren, Gardner KS 66030. CRAMER MATT-KLEEN DISINFECTANT CLEANER. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 2.25 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 2.25 per-

cent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 32695–E. Dale-Alley Co., Box 444, St. Joseph MO 64502. ALLEY CO-RAL ANIMAL INSECTICIDE 1 percent BULK DUST. Active Ingredient: O,O-Diethyl O-(3-chloro-4-methyl-2-oxo-(2H)-1-benzopyran-7-yl) phosphorothioate 1.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13651–E. Advance Chemical Inc., 6127 West Vliet St., Milwaukee WI 53213. ADQUAT CONCENTRATED DETERGENT, SANITIZER, FUNGICIDE, DISINFECTANT, DEODORIZER. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 4.5 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 4.5 percent; Tetrasodium ethylenediamine tetraacetate 2.0 percent; Sodium Carbonate 4.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1990–GTE. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. COOP TURBEX. Active Ingredients: Alkyl 1–3 Propylene diamine 0.03 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 12479–E. H–O–H Chemicals, Inc., 641 S. Vermont St., Palatine IL 60067. A–400 LIQUID ALGAECIDE. Active Ingredients: Disodium cyanodithioimidocarbonate 4.23 percent; Ethylenediamine 1.60 percent; Potassium N-methyldithiocarbamate 5.83 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5905–UEO. Helena Chemical Co., Clark Tower–5100 Poplar Ave., Suite 2900, Memphis TN 38137. HELENA 10 percent M GRANULES. Active Ingredients: O,O-dimethyl O-p-nitrophenyl phosphorothioate 10.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–UGE. Helena Chemical Co., Clark Tower–5100 Poplar Ave., Suite 2900, Memphis TN 38137. HELENA PARACAP 7.5–25 WETTABLE. Active Ingredients. Captan 25.0 percent; Parathion 7.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 891–20. Hercules, Inc., Agr. Chemicals Synthetics Dept., Wilmington DE 19899. TOXAPHENE 60 percent EMULSIFIABLE CONCENTRATE INSECTICIDE. Active Ingredients: Toxaphene (technical chlorinated camphene containing 67.69 percent chlorine) 60 percent; Xylene 35 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2136–EO. J. L. Hoffman Co., Inc., 1415 Court St., Allentown PA 18102. HOFFMAN'S ROTENONE DUST. Active Ingredients: Rotenone 1.0 percent; Other Cube Resins 1.1 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 334–GOA. Hysan Corp., 919 West 39th St., Chicago Il 60609. P–150 INSECTICIDE. Active Ingredients: Petroleum Distillate 18.1 percent; N-Octyl Bicycloheptene Dicarboximide 1.0 percent; Technical Piperonyl Butoxide 0.6 percent; Pyrethins 0.3 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 635–AAO. E-Z-Flo Chemical Co., Div. of Kirsto Co., PO Box 808, Lansing MI 48903. E-Z-FLO GRAIN GUARD. Active Ingredients: Propionic Acid 100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2881–AN. Lystads, Inc., 901 University Ave., Grand Forks ND 58201. LYSTADS SURACID II. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 5.0 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 5.0 percent; Phosphoric Acid 30.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 299–RIA. C. J. Martin Co., PO Box 1089, Nacogdoches TX 75961. ANT BAIT C. Active Ingredients: Technical Chlordane 1.50 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5743–E. Michigan Co., Inc., 400 E. Michigan Ave., Lansing MI 48933. MICHCO PORCELAIN TILE CLEANER. Active Ingredients: Orthophosphoric Acid 20.00 percent; n-Alkyl (50 percent C14, 40 percent C12, 10 percent C16) dimethyl benzyl ammonium chloride 0.10 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12488–E. Norman Chemical Co., 1630 Carroll Ave., St. Paul MN 55104. 962 BIOCIDE. Active Ingredients: Disodium cyanodithioimidocarbonate 3.18 percent; Ethylenediamine 1.20 percent; Potassium N-methyldithiocarbamate 4.37 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1948–GT. Northern States Laboratories, PO Box 969, Fremont NB 68025. SUPER I DISINFECTANT. Active Ingredients: alpha - (p - Nonylphenyl) - omega - hydroxypoly(oxyethylene) - iodine complex 18.05 percent; Phosphoric Acid 16.00 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 3624–RAU. Nova Products, Inc., PO Box 5086, Kansas Cit KS 66199. NOVO FOGGING CONCENTRATE. Active Ingredients: Pyrethrins 3 percent; Piperonyl butoxide, technical 6 percent; N-octyl bicycloheptene dicarboximide 10 percent; Petroleum distillate 81 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6720–EGN. Southern Mill Creek Products Co., PO Box 1096, Tampa FL 33601. SMCP TERMIFUME METHYL BROMIDE ODORIZED WITH CHLOROPICRIN. Active Ingredients: Methyl Bromide 98 percent; Chloropicrin 2 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6720–EEO. Southern Mill Creek Products Co., PO Box 1096, Tampa FL 33601. SMCP HOUSEHOLD INSECT SPRAY. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate 0.250 percent; Related compounds 0.034 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3640–IN. Stearns Chemical Corp., 4200 Sycamore Ave., Madison WI 53704. SPRAY-DET A LOW-FOAM IODOPHOR SANITIZER. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.45 percent; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 876–EGT. Velsicol Chemical Corp., 341 E. Ohio St., Chicago IL 60611. VELSICOL BRISK BIOCIDE. Active Ingredients; Didecyl dimethyl ammonium chloride 4.5 percent; Tetrasodium ethylenediamine tetraacetate 2.0 percent; Sodium carbonate 1.0 percent; Sodium metasilicate, anhydrous 0.5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

REPUBLISHED ITEM

The following item represents a correction and/or change in the list of Applications Received published in the FEDERAL REGISTER of July 12, 1974 (39 FR 25687).

EPA File Symbol 4713–I. The Kenya Pyrethrum Co., 744 Broad St., Newark NJ 07102. KENYA PYRETHRUM EXTRACT REFINED CONCENTRATE. Correction: EPA File Symbol 4713–L. The Pyrethrum Marketing Board, PO Box 420, Nakuru Kenya East Africa.

Dated: August 23, 1974.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.74–19977 Filed 9–3–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 715]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 26, 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

[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).

governing the time for filing and other requirements relating to such pleadings.

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

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20249–CD–P–75, Forward Electronics, Inc. (KRS672). C.P. to reinstate expired station license operating on 152.18 MHz located at Rib Mountain State Park, 5 Miles SW of city of Wausau, Rib Mountain, Wisconsin.

20250–CD–TC–75, Coosa Valley Telephone Company. Consent to Transfer of Control from Jean S. Brandli et al, Transferor, to Continental Telephone Corporation, Transferee. Station: KWB378, Pell City, Alabama.

20251–CD–P–75, Mobilephone of Texas, Inc. (KQZ708). C.P. to add additional facilities operating on 158.70 MHz to be located at Old U.S. Highway 90, near Vidor, Texas.

20252–CD–P–(2)–75, Gulf Central Communications & Electronics, Inc. (KLF621). C.P. for additional facilities to operate on 158.70 MHz located 1 mile North of Lafayette, Louisiana.

20253–CD–P–74, W. E. Mulkey d/b/a Auto-Phone Dispatch of Levelland (KLB674). C.P. to chg. antenna system and relocate facilities operating on 152.09 MHz to be located 1.5 miles West of Levelland, Texas.

20254–CD–P–75, Park Region Mutual Telephone Company (new). C.P. for a new station to operate on 152.54 MHz located 2½ miles North of Dalton, near Dalton, Minnesota.

20255–CD–P–75, Radio Contact Corp. (KTS 256). C.P. to add antenna Location No. 2 operating on 158.70 MHz located at Lookout Mountain, Golden, Colorado.

20256–CD–P/L–75, Hawkinsville Telephone Company (KIY590). C.P. and License to reinstate station operating on 152.51 MHz located 3.2 miles SW Hawkinsville, Georgia.

20257–CD–P–(3)–75, R.C.S., Inc. (KMD689). C.P. to add additional facilities operating on 454.100 MHz, located at 819 West Church Street, Santa Maria, California (Loc. No. 3); 152.12 located at Tepusquet Peak, approximately 13.5 miles ESE of Santa Maria, California (Loc. No. 4); and 459.100 at Loc. No. 4.

20258–CD–P–75, Autofone, Inc. (new). C.P. for new 1-way signaling station to operate on 158.70 MHz located Corner of Claxton Dairy Road and Brookwood Drive, Dublin, Georgia.

20259–CD–P–75, Mobilphone of Texas, Inc. (new). C.P. for new base station to operate on 454.150 MHz located at 6222 Skyline Drive, Houston, Texas.

20260–CD–P–(6)–75, Tel Illinois, Inc. (new). C.P. for a new station to operate on 35.22 and 35.58 MHz located at 1800 7th St., E. Moline, Illinois (Loc. No. 1); Coal Valley Water Tank, Coal Valley, Illinois (Loc. No. 2); Ridgewood Water Tank, Ginger Hill, Illinois (Loc. No. 3); St. Anthony's Hospital, Rock Island, Illinois (Loc. No. 4); End of 7th Street, E. Moline, Illinois (Loc. No. 5); 1811 15th St Pl, Moline, Illinois (Loc. No. 6); 454.275, 454.300 MHz (Control base) loc. 1811 15th St. Place, Moline, Illinois.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20261–CD–P–75, Answerphone of Lake Worth, Inc. (KIM914). C.P. to reinstate license operating on 152.09 MHz located 2.75 miles south of Coast Railroad station, east side of tracks, Delray Beach, Florida.

20262–CD–P–75, (Mrs.) Marion O. Scott (new). C.P. for a new 1-way signaling station operating on 152.24 MHz to be located near McFadden Park, Chehalis, Washington.

20248–CD–R–75, Michigan Bell Telephone Company (KQM40). Renewal of Developmental License expiring September 28, 1974. Term: 9–28–74 to 9–28–75.

20193–CD–P/ML–75, Calumet Radio Dispatch (KSC649). Permit and Mod. License to change antenna system and replace transmitter operating on 152.09 MHz located at 115 West 11th Street, Michigan City, Indiana.

MAJOR AMENDMENTS

21318–C2–P–74, Chillicothe Communications, Chillicothe, Ohio (new). Amend to change antenna system, radiation characteristics and effective radiated power. All other particulars of operation remain as reported in PN No. 699 dated May 6, 1974.

20674–C2–P–74, Mobilephone of Texas, Inc., near Vidor, Texas (KLB322). Amend to change frequency from 152.21 to 152.18 MHz and mobile frequency to 158.64 MHz. All other particulars of operation remain as reported in PN No. 679 dated December 17, 1973.

20496–C2–P–74, General Telephone Company of Pennsylvania, Titusville, Pennsylvania (KTR988). Amend frequency 35.8 MHz to read 35.58 MHz. All other particulars to remain the same as reported on PN No. 674 dated November 12, 1973.

CORRECTIONS

20184–CD–P–(4)–75, Michigan Bell Telephone Company (KRS714). Correct entry on PN No. 713 dated August 12, 1974 to read: C.P. for additional facilities to operate on 158.10 MHz at 4 new sites described as Loc. No. 6: 17045 Mack Ave., Detroit, Michigan; Loc. No. 7: 25189 Lasher Road, Southfield, Michigan; Loc. No. 8: One Parklande Blvd., Dearborn, Michigan; Loc. No. 9: 16333 Trenton Road, Southgate, Michigan.

20056–CD–P–(8)–75, Simon Rubinsky (new). Correct entry on Public Notice No. 710, dated 7–22–74 to read: C.P. for a new 2-way station to be operated on 454.100, 454.175, 454.225, 454.250 MHz at Loc. No. 1: New Hampshire Street, 0.5 miles W. of U.S. 77 and 83, Harlington, Texas; also to be operated on 454.275, 454.300, 454.325, 454.350 MHz at Loc. No. 2: Brownsville Navigation District, 7 miles N.E. of Brownsville, Texas.

RURAL RADIO SERVICE

60015–CR–P/L–75, Phillips H. Lovering (new). C.P. and License for new station operating on 150.8–174 located 6 miles west of Eastsound on Orcas Island, Waldron, Washington.

POINT TO POINT MICROWAVE RADIO SERVICE

341–CF–P–75 MCI New York West, Inc. (WLI70). John Hancock Bldg., 875 N. Michigan Avenue, Chicago, Illinois. Lat. 41°53'56" N., Long. 87°37'24" W. C.P. to replace transmitter and change freqs. 10975H and 10895H MHz to 6197.2V, 6256.5V, 6315.9V, and 6375.2V MHz toward Chicago South, Ill. on azimuth 182°03'.

342–CF–P–75, Same (WLI71), 87th Street, Chicago South, Illinois. Lat. 41°44'08", N., Long. 87°37'52" W. C.P. to replace, change power and change freqs. 11385H and 11545H MHz to 5945.2V, 6004.5V, 6063.8V, and 6123.1V MHz toward Chicago, Ill. on azimuth 2°02'; 11585V and 1134.5V MHz to 6226.9H, 6286.2H, 6345.5H, and 6404.8H MHz toward Hammond, Ind. on azimuth 134°13'.

343–CF–P–75, Same (WLI72), 3400 Block of Sheffeld Avenue, Hammond, Indiana. Lat. 41°38'59" N., Long. 87°30'49" W. C.P. to replace transmitter, change power and change freqs. 11015V, and 10935V MHz to 5974.8H, 6034.2H, 6093.5H, and 6152.8H MHz toward Chicago South, Ill. on azimuth 314°18'; 10975V and 10895V MHz to 5945.2H, 6004.5H, 6063.8H, and 6123.1H MHz toward Gary, Ind. on azimuth 109°-56'.

344–CF–P–75, Same (WLI73), Gary National Bank Bldg., 504 Broadway St., Gary, Indiana. Lat. 41°36'06" N., Long. 87°20'15" W. C.P. to replace transmitter and change freqs. 11545V and 11465V MHz to 6197.2H, 6286.2V, 6315.9H, and 6375.2H MHz toward Hammond, Ind. on azimuth 290°03'.

345–CF–P–75, Carolina Telephone and Telegraph Company (KIA42). 6.5 Miles NNW of Nashville, North Carolina. Lat. 36°03'-05" N., Long. 78°01'57" W. C.P. to replace transmitter and change power on 6256.5V MHz toward Rocky Mount, N.C. on azimuth 120°19'; 6226.9H MHz toward New Hope, N.C. on azimuth 254°30'.

346–CF–P–75, Same (KIA45), 2.1 Miles West of New Hope, North Carolina. Lat. 35°58'-24" N., Long. 78°22'36" W. C.P. to replace transmitter and change power on 6034.2V MHz toward Raleigh, N.C. on azimuth 228°03; 5945.2H MHz toward Nashville, N.C. on azimuth 74°18'.

347–CF–P–75, Same (KIR33), 1.8 Miles SE of Rocky Mount, North Carolina. Lat. 35°-55'34" N., Long. 77°46'11" W. C.P. to replace transmitter and change power on 6034.2V MHz toward Nashville, N.C. on azimuth 300°28'.

348–CF–P–75, American Telephone and Telegraph Company (KTF91). Pyron, 5.2 Miles NE of Inadale, Texas. Lat. 32°36'04" N., Long. 100°37'33" W. C.P. to change geographical coordinates and add 4150V MHz toward Sweetwater, Tex. on azimuth 125°-09'; 4170V MHz toward Maryneal, Tex. on azimuth 164°47'.

349–CF–P–75, American Telephone and Telegraph Company (KYC95). 3.4 Miles WNW of Maryneal, Texas. Lat. 32°14'39" N., Long. 100°30'42" W. C.P. change geographical coordinates and add 4130V MHz toward Bronte, Tex. on azimuth 141°16"; 4130 MHz toward Pyron, Tex. on azimuth 344°51'.

350–CF–P–75, Same (KYC94). 5.1 Miles ENE of Bronte, Texas. Lat. 31°55'08" N., Long. 100°12'22" W. C.P. to change geographical coordinates and add 4170V MHz toward Maryneal, Tex. on azimuth 321°26'; 4170V MHz toward Mereta, Tex. on azimuth 176°-48'.

351–CF–P–75, Same (KYC93). 3.2 Miles NW of Mereta, Texas. Lat. 31°29'22" N., Long. 100°10'31" W. C.P. to change geographical coordinates and add 4130V MHz toward Bronte, Tex. on azimuth 356°50'.

352–CF–P–75, Wisconsin Telephone Company (KSO85). 221 West Washington Street, Appleton, Wisconsin. Lat. 44°15'45" N., Long. 88°24'30" W. C.P. to change power and alarm center location on 6100.9V, 6338.1V, 10995H MHz toward Osborn, Wisc. on azimuth 9°03'.

353–CF–P–75, Same (KSO86). Osborn, 3.7 Miles SW of Seymour, Wisconsin. Lat. 44°-27'58" N., Long. 88°21'47" W. C.P. to change power and alarm center location on 6056.4V, 6293.6V, and 11445H MHz toward Appleton, Wisc. on azimuth 189°04'; 6011.9H, 6249.1H, and 11325V MHz toward Green Bay, Wisc. on azimuth 79°29'.

354–CF–P–75, Same (KS087), 205 South Jefferson Street, Green Bay, Wisconsin. Lat. 44°30'43" N., Long. 88°00'50" W. C.P. to change power and alarm center location on 6145.3H, 6412.2H, and 10875V MHz toward Osborn, Wisc. on azimuth 259°44'.

355–CF–P–75, Pacific Northwest Bell Telephone Company (New). Olympus Drive at Sylvan Way, Bremerton, Washington. Lat. 47°35'46" N., Long. 122°37'01" W. C.P. for a new station on 11155V MHz toward Seattle, Wash. on azimuth 86°49'.

356–CF–P–75, Same (KYS61), 1200 Third Avenue, Seattle, Washington. Lat. 47°36'-27'' N., Long. 122°20'02'' W. C.P. add 11245V MHz toward a new point of communication at Bremerton, Wash. on azimuth 266°70'

357–CF–P–75, The Mountain States Telephone and Telegraph Company (KYS30). 7.6 Miles NE of Mountain Home, Idaho. Lat. 43°12'19'' N., Long. 115°33'52'' W. C.P. to add 11585H and 11305V MHz toward a new point of communication at Mountain Home, Idaho on azimuth 232°01'.

358–CF–P–75, The Mountain States Telephone and Telegraph Company (new). 390 E. 2nd N., Mountain Home, Idaho. Lat. 43°-07'58'' N., Long. 115°41'28'' W. C.P. for a new station on 10875H and 11095V MHz toward (KYS30) Mountain Home, Idaho on azimuth 51°56'.

359–CF–P–75, The Mountain States Telephone and Telegraph Company (KPZ42). Era Ave. and Idaho St., Arco, Idaho. Lat. 43°38'06'' N., Long 113°18'05'' W. C.P. to add 10775V and 11115H MHz toward a new point of communication at Mackay, Idaho via Passive Reflector.

360–CF–P–75, Same (new), College Street and Main Avenue, Mackay, Idaho. Lat. 43°54'-45'' N., Long. 113°36'51'' W. C.P. for a new station on 11685V and 11565H MHz toward Arco, Idaho via Passive Reflector.

361–CF–P–75, N-Triple-C, Inc. (WOH60). 1.5 Miles NW of Glendale, Illinois. Lat. 41°-54'24'' N., Long. 88°06'39'' W. C.P. change control point location, alarm center location, points of communication, and change polarity on 6226.9 MHz to Horizontal toward Chicago, Ill. on azimuth 91°04'; 6197.2V MHz toward Lily Lake, Ill. on corrected azimuth 283°44'.

362–CF–P–75, Same (WOH61), 875 N. Michigan Avenue, Chicago, Illinois. Lat. 41°53'-56'' N., Long. 87°37'24'' W. C.P. to change antenna location, power, control point location, alarm center location and replace transmitter on 5974.8H MHz toward Glendale, Ill. on azimuth 271°23'.

363–CF–P–75, Same (WOH92), 4 Miles South of Everton, Missouri. Lat. 37°17'03'' N., Long. 93°41'20'' W. C.P. to change control point location, alarm center location and change 5974.8V to 6197.2H MHz toward Springfield, Mo. on azimuth 103°12'; 5974.-8H MHz toward Lamar, Mo. on azimuth 298°04'.

364–CF–P–75, Same (WOH93), Landers Bldg., Public Square, Springfield, Missouri. Lat. 37°12'33'' N., Long. 93°12'33'' N., Long. 93°17'33'' W. C.P. to change antenna location, control point location, alarm center location and change 6226.9H to 6004.5H MHz toward Everton, Mo. on azimuth 283°26'.

365–CF–P–75, Same (WPE22), 2222 Grauwyler Road, Irving, Texas. Lat. 32°49'44'' N., Long. 96°54'45'' W. C.P. to add 6345.5V MHz toward a new point of communication at Alvarado, Tex. on azimuth 209°04'.

366–CF–P–75, Same (WOI38), 1 Mile East of Alvarado, Texas. Lat. 32°25'07'' N., Long. 97°10'49'' W. C.P. to change alarm center location, control point location and change 5974.8H to 6123.1H MHz toward changed point of communication at Irving, Tex. on azimuth 28°46'.

367–CF–P–75, Indiana Telephone Corporation (KVH90). 505 Newton Street, Jasper, Indiana. Lat. 38°23'27'' N., Long. 86°55'56'' W. C.P. to add 11525V MHz toward Jasper Hill, Ind. on azimuth 38°11'.

368–CF–P–75, Same (KVH92), Jasper Hill, 1.1 Miles NE of Jasper Courthouse, Jasper, Indiana. Lat. 38°24'12'' N., Long. 86°55'11'' W. C.P. to add 10995 MHz toward Jasper, Ind. on azimuth 218°12'.

369–CF–P–75, The Mountain States Telephone and Telegraph Company (KBC41). Rifle Junction, 1 Mile NE of Rifle, Colorado. Lat. 39°32'28'' N., Long. 107°45'49'' W. C.P. to add 11505V and 11265V MHz toward Lookout Point, Colo., via Passive Repeater.

370–CF–P–74, Same (KFA22), Lookout Point, 1.4 Miles East of Glenwood Springs, Colorado. Lat. 39°32'35'' N., Long. 107°17'50'' W. C.P. to add 10855V and 11175V MHz toward a new point of communication at Rifle Jct., Colo. via Passive Repeater.

283–CF–P–75, Eastern Microwave, Inc. (KTG27). Echo Mountain, New York. Lat. 42°10'16'' N., Long. 78°32'58'' W. C.P. to add, via path intercept, 6137.9V MHz toward Salamanca, N.Y. on azimuth 252°53'.

285–CF–P–75, United Video, Inc. (WPG33). 2.0 Miles East of Raytown, Missouri. Lat. 39°01'46'' N., Long. 94°24'19'' W. C.P. to add 11425V MHz toward Olathe, Kans. on azimuth 252°56'.

284–CF–P–75, Same (new), Olathe, Kansas. Lat. 38°55'37'' N., Long. 94°49'52'' W. C.P. for a new station on 10935V MHz toward Overland Park, Lawrence, Lenexa, and Leavenworth, Kansas on azimuths 138°35', 275°49', 44°58', and 349°51', respectively.

308–CF–P–75, United Video, Inc. (KEZ53). 3.0 Miles SW of Taylorville, Illinois. Lat. 39°30'43'' N., Long. 89°15'02'' W. C.P. to add 5974.8V MHz toward Decatur, Ill. on azimuth 26°48'. (Note: A waiver of Section 21.701(i) is requested by United.)

371–CF–P–75, Microwave Transmission Corporation (new). Palo Escrito Peak, 9.0 Miles West of Soledad, California. Lat. 36°24'22'' N. Long. 121°29'26'' W. C.P. for a new station on 11665H MHz toward Soledad Peak, Calif. on azimuth 114°09'.

372–CF–P–75, RCA Alaska Communications, Inc. (WGF60). 360 Outer Drive, Juneau, Alaska. Lat. 58°18'00'' N. Long. 134°24'45'' W. C.P. to change control point location, alarm center location and add 11155V and 11075V MHz toward a new point of communication at Eleven Mile, Alaska via Passive Reflector.

373–CF–P–75, RCA Alaska Communications, Inc. (WBP70). Point Lena Loop Road, 1.2 Miles from Glacier Hwy., Lena Point, Alaska. C.P to add 11155V and 11075H MHz toward a new point of communication at Eleven Mile, Alaska via Passive Reflector.

374–CF–P–75, Same (new), Glacier Highway at Eleven Mile, Alaska. Lat 58°22'13'' N. Long. 134°36'29'' W. C.P. for a new station on 11605V and 11525V MHz toward Juneau, Alaska via Passive Reflector: 11605V and 11525H MHz toward Lena Point, Alaska via Passive Reflector.

375–CF–P–75, N-Triple-C, Inc. (WOH52). 1.5 Miles NE of Iowa City, Iowa. Lat. 41°40'24'' N. Long. 91°28'31'' W. C.P. to add 6315.9V MHz toward Cedar Rapids, Iowa on azimuth 340°18'.

376–CF–P–75, Same (new), 5200 C Avenue NE., Cedar Rapids, Iowa. Lat. 42°02'01'' N., Long. 91°38'56'' W. C.P. for a new station on 6063.8V MHz toward Iowa City, Iowa on azimuth 16°04'.

377–CF–P–75, MCI Telecommunications Corporation (WPE23). 2001 Bryan Street, Dallas, Texas. Lat. 32°49'07'' N. Long. 96°-47'45'' W. C.P. to add 6004.5V MHz toward a new point of communication at Richardson, Tex. on azimuth 22°34'.

378–CF–P–75, Same (new), 906 N. Bowser Road, Richardson, Tex. Lat. 32°57'23'' N. Long. 96°42'41'' W. C.P. for a new station on 6256.5H MHz toward Dallas, Tex. on azimuth 202°40'.

379–CF–P–75, RCA Global Communications, Inc. (new). 60 Broad Street, New York City, New York. Lat. 40°42'19'' N., Long. 74°00'42'' W. C.P. for a new station on 6345.5V MHz toward Edison, N.J. on azimuth 238°54'.

380–CF–P–75, Same (new), Centennial Ave. and Kingsbridge Road, Piscataway, New Jersey. Lat. 40°32'39'' N., Long. 74°29'48'' W. C.P. for a new station on 10855V MHz toward Edison, N.J. on azimuth 100°41'.

381–CF–P–75, Same (new), Lat. 40°31'45'' N., Long. 74°23'34'' W. C.P. for a new station on 6123.1H MHz toward New York City, N.Y. on azimuth 58°39'; 6167.6H MHz toward Hightstown, N.J. on azimuth 208°27'; 11345V MHz toward Piscataway, N.J. on azimuth 280°45'.

382–CF–P–75, Same (new), Corner of Route 535 and Route 571, Hightstown, New Jersey. Lat. 40°17'28'' N., Long. 74°33'40'' W. C.P. for a new station on 6330.7H MHz toward Edison, N.J. on azimuth 28°20'; 6256.5H MHz toward Wyndmoor, Pa., on azimuth 246°34'.

383–CF–P–75, RCA Global Communications, Inc. (new). WPHL Broadcast Tower, 1230 E. Mermaid Lane, Wyndmoor, Pennsylvania. Lat. 40°04'58'' N., Long. 75°10'54'' W. C.P. for a new station on 6004.5V MHz toward Hightstown, N.J. on azimuth 66°10'; 10815V MHz toward Valley Forge, Pa. on azimuth 272°20'.

384–CF–P–75. Same (new), 240 Goddard Blvd., Bldg. 100, King of Prussia, Pennsylvania. Lat. 40°05'22'' N., Long. 75°24'07'' W. C.P. for a new station on 11425V MHz toward Wyndmoor, Pa. on azimuth 92°11'.

386–CF–P–75, American Television Relay, Inc. (KSV58). 3534 North 16th Street, Phoenix (KTVK), Arizona. Lat. 33°29'07'' N., Long. 112°02'48'' W. C.P. to add 3750H MHz toward Pinal Peak, Ariz. on azimuth 100°50'.

387–CF–P–75, Same (KPZ82), Pinal Peak, 8.5 Miles SSW of Globe, Arizona. Lat. 33°16'56'' N., Long. 110°49'13.5'' W. C.P. to add 5982.3V MHz toward Mt. Bigelow, Arizona on azimuth 174°01'.

388–CF–P–75, American Microwave & Communications, Inc. (KQN52). 3.5 Miles ESE of Talbot, Michigan. Lat. 45°29'40'' N., Long. 87°31'50'' W. C.P. to change polarity from 6037.5V MHz to 6037.5H MHz toward Iron Mountain, Mich. on azimuth 312°30'.

POINT TO POINT MICROWAVE SERVICE: (MAJOR AMENDMENTS)

6394–C1–P–73, Eastern Microwave, Inc. (KCK 71). Beech Hill, 7.0 Miles East of Marlboro, New Hampshire. Lat. 42°54'41'' N., Long. 72°04'11'' W. Application amended to change point of communication from Mt. Greylock (KCK70), Mass. to Equinox Mountain, Vermont on azimuth 288°36' (frequencies 6241.7H and 6301.0H MHz remain unchanged).

6395–C1–P–73, Same (KCL72), Equinox Mountain, 2.30 Miles West of Manchester, Vermont. Lat. 43°09'56'' N., Long. 73°07'14'' W. Application amended (a) to relocate station KCL72, Mt. Greylock, Massachusetts to foregoing location and (b) to change azimuth toward Helderberg Mtn., New York to 230°53' (frequencies 5945.2H and 6063.8H remain unchanged).

226–CF–TC–(14)–75, United Wehco, Inc. Applications amended to add the following stations: KEX58, Goodman Mountain, Texas and KEX75, Walker's Mill, Texas. Total number of stations involved in Transfer of Control will now be Fourteen (14). (All other particulars same as reported on Public Notice No. 712, dated August 8, 1974.)

[FR Doc.74–20340 Filed 9–3–74;8:45 am]

DAVID ORTIZ RADIO CORP.

Standard Broadcast Applications Ready and Available for Processing

Correction

In FR Doc. 74–17441, appearing on page 27753 in the issue for Wednesday,

July 31, 1974, the Appendix was incorrectly filed as part of the original document and should have appeared as set forth below:

APPENDIX

BP-19560
WEKO, Cabo Rojo, Puerto Rico
David Ortiz Radio Corporation
Has: 930 kHz, 500 W, DA, Day
Req: 930 kHz, 500 W, DA-2, U

BP-19612
NEW, Cave City, Kentucky
Twin City Broadcasting Company
Req: 800 kHz, 250 W, DA, Day

BP-19615
NEW, Lawrenceburg, Tennessee
Jones and Rowland Radio Company
Req: 1520 kHz, 500 W, Day

BP-19619
WPNO, Auburn, Maine
Andy Valley Broadcasting System, Inc.
Has: 1530 kHz, 1 kW, Day
Req: 1530 kHz, 10 kW, DA, Day

BP-19633
NEW, Whitley City, Kentucky
Country Roads Broadcasting Corporation
Req: 1220 kHz, 500 W, Day

BP-19634
WHOY, Salinas, Puerto Rico
Island Broadcasting Corporation
Has: 1210 kHz, 1 kW, Day
Req: 1210 kHz, 1 kW, DA-N, U

BP-19635
KPOI, Honolulu, Hawaii
Communico Oceanic Corporation
Has: 1380 kHz, 5 kW, U
Req: 990 kHz, 10 kW, 50 kW-LS, U

BP-19636
NEW, Agana, Guam
Trans World Radio Pacific
Req: 770 kHz, 10 kW, U

BP-19637
NEW, Huntingdon, Tennessee
David B. Jordan
Req: 1530 kHz, 1 kW (250 W, CH), Day

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE (CTAC) PANEL CHAIRMEN & EXECUTIVE COMMITTEE

Notice of Meeting

AUGUST 28, 1974.

Pursuant to section 10 of the Federal Advisory Committee Act, 5 U.S.C. App. I § 10 (Supp. II, 1972), notice is hereby given of a meeting of the CTAC Panel Chairmen & Executive Committee Meeting on September 16, 1974, to be held at 2025 M Street NW., Washington, D.C., Room 6331. The meeting is scheduled to commence at 10 a.m.

The agenda is as follows:

1. The Chairmen of Panels 1 thru 9 will present progress reports on panel studies. A joint review of the outlines of panel final reports will be conducted. [These panels are the functional study groups for particular technical aspects of cable television systems.]
2. The schedule for remaining CTAC activity will be discussed and reconfirmed.
3. The costs of completing CTAC activities and the impact on CTAC Fund, Inc. which supports these costs will be considered.
4. CTAC Fund, Inc. solicitation will be discussed.
5. An Editorial Board for the preparation of the Final CTAC Report will be discussed and its functions defined.
6. New Business.

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. A. M. Rutkowski, FCC, 1919 M Street NW., Washington, D.C. 20554—(202) 632-9797.

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

[FR Doc.74-20341 Filed 9-3-74;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 74-35]

BROOKLYN-PORT AUTHORITY MARINE TERMINAL

Order of Investigation

Agreement No. T-2880, as amended, between the Port Authority of New York and New Jersey (Port) and Barber Lines a/s (Barber Lines); agreement T-2882-1 and T-2882, as amended by T-2882-1 between the Port and Pittston Stevedoring Corporation (Pittston); agreement T-2883, as amended, among the Port, Nippon Yusen Kaisha, Limited (NYK) and International Terminal Operating Co., Inc. (ITO); agreement T-2884 as amended, and T-2885, as amended between the Port and Universal Maritime Service Corporation (UMS).

Subject Agreements were filed for approval[1] pursuant to section 15 of the Shipping Act, 1916, on October 29, 1973. Notice of their filing appeared in the FEDERAL REGISTER on January 23, 25, and 29, and February 7, 1974. The Agreements are similar, each providing for the lease of certain marine terminal facilities at the Brooklyn-Port Authority Marine Terminal, New York, New York, for use as public marine terminals. Each provides that the Port will be paid an amount equal to $2.00 per revenue ton handled with a maximum not to exceed the prior year's rental of $600,000 and a minimum not less than one-half of the prior year's rental ($300,000). The lessees are restricted by each agreement from operating cold storage facilities on the leased premises and are subject to all Port rules and regulations. With the exception of Agreement T-2883, the lessee has the exclusive right to collect dockage and wharf usage charges from vessels using the facility.

A protest against approval of these Agreements was filed by Pouch Terminal, Inc. (Pouch) on February 28, 1974. Pouch Terminal, Staten Island, consists of three breakbulk piers and adjacent warehouse facilities. Pouch has regularly rented its pier space to terminal operators or common carriers while retaining the operation of the adjacent warehouses. According to Pouch, the rental formula contained in subject agreements will reduce the annual rental of each tenant of the Port's Brooklyn piers. Pouch further asserts that Pittston Stevedoring Corporation was the terminal operator of the Pouch Terminal pursuant to a five-year lease which expired May 31, 1974. Pittston is now a party to Agreements Nos. T-2881 and T-2882, as amended, and will renew its lease with Pouch only if given the benefit of the Port's new rental formula. Pouch alleges that it has incurred substantial increases in expenses associated with taxes, insurance, repairs and maintenance during the years of Pittston's tenancy, that such costs are expected to continue to increase substantially in the future, and that it could not operate on as little as one half the rental previously received. Additionally, Pouch alleges that the Port, as a public body, is exempt from taxation and due to its enormous wealth is able to subsidize losses on some of its operations with profits from others. Since Pouch's only substantial source of income is from its pier rentals and adjacent warehouse operations, it could not survive if its piers were vacant for any extended period of time which is what Pouch believes will occur if the Port is permitted to implement its proposed rental formula. Finally, Pouch alleges that the Agreements violate sections 16 and 17 of the Shipping Act, 1916, in that they subject Pouch to undue and unreasonable prejudice and disadvantage and establish unjust and unreasonable regulations and practices in connection with the receiving, handling, storing, or delivery of property, and are detrimental to the public interest and commerce of the United States, and should therefore not be approved pursuant to section 15.

The Commission is of the opinion that these Agreements should be made the subject of a formal investigation to determine whether these Agreements should be approved, disapproved, or modified pursuant to section 15 of the Shipping Act, 1916.

Now therefore it is ordered, That the Commission enter upon an investigation and hearing pursuant to section 22 of the Shipping Act, 1916, to determine whether Agreements Nos. T-2880 between the Port and Barber Lines; T-2881, as amended by T-2881-1, and T-2882, as amended by T-2882-1, between the Port and Pittston; T-2883 as amended, between the Port and NYK and ITO; and T-2884, as amended, and T-2885, as amended, between the Port and Universal Maritime Service Corporation are agreements subject to section 15 of the Shipping Act, 1916, and if so, whether said Agreements' should be approved, modified or disapproved pursuant to section 15 of the Shipping Act, 1916.

It is further ordered, That in the event there is any modification of these agreements such modification shall be filed with the Commission, and shall be made subject to this investigation for approval, disapproval or modification under the standards of section 15 of the Shipping Act, 1916;

[1] The Port Authority argues that these Agreements are not subject to Commission jurisdiction under section 15.

It is further ordered, That it be determined whether these agreements subject Pouch to undue or unreasonable prejudice or disadvantage or establish unjust and unreasonable regulations and practices in connection with the receiving, handling, storing or delivery of property in violation of sections 16 and/or 17 of the Shipping Act, 1916;

It is further ordered, That the Port Authority of New York and New Jersey, Barber Lines, Pittston Stevedoring Corporation, Nippon Yusen Kaisha, Ltd., International Terminal and Operating Company, Inc. and Universal Maritime Service Corporation be named as Respondents herein;

It is further ordered, That Pouch Terminal Inc. be named Petitioner;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined and announced by the presiding Administrative Law Judge;

It is further ordered, That notice of this Order be published in the FEDERAL REGISTER, and a copy thereof be served upon Respondents and Petitioner;

It is further ordered, That any person other than respondents and petitioner, and the Bureau of Hearing Counsel, having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with rule 5(1), 46 CFR 502.72, of the Commission's rules of practice and procedure;

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding including notice of the time and place of hearing or prehearing conference shall be mailed directly to all parties of record.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20392 Filed 9-3-74;8:45 am]

[Docket No. 74-36]

MATSON NAVIGATION CO.—INCREASE IN RATES ON MOTOR VEHICLES IN THE U.S. PACIFIC COAST/HAWAIIAN TRADE

Order of Investigation and Suspension

On July 25, 1974, Matson Navigation Company (Matson) filed a 25 percent increase in rates to apply to Automobiles, Buses, Fire Trucks and Trailers, effective September 1, 1974.[1]

By telegram received on August 19, 1974, the Hawaii Automobile Dealers Association (Association) protested the increase. The Association alleged it to be discriminatory, unjust and unreasonable because the increase applied exclusively to motor vehicles, and there is no practical alternative to shipping via Matson because of its market control. On August 26, 1974 Matson replied to that protest and furnished certain financial data in support of its increase.

The instant rate filings come at a time when Matson's 12.5 percent general rate increase of April 1973 is presently the subject of inquiry in Docket No. 73-22, Matson Navigation Company Proposed Changes in Rates Between U.S. Pacific Coast and Hawaii. Included in the considerations in that proceeding are automobile rates. However, the evidence adduced thereunder and the position taken by the State of Hawaii therein focus on whether such rates are too low and noncompensatory. The evidence necessary for a determination of the issues raised by the Association has not been developed to any extent in that case and it is doubtful whether such an exercise would be proper in a general revenue proceeding where the issue is not raised by the Order of Investigation. Moreover, the Association is not a party to Docket No. 73-22.

Upon consideration of the above matters, the Commission is of the opinion that the proposed increase should be suspended and made the subject of a separate public investigation and hearing to determine whether it is unjust, unreasonable, or otherwise unlawful under section 16, First and 18(a) of the Shipping Act, 1916, as amended, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, as amended. However, in view of the data supplied by Matson and the position taken by the State of Hawaii in Docket No. 73-22, we are of the opinion that an interim 12.5 percent increase would be warranted.

Therefore, it is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, as amended, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, as amended, an investigation is hereby ordered into the lawfulness of the proposed increase for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matter hereby placed under investigation is further changed, amended, or reissued, such changes are hereby ordered to be made part of this investigation;

It is further ordered, That pursuant to section 3 of the Intercoastal Shipping Act, 1933, Matson's Seventh Revised Page 9 to Tariff FMC-F No. 143; First Revised Page 12-B, Third Revised Page 13 and Eighth Revised Page 14 to Tariff FMC-F No. 145 are hereby suspended and the use thereof deferred to and including December 31, 1974, unless otherwise ordered by this Commission.

It is further ordered, That there shall be filed immediately with this Commission by Matson Navigation Company consecutively numbered supplements to the aforesaid tariffs which supplements shall bear no effective date, shall fully reproduce this order and shall state that the aforesaid matter is suspended and may not be used until January 1, 1975, unless otherwise authorized by this Commission and that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired, whichever comes first, unless otherwise ordered by this Commission;

It is further ordered, That there may be filed by the Matson Navigation Company, the tariff matter necessary to effectuate an increase of not greater than 12.5 percent in rates to apply to Automobiles, Buses, Fire Trucks and Trailers, as specified on the pages listed in footnote "1" of this order, to be effective not earlier than September 1, 1974, unless otherwise ordered by this Commission;

It is further ordered, That pursuant to section 16, First of the Shipping Act, 1916, as amended, a determination shall be made as to whether Matson, by the subject increases, is proposing to subject any particular person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever within the meaning of that section;

It is further ordered, That Matson Navigation Company be named as respondent in this proceeding and that the Hawaii Automobile Dealers Association be named as complainant;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice therof is served within 20 days of commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge;

It is further ordered, That (1) a copy of this order be forthwith served upon the respondent and complainant herein and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (2) the respondent, complainant and Hearing Counsel be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to the proceeding.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20390 Filed 9-3-74:8:45 am]

[1] The increase is reflected on Seventh Revised Page 9 to Tariff FMC-F No. 143; First Revised Page 12-B, Third Revised Page 13 and Eighth Revised Page 14 to Tariff FMC-F No. 145.

JAPAN/KOREA—ATLANTIC AND GULF FREIGHT CONFERENCE

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 September 24, 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:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington D.C. 20036

Agreement No. 3103–54 has been entered into by the member lines of the Japan/Korea-Atlantic & Gulf Freight Conference, to further amend the approved agreement of that conference to incorporate the understanding that no conference member shall be entitled to attend meetings and/or vote upon matters within the authority of that conference so long as it operates as a nonconference line, or uses agents that represent nonconference line(s), in the conference trades and/or in the trades within the scope of the Trans-Pacific Freight Conference of Japan/Korea (Agreement No. 150, as amended).

By Order of the Federal Maritime Commission.

Dated: August 29, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20396 Filed 9-3-74;8:45 am]

JAPAN/KOREA—ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762 (46 U.S.C. 813a)).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC. 20573, on or before September 24, 1974. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system 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 petition (as indicated hereinafter, and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington D.C. 20036

Agreement No. 3103 DR–5 is an application on behalf of the member lines of the Japan/Korea-Atlantic & Gulf Freight Conference, for permission under Section 14b to modify the approved dual rate system and form of contract of that conference (1) by deleting from the disclosure provision of Article 3(f) the proviso (a) concerning merchant impelled investigations and (b) which authorizes disclosure of information to another carrier or its duly authorized agent; and (2) amending the damages for breach provision (Article 10(a)) to provide for the assessment of damages on the basis of an amount equal to 50 percent of the computed freight charges, without regard to the cost of loading and unloading which would have been incurred had the shipment moved on a vessel of a conference carrier.

By Order of the Federal Maritime Commission.

Dated: August 29, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20399 Filed 9-3-74;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762 (46 U.S.C. 813a)).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, on or before September 24, 1974. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system 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 petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreement No. 150 DR–5 is an application on behalf of the member lines of the Trans-Pacific Freight Conference of Japan/Korea, for permission under Section 14b to modify the approved dual rate system and form of contract of that conference (1) by deleting from the disclosure provision of Article 3(f) the proviso (a) concerning merchant impelled investigations and (b) which authorizes disclosure of information to another carrier or its duly authorized agent; and (2) amending the damages for breach provision of Article 10(a) to provide for the assessment of damages on the basis of an amount equal to 50 percent of the computed freight charges, without regard to the cost of loading and unloading which would have been incurred had the shipment moved on a vessel of a conference carrier.

By Order of the Federal Maritime Commission.

Dated: August 29, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20398 Filed 9-3-74;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA

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 September 24, 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:

Charles F. Warren, Esq.
1100 Connecticut Avenue NW.
Washington, D.C. 20036

Agreement No. 150–58 has been entered into by the member lines of the Trans-Pacific Freight Conference of Japan/Korea, to further amend the approved agreement of that conference to incorporate the understanding that no conference member shall be entitled to attend meetings and/or vote upon matters within the authority of that conference so long as it operates as a nonconference line, or uses agents that represent nonconference line(s), in the conference trades and/or in the trades within the scope of the Japan/Korea-Atlantic & Gulf Freight Conference (Agreement No. 3103, as amended).

By Order of the Federal Maritime Commission.

Dated: August 29, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74–20395 Filed 9–3–74;8:45 am]

[Agreement No. 8600]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA AND THE JAPAN KOREA—ATLANTIC AND GULF FREIGHT CONFERENCE

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 September 24, 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:

Charles F. Warren, Esq.
1100 Connecticut Ave., N.W.
Washington, D.C. 20036

Agreement No. 8600–4 is a further modification of the joint conference agreement comprising the member lines of the Trans-Pacific Freight Conference of Japan/Korea (Agreement No. 150, as amended), and the Japan/Korea-Atlantic & Gulf Freight Conference (Agreement No. 3103, as amended), to incorporate the understanding that any member line(s) to the joint conference agreement shall not be entitled to attend meetings and/or vote upon matters within the authority of said agreement so long as they operate as nonconference lines, or use agents that represent nonconference lines, in either of the trades of the respective conferences as defined in the joint conference agreement (Agreement No. 8600, as amended).

By Order of the Federal Maritime Commission.

Dated: August 29, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74–20397 Filed 9–3–74;8:45 am]

TRANS-PACIFIC PASSENGER CONFERENCE

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 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 September 24, 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 for approval by:

Mr. Ronald C. Lord
General Manager
Trans-Pacific Passenger Conference
311 California Street
San Francisco, California 94104

Agreement No. 131–262 filed by the Trans-Pacific Passenger Conference modifies Article A–2 entitled "Purpose" to read as follows:

"The purpose of the Conference is to promote, improve and regulate the sale and handling of passenger ship traffic within the scope of its Agreement as outlined in Article B, to represent its Members in dealings with other conferences, organizations, associations, and Governmental Agencies, including participation in joint promotional and educational activities with said other conferences, organizations, associations and Governmental Agencies, and to coordinate action, harmonize policies and stabilize fares for the benefit of its Members, its Travel Agents and the traveling public. However, no joint action within the ambit of section 15 of the Shipping Act, 1916, shall be carried out without first obtaining approval of the Federal Maritime Commission."

The stated purpose of this modification of Article A–2 is to make clear that the Conference has the authority under Article A–2 of its Constitution to participate in joint promotional and educational activities with other industry conferences, organizations, associations, or governmental agencies.

By Order of the Federal Maritime Commission.

Dated: August 28, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74–20393 Filed 9–3–74;8:45 am]

TRANS-PACIFIC PASSENGER CONFERENCE AND INTERNATIONAL PASSENGER SHIP ASSOCIATION

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 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 September 24, 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 for approval by:

Mr. Ronald C. Lord
General Manager
Trans-Pacific Passenger Conference
311 California Street
San Francisco, California 94104

Agreement No. 10010 between the Trans-Pacific Passenger Conference (TPPC) and the International Passenger Ship Association (IPSA) is a cooperative working agreement whereby TPPC and IPSA may undertake joint promotional and educational activities as they may determine from time to time will benefit them and the traveling public. Each party reserves the right to conduct independent promotional and educational activities.

By order of the Federal Maritime Commission.

Dated: August 28, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20394 Filed 9-3-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RM74-22, E-8589, E-8550 et al.[1]]

NEW ENGLAND POWER POOL PARTICIPANTS ET AL.

Order Permitting Withdrawal of Petition and Accepting Rate Schedules, Permitting Withdrawal of Rate Schedules, Disposing of Procedural Matters, and Terminating Proceedings

AUGUST 26, 1974.

New England Power Pool Participants (NEPOOL), on January 10, 1974, filed a petition in Docket No. E-8589, seeking an "emergency" order of the Commission pursuant to section 202(c) of the Federal Power Act, 16 U.S.C. 824a(c), directing certain electric utilities to provide them with available electric power and energy, pursuant to the petroleum fuel conservation policy expressed in Commission Order No. 496, issued November 29, 1973, 38 FR 33641, and Order No. 497, issued December 7, 1973, 38 FR 34318.

In furtherance of the Commission's fuel conservation policy expressed in those orders, the Commission's Chief, Bureau of Power, by letter of December 4, 1973, requested the cooperation of the National Electric Reliability Council in a voluntary program under which utilities in each council area would prepare contingency schedules of emergency power transfers. The last mentioned activity was in progress when the NEPOOL petition was filed.

The record in Docket No. E-8589 was initiated by Commission order issued January 11, 1974, 39 FR 2398, in which the Commission directed that public conferences—with the Commission staff—be held inter alia, to discuss NEPOOL's petition of January 10, supra. As a result of a series of such public conferences held with participants shown in Appendix B[2] there are now pending before the Commission for its consideration, the proposed "Coal-by-Wire" settlement rate schedules, Docket No. RM74-22 et al. By various orders, a number of previously filed coal-by-wire rate schedule proposals had been suspended, subject to hearing and order in proceedings in Docket No. E-8550 et al., as listed in Appendix A.

These settlement rate schedules, and the action which we here take, are in furtherance of the Commission's program during the winter of 1973-74 to secure voluntary cooperation of all electric utilities in order to forestall imminent threats to the reliability of service in areas of the Nation, as a consequence of the Arab oil embargo. Pursuant to the policy expressed in Order No. 496, supra, a number of the Nation's electric utilities, upon a voluntary basis, transferred approximately 820,000 mwhs of coal-fired generation (primarily) to the eastern seaboard power pools over a period January–May 1974. These transfers of coal-fired energy were coordinated by the Commission's staff with petroleum allocations of the Federal Energy Administration, formerly the Federal Energy Office. The Commission did not find is necessary to determine an "emergency" within the meaning of section 202(c) of the Federal Power Act, as was requested by NEPOOL, to accomplish these fuel conservation power and energy transfers.

On April 30, 1974, in Docket No. RM74-22 et al., 39 FR 16367, the Commission issued a Notice of Settlement Rate Proposals and Request for Comments Pursuant to Informal Rulemaking Procedure. The Notice included an order permitting interventions, continuing hearings and prescribing procedures. Pursuant to the Commission's Notice, most of the conference participants listed in Appendix B hereto responded with comments favoring the settlement rates, including NEPOOL, two other power pools, New York Power Pool (NYPP) and Pennsylvania-New Jersey-Maryland Interconnection (PJM), and various interested state commissions. One conference participant, Richmond Power and Light, owned and operated by the City of Richmond, Indiana (Richmond), had filed a series of comments objecting to the settlement rates. In response to the April 30 Notice, supra, Richmond filed extensive factual and legal presentations opposing the settlement proposals. Comments objecting to the settlement rates were also received from Representative Michael J. Harrington, Massachusetts, as an intervenor, from Cities of Crawfordsville, Frankfort, Logansport, Peru and Washington, Indiana (Interested Parties), and from the Commission's Chief, Office of Economics. As a part of the overall record here before us, these comments have been reviewed and are discussed infra.

By order issued April 8, 1974, 39 FR 13713, in Docket Nos. E-8550, E-8565, E-8567 and E-8591, portions of those proceedings were terminated which concerned rate schedules of various public utilities applicable to short-term power and limited-term power services. Previously, the Commission had set for hearing and suspended the application of proposed rates and charges for those particular types of services because of the insufficiency of supporting cost data. The relevant data were filed and the Commission's April 8, 1974, order terminated all such proceedings with respect to those services, all without ob-

[1] See Appendix A, filed as part of the original document, for designations of all rate schedules, the names of all filing utilities and their respective docket numbers.

[2] Appendices B and C filed as part of the original document.

jection by any party or Commission staff.

This order permits NEPOOL to withdraw its petition filed January 10, 1974, and thus terminate E–8589. This order allows and directs various affected public utilities in the consolidated dockets to file substitute rate schedules for fuel conservation services and others to withdraw their fuel conservation rate schedules, all as a basis for terminating the remaining portions of those dockets. Appendix A identifies the affected rate schedules and the filing (or withdrawing) public utilities and sets forth the proposed effective dates therefor. The order also disposes of a number of procedural points.

Rate Design, Cost Data and Related Matters. The basic question before the Commission, as resolved in this order, concerns the fixing of the rates and charges for these transfers. We accept the proposed settlement rates and charges as supported in the factual record here before the Commission. We believe, that in the particular circumstances of the power and energy transfers over the period January–May 1974, the application of the settlement rates will serve the public interest. The proposed rates and charges have been cost related upon the record here before us and they will not provide revenues to the respective generating or transmitting public utilities in excess of their respective allocated costs of rendering these services, when tested upon a basis of allocated operating and investment costs which the originating (generating or transmitting) utilities have assigned to fuel conservation service.

For the sole purpose of terminating this proceeding, we accept such cost allocations without inferring that such cost allocation methods would be appropriate in the future, a matter to be explored in the notice of proposed rulemaking issued concurrently herewith in Docket No. RM7– ——. The subject cost allocation methods are factually supported by data of each participating system which has supplied fuel conservation service in the period January-May 1974.The settlement rates and chargts are accepted also by the utilities, conference staff,[3] and by representatives of 10 participating state public service commissions. Appendix B lists the supplier systems, the transmitting systems, the purchasing systems or pools and state commissions whose representatives have participated in various phases of the conferences and rulemaking hearing record now before the Commission in the above entitled matters.

To date, the intersystem billings for fuel conservation services rendered have been under a series of differing rate schedules as the supplying utilities, generating or transmitting, may have had on file with the Commission at the time services were physically initiated or as such schedules may then have been proposed to the Commission for fuel conservation power and energy transfers. Throughout these proceedings, there has been general recognition by all systems that the billings and classifications of power and energy—as delivered from the midwestern and southeastern regions to the Middle Atlantic, New York and New England regions—were tentative, and subject to readjustment upon the Commission's conclusion of the rate determinations here before the Commission.

With the application of the settlement rates and charges to the actual deliveries of fuel conservation services rendered on and after January 1, 1974, there will be refunds approximating $730,000 to the New England Power Pool utilities, approximating $700,000 to the New York Power Pool utilities and approximating $700,000 to the Pennsylvania-New Jersey-Maryland Interconnection companies.[4] The precise dollar refunds to each utility will be ascertained, based upon the classification of the electric power and energy transfers according to electrical control area dispatching center operating data. The Commission's action in accepting the settlement rates and charges will result in refunds which the Commission could not order under its refund powers of the Federal Power Act, Section 205, 16 U.S.C. 825d. Accordingly, it must be recognized that this action will result in the lowest rates legally permissible to the particular services here under consideration.

The cost allocation methods, as reflected in the settlement rates and charges, recognize basic physical operating factors associated with the fuel conservation power and energy transfers which took place. For example, this type of service was operationally planned at the Commission's conference staff recommendation at the commencement of the public conference sessions: To be rendered up to a pre-determined number of hours per week, primarily from coal-fired base load steam-electric generating plants; to be transmitted by displacement through intervening electric transmission facilities connecting the midwestern and southeastern regions with the Middle Atlantic, New York and New England regions; and to be in such amounts of residual oil equivalents as the Commission's staff was then recommending to the Federal Energy Office, as reduced residual oil allocations for the eastern seaboard electric utilities under the petroleum allocation responsibilities of that Office. See conference Staff Recommendations, Revised April 12, 1974. See Federal Energy Office Rules and Regulations, 10 CFR, Chapter II, Part 211. Nighttime hours and weekend periods were adopted for these transfers to meet electrical load-capacity and other operating conditions upon the respective systems of the receiving utilities; electrical generating and operating conditions upon the systems intervening between the originating and receiving systems; and electrical generating and operating conditions upon originating (supplying) systems.[5] Recognizing that we are here looking at pre-scheduling and power supply from identifiable units, and not the supplier overall system demand, we do not apply the cost allocation methods which utilize off-peak system demand ratios. This is not to say that we might not in other circumstances apply such ratios.

In short, these particular fuel conservation power and energy transfers were designed to accomplish a transfer of eastern seaboard electric utility customer demands to electric generating resources in the midwestern and southeastern regions. They were accomplished through the mechanism of the existing electrical facilities, power pools and electric reliability councils, all in coordination with state public service commissions and Federal Power Commission staff personnel who participate in the Commission's adequacy and reliability program pursuant to section 202(a) of the Federal Power Act, 16 U.S.C. 824a(a).

The proposed rate schedules and supplements (designated in Appendix A) take the form of both new tariff (unilateral) rate filings and amendments to existing two-party agreements. The single-party tariff filings[6] provide for substantially similar service to the two-party agreement filings. Both forms of schedules, in most instances, provide for two types of services: (1) Supplying fuel conservation service from in-system generator units, including delivery of this service to that system's border; and (2) transmitting this service through displacement by third parties. In both forms of schedules, the respective parties can be either Seller or Buyer of energy generated and/or transferred.

The respective supplying and transmitting systems submitted cost data and

[3] The Commission's Deputy General Counsel and the Commission's Chief, Bureau of Power, were designated by order of the Commission issued January 11, 1974, Docket No. E–8589, *supra*, to conduct the public conferences which were held in respect to fuel conservation power and energy.

[4] These groups of power pool utilities are referred to throughout this order as NEPOOL, NYPP and PJM, respectively.

[5] Power and energy transfers through the interconnected alternating current system networks of the Nation's electric utilities is accomplished by a series of physical actions of over-generation or under-generation in electrical control regions. The process is controlled through electrical dispatching centers employing continuous circuitry control, communications and monitoring procedures. Each area has substantial amounts of custom designed equipment and highly specialized personnel to effect these controls. Interconnected operating conditions are dynamic and the ability of any system to transfer power and energy to another is dependent upon system operating conditions at that time. Such electric energy displacement is related to many factors, including the location of generators, the location of load centers, the voltage, conductor spacing, conductor size and length of transmission lines. Without continuous coordination among electrical dispatch centers, electrical instability will likely occur, and the reliability of interconnected power systems can not be maintained.

[6] Commonwealth Edison Company, Ohio Edison Company, Louisville Gas and Electric Company and Pennsylvania Power Company.

analyses which, in a number of instances, show that costs—as allocated and which we accept for purposes of this case—exceed the settlement rates reflected in the respective filed rate schedules and that in no instance do the settlement rates exceed the respective allocated costs, as shown by the record here before the Commission. The rationale and the cost components underlying the proposed settlement rates follow two general patterns:

A. In system energy charges to cover generation and transmission to the purchasing entity's delivery point or points, generally including all out-of-pocket or incremental (variable) energy replacement costs, including the replacement price of fuel, plus an allocated portion of the supplier's fixed costs (depreciation, taxes and return) on its production and transmission plant used to accomplish the deliveries. The allocation of the fixed costs is a ratio of the reserved hours/week of fuel conservation power and energy to the total hours in a week, e.g., 72/168;

B. Transmission or displacing system charges to cover the displacement transmission action, generally including that system's out-of-pocket or incremental (variable) costs, including the cost of make-up power to cover electrical losses, plus an allocated portion of the fixed costs (depreciation, taxes and return), on its transmission plant used to accomplish the deliveries. The allocation of the fixed costs is a ratio of the reserved hours/week of fuel conservation power and energy to the total hours in a week, e.g., 72/168.

Generally, the fixed charges are stated in the form of demand rates for both generating capacity and transmission capacity so reserved, i.e., on the basis of cents per kilowatt-week (72 hours per week, available during nights and Sundays) for the generating or transmission capacity so reserved. In some instances, an equivalent demand rate appears as an energy charge in mills/kwh.

The settlement rate levels for in-system power and energy (paragraph A. above) may be summarized as follows. Thirteen of the two-party agreements include rate schedules with demand reservation charges for in-system power at 20¢ per kw-week for 72 hours service per week.[7] Energy in these 13 rate schedules (except for Public Service Company of Indiana and Louisville Gas and Electric Company) is priced at 110 percent of the out-of-pocket energy replacement costs. Commonwealth Edison Company's filed rate specifies a demand reservation charge of .133¢ per kw-week (56 hours availability per week). No other utility includes a demand reservation charge in the subject filings. However, eight of the other utilities' schedules, in addition to out-of-pocket costs (essentially cost of generation), include a facilities charge per kwh to recover fixed plant costs and losses. A three mills per kwh facility charge is included in six of these eight two-party schedules.[8] Ohio Edison Company's tariff filing includes a 2.5 mills per kwh facilities charge while Duke Power Company's tariff filing includes a 2.75 mills per kwh facilities charge.

The settlement transmission rates (paragraph B. above) covering power and energy generated by others, in addition to out-of-pocket costs, includes a demand reservation charge of 12.5¢ per kw-week in seven rate filings.[9] The 12.5¢ reflects allocated fixed costs and losses. All other transmission rates include a fixed charge per kwh which, in most cases, includes an allowance for losses. A 1.75 mill per kwh charge for transmission service, which includes a loss allowance, is proposed in four of the rate filings.[10] Duke Power Company and Ohio Edison Company each include a 1.5 mill per kwh charge in its tariff. However, losses are an extra charge in the Duke Power filing. A two mill charge, including a transmission loss allowance is included in two two-party filings.[11] Cleveland Electric Illuminating Company includes a 1.25 mill per kwh charge for transmission service, including losses. Unlike the previously listed systems, two filings specify a recovery of the demand and energy charges the Seller paid its supplier plus 110 percent of all other costs.[12]

The application of these settlement rates and charges to the amounts of power and energy transferred from the supplying utilities to the receiving systems (Appendix A) will result in charges at the production level (paragraph A. above) ranging from six mills/kwh to 12 mills/kwh, depending upon the generating utility source; and in charges at the transmitting or displacing level (paragraph B. above) ranging from one to two mills/kwh for each major power system or power pool area. Attached Appendix C is a map showing the Operating Power Dispatch Areas, Eastern United States.

Viewed as part of an overall fuel conservation program, fuel conservation transfers are not readily predictable. We believe it is in the public interest to accept the settlement rates and charges for the reasons set forth in this order. The variable or incremental costs are those allocable to the services rendered. The allocated portion of the total charges attributable to fixed costs, with respect of the production level, is from 2.5 to 3 mills/kwh, and approximately one mill/kwh with respect to the transmission level, after an allowance for losses.

In all cases, the settlement rates and charges are equal to or less than currently effective rates otherwise applicable to these generating services and power and energy transfers.

For purposes of this order, the Commission's analysis is that of testing the transmission rates and charges of the settlement proposals and as a part thereof we have reviewed the individual utility allocated system transmission costs. Also, we have considered the elements of the loss allowance. The record contains substantial commentary on this point. We find, however, the allocated costs support the projected unit transmission revenues of the particular systems under the settlement rates and charges, regardless of any allowance for losses.

We accept the position expessed in the utilities' rate filings and in their comments filed herein, and we find that the resulting respective revenues available for return on invested capital—based upon the proposed settlement rates—are not in excess of those amounts which the filing utilities could justify upon the basis of a full cost of service study, were we here undertaking to prescribe the system rates of return of each of these utilities.

The allowance for electrical losses, as reflected in the settlement rates and charges, are reasonable approximations which we accept for purposes of this order. They are not metered actual losses but, rather, loss approximations based on informed judgments utilizing load flow analyses of intersystem and intrasystem conditions which could be anticipated under power and energy flows from the midwestern and southeastern regions to the Middle Atlantic, New York and New England areas. The load flow study analyses were conducted by a technical

[7] Central Illinois Light Company-Illinois Power Company, Illinois Power Company-Indiana & Michigan Power Company (AEP), Central Illinois Public Service Company-Indiana & Michigan Power (AEP), Detroit Edison Company-Indiana & Michigan Power Company (AEP), Consumers Power Company-Indiana & Michigan Power Company (AEP), Indianapolis Power & Light Company-Indiana & Michigan Power Company (AEP), Northern Indiana Public Service Company-Indiana & Michigan Power Company (AEP), Dayton Power & Light-Ohio Power Company (AEP), Columbus & Southern Ohio Power Company-Ohio Power Company (AEP), Virginia Electric & Power Company-Appalachian Power Company (AEP), Monongahela Power Company-Ohio Power Company (AEP), Wisconsin Electric Power Company-Commonwealth Edison Company, and Louisville Gas & Electric Company-Public Service Company of Indiana.

[8] Carolina Power & Light Company-Virginia Electric & Power Company, Carolina Power & Light Company-South Carolina Electric & Gas, Virginia Electric & Power Company-Monongahela Power Company, Virginia Electric & Power Company-PJM Companies, Allegheny Power System Companies-PJM Companies, and Duquesne Light Company-West Penn Power Company

[9] Dayton Power & Light Company-Ohio Power Company, Columbus & Southern Ohio Power Company-Ohio Power Company, Indianapolis Power & Light Company-Indiana & Michigan Power Company, Central Illinois Public Service Company-Indiana & Michigan Power Company, Central Illinois Public Service Company-Indiana & Michigan Power Company, Northern Indiana Public Service Company-Indiana & Michigan Power Company, Consumers Power Company-Indiana & Michigan Power Company, and Detroit Edison Company-Indiana & Michigan Power Company.

[10] Public Service Company of Indiana-Indiana & Michigan Power Company, Virginia Electric & Power Company-PJM Companies, Allegheny Power System Companies-PJM Companies, and Allegheny Power System Companies-Virginia Electric & Power Company.

[11] Carolina Power & Light Company-Virginia Electric & Power Company, and Carolina Power & Light Company-South Carolina Electric & Gas Company.

[12] Commonwealth Edison Company, Wisconsin Electric Power Company-Commonwealth Edison Company.

advisory committee of the National Electric Reliability Council and they have been reviewed by the Commission's technical engineering staff.

It is an accepted practice of system interconnected operation to measure loss equivalents through an analytical process as was employed in this instance. For economic reasons, detailed metering instruments are not installed to measure actual losses on the myriad of individual transmission lines that are employed in transferring the power and energy either inter- or intra-system. Through load flow studies, overall losses are approximated and individual system conditions are then projected to experience losses in that relative amount.

In this instance, an overall 10 percent transmission systems loss factor was presented for Commission analysis purposes. The Commission believes that the load flow analyses developed for this particular type of intersystem power transfer provides a factual reference of the 10 percent loss factor. These case analyses are of more probative value for the approximation of losses than statistical averages of system losses.[13]

Normal flows in a power supply transmission network are from a generating station to the ultimate consumer at a load center or to pumped storage facilities. This normal flow is referred to as the transmission bias. With the increasing use of transmission facilities for the transfer of power outputs from mine mouth and other large base load generation, and the operation of pumped storage facilities, transmission loads on major interconnecting transmission lines may not materially change between day and nighttime or week and weekend periods. As available data show, the transmission line bias to be encountered in the displacement of fuel conservation power and energy is not a condition of light loading of transmission facilities during nighttime and weekend periods. On the contrary, the scheduling of fuel conservation power and energy from base load fossil-fired electric generating plants in the midwestern region tends to increase electrical losses in the eastern region, particularly in the Middle Atlantic and New York areas. Replacement fuel costs, to make up for transmission line losses, vary from system to system. Moreover, during the winter period here under review, these costs were steadily increasing, especially along the eastern seaboard, under the pressures of the Arab oil e - bargo.

For the purposes of this order and these particular fuel conservation power and energy transfers, we accept this method of approximating the loss allowance.

Objections. The opposition to the settlement rates and charges is reflected in positions taken by intervenors, City of Richmond, Indiana, Congressman Michael J. Harrington, the Commission's Chief, Office of Economics, and "Interested Parties", Cities of Crawfordsville, Frankfort, Logansport, Peru and Washington, Indiana.[14] As shown by the record here before us, each of the foregoing rulemaking participants advances a type of incremental cost ratemaking argument by which they would establish rates and charges for fuel conservation power and energy. For reasons set forth in this order, we accept the settlement rates and charges and the cost allocations therefor.

The several incremental cost ratemaking theories advanced by the foregoing participants, who oppose the settlement rates and charges[15], and by NEPOOL, which address the theoretical questions[16], are being set forth, along with other theories, as subject matters of a proposed rulemaking proceeding leading to the establishment of generally pre-stated ratemaking principles under which this Commission would test future inter-regional transfers of power and energy to meet regional or national fuel shortage conditions affecting electric utilities. The rulemaking notice, issued concurrently herewith, contemplates that under such pre-stated ratemaking principles, utility systems would know how the Commission would undertake to administer its emergency authority pur-

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[13] Suggestions set forth in the Comments of Richmond and others that the filing utilities are seeking a 40 percent loss factor misinterpret the analysis and filings. The Commission does not adopt any such loss allowance. Individual system facts vary and are so recognized. Nevertheless, an arithmetical example expressing the loss relationship is helpful to an understanding of the analysis employed by the conference staff. For example, with a replacement fuel cost of 15 mills/kwh, and a five percent transmission system loss, the calculation would justify a transmission "loss allowance" of .75 mills/kwh. Alternatively, a replacement fuel cost of 7½ mills/kwh and a loss of 10 percent would also justify a transmission "loss allowance" of .75 mills/kwh. The Commission directs certain additional rate schedule filings with respect to the electrical loss matter, ordering paragraph (G) infra.

[14] These Cities are not intervenors in these dockets and they do not request intervention. Their May 20 submittal is labeled as a "Statement In Response To Request For Comments." The Statement provides as follows (p. 4): "Cities do not desire to presently participate in the proposed fuel conservation energy transfer arrangements."

[15] The Commission's Chief, Office of Economics, states (Reply Comments, pp. 1–2): An examination of the various cost justifications indicates that they all include a pro rata portion of the fixed costs for production plant and transmission facilities. As argued in our initial comments on May 17, 1974, we believe that pro rata costs cannot be justified for an offpeak power service of the type contemplated in the "fuel-by-wire" program ordered by the Commission in Order No. 496 (November 29, 1973). If the Commission were to approve the proposed Fuel Conservation Rate Schedules based on these overstated costs, it would risk frustrating the essential purpose of the new service, which is to mitigate the effects of oil and natural gas shortages on the Nation's electric utilities.

The City of Richmond states (Comments, p. 5):

(ii) that the Commission determine generation supplier rates on the basis of incremental replacement costs plus such adder as will contribute to fixed costs and return to the extent the Commission determines necessary to maximize the flow of conservation energy consistent with objectives of the national program;

(iii) that the Commission authorize an alternative generation-supplier pricing mechanism, the 50–50 split of the savings between the incremental supplier costs and the decremental user costs; [footnote omitted] * * *

(v) that the Commission determine and direct the establishment of through off-peak transmission rates for utilities transmitting conservation energy, consisting of incremental transmission costs;

Congressman Harrington states (Comments, p. 5):

One, the FPC should promulgate guidelines regarding transmission surcharges. Utilities along the transmission route should certainly be entitled to recover 100 percent of the actual costs involved in the energy transfer. In addition, they should be entitled to a reasonable profit. This profit margin should be determined on a percentage basis by the Commission, not by the utilities themselves through negotiation. The rate should be one that legitimately reflects the economic cost of the transmission, but is not so high as to discourage otherwise efficient energy transfers.

Interested Parties, Cities of Crawfordsville, et al., state (Statement, p. 4):

* * * but Cities strongly believe that any arrangements approved by this Commission in the present docket should insure; (1) that all compensation for such transfers be strictly justified on a cost of service basis * * *.

[16] The Reply Comments of NEPOOL state (Comments, pp. 5–6):

As we emphasized in our prior comments, the NEPOOL Participants believe that as a matter of ratemaking theory, incremental cost rates are an appropriate basis for fuel shortage service charges. Thus, to the extent that the Office of Economics Comments are limited to the charge to be made for service furnished to alleviate a genuine situation of actual or prospective fuel shortage, the NEPOOL Participants have no basic disagreement with the theoretical analysis expressed in the Comments.

It has been the understanding of the NEPOOL Participants that the fuel conservation energy program was initiated by FPC and FEO as an adjunct to the residual oil allocation program and that it was designed to meet an oil shortage emergency and not the economic problem of high fuel costs. See Section II.A. above. If a similar program were initiated to meet the economic problem of high fuel costs, the NEPOOL Participants believe that quite different ratemaking principles would then be appropriate. They would emphasize, however, that the economic effect of the fuel conservation program on New England was to increase rather than lower New England costs and that there is nothing in New England's experience with the program which would indicate that a new program with economic objectives should be instituted. While New England clearly has a very burdensome problem of high fuel costs, the NEPOOL Participants would urge that other and more substantial measures be taken to meet that problem. [Footnote omitted.]

The NEPOOL Participants believe that however meritorious incremental cost rates may be in theory for fuel shortage emergency service, experience with the fuel conservation energy program amply demonstrates that such a program is likely to be greatly facilitated if, as Congressman Harrington suggests, a "reasonable profit" is provided to those system which are asked to provide generation or transmission service.

suant to section 202(c) of the Federal Power Act, if called upon to act under that authority by reason of an electric utility fuel emergency occasioned by petroleum, coal or other fuel emergency conditions.

For purposes of testing the rates and charges for the fuel conservation power and energy transfers here before the Commission (the approximate 820,000 mwhs), we do not accept the position that these electric transfers were of such nature that no allocation of fixed costs of production and transmission is justified. These flows were pre-scheduled, they were designed to replace generating capacity on the receiving systems for which the petroleum fuel oil allocation cuts were directed by the Federal Energy Office at the recommendation of the Federal Power Commission staff, and they were utilized to displace such capacity. As described above, the allocated operating and fixed costs of the respective utilities are the appropriate means upon which to determine the lawfulness of the cost-revenue relationship of the settlement rates and charges, on facts and circumstances here before the Commission.

In addition to rate questions, the City of Richmond and Congressman Harrington raise other objections to the settlement rates and charges. In effect, they ask the Commission to establish area-wide wheeling or transmission rates and to direct the companies to perform those services as "common carriers", generally across several states from the Mississippi River to the Atlantic; that the Commission order revisions in the methods and procedures by which electrical control areas (power pools) coordinate and dispatch electric generation and operate the transmission facilities, intra-area and inter-area, all in a manner that would permit any electric system to contract with any other in the Nation, for the purpose of scheduling bulk power transactions between the two, utilizing intervening systems at will to displace or wheel such energy (Richmond conceives of this as a "spot market" in electric bulk power supply); that the Commission resolve the contractual purchase arrangement between the City and Indiana & Michigan Electric Company whereby Richmond would sell for resale fuel conservation energy to any system which wished to purchase. Richmond urges that the Commission must resolve, as a part of the rate proceeding, all of the anticompetitive conduct issues which it has raised; that the Commission should convert the Order No. 496 coal-by-wire program from a voluntary procedure utilizing the existing power pools, reliability councils and Federal-state commission cooperative procedures, into Richmond's electric spot market concept; directed by the Commission; and that the Commission should, in the administration of the Order No. 496 coal-by-wire program, direct the movement of power supplies inter-regionally upon a long-term basis, so as to conserve oil and gas, temper fuel oil prices and put the basic impact of electric utility fuel supplies upon midwestern, southern and western coal stocks. The underlying policy positions of Congressman Harrington and Crawfordsville, et al., are similar to Richmond's.

These proceedings are not ones in which we are properly called upon to resolve broad questions of resource allocation, industry pooling structures and operating procedures, all as raised by the foregoing contentions. These fuel conservation power and energy transfers were consummated at the Commission's request to meet physical fuel shortfall conditions, not to affect economic conditions. The Commission contemplated that these transfers would be accomplished within the framework of the existing power pools and electric reliability councils. An explanation of industry operational structure and practices, as they presently exist, will be helpful to an understanding of why we do not, and can not, accept the spot market concept of Richmond. That explanation follows infra.

We agree with the comments of a number of conference participants, filing electric utility systems, state commission personnel, the FPC's conference staff and other conference participants. These proceedings are rate hearings to determine the prices for services already rendered upon a voluntary basis to meet a specific problem—residual oil shortages along the Atlantic coast occasioned by the Arab oil embargo of 1973.

Legally, the Commission has determined that it lacks the jurisdiction to order wheeling or displacement of energy under its "public utility" regulatory jurisdiction. See for example, Order Denying Rehearing, Southern California Edison Co., issued June 5, 1974, Docket No. E-8570. Interstate electric utilities are not common carriers under the Federal Power Act. See Otter Tail Power Co. v. U.S., 410 U.S. 366, 375-6 (1973).

The spot market concept of Richmond for wholesale electric transactions presupposes legal authority under the Federal Power Act to direct electric systems to operate as power wheeling, displacement common carriers, which they are not. Moreover, even if the Commission possessed the requisite regulatory authority to direct those changes, the operational and electrical dispatch changes which would be required to implement a Nation-wide spot market in bulk power supply, can not be performed by the electrical control and operating equipment which is now in place and operational in the various power pools and electrical control areas. The Commission's emergency authority to direct power and energy transfers—not exercised in this instance because the Commission did not find the prerequisite emergency—would necessitate the use of this same in-place equipment.

Any physical restructuring of a power pool or system dispatch organization would necessitate extensive engineering studies of existing facilities and establishing requirements for new control facilities. New detailed operating procedures would be required, as well as the development of many trained system operations personnel. Following these actions, it would be possible to establish new electrical divisions to control the Nation's interconnected electrical networks, however, new hardware and control equipment would have to be procured. A power supply system can not operate reliably without highly technical controls. Unless proper controls and procedures are in use in a power pool, there will be system disturbances or blackouts on a regular basis.

The electric power supply systems in the eastern, southern and midwestern regions of the United States normally operate together in a synchronous manner to form a series of large interconnected electric power grids. Geographically, these interconnected systems extend from Maine to Florida and inland as far as Oklahoma, Nebraska and the Dakotas and include most power facilities in seven of the nine electric reliability councils. The far western states tend to operate as a separate series of power grids with weaker ties to the East. The interconnected systems in most of Texas operate as an electrically isolated power grid. Ownership of components of these systems is divided among investor owned utilities, agencies of the Federal Government and various publicly owned utility organizations and cooperatively owned systems. System reliability is accomplished under this Commission's administratively established adequacy and reliability program pursuant to section 202(a) of the Federal Power Act, and Order series 383, the latest being Order No. 383-3, 49 FPC 700 (1972). This program is voluntary, but it is the policy of the Commission that all electric systems shall have the opportunity to participate in the adequacy and reliability matters consistent with their needs. See Order series 383.

Development of these power supply systems has been in an orderly manner: load growth, equipment, fuel, sites and economic principles being major factors in determining the type and location of facilities to be constructed. The supply of electrical energy to the consumer is, in general, by a utility operating in a designated service area. Growth of load within such service area requires facility expansion since each utility is normally required to supply all load in its territory. This requirement causes area planning of facility expansion to be a major function of electric utility organizations, not the electric loads of another area or to operate an electric system as a transport or common carrier. Planning involves specifying facilities to supply the maximum expected load on a particular system.

Economic and reliability considerations make it desirable to interconnect these individual service areas. System interconnections are generally of mutual benefit for the interconnecting parties, provided there is required coordination of operations between such systems. Generally, electric utilities throughout the country operate their systems in this manner. Power pools are formed pri-

marily for economic and reliability reasons and operate within the framework of adequacy and reliability factors. A power pool or a large operating utility employs a considerable amount of highly sophisticated control equipment, which is custom designed for its particular application and is the result of lengthy planning, specification and ordering periods. A major change in power pool dispatching or in system operations requires considerable lead time so that the proper control equipment can be ordered and installed.

Operation of an electric power system, whether on a power pool or on an owner-organization service area basis, normally employs a balanced net planned interchange, i.e., zero net unplanned flows. This concept requires each operating organization to provide adequate generation to carry its own load, including any planned import or export power plus a designated reserve margin.

Control of a multi-unit interconnected electric power system in this manner is accomplished at system operations or dispatch centers. Communications to the power generating centers within the system and to the dispatch centers of adjoining organizations are a vital link in the operation of the power systems.[17]

Capacity and energy transfers between electric power systems are a function of the system operating condition at a particular time. To attempt any transfer of capacity or energy through other than these dispatch communication channels is an invitation to a system blackout or other major system disturbance. This is true because power system conditions are dynamic and subject to many internal and external forces which could require major system adjustments. These adjustments require detailed knowledge of the involved system and some knowledge of the interconnected systems.

Anticompetitive allegations of Richmond and Congressman Harrington do not alter these physical facts or the legal constraints by enlarging the statutory authority of the Commission to direct public utilities to conduct wheeling, displacement or common carriage operations. Administrative agencies do not gainsay statutory limitations through the procedural means by which objections are framed. The anti-competitive objections which the City and Congressman Harrington urge to the settlement rates and charges incorrectly assume we possess such authority.

As noted supra, Order No. 496, by its terms, is a voluntary program. It was created to meet the supply conditions of the Arab oil embargo and not to equalize fuel costs or to change basic long-term fuel supply arrangements. The Commission, as a part of that program, directed its staff to work with the pools, councils and state commissions on a cooperative procedure basis. The conference staff did so, and that is basically how the 819,930 mwhs were moved to the East Coast this past winter with an associated oil saving of over a million barrels of residual oil.[18]

The Commission has not found an "emergency" within the meaning of section 202(c) of the Federal Power Act as requested by NEPOOL's petition in Docket No. E–8589. The Commission is not acting pursuant to its emergency authority in this order.

The proffered settlement rates and charges have been tendered pursuant to the Commission's normal interstate rate regulatory authority, sections 205, 206, 16 U.S.C. 824d, e, over public utilities.[19] NEPOOL, the originator of the section 202(c) proceeding in Docket No. E–8589, requests our approval of the settlement rates and seeks to terminate that, and all other litigation in the above dockets, as do the other pools, affected electric utilities and state public service commissions.

The anticompetitive issues raised in these proceedings spring from the aforementioned contractual dispute between Richmond, Indiana, and Indiana & Michigan Electric Company and offers by the City to sell fuel conservation power to the company or others. From that initial dispute, the City, and to some degree Congressman Harrington, presents a series of arguments directed chiefly against the American Electric Power (AEP) and Allegheny Power Systems (APS). The City claims these systems have engaged in illegal conduct in the alleged use of, or alleged withholding of, their electric transmission systems, and other alleged corporate conduct, including alleged actions of AEP in allegedly seeking to acquire Columbus and Southern Ohio Electric Company and Toledo Edison Company. The City's Comments state, at p. 54: "In addition, in view of the fact that blockages appear to have occurred within the two public utility holding company systems, AEP and Allegheny, the attention of SEC should be called to whether there exists within these systems a concentration of control inconsistent with the public interest under the Public Utility Holding Company Act." The record offered by City and the affected utility systems is voluminous.

The remedies which Richmond seeks are for the Commission to direct (a) the establishment of a bulk power supply electric spot market throughout the Nation, through the operation of electrical systems as common carriers by means of wheeling and displacement; (b) the immediate supervision of electrical dispatch centers and electric transfer operational procedures to accomplish intra-regional and inter-regional power and energy movements under (a) above; and (c) governmental review of the structure and status of the aforementioned utility holding company systems, i.e., the Commission should become operator not regulator, of the electric industry.

Related to these arguments is Richmond's request for procedural relief filed May 3, 1974, for the issuance of a Commission order for the production of documents by American Electric Power System companies or for a subpoena. American Electric Power System companies oppose the procedural request in the above entitled proceeding, contending that the matters, if relevant (which it denies), are, or should be, resolved in the pending Indiana and Michigan rate hearing, Docket No. E–7740, now before Administrative Law Judge Fribourg and involving concededly factually related questions. Because of its broad concepts as to what the Commission should decide in these dockets, Richmond opposes consideration of its request in that forum.

Indiana and Michigan Electric Company (an AEP affiliate), has tendered an executed form of power purchase contract to Richmond, at rates Richmond offered (the settlement rates to which City now objects), but Richmond's apparent position is that its broad questions on restructuring the industry must be resolved first.

The record shows that although Richmond's May 20, 1974, Comments oppose the settlement rates and charges, by letters to AEP's Counsel, dated May 13 and

[17] As a basic indicator of adequate generation, a dispatch center monitors system frequency and seeks to maintain a constant 60 cycles. Over-generation will cause the frequency to increase while under-generation causes the frequency to decline. Controlling system frequency requires detailed coordination with adjoining power dispatch centers, since under-generation on one system causes electrical power flows into that system, to maintain stable system operations. As a part of this coordination, voltage and power flow are monitored at key locations on each system. Results of this monitoring program require technical interpretation by individuals with appropriate training and experience to obtain the exact operating condition of the electric power system. The current total system status exists at no other location. Operating procedures require that changes in total system status be immediately communicated to the system dispatch center via automatic monitoring devices or personal contact means.

[18] During the period January 1974–May 26, 1974, an aggergate of 819,930 mwh were generated by the participating systems and transmitted to PJM, NYPP and NEPOOL, largely through the interconnecting transmission lines of the Allegheny Power System, the American Electric Power System, the Carolina-Virginia Systems, the PJM Systems and the NYPP. The approximate split of energy was 50 percent to PJM, 25 percent to New York Pool and 25 percent to NEPOOL. Some of the transmission was accomplished through the CAPCO systems and the Ontario Hydro system. (See Appendix C.) Upon an aggregate basis, these mwh translate into approximately 1,320,000 bbls. of residual oil. Not all of this transmitted energy will ultimately be classified as "fuel conservation energy" when transmitted. There are some amounts of economy interchange and other classes of service. Other than through scheduling, it is basically impossible to separate fuel conservation energy from other energy going through tieline meters.

[19] The Commission's statutory authority to act in emergency situations pursuant to section 202(c) of the Federal Power Act is not limited to "public utilities" (i.e., interstate investor owned systems). The companion notice of proposed rulemaking, issued concurrently herewith, would apply to all types of utility systems however owned, investor owned, publicly owned or cooperatively owned, Docket No. RM75–3.

June 11, 1974, its Counsel proposed energy supply (generating) rates for Richmond which are the same as many of the settlement rates filed by other utilities. This correspondence accompanies a motion of Indiana & Michigan Electric Company filed June 28, 1974, for inclusion of such materials in the record in this matter. The Company, in tendering to Richmond an executed form of contract to purchase fuel conservation energy from the City, employed those rates. The City has not, however, executed the contract. Richmond, by answer filed July 8, 1974, states "* * * agreement has been reached on a tariff and the parties are close to finalizing the accompanying agreement * * * such tariff makes an encouraging step forward; however, it does not resolve most of the issues raised" in the City's comments.

Also included within that filing is a June 18, 1974, letter of the Chairman of the Indiana Public Service Commission indicating that the Indiana Commission has wholesale rate regulatory jurisdiction under Indiana law over Richmond, Indiana. A substantial amount of the controversy between the Company and Richmond on the conference record concerns the "requirements of Indiana law" under which the City would qualify itself to sell fuel conservation energy to Indiana & Michigan Electric Company or any other system. According to the Indiana Commission Chairman, Indiana State public utility law provides for State regulation of municipally owned utilities within Indiana. The City is not subject to the regulatory jurisdiction of this Commission as a "public utility" under the Federal Power Act, section 201(e), 16 U.S.C. 824(e).

For legal reasons set forth supra, the Commission can not order "public utilities" [20] to operate their systems as common carriers by means of wheeling and displacement. The Commission does not regulate as "public utilities" any publicly owned electric system or cooperatively owned electric system which is a borrower from the Rural Electrification Administration. See 16 U.S.C. 824(f); Dairyland Power Cooperative, 37 FPC 12 (1967); Salt River Project v. Colo. Ute Elec. Asso'n, Inc., 37 FPC 68 (1967), affirmed sub nom., Salt River Project Agr. Dist. v. FPC, 391 F. 2d 470 (CADC), cert. denied sub nom., Arkansas Valley G & T, Inc. v. FPC, 393 U.S. 857 (1968).

For electric operational and reliability reasons, the Commission would not direct the type of electric bulk power spot market operation which City seeks, even if the Commission had the statutory authority to do so. There is not now in existence the types of electrical control procedures and equipment which would be required to accomplish such result. Moreover, there are now established and functioning several thousand wholesale rate schedules by which electric utility systems buy, sell and interchange power and energy largely within, through or among power pools. The interstate wholesale services of "public utilities" are regulated by this Commission under well understood legal and administrative procedure. See sections 205 and 206 of the Federal Power Act.

Under other present regulatory requirements as described supra, electric utilities coordinate bulk power supply for adequacy and reliability purposes, i.e., pursuant to Federal Power Commission Order series 383. That administratively established program comports with the regulatory standards of section 202 of the Federal Power Act, and those standards do not charge the Commission with the duty of directing the supervision of electrical dispatching centers. That is a utility operational responsibility.

The requirements of the Federal Power Act compel utilities to discharge their public service operational responsibilities within the legislative policies and standards of the Act, but they do not substitute the Commission for utility managements. Richmond's proposals would have that substantive effect.

This Commission does not administer the Public Utility Holding Company Act, 49 Stat. 803. To the extent that Richmond and Congressman Harrington raise challenges to the status and functioning of the American Electric Power and Allegheny Power Systems as "holding companies", those questions are being brought to the attention of the Securities and Exchange Commission and the Department of Justice, through service of copies of this order. The fundamental power purchase contractual dispute between Indiana & Michigan Electric Company and Richmond, Indiana, from which all of the subject anticompetitive claims arose, appears now to have been resolved upon a negotiated basis by those parties, or to be resolvable upon such basis, considering the resolution which we here make of the broader issues raised by the City.

The Commission believes that these two directly affected contractual interests should have the opportunity to fully consider their respective positions in light of this order, and for each to have the opportunity to seek further Commission consideration and resolution of any remaining unresolved issue within the Commission's regulatory jurisdiction.

This order provides for the reporting to the Commission, within 20 days hereafter, by Richmond and Indiana & Michigan Electric Company, as to all matters then resolved and unresolved relative to City's sale of fuel conservation power and energy to the Company for resale and delivery to other systems seeking such service. If there are then outstanding unresolved issues within the Commission's regulatory jurisdiction, they will be set for hearing by a future Commission order. Accordingly, Richmond's request of May 3, 1974, for the production of documents or subpoena is denied hereinafter, but without prejudice to City's right to renew that request as a part of its report to the Commission hereafter. Any such request will be referred to the Administrative Law Judge for action by him in the first instance.

Fuel Supply and Overall Purposes. The implementation of fuel conservation power and energy services, as provided herein, will serve the purposes of the Federal Power Act, 16 U.S.C. 791(a) et seq., and the public interest, as set forth in Commission Order No. 496. By means of such transfers, approximately 820,000 mwhs. of fossil-fired electric generation in the Middle Atlantic, New York and northeastern regions of the Nation were displaced by non-oil and non-gas fired midwestern and southeastern generating units, with a consequent savings of approximately 1.3 million barrels of residual fuel oil.

The Federal Power Commission's staff monthly recommendations to the Federal Energy Office during the winter period 1973–74, relative to residual fuel oil requirements of electric utilities, reflected an assumed use of non-oil fired electric generating capacity. See Federal Power Commission Order No. 497, issued December 7, 1973, 36 FR 34318; FEO rules and regulations, §§ 211.123 and 211.163, 10 Code of Federal Regulations, Chapter II, and Commission Order No. 497–A, issued April 5, 1974, 39 FR 13529. The subject electric transfers are the summation of that activity from January 1974–May 1974.

There are limits, however, as to fuel-by-wire transfers. As the record shows, the sharply rising price of coal and its availability became matters of increasing concern to the coal burning electric systems. This concern is reflected in the conference record through positions taken by the affected potential supplying utilities, state regulatory commissions in such states and industrial customers served by those electric systems. The ability of coal burning utilities to supply fuel conservation services is dependent upon fuel supply inventories and the ability to replenish coal stocks burned for this purpose. The proffered fuel conservation power and energy rate schedules are appropriately stated to reflect the replacement cost of fuel and the Seller's commitment is limited by his fuel availability and his willingness to deplete fuel stocks, recognizing its individual public service responsibilities.

This Commission's Order No. 496 anticipated the potential development of such problems and our notice of proposed rulemaking in Docket No. RM75–3, issued concurrently herewith, undertakes to deal with future conditions under which emergency power and energy transfers may be required pursuant to Commission order under section 202(c) of the Federal Power Act.

Pursuant to staff's recommendation, as set forth on the conference record here before us, we hereby request utilities in the Middle Atlantic, New York and northeastern regions and elsewhere throughout the Nation, to continue to develop appropriate rate schedule supplements for the generation of electric energy as they may be capable of generating hereafter to help coal burning

[20] Basically, two hundred large interstate investor owned electric systems.

region utilities should the latter experience fuel supply emergencies. The forthcoming expiration of numerous coal mine labor employment contracts and the prospective labor negotiations involving coal mining operations, make these activities a matter of first importance to public service considerations. There are also prospective labor negotiations in the petroleum refinery sector of the economy. Mutual assistance arrangements from region-to-region are a logical development of the policies of interconnection, power pooling and coordination, all as referred to in Order No. 496. Staff's continuing responsibilities for the administration of Order No. 496, embrace this request.

For past periods, and the then extant fuel supply conditions, we are satisfied that the terms of the fuel conservation transfers here before the Commission did serve the interests of producing and consuming systems, their ultimate consumers and state and Federal regulatory concerns.

Looking to the future, we agree with a basic point of General Motors Corporation as set out in the record here before us—there is need for continuing surveillance of fuel conservation power and energy transfers in relation to electric fuel stocks and fuel supplies. Established reporting and regulatory procedures of the Commission accomplish that objective. The Commission's Bureau of Power is now engaged in a Nation-wide review of electric utility fuel supplies, all as set forth in the notice of proposed rulemaking in Docket No. RM75–3, issued concurrently herewith. Relevant data are now developed through existing report forms of the Commission. These report forms are as follows:

FPC Form 1. Annual Report—Electric.
FPC Form 4. Monthly Power Plant Report.
FPC Form 12E–1. Monthly Power Statement, Monthly Supplement to Power System Statement, FPC Form Number 12.[21]
FPC Form 23. Monthly Electric Utility Generation and Fuel Planning Report.
FPC Form 23A. Quarterly Electric Utility Generation and Fuel Planning Report.
FPC Form 237A and 237B. Weekly Fuel Emergency Report.
FPC Form 423. Monthly Report of Cost and Quality of Fuels for Steam Electric Plant.

Additionally, Commission Order No. 331, 36 FPC 1084, (1966), requires utilities to report outages to the FPC where 100 mw or more of load is lost or where one-half of system is ihvolved. This same order requires reporting of all curtailments and voltage reductions to the FPC. Established policies of this Commission in relation to electric utility contingency planning procedures are set forth in Commission Order No. 445, 47 FPC 75 (1972).

The foregoing reports are used by the Commission and its staff in discharging the Commission's regulatory responsibilities. The data also are used by the FEA and other agencies of Federal and state government. Their existence and availability should be highlighted for the use of the general public. As a part of their recommendations in this proceeding, conference staff proposes that the Commission's Office of Public Information issue, as a monthly public news release, the total amounts of energy transferred into and from each party named as a supplier in this proceeding. This general concept will be implemented through a monthly press release. Similar data for the previous year will be included in this press release for comparative purposes.

In our judgment, further monthly reporting procedures, as suggested by General Motors Corporation[22], are not necessary at this time to serve the purposes which the Company seeks. The interests of General Motors Corporation are protected in the established report forms and publicly reported data. The Commission's Office of Public Information will assist all members of the general public in securing prompt access to the reported data.

Effective dates. In response to the request of Commission Order No. 496, the electric utilities here before the Commission supplied fuel conservation services recognizing that the question of rates and charges would ultimately be determined by the Commission. Those services have been rendered from time-to-time. Application of the settlement rates and charges, as currently proffered, will necessitate the assignment of appropriate effective dates for fuel conservation services as of January 1, 1974, or the respective date of commencement of service, whichever date first occurred. In some instances, these rate schedule adjustments will produce refunds of sums formerly billed. Action in this order to permit these changes is consistent with the purposes of the Federal Power Act and is in the public interest. Various of the fuel conservation power and energy rate schedules here before the Commission are not in final physical format or accompanied by the filing fee as specified in the Commission's Regulations under the Federal Power Act. A term of this order requires that submission of appropriate substitute filings be completed within 20 days hereafter, satisfactory to those Regulations.

Acceptance of Settlement Proposal. It is the Commission's statutory duty to consider and evaluate the settlement rates and charges. Pennsylvania Power and Water Co. v. F.P.C., 463 F. 2d 1242, 1250–1251 (CADC, 1972), citing cases. Southern California Edison Company, 49 FPC 717, 718 (1973). We have done so upon a factual and procedurally sufficient record. See notice of settlement supra, and authorities there cited; American Public Gas Association v. FPC, et al., ____ F. 2d ____ (CADC No. 71–1812, decided May 23, 1974); City of Huntingburg, Indiana v. FPC, et al., ____ F. 2d ____ (CADC No. 72–1890, decided May 6, 1974). The proffered settlement rates and charges for fuel conservation power and energy services in the above entitled proceedings have been factually supported. They are cost related and they will not provide revenues to the respective generating or transmitting public utilities in excess of their respective costs of rendering those services, when tested upon the basis of cost analysis and cost allocations which we here apply to those rates and charges. These power and energy transfers serve the purposes of the Federal Power Act and they are in the public interest. Acceptance of the subject rate schedules, upon the terms and conditions of this order, does not result in unlawful anticompetitive practices. Rate schedules reflecting the proposed settlement rates and charges, as directed herein, are lawful within the terms of the Federal Power Act, Sections 205 and 206.

Procedural Matters. Various procedural requests are here before the Commission. Consistent with our discussion and findings supra, they are referred to and disposed of in ordering paragraphs (C), (D), (E) and (F) below.

The Commission further finds. (1) It is necessary and appropriate for the purposes of the Federal Power Act, 16 U.S.C. 791(a) et seq., particularly 16 U.S.C. 824 a, d, e, f and 825 g and h, the Commission's rules of practice and procedure, and the Commission's regulations under the Federal Power Act, and there is good cause shown to order as hereinafter provided.

The Commission orders. (A) The respective rate schedules of the various public utilities, as identified and designated in Appendix A, shall become effective on the respective dates of commencement of service as set forth in that Appendix or as of January 1, 1974, whichever date first occurred, and the proceedings in Docket Nos. RM74–22 and in each docket listed in Appendix A, are hereby terminated, subject to conditions of this order.

(B) Billings for services as set forth in the rate schedules as referred to in paragraph (A) supra, shall be in accordance with the rates and charges as set forth therein, any prior orders of the Commission to the contrary notwithstanding. The relevant provisions of Part 35 of the Commission's Regulations under the Federal Power Act are waived to the extent necessary to facilitate acceptance of the aforesaid rate schedules as herein provided.

(C) The withdrawal of the petition of New England Power Pool Participants in Docket No. E–8589 is hereby permitted and that proceeding is terminated, subject to conditions of this order.

(D) The withdrawal of fuel conservation rate schedule submittals by Indianapolis Power & Light Company, Northern Indiana Public Service Company and Wisconsin Electric Power Company is hereby permitted.

(E) The March 28, 1974, motion of Richmond for an order directing American Electric Power System companies to purchase power from Rich-

[21] Monthly Load Statement, formerly FPC Form 12E.

[22] The Company proposes a monitoring and surveillance procedure through public reporting, monthly, by all utilities concerned with fuel conservation energy transfers.

mond and to transmit power for Richmond, is denied; the May 3 and June 12, 1974, Applications of Richmond for the production of Documents or Subpoena are denied, without prejudice to Richmond's right of renewal thereof as set forth supra; the May 20, and 24, 1974, motion of Richmond for leave to file comments out of time, is granted; the June 28, 1974, motion of Indiana and Michigan Electric Company for inclusion of certain matters in the record, is granted.

(F) All motions, petitions or requests in Docket Nos. RM74-22 and the dockets listed in Appendix A, including petitions for intervention, rehearing or reconsideration, not granted pursuant to the relief as set forth in paragraphs (A), (B), (C), (D) and (E) supra, are hereby denied.

(G) Within 20 days hereafter all public utilities whose rate schedule submittals, as identified in Appendix A, are not in final physical format satisfactory under the Commission's regulations, shall substitute appropriate filings in the form and with the filing fee as specified in the Commission's regulations under the Federal Power Act. Certain of the utilities' proposed rates contained provision for a transmission charge plus out-of-pocket costs of energy associated with losses. Pursuant to the conference advice of AEP's representatives to staff, no separate charge for losses is anticipated [28]. The final format of AEP system companies' rate schedules shall be revised accordingly. All other utilities which propose a separate charge for losses in their formal rate schedules shall specify the amount of such charge and the cost basis thereof. Within 20 days hereafter all public utilities, as identified in Appendix A, shall notify the Commission as to the date of commencement of service thereunder, and shall report to the Commission the amounts of refunds of charges made to each customer, the billing determinants of fuel conservation services rendered and the revenues resulting therefrom, as computed under the rates and charges actually billed under the fully effective (non-contingent) rates and charges heretofore applicable to such services and under the rates and charges contained in rate schedules listed in Appendix A, or amendments to such rate schedules required by this order.

(H) Within 20 days hereafter, Richmond, Indiana, and Indiana and Michigan Electric Company shall each report to the Commission on the status of their negotiations relative to the City's sale of fuel conservation power and energy as set forth supra.

(I) Our findings and determinations in these proceedings with respect to the basis of the rates and charges shall not be deemed to constitute precedent for the determination of such rates for the future. In the proceeding initiated by the notice of proposed rulemaking issued concurrently, various ratemaking methods and theories will be considered by the Commission.

(J) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER. The Secretary shall serve copies thereof upon the Attorney General and the Securities and Exchange Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20315 Filed 9-3-74;8:45 am]

[28] See p. 5 to Appendix D to the "Staff Recommendations For Further Commission Action Submitted by the Commission's Deputy General Counsel and Chief, Bureau of Power", dated April 12, 1974.

FEDERAL RESERVE SYSTEM

LANDMARK BANKING CORP. OF FLORIDA

Proposed Acquisition of Robert Wilmoth Associates, Inc.

Landmark Banking Corporation of Florida, Fort Lauderdale, Florida, has applied, pursuant to section 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 voting shares of Robert Wilmoth Associates, Inc., Palm Beach, Florida. Notice of the application was published on:

Date	Newspaper	City and county
1974		
June 15	The Miami Herald	Miami, Dade County.
17	Fort Lauderdale News.	Fort Lauderdale, Broward County.
18	The Tampa Times.	Tampa, Hillsborough County.
19	The Palm Beach Post.	West Palm Beach, Palm Beach County.
20	Sentinel Star	Orlando, Orange County.

Applicant states that the proposed subsidiary would engage in the activities of mortgage brokerage, mortgage banking, real estate appraising and servicing real estate loans. Applicant states that 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 Atlanta.

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 September 20, 1974.

Board of Governors of the Federal Reserve System, August 23, 1974.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.74-20265 Filed 9-3-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (74-55)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON AERODYNAMICS AND CONFIGURATIONS

Notice of Meeting

The NASA Research and Technology Advisory Council Committee on Aerodynamics and Configurations will meet on September 25-27, 1974, at the NASA Langley Research Center, Hampton, Virginia 23665. The meeting will be held in Conference Room 225 of Building 1219. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 40 persons. All visitors must report to the Langley Research Center Receptionist in Building 1219.

The NASA Research and Technology Advisory Council Committee on Aerodynamics and Configurations serves in an advisory capacity only. The current Chairman is Mr. W. T. Hamilton. There are 12 members. The following list sets forth the approved agenda and schedule for the September 25-27, 1974, meeting of the Aerodynamics and Configurations Committee. For further information, please contact Mr. James J. Kramer, Area Code 202, 755-2403.

SEPTEMBER 25, 1974

Time	*Topic*
9 a.m.	Report of the Chairman. (Purpose: To summarize action taken at the May 1974 meeting of the Research and Technology Advisory Council.)
9:30 a.m.	Report of the Executive Secretary. (Purpose: To brief the Committee on recent or proposed changes in NASA organization and in pertinent aeronautics programs.)
10:15 a.m.	Langley Supersonic Cruise Aircraft Research (SCAR) Program Technology. (Purpose: To brief the Committee on recent results obtained in the Langley SCAR program.)
10:45 a.m.	NASA Transonic Research Tunnel (TRT) Status. (Purpose: To describe recent studies pertinent to the design of the TRT.)

Time	Topic
11:15 a.m.	Rotor Systems Research Aircraft (RSRA) and Rotors for RSRA Program. (Purpose: To brief the Committee on the status of development of the Army/NASA RSRA and of plans for determining and acquiring the rotors to be tested on it.)
1 p.m.	Tour of Airfoil Test Facilities. (Purpose: To show the Committee newly developed or modified two-dimensional tunnels described at previous meetings.)
1:45 p.m.	USAF/NASA Cooperative Study of an X-24C Hypersonic Research Vehicle. (Purpose: To inform the Committee of the status of an ongoing study examining a version of the Air Force's X-24C as a hypersonic research vehicle.)
2:05 p.m.	Discussion of Center Written Reports. (Purpose: To answer members' questions regarding items included in the previously - distributed written reports on pertinent aeronautical research areas prepared by the Ames, Flight, and Langley Research Centers.)
2:45 p.m.	Discussion of Member Written Reports. (Purpose: To provide elaboration on items included in the previously-distributed written reports provided by individual members of the Committee.)

SEPTEMBER 26, 1974

Time	Topic
8:30 a.m.	Laser Velocimeter Measurements of Helicopter Flow Fields. (Purpose: To brief the Committee on recent results obtained in studies at the Ames Research Center using the laser-doppler velocimeter to examine helicopter flow fields.)
9:15 a.m.	Langley Nozzle-Airframe Technology Program. (Purpose: To describe recent results of tests in the 16-foot transonic tunnel relating to fighter aircraft nozzle-airframe interaction effects.)
10:15 a.m.	Quiet Short-Haul Research Aircraft (QSRA) Program Status. (Purpose: To inform the Committee of QSRA program progress since the previous meeting.)
10:35 a.m.	Powered-Lift Technology Program Status. (Purpose: To summarize recent and planned research on the upper-surface blown flap and augmentor-wing powered-lift concepts.)
11:15 a.m.	Airframe Aerodynamic Noise Study Plans and Facilities. (Purpose: To describe proposed studies to gain a better understanding of airframe noise and means to reduce it, and the test facilities to be used.)
1 p.m.	Tour of Langley New Noise Facility.
2 p.m.	Fuel-Conservative Aircraft Research Progress. (Purpose: To inform the Committee of recent and planned experimental studies to reduce aircraft cruise drag.)
3 p.m.	Working Group Sessions on Basic Technology, Conventional - Takeoff - and - Landing (CTOL) Aircraft, and Vertical- and Short-Takeoff-and-Landing (V/STOL) Aircraft. (Purpose: To develop position statements and possible recommendations pertaining to the focus and scope of the technical programs reviewed earlier.)

SEPTEMBER 27, 1974

Time	Topic
8:30 a.m.	Committee Review of Working Group Reports. (Purpose: To prepare final Committee recommendations for consideration by the NASA Research and Technology Advisory Council, based on inputs from the Basic Technology, CTOL Aircraft, and V/STOL Aircraft Working Groups.)
11:30 a.m.	Adjournment.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

AUGUST 29, 1974.

[FR Doc.74-20336 Filed 9-3-74;8:45 am]

[Notice (74-53)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON MATERIALS AND STRUCTURES

Notice of Meeting

The NASA Research and Technology Advisory Council (RTAC) Committee on Materials and Structures will meet on September 19 and 20, 1974, at the Renton Plant of The Boeing Company, Renton, Washington. The meeting will be held in Building 1060, Park Avenue and North 8th Street, Renton, Washington. The meeting is open to the public. Admittance will be on a first-come, first-served basis. The available seating capacity of the room is about 30 persons. Arrangements will be made to admit visitors through the lobby receptionist.

The NASA RTAC Committee on Materials and Structures serves in an advisory capacity only. In this capacity, the Committee is concerned with materials science, materials engineering, advanced concepts and materials applications, structural design and analysis, and structural loads and dynamics. The current Chairman is Dr. Holt Ashley. There are 12 members. The following list sets forth the approved agenda and schedule for the September 19 and 20, 1974, meeting. For further information, please contact Mr. George C. Deutsch, Area Code 202, 755-3264.

SEPTEMBER 19, 1974

Time	Topic
8:30 a.m.	Chairman's and Executive Secretary's Reports. (Purpose: To approve past meeting minutes, to review results of the May 1974 RTAC meeting, and to discuss recent changes in the NASA organization.)
9:30 a.m.	Resolution on Computer Program Development. (Purpose: To take final action on a proposed resolution concerning development and maintenance of computer programs by NASA.)
10:15 a.m.	Materials in the Energy Program and the Activities of the Electric Power Research Institute (EPRI). (Purpose: To review and evaluate potential effects on the NASA materials program.)
11 a.m.	Critical Materials Resources Studies. (Purpose: The Committee will review and discuss studies of various materials critical to aerospace needs and possible alternate materials.)
1 p.m.	Properties Data for Turbine Materials. (Purpose: The Committee will review, discuss, and recommend action concerning high temperature properties data needed for turbine engine materials.)
2 p.m.	Boeing Program on Composites and Other Topics. (Purpose: Representatives of The Boeing Company will brief the Committee on recent Boeing activities in composite materials and other subjects related to NASA program interests.)
3:30 p.m.	Adjourn for the day.

SEPTEMBER 20, 1974

Time	Topic
8:30 a.m.	Shuttle Payload Studies. (Purpose: The Committee will be briefed on, and discuss, payloads involving materials and structures experiments and other missions for the shuttle.)

Time	Topic
9:30 a.m.	NASA Center Reports. (Purpose: NASA Center representatives on the Committee will report on recent progress on materials and structures technology development programs.)
10:45 a.m.	Members' Reports. (Purpose: To present reports of recent accomplishments in research and development programs in members' organizations.)
1 p.m.	New Problem Areas. (Purpose: To review topics identified during preceding sessions and by members prior to the meeting, and decide on further Committee action concerning these.)
3:30 p.m.	Plans for Next Meeting. (Purpose: To discuss time, place, and agenda for next meeting.)
4 p.m.	Adjourn.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

AUGUST 29, 1974.

[FR Doc.74-20334 Filed 9-3-74;8:45 am]

[Notice (74-54)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON SPACE VEHICLES

The NASA Research and Technology Advisory Council Panel on Space Vehicles will meet on September 25-26, 1974, at the NASA Johnson Space Center, Houston, Texas. The meeting will be held in Conference Room 966 of Building 1. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 50 persons. All visitors must report to the main gate of the Johnson Space Center.

The NASA Research and Technology Advisory Council Panel on Space Vehicles serves in an advisory capacity only. The current Chairman is Mr. R. James Gunkel. There are 9 members. The following list sets forth the approved agenda and schedule for the September 25-26, 1974, meeting of the Panel on Space Vehicles. For further information, please contact Mr. William C. Hayes, Jr., Executive Secretary, Area Code 202, 755-8504, or Dr. Maxime A. Faget, Area Code 713, 483-3973.

SEPTEMBER 25, 1974

Time	Topic
8:30 a.m.	Report of the Chairman. (Purpose: To summarize action taken at the May 1974 meeting of the Research and Technology Advisory Council.)
9 a.m.	Report of the Executive Secretary. (Purpose: To brief the Panel on recent or proposed changes in NASA policy and organization and the Space Vehicles program.)
9:15 a.m.	Report on Space Shuttle Development Program and Related Technology Areas. (Purpose: To update the technical, managerial, and hardware development progress of the Space Shuttle for review by the Space Vehicles Panel.)
4 p.m.	Report on "Lessons Learned" from the Skylab Project. (Purpose: To identify potential technology issues that may need to be incorporated into future technology programs.)

SEPTEMBER 26, 1974

Time	Topic
8:30 a.m.	Report on Detailed Space Shuttle Mission Model and Payload Costs. (Purpose: To provide potential users of the Space Shuttle with an update of flight loadings and types of payloads currently earmarked for the 1980's.)
9:30 a.m.	Report on Advanced Space Vehicle (Single-Stage-to-Orbit) Investigations. (Purpose: To alert other portions of the agency and industry to some of the possible advanced technology needs.)
10:30 a.m.	Report on Space Transportation Systems Technology Steering Committee. (Purpose: To inform the Space Vehicles Panel of the current technology needs for future NASA applications as identified by the Space Transportation Systems Technology Steering Committee's disciplinary working groups.)
11 a.m.	Group Discussion and Summary Comments. (Purpose: To recapitulate previous issues.)
1 p.m.	Future Use of Space. (Purpose: To discuss and categorize future operational and utilitarian aspects of space technology.)
3 p.m.	Summary recommendations of the Space Vehicles Panel. (Purpose: To have the Panel collectively make position recommendations for presentation to the Research and Technology Advisory Council.)
4 p.m.	Adjournment.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Managemnet, National Aeronautics and Space Administration.

AUGUST 29, 1974.

[FR Doc.74-20335 Filed 9-3-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR RESEARCH APPLICATIONS POLICY

Notice of Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, it is hereby determined that the renewal of the Advisory Committee for Research Applications Policy is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 14 (a) (1) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

Authority for this advisory committee shall expire on September 1, 1976, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

H. GUYFORD STEVER,
Director.

[FR Doc.74-20349 Filed 9-3-74;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 August 29, 1974 (44 USC 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

Departmental: Health Care Registration Form A, Form OS 37-74-A, Single time, Lowry, Grantees.

DEPARTMENT OF JUSTICE

Departmental: Evaluators Interest Form, Form LEAA 2100/1, Occasional, Lowry, Members of the academic community.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Airport Study Questioning Guide, Form ____, Single

time, EGG/Lowry, Selected airport owners state aviation dept.

REVISIONS

VETERANS ADMINISTRATION

Claim for Disability Insurance Benefits, Form 29-357, Occasional, Caywood, Insureds.

EXTENSIONS

DEPARTMENT OF DEFENSE

Department of the Navy: High School and College Transcript Request, Form NAV PERS 1750/9, Annual, Evinger, School counselors.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:
List of Establishments or Reporting Units, Form SSA 5019, Occasional, Evinger.
Report of Student Beneficiary at End of School Year, Form SSA 1388, Annual, Evinger.
Annual State Agency Health Insurance Benefits Program Budget, Forms SSA 1465, 1465A, 1466, Annual, Evinger.
Financial Accountability Statement-HIB Program, Form SSA 1469, Annual, Evinger.
SSA Request for Carrier or Intermediary Assistance, Form SSA 1938, Occasional, Evinger.
Carrier or Intermediary Request for SSA Assistance, Form SSA 1980, Occasional, Evinger.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-20410 Filed 9-3-74;8:45 am]

VETERANS ADMINISTRATION

MEDICAL RESEARCH SERVICE MERIT REVIEW BOARDS

Notice of Meetings

The Veterans Administration gives notice pursuant to Pub. L. 92-463 of meetings of the following Merit Review Boards.

Merit review board	Date	Time	Location (room)
Basic sciences	Oct. 11, 1974	8:30 a.m. to 5 p.m.	[1] 139
Oncology	Oct. 15, 1974	do	[1] 119
Immunology	Oct. 22, 1974	do	[1] 817
Infectious diseases	Oct. 23, 1974	do	[2] B-103
Surgery	Oct. 25, 1974	1 p.m. to 6 p.m.	[3] 471
Neurobiology	Oct. 30, 1974	8:30 a.m. to 5 p.m.	[1] 817
Behavioral sciences	Nov. 5, 1974	do	[1] 817
Cardiovascular studies	Nov. 6, 1974	do	[1] 817
Endocrinology	Nov. 7, 1974	do	[1] 119
Hematology	Nov. 12, 1974	do	[1] 817

[1] Veterans Administration Central Office, 810 Vermont Ave. NW., Washington, D.C. 20420.
[2] Veterans Administration Hospital, 1310 24th Ave., South Nashville, Tenn. 37203.
[3] Fontainebleau Hotel, 4441 Collins Ave., Miami Beach, Fla. 33140.

These meetings will be for the purpose of evaluating the scientific merit of research conducted in each specialty by Veterans Administration investigators working in Veterans Administration hospitals and clinics.

The meetings will be open to the public up to the seating capacity of the rooms for one-half hour at the start of each meeting to discuss the general status of the program. The meetings will be closed thereafter for discussion and evaluation of individual programs. Because of the limited seating capacity of the rooms, those who plan to attend should contact Gerald Libman, Chief, Program Development and Review Division, Medical Research Service, Veterans Administration, Central Office, Washington, D.C. (202) 389-5065 at least two days prior to each meeting. Minutes of the meetings and rosters of the members of the Boards may be obtained from this source.

Dated: August 27, 1974.

By direction of the Administrator.

R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-20257 Filed 9-3-74;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

ILLINOIS

State and Local Government Equal Employment Opportunity Requirements for Federally Assisted Construction Contracts

1. *Background.* On April 11, 1974, in accordance with 41 CFR 60-1.4(b)(2) (39 FR 2365, January 21, 1974), I announced my determination in the FEDERAL REGISTER (39 FR 13209) that the Illinois rules and regulations for Public Contracts Prescribed by the Illinois Fair Employment Practices Commission are not inconsistent with Executive Order 11246, as amended, and not incompatible with the implementation of federal hometown and imposed plans in operation in the State of Illinois. My approval was, however, provisioned and conditioned upon a subsequent determination by the Comptroller General of the United States that the Illinois Fair Employment Practices Commission's rules and regulations are consistent with applicable federal procurement law requirements for federally assisted construction contracts. On July 2, 1974, the Comptroller General issued his decision (Comp. Gen. Op. B-167015) which states that the Illinois regulations do not comply with the basic principles of the competitive bidding system.

2. *Decision.* Therefore, on the basis of the Comptroller General's decision, I am rescinding my provisional approval of the Illinois rules and regulations for Public Contracts Prescribed by the Illinois Fair Employment Practices Commission.

3. *Rights of appeal.* On August 29, 1974, in accordance with 41 CFR 60-1.4(b)(2), I communicated my determination to Mr. Melvin F. Jordan, Executive Director of the Illinois Fair Employment Practices Commission by registered mail, return receipt requested. Pursuant to 41 CFR 60-1.4(b)(2), the Illinois Fair Employment Practices Commission and any persons or groups affected by my determination, including construction contractors, labor organizations associations or other organizations of construction trades contractors and/or labor organizations, and minority community groups, may appeal this determination to Mr. Bernard E. DeLury, Assistant Secretary for Employment Standards, 14th Street and Constitution Avenue, NW., Washington, D.C. 20210, by requesting a hearing on or before September 25, 1974. Following this appeal period, if any requests for a hearing have been filed with the Assistant Secretary, the Department of Labor shall then designate an administrative law judge who shall conduct a hearing to make proposed findings and a recommended decision to the Assistant Secretary upon the basis of the record before him. The administrative law judge shall give reasonable notice of the opportunity to participate in such hearing by registered mail, return receipt requested, to those requesting the hearing and shall also give reasonable notice of such hearing in the FEDERAL REGISTER to inform all other persons, organizations and other entities affected by my determination of their opportunity to participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as the administrative law judge may deem appropriate in the circumstances. Within 80 days of the close of the appeal period for requesting a hearing, the Assistant Secretary shall make a final decision on the basis of the record before him, which shall consist of the record for recommended decision, the rulings and recommended decision of the administrative law judge, and the exceptions and briefs filed subsequent to the administrative law judge's decision.

Signed at Washington, D.C. this 29th day of August 1974.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.74-20350 Filed 9-3-74;8:45 am]

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON HAZARDOUS MATERIALS LABELING

Notice of Establishment and Meeting

Notice is hereby given that a Standards Advisory Committee on Hazardous Materials Labeling has been established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970, and that it will meet on Thursday, September 19, 1974, starting at 10 a.m. in Room 216 BCD, and on Friday, September 20, 1974, starting at 9 a.m. in Room 107 ABC Main Labor Building, Constitution Avenue and 14th Street NW., Washington, D.C.

The Standards Advisory Committee on Hazardous Materials Labeling has been established to make recommendations to the Assistant Secretary of Labor for Occupational Safety and Health regarding the development of guidelines for the implementation of section 6(b)(7) of the Act with respect to Hazardous Materials. The first major task of the Committee will be to develop guidelines for categorizing and ranking the hazards of materials. After completing this task, it will be necessary for the Committee to develop guidelines for prescribing the required warnings of such hazards and related information on symptomatology, protective steps and equipment, and safe handling procedures by such means as labels, data sheets and training requirements.

This will be the first meeting of the Committee. Items on the agenda will include a general orientation of the scope of Committee functions, a discussion of current approaches for the labeling and marking of hazardous materials, and the formation of subgroups to study various aspects of the first task of the Committee.

Any member of the public wishing to submit written presentations to the Committee may do so by filing such a statement, together with 20 duplicate copies, prior to September 13, 1974, with the Committee Management Officer. Such submissions will be provided to the members of the Committee and will be included in the record of the meeting.

All written statements shall be addressed to:

J. Jimeno
Committee Management Office
Occupational Safety and Health Administration
U.S. Department of Labor
1726 M Street, NW., Room 200
Washington, D.C. 20210

Signed at Washington, D.C. this 28th day of August, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-20357 Filed 9-3-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 583]

ASSIGNMENT OF HEARINGS

AUGUST 29, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 113678 Sub 536, Curtis, Inc., now being assigned hearing November 7, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 113267 Sub 313, Central and Southern Truck Lines, Inc., now being assigned hearing November 11, 1974 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 114211 Sub 225, Warren Transport, Inc., now being assigned hearing November 5, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC-F-12153, Tollie Freightways, Inc.—Control—S & C Transport Co., Inc., now assigned October 31, 1974, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 138926 Sub 2, Gencom, Inc., now assigned October 30, 1974, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 64932 Sub 522, Rogers Cartage Co., MC 85934 Sub 65, Michigan Transportation Co. MC 102616 Sub 891, Coastal Tank Lines, Inc., MC 107403 Sub 878, Matlack, Inc., MC 110525 Sub 1084, Chemical Leaman Tank Lines, Inc., MC 110988 Sub 307, Schneider Tank Lines, Inc., MC 112595 Sub 55, Ford Brothers, Inc., MC 112801 Sub 150, Transport Service Co., MC 115331 Sub 355, Truck Transport, Inc., MC 116273 Sub 166, D and L Transport, Inc., MC 117344 Sub 231, The Maxwell Co., MC 119702 Sub 43, Stahly Cartage Co., and MC 124070 Sub 30, Chemical Haulers, Inc., now being assigned hearing November 4, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139495, National Carriers, Inc., now assigned October 29, 1974, at Kansas City, Mo., will be held in Room 609 Federal Office Bldg., 911 Walnut Street.

MC 128007 Sub 58, Hofer, Inc., now assigned October 24, 1974, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 114211 Sub 214, Warren Transport, Inc., now assigned October 22, 1974, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC-C-8338, Hunt Truck Lines, Inc.—Investigation and Revocation of Certificate, now assigned October 21, 1974, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-20367 Filed 9-3-74;8:45 am]

[Finance Docket No. 26885]

CHESAPEAKE AND OHIO RAILWAY CO.

Abandonment Between the Village of Edmore and Village of Lakeview in Montcalm County, Michigan

AUGUST 29, 1974.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Montcalm County, Mich., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 22nd day of August, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated August 22, 1974, it has been determined that the proposed abandonment of a portion of the line of railroad of The Chesapeake and Ohio Railway Company (C&O) between Edmore and Lakeview, Mich., a distance of approximately 12.46 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. ss 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that inasmuch as the volume of traffic now moving over the line to be abandoned is minimal and an adequate network of highways traverses the affected area, there would be no significant effect on the area's transportation scheme. Furthermore, approval will be consistent with existing land use in the area since segments of the C&O right-of-way will revert to adjoining landowners. This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce

Commission, Washington, D.C. 20423, on or before September 19, 1974.

[FR Doc.74-20364 Filed 9-3-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 29, 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 within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42873—Ethylene Glycol to Points in Southern Territory. Filed by Southwestern Freight Bureau, Agent, (No. B-485), for interested rail carriers. Rates on ethylene glycol, in tank-car loads, as described in the application, from Bayport, Texas and Plaquemine, Louisiana, to Earl, Fiberton, N.C., Darlington and Greer, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 24 to Southwestern Freight Bureau, Agent, tariff 11-F, I.C.C. No. 5082. Rates are published to become effective on September 28, 1974.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-20369 Filed 9-3-74;8:45 am]

[AB-31 (Sub-No. 1)]

GRAND TRUNK WESTERN RAILROAD CO.

Abandonment Between Lakeland and Jackson, in Livingston, Ingham and Jackson Counties, Michigan

AUGUST 29, 1974.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. ss 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Jackson, Ingham, and Livingston Counties, Mich., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 22nd day of August, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated August 22, 1974, it has been determined that the proposed abandonment by the Grand Trunk Western Railroad Company of its line of railroad from Jackson to Lakeland in Jackson, Ingham, and Livingston Counties, Mich., a distance of approximately 35.57 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. ss 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed action are not considered significant because traffic handled over this line is minimal and any resultant diversion from rail to motor carrier service will have negligible impacts on air and water quality and ambient noise levels. The abandonment will not interfere with local developmental plans which project the majority of industrial expansion to occur in the urban area and urban fringe of the City of Jackson.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before September 19, 1974.

[FR Doc.74-20365 Filed 9-3-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

AUGUST 29, 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 September 16, 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-504 (Sub-No. E2) (Correction), filed June 15, 1974, published in the FEDERAL REGISTER August 5, 1974. Applicant: HARPER MOTOR LINES, INC., P.O. Box 460, Elberton, Ga. 30635. Applicant's representative: B. K. McClain, P.O. Box 6985, Atlanta, Ga. 30315. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from points in Virginia (except points south and east of Interstate Highway 95 extending from Arlington to Richmond, and points south and east of Interstate Highway 85 extending from Richmond to the Virginia-North Carolina State line), to points in North Carolina beginning at Sanford, and extending along U.S. Highway 1 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to U.S. Highway 701, thence along U.S. Highway 701, to its junction with U.S. Highway 76, thence along U.S. Highway 76 to its junction with North Carolina Highway 87, thence along North Carolina Highway 87 to Sanford; (2) from points in Virginia (except points west of U.S. Highway 220), to points in South Carolina on and south of U.S. Highway 1, extending from North Augusta, to Columbia, thence along U.S. Highway 378 to Conway, thence along U.S. Highway 501 to Myrtle Beach; (3) from the District of Columbia to points in Arnett, Lee, Sampson, Hoke, Cumberland, Bladen Robeson, Scotland, Richmond, Moore, Anson, Montgomery, Union, Stanly, Cabarrus, Rowan, Randolph, Davidson, and Davie Counties, N.C., and points in Iredell and Mecklenburg Counties east of U.S. Highway 21 and points in Columbus County (except those south of U.S. Highway 76 to its junction with U.S. Highway 701, thence along U.S. Highway 701 to North Carolina- South Carolina State line); and (4) from New York, N.Y., and points in New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia to points in South Carolina. The purpose of this filing is to eliminate the gateway of Sanford, N.C., and points within 30 miles of Laurinburg, N.C. The purpose of this correction is to correct typographical errors.

No. MC-2368 (Sub-No. E60), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 85 to Durham, N.C., thence along U.S. Highway 15 to Sanford, N.C., thence along North Carolina Highway 87 to Fayetteville, N.C., thence along Interstate Highway 95 to the Virginia-North Carolina State line, to points in West Virginia on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E61), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to its junction with U.S. Highway 220 and thence along U.S. Highway 220 to the North Carolina-South Carolina State line, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E62), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina on, east, and north of a line beginning at the Virginia-North Carolina State line and proceeding south along Interstate Highway 95 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean, to Memphis, Tenn. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E63), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina on and west of Interstate Highway 95, to points in Delaware. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E64), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina on and west of U.S. Highway 29 to points in that part of Virginia on, east, and north of a line beginning at the Virginia-District of Columbia State line and extending along Interstate Highway 95 to Richmond, Va., thence along Interstate Highway 64 to its junction with Interstate 264, thence along Interstate Highway 264 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E65), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina, Tennessee, and South Carolina, and Pawtucket, R.I. The purpose of this filing is to eliminate the gateways of Richmond, Va., and Suffolk, Va.

No. MC–2368 (Sub-No. E66), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina on and east of Interstate Highway 95, to points in Virginia on and north of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 250 to Richmond, Va., thence along U.S. Highway 360 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E67), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina, to points in Pennsylvania on and east of U.S. Highway 219, those in Maryland (except that portion of Maryland on the Eastern Shore south of U.S. Highway 301), and the District of Columbia. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E68), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in West Virginia on and north of U.S. Highway 50 to points in South Carolina on and east of Interstate Highway 95 and that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 85 to Durham, thence along U.S. Highway 15 to Sanford, thence along North Carolina Highway 87 to Fayetteville, thence along Interstate Highway 95 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E69), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in West Virginia on, south, and west of a line beginning at the Kentucky-West Virginia State line and extending along Interstate Highway 64 to Charleston, thence along Interstate Highway 77 to the West Virginia-Virginia State line, to points in Virginia on, east, and south of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 95 to Fredericksburg, Va., thence along Virginia Highway 3 to the Chesapeake Bay and the District of Columbia. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E70), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the West Virginia-Kentucky State line and extending along Interstate Highway 64 to Charleston, W. Va., thence along U.S. Highway 60 to the Virginia-West Virginia State line, to points in Maryland, on and south of Interstate Highway 95, and Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E72), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank

vehicles, from points in Maryland (except points in the Delmarva Peninsula south of U.S. Highway 50), to points in South Carolina. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E73), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Maryland on and east of U.S. Highway 15 to points in Tennessee (except Chattanooga). The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E75), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, between points in Virginia on, west, and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 220 to Roanoke, Va., thence along U.S. Highway 460 to the West Virginia-Virginia State line north of Bluefield, W. Va., on the one hand, and, on the other, points in Virginia on, east, and north of a line beginning at the District of Columbia-Virginia State line and extending along U.S. Highway 1 to Petersburg, Va., thence along U.S. Highway 460 to Windsor, Va., thence along U.S. Highway 258 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E76), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, INC., P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from point in Virginia on, south, and west of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 85 to Petersburg Va., thence along Interstate Highway 95 to Richmond, Va., thence along U.S. Highway 360 to Burkeville, Va., thence along U.S. Highway 460 to Roanoke, Va., thence along Virginia Highway 311 to the Virginia-West Virginia State line, to points in Maryland on and south of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E77), filed May, 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Virginia on, south, and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to Lynchburg, thence along U.S. Highway 460 to Burkeville, thence along U.S. Highway 360 to Richmond, thence along Interstate Highway 64 to its junction with Interstate Highway 264, thence along Interstate Highway 264 to the Atlantic Ocean, to points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to Harrisburg, Pa., thence along U.S. Highway 15 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–7971 (Sub-No. E1), filed May 13, 1974. Applicant: AMERICAN SECURITY VANLINES, INC., 1240 Oakleigh Drive (P.O. Box 968), Atlanta, Ga. 30344. Applicant's representative: H. W. Breffle (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Alabama, on the one hand, and, on the other, points in Michigan, New Jersey, Ohio, and Pennsylvania; (2) between points in Alabama, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (3) between points in Arkansas, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (4) between points in Florida, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, New Jersey, Ohio, and Pennsylvania; (5) between points in Florida, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (6) between points in Florida, on the one hand, and, on the other, points in Kansas; (7) between points in Florida (except those in Escambia and Santa Rosa Counties), on the one hand, and, on the other, points in Oklahoma; (8) between points in Georgia, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Michigan, New Jersey, Ohio, Oklahoma, and Pennsylvania; (9) between points in Georgia, on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, Rhode Island, and Vermont; (10) between points in Georgia, on the one hand, and, on the other, points in Kansas.

(11) Between points in Louisiana, on the one hand, and, on the other, points in Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia; (12) between points in Louisiana, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (13) between points in Louisiana, on the one hand, and, on the other, points in Delaware; (14) between points in Maryland, on the one hand, and, on the other, points in Arkansas and Oklahoma; (15) between points in Mississippi, on the one hand, and, on the other, points in Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia; (16) between points in Mississippi, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (17) between points in North Carolina, on the one hand, and, on the other, points in Arkansas, Illinois, and Oklahoma; (18) between points in North Carolina, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont; (19) between points in Oklahoma, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island; (20) between points in South Carolina, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Michigan, and Oklahoma; (21) between points in South Carolina, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont; (22) between points in South Carolina, on the one hand, and, on the other, points in Kansas; (23) between points in Tennessee, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(24) between points in Texas, on the one hand, and, on the other, points in Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia; (25) between points in Texas, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (26) between points in Texas, on the one hand, and, on the other, points in Delaware; (27) between points in Virginia, on the one hand, and, on the other, points in Arkansas and Oklahoma; and (28) between points in the District of Columbia, on the one hand, and, on the other, points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and points within 135 miles thereof, in (1), (4), (7), (8), (11), (14), (15), (17), (20), (24), (27), and (28) above; New York, N.Y., in (2), (5), (9), (18), (21), and (23) above; Atlanta, Ga., and points within 135 miles thereof, and New York, N.Y., in (12), (16), and (25) above; Atlanta, Ga., and points within 135 miles thereof, and Ft. Smith, Ark., in (6), (10), and (22) above; Atlanta, Ga., and points within 135 miles thereof, and White Plains, N.Y., in (3) and (19) above; and Atlanta, Ga., and points within 135 miles thereof, and points in Monmouth County, N.J., in (13) and (26) above.

No. MC–29833 (Sub-No. E2), filed May 18, 1974. Applicant: PRUNTY MOTOR EXPRESS, INC., P.O. Box 1724, Parkersburg, W. Va. 26401. Applicant's representative: John M. Friedman (same as above). Authority sought to operate as

as *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock, and commodities injurious or contaminating to other lading), (1) between points in that part of Ohio, on, south, and west of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 40 to Summerford, thence along Ohio Highway 56 to Circleville, thence along U.S. Highway 23 to the Ohio-Kentucky State line, on the one hand, and on the other, points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 15 to Williamsport, thence along U.S. Highway 220 to junction Interstate Highway 80, thence along Interstate Highway 80 to DuBois, thence along U.S. Highway 19 to the Pennsylvania-Maryland State line; (2) between points in that part of Ohio south and west of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 35 to Chillicothe, thence along U.S. Highway 23 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in that part of Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 219 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 15, and on and west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 15 to junction Interstate Highway 80; and (3) between points in that part of Ohio on, west, and south of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 35 to Chillicothe, thence along U.S. Highway 23 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in that part of Pennsylvania on and south of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 22 to junction U.S. Highway 219, and on and west of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 219 to junction U.S. Highway 22. The purpose of this filing is to eliminate the gateways of (1) Wood County, W. Va., and (2) points in that part of Ohio on, south, and east of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, thence along U.S. Highway 23 to the Ohio-Kentucky State line.

No. MC–65112 (Sub-No. E24), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Louisiana on and east of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 51 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Louisiana Highway 45, thence along Louisiana Highway 45 to Little Lake, on the one hand, and, on the other, points in Arizona (except Apache, Greenlee, Graham, and Cochise Counties). The purpose of this filing is to eliminate the gateway of points in Florida, and Dallas, Fort Worth, or Houston, Tex.

No. MC–83539 (Sub-No. E4), (Correction), filed May 17, 1974, published in the FEDERAL REGISTER June 19, 1974. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment and *related machinery parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation by the carrier of commodities which, because of size or weight, requires the use of special equipment; (II) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, restricted to commodities which are transported on trailers; and (III) *such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery, and *related machinery, tools, parts and supplies*, moving in connection therewith, restricted to commodities which are transported on trailers; as follows: (A) those commodities specified in (I) and (II) above, (except that no service shall be performed in connection with the stringing or picking up of pipe along pipelines), between points in Arizona, on the one hand, and, on the other, points in Montana and Wyoming (points in Colorado)*; (B) those commodities specified in (I) and (III) above, between points in Arkansas, on the one hand, and, on the other, points in Idaho (except that no service shall be performed in connection with stringing or picking up of pipe along maine or trunk pipeline rights of way, other than in the transportation, stringing or picking up of pipe (1) in connection with river crossings of pipelines, and (2) in connection with the operation, repair, and maintenance of pipelines), (points in Kansas, Nebraska, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*.

(C) Those commodities specified in (I) and (II) above between points in Arkansas, on the one hand, and, on the other, points in Iowa restricted as in (B) above (points in Kansas)*; (D) those commodities specified in (I) and (II) above, between points in Arkansas, on the one hand, and, on the other, points in North Dakota, restricted as in (B) above (points in Oklahoma)*; (E) those commodities specified in (I) above (except aircraft and missiles, and parts thereof), between points in California, on the one hand, and, on the other, points in Florida (points in South Carolina)*; (F) those commodities specified in (I) and (III) above, between points in Idaho, on the one hand, and, on the other, (a) points in Iowa and Missouri, restricted as in (B) above, (points in Nebraska, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*; (b) points in Montana (points in that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*; and (c) points in west Virginia (points in Utah, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*; (G) those commodities specified in (I) above, between points in Illinois, on the one hand, and, on the other (a) points in Kansas (points in Missouri)*; (b) points in Montana (points in Wyoming and Wisconsin, or points in Missouri and South Dakota)*; and (c) points in Wyoming (points in Iowa and South Dakota)*.

(H) Those commodities specified in (I) and (II) above, between points in Arkansas, on the one hand, and, on the other, points in South Dakota (points in Oklahoma)*; (I) (a) those commodities specified in (I) above, between points in Iowa, on the one hand, and, on the other, points in Michigan (points in Illinois)*; and (I) (b) those commodities specified in (I) and (II) above, between points in Iowa, on the one hand, and, on the other, points in Oklahoma (points in Kansas)*; restricted against the stringing or picking up of pipe in connection with oil or gas pipelines, and further restricted against the transportation of cast iron pressure pipe and fittings and accessories therefor when moving with such pipe, from Council Bluffs, Iowa; (J) those commodities specified in (I) and (II) above between points in Kansas, on the one hand, and, on the other, (a) points in North Dakota, restricted as in (B) above (points in South Dakota)*; and (b) points in West Virginia (points within a 50 mile radius of Nashville, Tenn.)*; (K) those commodities specified in (I) and (II) above between points in Montana, on the one hand, and, on the other, points in New Mexico (points in Colorado)*; (L) those commodities specified in (I) and (II) above, between points in Nebraska, on the one hand, and, on the other, (a) points in Ohio, restricted as in (A) above (points in South Dakota)*; and (b) points in West Virginia, restricted as in (B) above (points in Kansas and points within a 50 mile radius of Nashville, Tenn.)*.

(M) Those commodities specified in (I) and (III) above, between point in Ohio, on the one hand, and, on the other, points in Oregon and Washington, restricted as in (A) above (points in that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*; (N) those commodities specified in (I) and (II)

above, between points in Oregon, on the one hand, and, on the other, points in Virginia (points in California)*; (O) those commodities specified in (I) above (except aircraft and missiles and parts thereof), between points in South Carolina, on the one hand, and, on the other, points in Tennessee (points in Georgia or North Carolina)*; (P) those commodities specified in (I) and (II) above, between points in Colorado, on the one hand, and, on the other, points in West Virginia (Wichita, Kans., and points within a 50 mile radius of Nashville, Tenn.)*; (Q) those commodities specified in (I) above, between points in Georgia, on the one hand, and, on the other, points in Michigan, restricted as in (A) above (points in Kentucky and Illinois, and points within a 50 mile radius of Nashville, Tenn.)*; (R) those commodities specified in (I) above, between points in Indiana, on the one hand, and, on the other, points in Missouri and Wisconsin, restricted as in (A) above (points in Illinois)*; (S) those commodities specified in (I) above, between points in Kentucky, on the one hand, and, on the other, points in Missouri, restricted as in (a) above and further restricted against the transportation of traffic between Todd, Christian, Caldwell, Lyon, Trigg, Marshall, Calloway, Graves, McCracken, Ballard, Carlisle, Hickman, and Fulton Counties, Ky., on the one hand, and, on the other, Howell, Shannon, Oregon, Ripley, Carter, Reynolds, Iron, Madison, Wayne, Butler, Bollinger, Stoddard, Scott, Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo. (points in Illinois)*; (T) those commodities specified in (I) and (II) above, between points in Montana, on the one hand, and, on the other, points in Wisconsin, restricted as in (A) above (points in Wyoming)*; and (U) those commodities specified in (I) and (II) above, between points in Nebraska, on the one hand, and, on the other, points in New Mexico, restricted as in (B) above (points in Kansas)*. The purpose of this filing is to eliminate those gateways indicated by astericks above. The purpose of this correction is to clarify points sought in the letter-notice.

No. MC–88368 (Sub-No. E21), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* (1) from points in Michigan to points in Alabama (points in Harlan County, Ky., Bloomington, Ill., and points within 25 miles thereof, points in Missouri and Mississippi and Florence, Sheffield, and Tuscumbia, Ala.)*; points in Florida (points in Harlan County, Ky., points in a described portion of Georgia, Bloomington, Ill., and points within 25 miles thereof, points in Mississippi and Missouri, and Florence, Sheffield, and Tuscumbia, Ala.)*, points in Georgia (points in Harlan County, Ky., Bloomington, Ill., points in Missouri, and Mississippi and Florence, Sheffield, and Tuscumbia, Ala.)*, points in Kansas (Bloomington, Ill., and points within 25 miles there)*; points in Louisiana (Bloomington, Ill., and points within 25 miles thereof, points in Missouri and Mississippi, and Florence, Sheffield, and Tuscumbia, Ala.)*; points in Mississippi (Bloomington, Ill., and points within 25 miles thereof and points in Missouri)*; points in Missouri (Bloomington, Ill., and points within 25 miles thereof)*; points in New Mexico (Bloomington, Ill., and points within 25 miles thereof*; points in Cowley County, Kans., and points in Canadian County, Okla.)*; points in Oklahoma (Bloomington, Ill., and points within 25 miles thereof, and points in Cowley County, Kans.)*; (2) from points in the Lower Peninsula of Michigan to points in Washington (Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 25 miles thereof, and points in Colorado)*; points in Oregon (Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Colorado)*; points in California in and north of Humboldt, Trinity, Shasta, and Lassen Counties (Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Colorado, and points in Washington east of the Cascade Mountains)*; points in Idaho (Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Colorado, Montana, and Wyoming, and points in Kimball, Banner, and Cheyenne Counties, Nebr.)*; and (3) from points in Michigan on and west of U.S. Highway 41 to points in Indiana within 100 miles of Danville, Ind. (Bloomington, Ill., and points within 25 miles thereof)*. The purpose of this filing is to eliminate the gateway indicated by asterisks above.

No. MC–95540 (Sub-No. E221), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Buffalo, N.Y. to points in Louisiana on and south of a line beginning at the Texas-Louisiana State line and extending along Louisiana Highway 8 to its junction with Louisiana Highway 1, thence along Louisiana Highway 1 to its junction with Louisiana Highway 28, thence along Louisiana Highway 28 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateway of Pike or Spaulding Counties, Ga.

No. MC–95540 (Sub-No. E439), (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 8, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in mixed loads with citrus products, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida on and east of a line beginning at the Gulf of Mexico and extending along Florida Highway 363 to Wakulla, thence along U.S. Highway 319 to the Florida-Georgia State line to points in Oklahoma. The purpose of this filing is to eliminate the gateway of the plant site and warehouse sites of the Commercial Cold Storage, Inc., located at or near Doraville, Ga. The purpose of this correction is to set forth the destination state.

No. MC–95540 (Sub-No. E448) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 8, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in South Carolina, to points in Nevada on and south and west of a line beginning at the Nevada-California State line and extending along U.S. Highway 40 to its junction with U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Nevada Highway 23, thence along Nevada Highway 23 to its junction with Nevada Highway 89, thence along Nevada Highway 89 to its junction with U.S. Highway 6/95, thence along U.S. Highway 6/95 to Tonopah, thence along U.S. Highway 95 to its junction with U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-Nevada State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss. The purpose of this correction is to clarify the route description.

No. MC–95540 (Sub-No. E660), filed May 11, 1974. Applicant: WATKINS MOTOR LINES INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen fruits and vegetables*, in vehicles equipped with mechanical refrigeration (except in bulk), from points in Texas on and south of a line beginning at the Texas-New Mexico State line and extending along Texas Highway 116 to Lubbock; thence along U.S. Highway 62–82 to its junction with Texas Highway 199; thence along Texas Highway 199 to its junction with U.S. Highway 380 thence along U.S. Highway 380 to junction with Interstate Highway 30; thence on Interstate Highway 30 to its junction with Texas Highway 49; thence along

Texas Highway 49 to its junction with Texas Highway 11; thence along Texas Highway 11 to its junction with Texas Secondary Highway 125, thence along Texas Secondary Highway 125 to the Texas-Louisiana State line, to points in Georgia on and south of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 29 to Atlanta; thence on Interstate Highway 20 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC–107496 (Sub-No. E584), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 5, 1974. Applicant: RUAN TRANSPORT CORP., 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 Dundee Cement Company, at or near Clarville, Mo., to points in South Dakota. The purpose of this filing is to eliminate the gateway of the plantsite of Northwestern States Portland Cement Company at Mason City, Iowa. The purpose of this correction is to indicate the plantsite of Dundee Cement Company, at or near Clarville, Mo.

No. MC–107496 (Sub-No. E616), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 1, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Colorado on and west of U.S. Highway 85 and on and south of a line from the junction of U.S. Highway 85 and Colorado Highway 119, along Colorado Highway 119 to the junction of U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line, to points in Iowa. The purpose of this filing is to eliminate the gateway of Omaha, Nebr. The purpose of this correction is to reflect the destination points.

No. MC–107496 (Sub-No. E701), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 1, 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: *Nonedible animal oils*, in bulk, in tank vehicles, from points in South Dakota (except points south of U.S. Highway 16 and east of U.S. Highway 83), to points in Illinois. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn. The purpose of this correction is to set forth the destination State.

No. MC–107515 (Sub-No. E87), filed May 29, 1974. Applicant: REFRIGERATED PRODUCTS CO,, INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Chickasha, Enid, Elk City, and Woodward, Okla., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC–107515 (Sub-No. E88), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E Mitchell, Suite 375, 3379 Peachtree Rd. NE,, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in vehicles equipped with mechanical refrigeration, from Philadelphia, Pa., to that part of Texas on and south of a line beginning at Louisiana-Texas State line, thence along Interstate Highway 20 to junction Texas Highway 176, thence along Texas 176 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways of (1) Richmond, Va., and (2) Montgomery, Ala.

No. MC–107515 (Sub-No. E90), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Scranton, Pa., to points in North Carolina and South Carolina, restricted to transportation in vehicles equipped with mechanical refrigeration. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–107515 (Sub-No. E108), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chichasha, Okla., to Frederick, Md., the District of Columbia, and points in Connecticut, Massachusetts, those parts of Virginia, Maryland, and Delaware on and east of Interstate Highway 95, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 222, thence along U.S. Highway 22 to junction Pennsylvania Turnpike Northeast Extension, thence along Pennsylvania Turnpike Northeast Extension to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New York State line, and that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along Interstate Highway 84 to junction Interstate Highway 87 thence along Interstate Highway 87 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of Ayden, N.C.

No. MC–110098 (Sub-No. E10), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER July 24, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables, frozen fruits, and frozen berries, and frozen fish and shrimp* when moving at the same time and in the same vehicle with frozen vegetables, frozen fruits, or frozen berries, in vehicles equipped with mechanical refrigeration, from points in Oregon and Washington to points in Mississippi. The purpose of this filing is to eliminate the gateway of points in Texas. The purpose of this correction is to reflect the origin territory.

No. MC–110098 (Sub-No. E29), (Correction), filed June 1, 1974, published in the FEDERAL REGISTER July 24, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from points in that part of Texas (1) on and south of a line beginning at the Louisiana-Texas State line, thence along U.S. Highway 190 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 80, thence along U.S. Highway 80 the Texas-New Mexico State line, and (2) north of a line beginning at the Louisiana-Texas State line, thence along U.S. Highway 90 to Houston, thence along Interstate Highway 10 (or U.S. Highway 90) to San Antonio, thence along U.S. Highway 90 to junction Interstate Highway 10 and U.S. Highway 80 at Van Horn, thence along Interstate Highway 10 to the Texas-New Mexico State line, to points in that part of Kansas on and north of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 50 to junction Kansas Highway 68, thence along Kansas Highway 68 to the Kansas-Missouri State line, and that part of Missouri on and north of a line beginning at the Kansas-Missouri State line, thence along Missouri Highway 2 to junction Missouri Highway 13, thence along Missouri Highway 13, to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Kentucky State line. The purpose of this filing is to eliminate the gateway of points in that part of Texas on a line beginning at the Louisiana-

Texas State line and extending along U.S. Highway 90 to Houston, thence along Interstate Highway 10 (also over U.S. Highway 90) to San Antonio, thence along U.S. Highway 90 to junction Interstate Highway 10 and U.S. Highway 80 at Van Horn, thence along Interstate Highway 10 to the Texas-New Mexico State line. The purpose of this correction is to clarify the route description in Missouri.

No. MC–110988 (Sub-No. E1), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER on July 10, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 W. Cecil St., Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Chemicals used as fertilizer and fertilizer materials* (except liquid nitrogen, liquid hydrogen, liquid oxygen, and fertilizer and fertilizer materials manufactured from petroleum and petroleum products), in bulk; (a) from El Dorado and Kenosha, Wis., to points in New York and New Jersey; (b) from Marshall, Madison, Edmund, and Janesville, Wis., to points in New York, New Jersey, and the Lower Peninsula of Michigan; (c) from Kenosha and Janesville, Wis., to points in Minnesota on and north of U.S. Highway 16; (d) from Madison, Wis., to points in that part of Minnesota on, north, and west of a line beginning at Breckenridge, thence along Minnesota Highway 210 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to International Falls; (e) from Marshall, Wis., to points in that part of Minnesota on, north, and west of a line beginning at Breckenridge, thence along Minnesota Highway 210 to junction U.S. Highway 71, thence along U.S. Highway 71 to International Falls.

(2) *Chemicals used as fertilizer and fertilizer materials* (except fertilizer and fertilizer materials manufactured from petroleum and petroleum products), in bulk, in tank vehicles; (a) from Kenosha, Wis., to points in Wyoming, Colorado, Nebraska, Kansas, Missouri, Oklahoma, Texas, Arkansas, Louisiana, Alabama, points in that part of Tennessee, on and west of U.S. Highway 27, points in that part of Pennsylvania on and east of U.S. Highway 15, points in that part of North Dakota on and west of North Dakota Highway 3, and points in that part of South Dakota on, west, and south of a line beginning at the North Dakota-South Dakota State line, thence along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Iowa State line; (b) from El Dorado, Wis., to points in Colorado, Kansas, Missouri, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, West Virginia, Pennsylvania, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Ohio on and south of U.S. Highway 50, points in that part of Indiana on, west, and south of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 150 to junction Indiana Highway 56, thence along Indiana Highway 56 to Aurora, points in that part of Nebraska on and south of a line beginning at the Wyoming-Nebraska State line.

Thence along U.S. Highway 20 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to the Iowa-Nebraska State line, and those in that part of Wyoming on, west, and south of a line beginning at the Montana-Wyoming State line, thence along U.S. Highway 87 to junction U.S. Highway 20 to the Wyoming-Nebraska State line; (c) from Janesville, Wis., to points in Wyoming, Colorado, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, Pennsylvania, points in that part of Tennessee west of U.S. Highway 27, points in that part of Ohio south of U.S. Highway 24, points in that part of Indiana south U.S. Highway 20; (d) from Marshall, Wis., to points in Wyoming, Colorado, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, Pennsylvania, points in that part of Tennessee west of U.S. Highway 27, points in that part of Ohio south of U.S. Highway 27, points in that part of Ohio south of U.S. Highway 24, points in that part of Indiana south of U.S. Highway 24, and points in that part of Nebraska south of a line beginning at the Wyoming-Nebraska State line, thence along U.S. Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to the Nebraska-Iowa State line; (e) from Madison, Wis., to points in Wyoming, Colorado, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, Pennsylvania, points in that part of Tennessee west of U.S. Highway 27, points in that part of Ohio east and south of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 224 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Michigan-Indiana State line, points in that part of Nebraska south and west of a line beginning at the Wyoming-Nebraska State line.

Thence along U.S. Highway 20 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line, points in that part of Wyoming south and west of a line beginning at the Montana-Wyoming State line, thence along Wyoming Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Nebraska State line, and points in that part of Indiana south of U.S. Highway 24; (f) from Edmund, Wis., to points in Pennsylvania, Ohio, West Virginia, Kentucky, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, Indiana (except Lake and Porter Counties) points in that part of Tennessee west of U.S. Highway 27, points in that part of Colorado south and west of a line beginning at the Nebraska-Colorado State line, thence along Colorado-State Highway 71 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Colorado-Oklahoma State line, and points in that part of Wyoming south and west of a line beginning at the Montana-Wyoming State line, thence along Wyoming Highway 120 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Nebraska State line.

(3) *Phosphoric acid and phosphatic fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of Hydrite Chemical Co., at Milwaukee, Wis., to points in New York, New Jersey, Wyoming, Nebraska, Colorado, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, points in that part of Michigan on and east of a line beginning at Bay City, thence along Michigan Highway 15 to junction U.S. Highway 10, thence along U.S. Highway 10 to Detroit, points in that part of Tennessee on and west of U.S. Highway 27, and points in that part of Pennsylvania on and east of U.S. Highway 15.

(4) *Lignin liquor*, in bulk, in tank vehicles; (a) from Park Falls, Wis., to Hazelhurst, Miss., and points in Arkansas, Louisiana, Oklahoma, Texas, points in that part of Kansas on, east, and south of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 81 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Kansas State line, and points in that part of Missouri on, south, and east of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line; (b) from Green Bay, Wis., to Hazelhurst, Miss., and points in Louisiana, Arkansas, Missouri, Kansas, Oklahoma, Texas, Colorado, points in that part of Nebraska on, west, and south of a line beginning at the Nebraska-Wyoming State line, thence along U.S. Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to the Nebraska-Iowa State line, and points in that part of Wyoming on, west, and south of a line beginning at the Wyoming-Montana State line, thence along Wyoming Highway 120 to junction U.S. Highway 201 thence along U.S. Highway 20 to the Wyoming-Nebraska State line; (c) from Rothschild, Wis., to points in Missouri, Kansas, Colorado, Oklahoma, Arkansas, Louisiana, and Texas.

(5) *Chemicals* (except liquid hydrogen, liquid oxygen, liquid nitrogen, wood preservatives, and water repellents), in bulk, in tank and hopper-type vehicles, from South Beloit, Ill., to points in Pennsylvania, West Virginia, and points in that part of Ohio on, north, and east of a line beginning at Toledo, thence along Ohio Highway 2 to junction U.S. Highway 13, thence along Ohio Highway 13

to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line.

(6) *Chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, from South Beloit, Ill., to points in North Dakota, Louisiana, points in that part of Minnesota west of U.S. Highway 65, points in that part of South Dakota on and north of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 16 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota State line, points in that part of Texas on and south of U.S. Highway 66, points in that part of Oklahoma on and south of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 66 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to the Oklahoma-Arkansas State line, points in that part of Mississippi on and south of U.S. Highway 80, points in that part of Alabama on and south of U.S. Highway 80, points in that part of Colorado on and west of U.S. Highway 85, and points in that part of Wyoming on, west, and south of a line beginning at the Wyoming-Montana State line, thence along Wyoming Highway 120 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Wyoming-Colorado State line.

(7) *Chemicals used as dry fertilizer and dry fertilizer materials* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, from the plant site of USS Agri-Chemicals, Inc., at Chicago Heights, Ill., to points in Minnesota, North Dakota, points in that part of Michigan on and west of a line beginning at the Wisconsin-Michigan State line, thence along U.S. Highway 45 to junction Michigan Highway 26, thence along Michigan Highway 26 to Cooper Harbor, and points in that part of Wisconsin in, north, and west of Vilas, Oneida, Lincoln, Marathon, Portage, Adams, Juneau, Sauk, Richland, and Crawford Counties, points in that part of South Dakota on and north of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 16 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota State line.

(8) *Dry fertilizer and dry fertilizer materials* (except fertilizer and fertilizer materials manufactured from petroleum products), in bulk, from the plant site of USS Agri-Chemicals, Inc., at Chicago Heights, Ill., to points in that part of Iowa on, north, and west of a line beginning at the Nebraska-Iowa State line, thence along Iowa Highway 2 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Iowa-Wisconsin State line.

(9) *Chemicals used as dry fertilizer and dry fertilizer materials* (except fertilizer and fertilizer materials manufactured from petroleum and petroleum products), in bulk, in tank vehicles; (a) from the plant site of USS Agri-Chemicals, Inc., at Chicago Heights, Ill., to points in Wyoming, Colorado, Texas, points in that part of Nebraska on and west of U.S. Highway 281, points in that part of Kansas on and west of U.S. Highway 81, points in that part of Louisiana on and south of a line beginning at the Arkansas-Louisiana State line, thence along U.S. Highway 71 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Louisiana State line, points in that part of Mississippi on and south of a line beginning at the Louisiana-Mississippi State line, thence along Mississippi Highway 26 to junction U.S. Highway 98, thence along U.S. Highway 98 to the Mississippi-Alabama State line, and points in that part of Alabama on and south of U.S. Highway 98; (b) from the plant site and warehouse facilities of Darling & Co., at Chicago, Ill., to points in Wyoming, Colorado, Kansas, Oklahoma, Texas, Louisiana, points in that part of Alabama on and south of U.S. Highway 80, points in that part of Mississippi on and south of U.S. Highway 80, points in that part of Arkansas on, west, and south of a line beginning at the Arkansas-Oklahoma State line, thence along U.S. Highway 62 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line, and points in that part of Nebraska on, west, and south of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 81 to intersection U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Iowa State line; (c) from the plant site of International Minerals & Chemical Corporation at Chicago Heights, Ill., to points in Wyoming, Colorado, Texas, points in that part of Nebraska on and west of U.S. Highway 281, points in that part of Kansas on and west of U.S. Highway 81, points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 35 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Oklahoma State line, points in that part of Mississippi on and south of a line beginning at the Louisiana-Mississippi State line, thence along Mississippi Highway 26 to junction U.S. Highway 98, thence along U.S. Highway 98 to the Mississippi-Alabama State line, and points in that part of Alabama on and south of U.S. Highway 98.

(10) *Chemicals used as dry fertilizer and dry fertilizer materials* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk; (a) from the plant site and warehouse facilities of Darling & Co., at Chicago, Ill., to points in Minnesota, North Dakota, points in that part of Wisconsin on and north of a line beginning at Prescott, thence along Wisconsin Highway 29 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 41, thence along U.S. Highway 41 to Marinette, points in that part of Michigan on and west of a line beginning at Menominee, thence along U.S. Highway 41 to Marquette, and points in that part of South Dakota on and north of a line beginning at the South Dakota on and north of a line beginning at the South Dakota-Wyoming State line, thence along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota State line; (b) from the plant site of W. R. Grace & Co., located at or near Henry, Ill., to points in New York and New Jersey.

(11) *Dry fertilizer and dry fertilizer materials* (except fertilizer and fertilizer materials manufactured from petroleum products), in bulk, from the plant site and warehouse facilities of Darling & Co., at Chicago, Ill., to points in that part of Iowa on, north, and west of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 6 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Iowa-Wisconsin State line.

(12) *Chemicals used as dry fertilizer and dry fertilizer materials,* in bulk; (a) from the plant site of International Minerals & Chemical Corporation at Chicago Heights, Ill., to points in Minnesota, North Dakota, and points in that part of South Dakota on and north of U.S. Highway 14; (b) from the plant site of W. R. Grace & Co., located at or near Henry, Ill., to points in North Dakota, and points in that part of South Dakota on and north of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 14 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-Minnesota State line.

(13) *Chemicals used as fertilizer and fertilizer materials* (except wood preservatives and water repellants), in bulk, in tank or hopper-type vehicles, from the plant site of International Minerals and Chemical Corporation at Delmar, Iowa, to points in Pennsylvania, points in that part of West Virginia on and east of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 50 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Virginia State line, and points in that part of Ohio on and east of a line beginning at Vermilion, Ohio, thence along Ohio Highway 60 to junction U.S. Highway 36, thence along Ohio Highway 36 to junction Ohio Highway 83, thence along Ohio Highway 83 to the Ohio-West Virginia State line.

(14) *Liquid fertilizer and liquid fertilizer ingredients* (except petroleum products), in bulk, in tank vehicles, from Streator, Ill., to points in that part of Ohio on, south, and east of a line beginning at the Ohio-Indiana State line, thence along Ohio Highway 81 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway

4, thence along Ohio Highway 4 to Sandusky.

(15) *Chemicals* (except liquid hydrogen, liquid oxygen, liquid nitrogen, hydroflousiliac acid, and chemicals derived from petroleum), in bulk, in tank or hopper-type vehicles, from Mason City, Iowa, to points in New York, New Jersey, the Lower Peninsula of Michigan, and points in that part of the Upper Peninsula of Michigan on, north, and east of a line beginning at Marquette, thence along U.S. Highway 41 to junction Michigan Highway 95, thence along Michigan Highway 95 to junction U.S. Highway 2, thence along U.S. Highway 2 to Escanaba.

(16) *Chemicals* (except liquid hydrogen, liquid oxygen, liquid nitrogen, hydroflousiliac acid, chemicals derived from petroleum, wood preservatives, and water repellants), in bulk, in tank or hopper-type vehicles, from Mason City, Iowa, to points in Ohio, West Virginia, and Pennsylvania.

(17) *Chemicals* (except hydroflousiliac acid and chemicals derived from petroleum), in bulk, in tank vehicles, from Mason City, Iowa, to points in Alabama, points in that part of Tennessee bounded by a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 27 to the Tennessee-Georgia State line, thence along the Tennessee-Georgia, Tennessee-Alabama, and Tennessee-Mississippi State lines to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction Tennessee Highway 77, thence along Tennessee Highway 77 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Tennessee-Kentucky State line, points in that part of Mississippi on, south, and east of a line beginning at the Mississippi-Tennessee State line, thence along U.S. Highway 45 to junction U.S. Highway 82, thence along U.S. Highway 92 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Mississippi-Louisiana State line, and those points in Louisiana on and east of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 51 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi River, thence along the Mississippi River to the Gulf of Mexico.

(18) *Anhydrous ammonia,* in bulk, in tank vehicles, from the plant sites of Farmland Industries, Inc., and W. R. Grace & Co., at or near Fort Dodge, Iowa, to points in New York, New Jersey, Indiana, Ohio, Pennsylvania, West Virginia, Kentucky, Alabama, Mississippi, points in the Lower Peninsula of Michigan, points in that part of the Upper Peninsula of Michigan on and east of a line beginning at Cooper Harbor, thence along U.S. Highway 41 to junction U.S. Highway 141, thence along U.S. Highway 141 to the Michigan-Wisconsin State line, points in that part of Wisconsin on and east of a line beginning at the Wisconsin-Michigan State line, thence along U.S. Highway 141 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line, points in that part of Tennessee on and west of U.S. Highway 27, and points in that part of Louisiana on and east of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 61 to the New Orleans, and the Mississippi River, thence along the Mississippi River to the Gulf of Mexico.

(19) *Lime and limestone products,* in bulk, in tank or hopper-type vehicles, from River Rouge, Mich., to points in Minnesota.

(20) *Lime and limestone products,* in bulk, in tank vehicles, from River Rouge, Mich., to points in North Dakota, South Dakota, Nebraska, Colorado, Kansas, Texas, Oklahoma, Arkansas, Louisiana, points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line, points in that part of Mississippi west of a line beginning at the Tennessee-Mississippi State line, thence along U.S. Highway 45 to junction Mississippi Highway 69, thence along Mississippi Highway 69 to the Alabama-Mississippi State line, and points in that part of Alabama on and south of a line beginning at Alabama-Mississippi State line, thence along U.S. Highway 84 to junction Alabama Highway 55, thence along Alabama Highway 55 to the Alabama-Florida State line.

(21) *Lignin pitch,* in bulk, in tank vehicles, from Appleton and Rhinelander, Wis., to Hazelhurst, Miss., points in Colorado, and points in that part of Nebraska on, south, and west of a line beginning at the Wyoming-Nebraska State line, thence along U.S. Highway 30 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Nebraska-Kansas State line.

(22) *Chemicals used as liquid fertilizer and liquid fertilizer ingredients* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Thorntown, Ind., to points in Minnesota, points in the Upper Peninsula of Michigan, on and west of a line beginning at Marquette, thence along U.S. Highway 41 to Escanaba, and points in that part of Wisconsin on, west, and north of a line beginning at the Wisconsin-Illinois State line, thence along U.S. Highway 51 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan.

(23) *Chemicals used as liquid fertilizer and liquid fertilizer ingredients,* in bulk, in tank vehicles, from Thorntown, Ind., to points in North Dakota, South Dakota, Wyoming, Colorado, Nebraska, points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 73 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Kansas-Oklahoma State line, points in that part of Oklahoma on and west of U.S. Highway 35, and points in that part of Texas on and west of U.S. Highway 69.

(24) *Lime, quick or hydrated,* in bulk, in tank vehicles, (a) from Chicago, Ill., to points in Pennsylvania, New York, West Virginia, Kentucky, North Dakota, South Dakota, Wyoming, Nebraska, Colorado, Kansas, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Ohio (except points in Cuyahoga, Geauga, Portage, and Lorain Counties), the Lower Peninsula of Michigan, points in that part of Wisconsin north and west of a line beginning at the Wisconsin-Minnesota State line, thence along Wisconsin Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Michigan State line, and points in that part of Tennessee on, west and south of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 64 thence along U.S. Highway 65 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Georgia State line; (b) from Buffington, Ind., to points ming, Nebraska, South Dakota, Wyoming, Nebraska, Colorado, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, points in that part of Tennessee on, south, and west of a line beginning at the Kentucky-Tennessee State line, thence along Tennessee Highway 69 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line.

(25) *Lignin liquor,* in bulk, in tank or hopper-type vehicles, from Cloquet, Minn., to points in Michigan on and south of Michigan Highway 55.

(26) *Drychemicals used as animal and poultry feed ingredients,* in bulk, in tank or hopper-type vehicles, from Chicago Heights, Ill., to points in North Dakota, points in that part of South Dakota on and north of U.S. Highway 14, and points in that part of Michigan on and west of a line beginning at Marquette, thence along U.S. Highway 41 to Escanaba.

(27) *Aqua ammonia,* in bulk, in tank vehicles, from Milwaukee, Wis., to points in New York and New Jersey.

(28) *Liquid aqua ammonia,* in bulk, in tank or hopper-type vehicles, from Milwaukee, Wis., to points in Pennsylvania, West Virginia and points in Ohio on and east of a line beginning at Toledo, thence along Ohio Highway 2 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 339, thence along Ohio Highway 339 to the Ohio-West Virginia State line.

(29) *Aqua ammonia,* in bulk, in tank vehicles, from Milwaukee, Wis., to points in Wyoming, Colorado, Kansas, Nebraska, Texas, Oklahoma, Missouri, Arkansas, Louisiana, Mississippi, Ala-

bama, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Kentucky on and south of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 231 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Kentucky-West Virginia State line, and points in that part of South Dakota on, south, and west of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 16 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line.

(30) *Chemicals used as liquid fertilizer and liquid fertilizer ingredients* (except petroleum products, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Warsaw, Ind., to points in Minnesota, points in that part of Michigan on and west of a line beginning at Marquette, thence along U.S. Highway 41 to Escanaba, points in that part of Wisconsin on and west of a line beginning at the Wisconsin-Michigan State line, thence along U.S. Highway 41 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line.

(31) *Chemicals used as liquid fertilizer and liquid fertilizer ingredients* (except petroleum products), in bulk, in tank vehicles, from Warsaw, Ind., to points in North Dakota, South Dakota, Wyoming, Nebraska, Colorado, Kansas, Oklahoma, Texas, Louisiana, Mississippi, points in that part of Missouri west of a line beginning at Cape Girardeau, thence along U.S. Highway 61 to the Missouri-Arkansas State line, and points in that part of Arkansas west of U.S. Highway 61.

(32) *Chemicals used as sand additives*, dry, in bulk, in tank vehicles; (a) from Belvidere, Ill., to points in Wyoming, Nebraska, Colorado, Kansas, Missouri, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of North Dakota on, west, and north of a line beginning at the North Dakota-South Dakota State line, thence along North Dakota Highway 1 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Minnesota State line, and points in that part of South Dakota on and west of a line beginning at the North Dakota-South Dakota State line, thence along South Dakota Highway 37 to junction South Dakota Highway 20, thence along South Dakota Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line; (b) from Archbold and Woodworth, Ohio, to points in North Dakota, South Dakota, Wyoming, Nebraska, Colorado, Kansas, Oklahoma, Texas, points in that part of Missouri west of a line beginning at St. Louis, thence along U.S. Highway 67 to the Missouri-Arkansas State line, points in that part of Arkansas west of U.S. Highway 167, and points in that part of Louisiana west of a line beginning at Arkansas-Louisiana State line, thence along U.S. Highway 167 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Louisiana Highway 317, thence along Louisiana Highway 317 to the Gulf of Mexico.

(33) *Chemicals* (except lignin liquor and lignin pitch), in bulk, in tank or hopper-type vehicles, from Neenah, Menasha, Appleton, and Kimberly, Wis., to points in North Dakota and South Dakota.

(34) *Chemicals* (except lignin liquor, lignin pitch, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank or hopper-type vehicles, from Neenah, Menasha, Appleton, and Kimberly, Wis., to Detroit, Mich., and points in New York and New Jersey.

(35) *Chemicals* (except lignin liquor and lignin pitch), in bulk, in tank vehicles; (a) from Neenah, Menasha, Appleton, and Kimberly, Wis., to points in Colorado, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, West Virginia, Pennsylvania, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Wyoming on and south of U.S. Highway 26, points in that part of Nebraska on and south of a line beginning at the Nebraska-Wyoming State line, thence along U.S. Highway 20 to junction Wyoming Highway 2, thence along Wyoming Highway 2 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line, and points in that part of Ohio on, south, and east of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 4 to Sandusky; (b) from Groos, Mich., to points in Iowa, Illinois, Missouri, and Indiana.

(36) *Lignin liquor*, in bulk, in tank vehicles, from Oconto Falls, Wis., to points in West Virginia, Kentucky, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, Florida, Georgia, South Carolina, North Carolina, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Wyoming on, west, and south of a line beginning at the Montana-Wyoming State line, thence along Wyoming Highway 120 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Nebraska State line, points in that part of Virginia east of a line beginning at the Virginia-Tennessee State line, thence along U.S. Highway 81 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Virginia-West Virginia State line, and points in that part of Maryland east of U.S. Highway 522.

(37) *Chemicals, in bulk, in tank vehicles;* (a) from Groos, Mich., to points in North Dakota, South Dakota, Ohio, Indiana, Colorado, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, points in that part of Illinois on, west, and south of a line beginning at the Illinois-Wisconsin State line, thence along Illinois Highway 47 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Illinois-Indiana State line, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Wyoming on and south of U.S. Highway 26, points in that part of Nebraska on and south of a line beginning at the Wyoming-Nebraska State line, thence along U.S. Highway 26 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Iowa State line, points in that part of West Virginia on and south of U.S. Highway 33, and points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 220 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Maryland-Pennsylvania State line; (b) from Portage, Wis., to East St. Louis, Ill., points in Colorado, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, West Virginia, Pennsylvania, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Wyoming on and south of U.S. Highway 26, and points in that part of Nebraska south of a line beginning at the Wyoming-Nebraska State line, thence along U.S. Highway 26 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line.

(38) *Chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Groos, Mich., to points in New York and New Jersey.

(39) *Chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Portage, Wis., to points in New York and New Jersey.

(40) *Chemicals* (except wood preservatives, water repellents, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank or hopper-type vehicles, from Otsego, Mich., to points in Minnesota on and east of U.S. Highway 65, and 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 junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 41, thence along U.S. Highway 41, to Wisconsin-Michigan State line.

(41) *Chemicals* (except wood preservatives and water repellents), in bulk, in tank vehicles, from Otsego, Mich., to East St. Louis, Ill., points in North Dakota, South Dakota, Wyoming, Nebraska, Colorado, Kansas, Missouri, Oklahoma, Texas, Arkansas, Mississippi, points in that part of Tennessee on and west of Tennessee Highway 69, and those points in Alabama on and west of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 43 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction Alabama Highway 41, thence along Alabama Highway 41 to the Alabama-Florida State line.

(42) *Dry glue,* in bulk, in tank or hopper type vehicles; (a) from Chicago, Ill., to points in the Upper Peninsula of Michigan, points in that part of Minnesota on, north, and west of a line beginning at the Iowa-Minnesota State line, thence along Minnesota Highway 4 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wisconsin-Minnesota State line, and points in that part of Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line, thence along Wisconsin highway 54 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 110, thence along Wisconsin Highway 110 to junction Wisconsin Highway 150, thence along Wisconsin Highway 150 to junction Wisconsin Highway 47, thence along Wisconsin Highway 47 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to Algoma; (b) from Indianapolis, Ind., to points in Minnesota, points in that part of Michigan west of a line beginning at Marquette, thence along U.S. Highway 41 to Escanaba, and points in that part of Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 16 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction Wisconsin Highway 55, thence along Wisconsin Highway 55 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to Algoma.

(43) *Chromium sulphate,* in bulk, in tank vehicles, from Milwaukee, Wis., to points in New York, New Jersey, Alabama, Mississippi, Louisiana, Arkansas, Missouri, points in that part of Michigan on and east of a line beginning at Bay City, thence along Michigan Highway 15 to junction U.S. Highway 10, thence along U.S. Highway 10 to Detroit, points in that part of South Dakota on, south, and west of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 14 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line, and points in that part of Kentucky on and south of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 231 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Kentucky-West Virginia State line.

(44) *Lignin liquor,* in bulk, in tank vehicles, from Cloquet, Minn., to points in New York, Pennsylvania, New Jersey, Ohio, Indiana, Kentucky, West Virginia, Maryland, Virginia, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, and Illinois (except points in Jo Daviess, Stephenson, Winnebago, Carroll, Ogle, Mercer, Henderson, Warren, Hancock, and McDonough Counties).

(45) *Fertilizer and fertilizer materials,* in bulk, in tank or hopper-type vehicles, from the plant site of International Minerals and Chemical Corporation at Delmar, Iowa, to points in that part of Minnesota on and north of a line beginning at the Minnesota-South Dakota State line, thence along Minnesota Highway 28 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 61, thence along U.S. Highway 61 to Duluth.

(46) *Chemicals* (except wood preservatives, water repellants, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Otsego, Mich., to points in Minnesota. The filing in (5) above is restricted against the transportation of dry chemicals in bulk.

The purpose of this filing is to eliminate the gateways (A) of South Beloit, Ill., for various points in (1)(a)(b), (3), (18), (22), (27), (30), (34), (39), and (43), above; (B) of South Beloit, Ill., and Portage, Wis., for various points in (1)(c)(d)(e), (46), (22), and (30) above; (C) of the plant site and warehouse facilities of Philadelphia Quartz Co., at Utica, Ill., for various points in (2)(a)(b)(c)(d)(e)(f), (4)(a)(b)(c), (6), (18), (20), (21), (23), (24), (29), (31), (32), (a)(b), (35), (36), (37)(b), (41), and (43) above; (D) of Otsego, Mich., for various points in (5) and (13)(a) above; (E) of Portage, Wis., for various points in (6), (10)(a), (12), (14), (19), (37), (40), and (45) above; (F) of Rothschild, Wis., for various points in (6), (12), (25), (26), (13)(b), (33), (37), and (44) above. (G) of that part of Rock County, Wis., which lies in the South Beloit, Ill., commercial zone, for various points in (7), (10)(a)(b), (15), (26), and (38) above; (H) of that part of Rock County, Wis., which lies in the South Beloit, Ill., commercial zone and Portage, Wis., for various points in (7) above; (I) of that part of Rock County, Wis., which lies on the South Beloit, Ill., commercial zone and Rothschild, Wis., for various points in (8) and (10) above; (J) of the plant site and warehouse facilities of Philadelphia Quartz Co., at Utica, Ill., and Kenosha, Wis., for various points in (9)(a)(b)(c) and (12) above; (K) of Kenosha, Wis., for various points in (11) above; (L) of Thorntown, Ind., for various points in (14) above; (M) of that part of Rock County, Wis., which lies in the South Beloit, Ill., commercial zone, and Otsego, Mich., for various points in (16) above; (N) of the plant site and warehouse facilities of Philadelphia Quartz Co., at Utica, Ill., and Portage, Wis., for various points in (17) and (37)(a) above; (O) of Buffington, Ind., for various points in (24) above; (Q) of Appleton, Wis., for various points in (35)(b) above; and (R) of the plant site of Central Paper Co., Inc., at Menasha, Wis., for various points in (42)(a)(b) above.

The purpose of this correction is to correct the territorial description to Hazelhurst, Miss., and points in Arkansas * * * "Which was inadvertently published as '* * * to Hazelhurst, Miss., to points in Arkansas * * *'" in (4)(a) above; to correct the territorial description "* * * to the Arkansas-Oklahoma State line * * * which was inadvertently published as "to the Arkansas-Louisiana State line * * *" in (9)(c) above; to correct the inadvertent omission of the commodity "limestone products" in (19) and (20) above; to correct the territorial description "* * * points in Ohio on and east of a line * * *" which was inadvertently published as "* * * points in Ohio on and west of a line * * *" in (28) above; to correct the territory description "* * * that part of South Dakota on and north of a line "* * * which was inadvertently published as "* * * that part of South Dakota on and south of a line * * *" in (12)(b) above; to correct the territory description "* * * points in that part of Illinois on, west, and south of a line * * *" which was inadvertently published as "* * * points in that part of Illinois north and east of a line * * *" in (37)(a) above; to correct the territory description "* * * to junction Interstate Highway 83 * * *" which was inadvertently published as '* * * to junction U.S. Highway 83 * * *' "* * * from Groos, Mich., * * * " which was inadvertently published as "* * * from Portage, Wis. * * *" in (38) above; and to correct the territory description "* * * thence along U.S. Highway 61 to Duluth," which was inadvertently published as "* * * thence along U.S. Highway 61 to Detroit."

No. MC–111545 (Sub-No. E304), 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 that part of Alabama on and south of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 11 to Attalla, thence along U.S. Highway 411 to the Alabama-Georgia State line, on the one hand, and on the other, points in that part of Illinois on and north of U.S. Highway 136, and points in that part of Indiana on and north of Interstate Highway 70, and points in Ohio, Michigan, and Wisconsin. The purpose of this filing is to eliminate the gateway of Piedmont, Ala.

No. MC–111545 (Sub-No. E305), 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: *Incinerators and refuse-treatment equipment, and parts, attachments, and accessories,* for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of North Carolina on,

south, and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 401 to Louisburg, thence along North Carolina Highway 39 to Selma, thence along Alternate U.S. Highway 70 to junction U.S. Highway 70, thence along U.S. Highway 70 to Atlantic, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC–111545 (Sub-No. E306), 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 (except buses), and *related machinery, tools, parts, and supplies* moving in connection therewith, from points in that part of Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line, thence along Oklahoma Highway 34 to Woodward, thence along U.S. Highway 183 to the Oklahoma-Texas State line, to points in Vermont, restricted to the transportation of commodities when moving on trailers. The purpose of this filing is to eliminate the gateways of Atlanta and Toccoa, Ga.

No. MC–111545 (Sub-No. E307), 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: *Incinerators and refuse-treatment equipment, and parts, attachments, and accessories*, for-incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Alabama on, east, and north of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 72 to Scottsboro, thence along Alabama Highway 79 to Birmingham, thence along U.S. Highway 31 to Montgomery, thence along U.S. Highway 80 to the Alabama-Georgia State line, to points in North Dakota. The purpose of this filing is to eliminate the gateways of Cedartown, Ga., and Springfield, Mo.

No. MC–111545 (Sub-No. E308), 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 Connecticut, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line, thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to Murphysboro, thence along Illinois Highway 13 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E309), 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 New Jersey, that part of Massachusetts on and west of U.S. Highway 5, and that part of Pennsylvania on, east, and south of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 222 to Lancaster, thence along Pennsylvania Highway 501 to junction U.S. Highway 22, thence along U.S. Highway 22 to Strausstown, thence along Pennsylvania Highway 183 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Pottsville, thence along U.S. Highway 209 to Tamaqua, thence along Pennsylvania Highway 309 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Chester, thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to Murphysboro, thence along Illinois Highway 13 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E310), 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, south, and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 83 to Thedford, thence along Nebraska Highway 2 to Crawford, thence along U.S. Highway 20 to the Nebraska-Wyoming State line, on the one hand, and, on the other, points in that part of Delaware on and north of Delaware Highway 18, and that part of Maine on and east of a line beginning tt the Boundary line between the United States and Canada, thence along U.S. Highway 201 to Brunswick, thence along Maine Highway 123 to South Harpswell. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Payne, Iowa.

No. MC–111545 (Sub-No. E311), 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 Maine, on the one hand, and, on the other, points in that part of Missouri on, south, and west of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 160 to junction Missouri Highway 39, thence along Missouri Highway 39 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Quapaw, Okla.

No. MC–111545 (Sub-No. E312), 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, from points in that part of Oklahoma on and east of a line beginning at the Oklahoma-Arkansas State line, thence along U.S. Highway 62 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line, to points in that part of Nebraska on and north of a line beginning at the Nebraska-Missouri State line, thence along Nebraska Highway 92 to Merna, thence along Nebraska Highway 92 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to Ogallala, thence along U.S. Highway 30 to the Nebraska-Wyoming State line. The purpose of this filing is to eliminate the gateways of points in Arkansas and Payne, Iowa.

No. MC–111545 (Sub-No. E313), 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 Virginia, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC–111545 (Sub-No. E517), filed June 2, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., PO 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 (except buses), and *related machinery, tools, parts and*

supplies moving in connection therewith, from points in those parts of Alabama, Georgia, and Mississippi within 175 miles of Chattanooga, Tenn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont, and the District of Columbia, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Toccoa, Ga.

No. MC–113843 (Sub-No. E178), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, (1) from Dover, Del., to points in Colorado, Kansas, Minnesota, Oklahoma, and Wisconsin, points in Arkansas on, south, and west of U.S. Highway 71, and points in that part of Texas on and west of a line beginning at the Texas-Arkansas State line and extending along U.S. Highway 59 to junction U.S. Highway 80, thence along U.S. Highway 80 to Longview, thence along U.S. Highway 259 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 87, thence along U.S. Highway 87 to Levaca Bay; and (2) from points in those portions of Delaware and Maryland (except Pocomoke City, Cambridge, and Crisfield) east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Colorado, Kansas, Minnesota and Wisconsin, points in Benton, Boone, Carroll, Crawford, and Washington Counties, Ark., points in that part of Oklahoma on, north, and west of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Oklahoma-Texas State line, and points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 75 to Dallas, thence along Interstate Highway 35 to the U.S.-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113908 (Sub-No. E26), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and animal oils*, in bulk, in tank vehicles, from the plantsite of Wilson & Co., Inc., at or near Cherokee, Iowa, to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of the plantsite of Armour Grocery Products Co., near Augateway of the plantsite of Armour Grorora, Ill.

No. MC–113908 (Sub-No. E29), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycerine, and fatty acids*, from the plantsite of the Armour Grocery Products Co., near Aurora, Ill., to Stockton, Calif. The purpose of this filing is to eliminate the gateway of Verona, Mo.

No. MC–113908 (Sub-No. E31), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycerine and fatty acids* from the plantsite of the Armour Grocery Products Co., near Aurora, Ill., to points in Louisiana, points in that part of Mississippi on and south of U.S. Highway 82, and points in that part of Arkansas on and west of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas Highway 11, thence along Arkansas Highway 11 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC–113908 (Sub-No. E32), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Marionville, Mo. to points in Texas. The purpose of this filing is to eliminate the gateway of Rogers, Ark.

No. MC–113908 (Sub-No. E36), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from points in that portion of the New York, N.Y. Commercial Zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 (1951), within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Act (the "exempt zone"), to points in California. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC–113908 (Sub-No. E44), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Auburndale, Fla., to Helena, Mont. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–113908 (Sub-No. E74), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from North Rose, N.Y., to points in California. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC–113908 (Sub-No. E75), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Chicago, Ill., to points in that part of Colorado on, west, and south of a line beginning at the Colorado-Nebraska State line, thence along Colorado Highway 71 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateway of Nixa, Mo.

No. MC–113908 (Sub-No. E78), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, and apple juice*, from points in that portion of the New York, N.Y., commercial zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 (1951) within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Act (the "exempt zone"), to points in Texas, Oklahoma, and Arkansas. The purpose of this filing is to eliminate the gateway of points in Michigan.

No. MC–113908 (Sub-No. E80), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from the site of the storage and production facilities of the

Allied Chemical Corporation at or near Blytheville, Ark., to points in Arizona, California, Colorado, Kansas, Nevada, New Mexico, Utah, Washington, points in Benton and Washington Counties, Ark., and points in that part of Missouri west of Missouri Highway 5, points in that part of Oklahoma west of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 75 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to the Oklahoma-New Mexico State line. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC–113908 (Sub-No. E96), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Grimes, Iowa, to points in South Dakota, and points in that part of Kansas on and west of U.S. Highway 77. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC–115554 (Sub-No. E11), filed June 4, 1974. Applicant: SCOTTS TRANSPORTATION SERVICE, INC., P.O. Box 1634, Des Moines, Iowa 50309. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, refrigeration and electrical equipment, appliances, and parts, materials, and supplies* used in the manufacture, repair and distribution of such commodities between points in Wisconsin on and south of U.S. Highway 151 on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, and points in Wyoming on and north of U.S. Highway 26. The purpose of this filing is to eliminate the gateway of Amana, Iowa.

No. MC–115554 (Sub-No. E12), filed June 4, 1974. Applicant: SCOTTS TRANSPORTATION SERVICE, INC., P.O. Box 1634, Des Moines, Iowa 50306. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, refrigeration and electrical equipment, appliances, and parts, materials, and supplies* used in the manufacture, repair, and distribution of such commodities, between points in Wisconsin on the one hand, and, on the other, points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Colorado, New Mexico, Texas, Kansas, Oklahoma, and Louisiana, and points in Wyoming on and south of U.S. Highway 26. The purpose of this filing is to eliminate the gateway of Amana, Iowa.

No. MC–119531 (Sub-No. E175), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre drums*, from the plant and warehouse facilities of Container Corporation of America at Addison, Ill., to points in Maryland. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ohio.

No. MC–119531 (Sub-No. E176), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre drums*, from the plant and warehouse facilities of Container Corporation of America at Addison, Ill., to points in New York, New Jersey, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–119531 (Sub-No. E177), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber cylindrical containers*, from the plant and warehouse sites of Container Corporation of America at Ravenna, Ohio, to points in Iowa and Wisconsin. The purpose of this filing is to eliminate the gateway of Addison, Ill.

No. MC–119531 (Sub-No. E178), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers*, from the plant and warehouse sites of Container Corporation of America at Ravenna, Ohio, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC–119531 (Sub-No. E203), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber drums*, from the plant and warehouse site of Weyerhaeuser Company at Columbus, Ind., to points in Michigan on and east of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 127 to Lansing, thence along U.S. Highway 27 to its intersection with Interstate Highway 75, thence along Interstate Highway 75 to Mackinaw City, and points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Van Wert, Ohio.

No. MC–119531 (Sub-No. E205), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard cartons*, (1) from Ashtabula, Ohio, to points in Illinois; and (2) from Ashtabula, Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of (a) Cleveland, Ohio, for (1) above; and (2) Cleveland, Ohio, and Rockdale, Ill., for (2) above.

No. MC–119531 (Sub-No. E206), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard shipping containers*, other than corrugated, (1) from Seymour, Ind., to points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 75 to Knoxville, thence along U.S. Highway 129, to the Tennessee-North Carolina State line; and (2) from Seymour, Ind., to points in Wisconsin and Iowa (except points south of a line beginning at Muscatine, Iowa and extending along Iowa State Highway 92 to Winterset, thence along U.S. Highway 169 to the Iowa-Missouri State line). The purpose of this filing is to eliminate the gateways of (a) Cincinnati, Ohio, for (1) above; and (b) Addison, Ill., for (2) above.

No. MC–119531 (Sub-No. E207), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard boxes*, from the plant site of Container Corporation of America at Carol Stream, Ill., (a) to points in Maryland; (b) to points in Tennessee on and east of U.S. Highway 231; and (c) to points in Kentucky on and east of Interstate Highway 65. The purpose of this filing is to eliminate the gateways of (1) Mt. Vernon, Ohio, for (a) above; (2) Cincinnati, Ohio, for (b) above; and (3) Columbus, Ind., for (c) above.

No. MC–119531 (Sub-No. E208), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and pulpboard products*, from Massillon, Ohio, to points in Indiana on and west of a line beginning

at the Kentucky-Indiana State line and extending along U.S. Highway 231 to Hebron, thence along Indiana Highway 2 to South Bend, thence along U.S. Highway 31 to the Indiana-Michigan State line, and points in Illinois. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–119531 (Sub-No. E209), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard and pulpboard products*, from Rock Island, Ill., to points in New York, New Jersey, and Pennsylvania; (2) *Pulpboard containers*, from Rock Island, Ill., to points in Maryland; and (3) *Pulpboard and pulpboard products*, from Rock Island, Ill., to points in West Virginia. The purpose of this filing is to eliminate the gateways of (a) Cleveland, Ohio, for (1) above; (b) Mt. Vernon, Ohio, for (2) above; and (c) Circleville, Ohio, for (3) above.

No. MC–119531 (Sub-No. E210), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard boxes*, from Chicago, Ill., (a) to points in New York, New Jersey, and Pennyslvania; (b) to points in Maryland; and (c) to points in West Virginia. The purpose of this filing is to eliminate the gateways of (1) Cleveland, Ohio, for (a) above; (2) Mt. Vernon, Ohio, for (b) above; and (3) Circleville, Ohio, for (c) above.

No. MC–119531 (Sub-No. E216), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) Pulpboard and pulpboard products, from Rock Island, Ill., (1) to points in Tennessee on and east of Interstate Highway 75, and (2) to points in Kentucky on and east of Interstate Highway 65; and (B) *corrugated fiberboard sheets*, from Rock Island, Ill., to Winchester, Va. The purpose of this filing is to eliminate the gateways of (1) Cincinnati, Ohio for (A) (1) above, and (2) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., for (A) (2) above, and (3) Ashtabula, Ohio, for (B) above.

No. MC–119531 (Sub-No. E218), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fiberboard containers*, from Massillon, Ohio, to points in Minnesota; (B) *paper containers*, from Massillon, Ohio, to points in Missouri; and (C) *paper cartons*, from Massillon, Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of (1) Anderson, Ind., for (A) above, (2) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., for (B) above, and (3) Rockdale, Ill., for (C) above.

No. MC–119531 (Sub-No. E219), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corrugated paper cartons*, from the plant sites and warehouse facilities of Container Corporation of American and Continental Can Company, Inc., at St. Louis, Mo., and from the plant site and warehouse facilities of Container Corporation of America at Chesterfield, Mo., to points in Maryland. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ohio.

No. MC–119531 (Sub-No. E220), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Honeycomb paper products*, from the plant and warehouse sites of Union Camp Corporation at Kalamazoo, Mich., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Circleville, Ohio.

No. MC–119531 (Sub-No. E221), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper cartons*, from the plant sites and warehouse facilities of Container Corporation of America and Continental Can Company, Inc., at St. Louis, Mo., and from the plant site and warehouse facilities of Container Corporation of America at Chesterfield, Mo., to points in New York, New Jersey, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–119531 (Sub-No. E222), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Bartlett, Ill., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Massillon, Ohio.

No. MC–119531 (Sub-No. E223), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard in rolls, and indented pulpboard*, from Carthage, Ind., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Massillon, Ohio.

No. MC–120646 (Sub-No. E2), filed May 13, 1974. Applicant: BRADLEY FREIGHT LINES, INC., P.O. Box 5875, Asheville, N.C. 28803. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from points in Virginia on and east of U.S. Highway 220 and points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, thence along U.S. Highway 1 to the North Carolina-South Carolina State line, to points in Tennessee on and west of U.S. Highway 27; (2) from points in Tennessee on and west of U.S. Highway 27 to points in Virginia on and east of U.S. Highway 220; (3) from points in Virginia on and west of U.S. Highway 220 and east of Interstate Highway 77, and points in North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, thence along U.S. Highway 1 to the North Carolina-South Carolina State line and east of Interstate Highway 77, to points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 31W to Nashville, thence along U.S. Highway 31 to the Tennessee-Alabama State line; (4) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 31W to Nashville, thence along U.S. Highway 31 to the Tennessee-Alabama State line, to points in Virginia on and east of Interstate Highway 77 and on and west of U.S. Highway 220; (5) from points in Virginia on and west of Interstate Highway 77 (except Lee and Wise Counties), and points in North Carolina on and west of Interstate Highway 77 and on and east of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 23 to Asheville, thence along Interstate Highway 26 to the North Carolina-South Carolina State line, to points in Tennessee west of the Tennessee River.

(6) From points in Tennessee west of the Tennessee River to points in Virginia on and west of Interstate Highway 77 (except Lee and Wise Counties); (7) from points in Virginia on and east of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 11 to Harrisonburg, thence along U.S. Highway 33 to the Virginia-West Virginia State line to points in

Kentucky on and west of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 25E to Corbin, thence along U.S. Highway 25 to Mt. Vernon, thence along Interstate Highway 75 to Lexington, thence along Interstate Highway 64 to Louisville; (8) from points in North Carolina to points in Kentucky on and west of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 25E to Corbin, thence along U.S. Highway 25 to Mt. Vernon, thence along Interstate Highway 75 to the Kentucky-Ohio State line; (9) between points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 25 to Knoxville, thence along U.S. Highway 129 to the Tennessee-North Carolina State line (except points in Tennessee Highway 33 and U.S. Highway 25E between Knoxville and Cumberland Gap), on the one hand, and, on the other, points in Kentucky on and west of Interstate Highway 65; (10) from points in Virginia (except Lee and Wise Counties), and points in North Carolina on and east of a line beginning at the North Carolina-Tennessee State line and extending along Interstate Highway 40 to Asheville, thence along Interstate Highway 26 to the North Carolina-South Carolina State line, to points in Arkansas, Louisiana, and Texas; (11) from points in Virginia (except Lee and Wise Counties) to points in Mississippi and points in Alabama on and west of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 59 to Birmingham, thence along Interstate Highway 65 to Montgomery, thence along U.S. Highway 331 to the Alabama-Florida State line; (12) from points in Virginia (except Lee and Wise Counties) and points in North Carolina on and east of a line beginning at the North Carolina-Tennessee State line and extending along Interstate Highway 40 to Asheville, thence along Interstate Highway 26 to the North Carolina-South Carolina State line, to points in Missouri on and west of U.S. Highway 67; and (13) from points in Tennessee on and west of U.S. Highway 431, to points in Maine, Massachusetts, Vermont, New Hampshire, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of Ferndale Station, Ky., in (1) through (9); and Ferndale Station, Ky., and in McMinn or Bradley Counties, Tenn., in (10) through (13).

No. MC–123048 (Sub-No. E155), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial or farm-type tractors* (except truck tractors and tractors which because of size or weight, require special handling or the use of special equipment), from Muskegon, Mich., to points in California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Oshkosh, Wis.

No. MC–123048 (Sub-No. E156), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and farm machinery* used in conjunction with tractors and *parts* thereof, from Fond du Lac, Wisc., to points in California, Idaho, Montana, Nevada, North Dakota, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC–123048 (Sub-No. E157), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels) from Duluth, Minn., to points in Nebraska and Missouri. RESTRICTION: (1) restricted to traffic having an immediate prior movement by water and (2) restricted to traffic destined to the plantsites, warehouses and dealer facilities of Deere and Company. The purpose of this filing is to eliminate the gateway of Duluth and Charles City, Iowa.

No. MC–123048 (Sub-No. E158), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* from Duluth, Minn., to points in Kansas. RESTRICTION: (1) restricted to shipments having an immediate prior movement by water and (2) restricted to shipments destined to plantsites, warehouses, and dealers of Deere and Company. The purpose of this filing is to eliminate the gateway of Owatonna, Minn.

No. MC–123048 (Sub-No. E159), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* from Milwaukee, Wis., to points in Indiana, the Lower Peninsula of Michigan, and Ohio. RESTRICTION: (1) Restricted to shipments having an immediate prior movement by water and (2) restricted to shipments destined to the plantsites, warehouses, and dealer facilities of Deere and Company. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E160), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* designed to be used in conjunction with tractors from Appleton, Wis., to points in Idaho. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC–123048 (Sub-No. E161), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery* from Louisville, Miss., to points in North Dakota. RESTRICTION: Restricted to traffic originating at Louisville, Miss., and points within 5 miles thereof. The purpose of this filing is to eliminate the gateway of Oshkosh, Wis.

No. MC–123048 (Sub-No. E162), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors* used as loading and unloading equipment, from Marshfield, Wis., to points in Idaho and Washington. RESTRICTION: The authority herein is restricted to the transportation of shipments originating at the plantsite of Teco-Crab, Inc., at Marshfield, Wis. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC–123048 (Sub-No. E163), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (except tractors) and *parts and attachments thereof* from Indianola, Miss., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Oshkosh, Wis.

No. MC–123048 (Sub-No. E164), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* when used as road building and maintenance machinery and equipment from Des Moines, Iowa, to points in Connecticut, Delaware, Maine, Massachusetts, New Jersey, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Oshkosh, Wis.

No. MC–123048 (Sub-No. E165), filed June 2, 1974. Applicant: DIAMOND

TRANSPORTATION SYSTEM, INC., P.O. BOX A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, parts, accessories, and attachments* from Laurel, Miss., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Oshkosh, Wis.

No. MC–123048 (Sub-No. E166), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. BOX A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors* from Milwaukee, Wis., to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and West Virginia. RESTRICTION: (1) Restricted to shipments having an immediate prior movement by water and (2) restricted to shipments destined to the plantsites, warehouses, and dealer facilities of Deere and Company. The purpose of this filing is to eliminate the gateway of West Bend, Wis.

No. MC–123048 (Sub-No. E167), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels) from Duluth, Minn., to points in Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California. RESTRICTION: (1) Restricted to traffic having an immediate prior movement by water and (2) restricted to traffic destined to the plantsites, warehouses, and dealer facilities of Deere and Company. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC–123048 (Sub-No. E168), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and tractor attachments* (except truck tractors and except commodities requiring the use of special equipment or special handling) from Detroit, Mich., to points in California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and points in Wisconsin on and north of U.S. Highway 10. The purpose of this filing is to eliminate the gateway of Oshkosh, Wis.

No. MC–123048 (Sub-No. E169), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors* used as loading and unloading equipment from Marshfield, Wis., to points in Iowa within 50 miles of Sioux Falls, S. Dak. RESTRICTION: The authority granted herein is restricted to the transportation of shipments originating at the plantsite of Teco-Crab, Inc., at Marshfield, Wis. The purpose of this filing is to eliminate the gateway of Charles City, Iowa.

No. MC–124078 (Sub-No. E36), filed May 23, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevelle (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 Charleston, S.C., to points in Madison, Buncombe, Henderson, Haywood, Transylvania, Jackson, Swain, Macon, Graham, Clay, and Cherokee Counties, N.C. The purpose of this filing is to eliminate the gateway of Richmond County, Ga.

No. MC–124078 (Sub-No. E37), filed May 20, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Fairborn, Ohio to points in the Lower Peninsula of Michigan (except points in Berrien, Cass, St. Joseph, Branch, and Hillsdale Counties). The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–20372 Filed 9–3–74;8:45 am]

[Notice 149]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 4, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 24, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75316. By order of August 23, 1974, the Motor Carrier Board approved the transfer to Hanson Transport, Inc., Fargo, N. Dak., of that portion of the operating rights in Certificates Nos. MC–60272, MC–60272 (Sub-No. 7), and MC–60272 (Sub-No. 8) issued October 31, 1960, April 15, 1965, and December 19, 1967, to Hanson Transfer, Inc., Mayville, N. Dak., authorizing the transportation of general commodities, with stated exceptions, (1) between Northwood, N. Dak., and junction U.S. Highway 2 and North Dakota Highway 18, serving all intermediate points, restricted against the transportation of traffic moving between Grand Forks, N. Dak., on the one hand, and, on the other, Fargo, West Fargo, Southwest Fargo, and Union Stockyards, N. Dak., and Moorhead, Minn.; (2) between Northwood, N. Dak., and Moorhead, Minn., serving the intermediate and off-route points of Hatton, Portland, Mayville, Blanchard, Hunter, Arthur, Amenia, Clifford, and Fargo, N. Dak.; (3) between West Fargo, N. Dak., and Northwood, N. Dak., serving the intermediate and off-route points of Clifford, Southwest Fargo, Union Stockyards, Hatton, Portland, Mayville, Blanchard, Hunter, Arthur, and Amenia, N. Dak.; (4) between junction U.S. Highway 81 and North Dakota Highway 15 and Aneta, N. Dak., serving all intermediate points; and (5) between junction U.S. Highway 81 and North Dakota Highway 15 and McVille, N. Dak., serving all intermediate points; household goods as defined by the Commission, between Mayville, N. Dak., and points in North Dakota within 25 miles of Mayville, on the one hand, and, on the other, points in Minnesota; and lumber and other forest products, from points in a defined area of Minnesota to Mayville, N. Dak., and points within 50 miles of Mayville. James M. Sanden, 502 First National Bank Building, Fargo, N. Dak. 58102, attorney for applicants.

No. MC–FC–75333. By order entered August 27, 1974 the Motor Carrier Board approved the transfer to Hedstrom Truck Line, Inc., Wilton, N. Dak., of the operating rights set forth in Certificate of Registration No. MC–54948 (Sub-No. 1) and Certificate No. MC–54948 (Sub-No. 3), issued June 10, 1965 and September 25, 1969, respectively, to Bert B. Hedstrom, Wilton, N. Dak., authorizing the transportation of livestock, agricultural commodities, heavy set-up farm and other machinery, fencing, building material and twine in the vicinity of Wilton, N. Dak., and fertilizer and fertilizer ingredients, from points in that part of

the Fargo, N. Dak. Commercial Zone in North Dakota, to points in North Dakota. Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102, attorney for applicant.

No. MC-FC-75336. By order of August 26, 1974 the Motor Carrier Board approved the transfer to Link Transportation, Inc., 70 Christine Terrace, Milford, Conn. 06460, of the operating rights in Certificate No. MC-100825 (Sub-No. 1) issued May 18, 1942, to Lazo Stankovich and Arthur Roberts, a partnership, doing business as Merchants & Farmers Transportation, Plainfield, Conn., authorizing the transportation of general commodities, with exceptions, over regular routes, between specified points in Connecticut and Rhode Island.

No. MC-FC-75344. By order of August 26, 1974 the Motor Carrier Board approved the transfer to Ted W. Betley, Inc., Amberg, Wisc., of the operating rights in Certificates No. MC-128146, MC-128146 (Sub-No. 1), MC-128146 (Sub-No. 3), and MC-128146 (Sub-No. 5) issued February 27, 1967, December 4, 1968, November 2, 1970 and November 14, 1973 respectively to Ted W. Betley, Amberg, Wisc., authorizing the transportation of various commodities from and to specified points and areas in Wisconsin, Michigan and Minnesota. Edward Solie, 4513 Vernon Blvd., Madison, Wisc. 53705, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-20370 Filed 9-3-74;8:45 am]

[Notice 126]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 28, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107496 (Sub-No. 966TA), filed August 20, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed ingredients*, in bulk, in tank vehicles, from Walcott, Iowa, to points in Kansas and Nebraska, for 150 days. SUPPORTING SHIPPER: International Multifoods Corporation, 1200 Multifoods Bldg., Minneapolis, Minn. 55402. SEND PROTESTS TO: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 108869 (Sub-No. 16TA), filed August 20, 1974. Applicant: WEBER TRUCK AND WAREHOUSE, 5035 Gifford Avenue, Vernon, Calif. 90058. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated cooling or freezing equipment, or parts thereof*, other than household goods, between Los Angeles, Calif., on the one hand, and, on the other, points in Kern, Los Angeles (except the Los Angeles Harbor Commercial Zone as defined by the Commission in the *Los Angeles Harbor California Commercial Zone* 3 M.C.C. 254), Orange, Riverside, San Bernardino, San Diego, and Ventura Counties, Calif., subject to prior or subsequent movement in interstate commerce, for 180 days. SUPPORTING SHIPPERS: Hussmann-Los Angeles, 4309 Exchange Avenue, Los Angeles, Calif. 90058 and Clark Equipment Company, R. W. Lester-Tyler Refrigeration Division, 4454 Union Pacific Avenue, Los Angeles, Calif. 90029. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 110420 (Sub-No. 722 TA), filed August 19, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Bristol, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate products and chocolate coating*, in bulk, in tank vehicles, from the plantsite of L. S. Heath & Sons at Robinson, Ill., to Tampa, Fla.; Sylacauga, Ala.; Columbus and Toledo, Ohio; Green Bay, Wis.; St. Paul, Minn.; Los Angeles, Calif.; and Oklahoma City, Okla., for 180 days. SUPPORTING SHIPPER: L. S. Heath & Sons, Inc., P.O. Box 251, Robinson, Ill. 62454 (Albert D. Wernz, Distribution Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 113459 (Sub-No. 90 TA), filed August 20, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Tulsa, Okla., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, Nevada, New Mexico, North Dakota, Ohio, South Dakota, Texas, Utah, Wisconsin, Montana, and Wyoming, for 180 days. SUPPORTING SHIPPER: Ford Motor Company, Edward M. Gosvener, Traffic Rep., P.O. Box 555, Tulsa, Okla. 74102. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 204-Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 114457 (Sub-No. 203TA), filed August 20, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic shower stalls and tubs and accessories*, from Monroe, Ohio, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Powers-Fiat Corporation, 1 Michael Court, Plainview, N.Y. 11803. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., 110 S. 4th Street, Minneapolis, Minn. 55401.

NOTE.—Applicant states that tacking is intended or possible.

No. MC 115524 (Sub-No. 26 TA), (Correction) filed July 17, 1974, published in the FEDERAL REGISTER issue of August 7, 1974, and republished as corrected this issue. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Applicant's representative: Don F. Jones (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing products and insulating material, including composition and prepared roofing, asphalt shingles and composition or asphalt building board* (except in bulk), from the plantsite, warehouse and storage facilities of American Petrofina at Big Springs, Tex. and Daingerfield Manufacturing Company, Daingerfield, Tex. and Lloyd A. Fry Roofing Company, Oklahoma City, Okla., to points in Arizona, Colorado, and New Mexico, for 180 days. SUPPORTING SHIPPER: Sagebrush Sales Company,

P.O. Box 25606, Albuquerque, N. Mex. 87125. SEND PROTESTS TO: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue, S.W., Albuquerque, N. Mex. 87101.

NOTE.—The purpose of this republication is to show that the plant name is Daingerfield Manufacturing Company, Daingerfield, Tex., in lieu of Big Chief Roofing Company, Inc., Daingerfield, Tex., which was published in the FEDERAL REGISTER in error. Applicant states that it does not intend to tack or/and interline with any other carriers.

No. MC 118142 (Sub-No. 79TA) filed August 20, 1974. Applicant: M. BRUENGER & CO., a Corporation, 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Kansas Beef Industries, Inc., Wichita, Kans., to New Orleans, La., restricted, however, to shipments to New Orleans, La., to those moving at the same time and in the same vehicle with shipments to Pensacola, Fla. and Tifton, Ga., for 180 days. SUPPORTING SHIPPER: Kansas Beef Industries, Inc., 900 East 21st Street, Wichita, Kans. 67219. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 119777 (Sub-No. 307TA), filed August 19, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from Silsbee, Tex., to points in the United States, for 180 days. SUPPORTING SHIPPER: Vernon W. Smith, Manager, Traffic and Trucking, Kirby Lumber Company, P.O. Box 1514, Houston, Tex. 77001. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 120710 (Sub-No. 1TA), filed August 20, 1974. Applicant: D. C. STOTTS, doing business as D. C. STOTTS TRUCKING COMPANY, 3502 Quirt Avenue, Lubbock, Tex. 79404. Applicant's representative: Richard Hubbert, P.O. Box 2976, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pressure pipe*, between points in Lubbock County, Tex. and Jackson and Tillman Counties, Okla., for 180 days. SUPPORTING SHIPPER: Cecil L. White, Division Manager, Gifford-Hill-American Inc., P.O. Box 5667, Lubbock, Tex. 79417. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4394 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134790 (Sub-No. 3TA), filed August 20, 1974. Applicant: DANIEL C. HAFFNER, doing business as HAFFNER TRUCKING SERVICE, R.R. #1, Farmington, Iowa 52626. Applicant's representative: Larry D. Knox, 9th Floor Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* and (2) *buildings*, knocked down or in sections, including all *component parts, materials, supplies and fixtures and accessories* used in the erection and construction, from the facilities of Mitchell Engineering Company at or near Mt. Pleasant, Iowa, to points in Nebraska, Wyoming, Montana, Idaho, Utah, Nevada, Arizona, Oregon, Washington, New Mexico, and California, for 180 days. SUPPORTING SHIPPER: Mitchell Engineering Company, P.O. Box 186, Mt. Pleasant, Iowa 52641. SEND PROTESTS TO: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 136818 (Sub-No. 7TA), filed August 21, 1974. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in California, on the one hand, and, on the other, points in California, Utah, Idaho, Colorado, New Mexico, and Potter and Randall Counties, Tex., for 180 days. SUPPORTING SHIPPERS: (1) Soule Steel Company, Los Angeles, Calif.; (2) Bethlehem Steel Corporation, San Francisco, Calif.; (3) National Steel & Tube Distributors Inc., Los Angeles, Calif.; (4) A M Castle & Co., Salt Lake City, Utah; (5) Kaiser Steel Tubing, Los Angeles, Calif.; and (6) Capitol Metals Company, Inc., Los Angeles, Calif. SEND PROTESTS TO: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 230 North First Avenue, Room 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 139855 (Sub-No. 1 TA), filed August 20, 1974. Applicant: JOHN Q. HITE, JR., doing business as HITELAND FARMS, P.O. Box 196, Olmstead, Ky. 42265. Applicant's representative: Robert L. Baker, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and related items*, between points in Tennessee, Ohio, Alabama, Georgia, Arkansas, Mississippi, Indiana, Illinois, Missouri, and Kentucky, for 180 days. SUPPORTING SHIPPER: George T. Arnold, President, A-1 Corrugated Sheets, Inc., P.O. Box 487, Haydensville Road, Guthrie, Ky. 42234. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 140042 (Sub-No. 1 TA), filed August 20, 1974. Applicant: ROBERT H. DITTRICH, doing business as BOB DITTRICH TRUCKING, 1100 North Front Street, New Ulm, Minn. 56073. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty drums*, in shipper owned trailers, (a) from the plantsite of Minnesota Steel Drum Co., New Ulm, Minn., to the plantsite of Borden, Inc., at Augusta, Blair, Christie, Loyal, New London, and Plymouth, Wis.; (b) from the plantsite of Land O'Lakes Inc., New Ulm, Minn., to the plantsite of Land O'Lakes, Inc., at Spencer, Wis.; (c) from the plantsite of Borden, Inc., Plymouth, Wis., to the plantsite of Consolidated Container Co., at Minneapolis, Minn.; and (d) from the plantsite of Land O'Lakes, Inc., Spencer, Wis., to the plantsite of Consolidated Container Co., at Minneapolis, Minn., for 180 days. SUPPORTING SHIPPER: Consolidated Container Corporation, 763 North Third Street, Minneapolis, Minn. 55401. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 140061 (Sub-No. 1 TA), filed August 16, 1974. Applicant: DON MULDER TRUCKING, 1735 North 50th Street, Lincoln, Nebr. 68504. Applicant's representative: Don Mulder (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk), from the plant site and storage facilities of Neu Cheese Company, at or near Hartington, Nebr., to Los Angeles, Calif., San Francisco, Calif., Oakland, Calif., and their respective commercial zones, for 180 days. SUPPORTING SHIPPER: John J. Neu Jr., President, Neu Cheese Company, Box 577, Hartington, Nebr. 68739. SEND PROTESTS TO: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 520 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 140114 (Sub-No. 1 TA), filed August 14, 1974. Applicant: ROBERT J. SCHNEIDER, doing business as MAINTENANCE CARE SERVICE, 3962 Oxford, Millville Road, Oxford, Ohio 45056. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions, between the stores and warehouse

facilities of the W. T. Grant Co. at or near Oxford, Ohio, on the one hand, and, on the other, points in Indiana, under a continuing contract or contracts with W. T. Grant Co., for 180 days: SUPPORTING SHIPPER: W. T. Grant Co., South Locust and Spring Street, Oxford, Ohio 45056. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B FOB, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 140120 TA, filed August 19, 1974. Applicant: CORNELIUS J. MADIGAN, doing business as MADIGAN TRUCK COMPANY, 813 South Magnolia Street, Anaheim, Calif. 92804. Applicant's representative: John F. Kunath, Jr., Suite 405, Royal Savings Building, 23861 El Toro Road, El Toro, Calif. 92630. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, the transportation of which because of size or weight requires the use of special equipment, between the Los Angeles Harbor Commercial Zone and points in Orange County, Calif., for 180 days. SUPPORTING SHIPPERS: Bristol Socket Screw Co., 1350 South Manhattan, Fullerton, Calif. 92631; Brannstrom Machinery Company, 1251 South Beach Boulevard, La Habra, Calif. 90631; Johnson Machinery Company, 1861 West Commonwealth, Fullerton, Calif. 92633; and Aluminum Precision Products, 2621 South Susan Street, Santa Ana, Calif. 92704. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

NOTE.—Applicant states that it intends to interline with other carriers at points of origin at Los Angeles Harbor, at points of destination in Orange County, Calif., from overseas or from interstate carriers, and/or at applicant's Orange County yard regarding origin or destination points.

No. MC 140121 TA, filed August 19, 1974. Applicant: NAS TRANSPORTATION CO., 5320 Cook Street, Denver, Colo. 80216. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flattened vehicle bodies, scrap auto engines and transmissions, and scrap steel*, (1) from North Platte, Scottsbluff, and Sidney, Nebr., to Eitawanda, Calif.; Chicago and South Beloit, Ill.; and Fond du Lac, Wis.; and Las Vegas, Nev.; (2) from points in Colorado, to Los Angeles, Calif.; Chicago and South Beloit, Ill.; Las Vegas, Nev.; Fond du Lac and Madison, Wis.; and (3) from points in Montana, to Las Vegas, Nev.; Portland, Oreg.; and Spokane, Wash., for 180 days. SUPPORTING SHIPPER: National Auto Salvage, Inc., 5320 Cook Street, Denver, Colo. 80216. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–20371 Filed 9–3–74;8:45 am]

[AB–12 (Sub-No. 2)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Lake Charles and De Ridder, in Clacasieu and Beauregard Parishes, Louisiana

AUGUST 29, 1974.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et. seq.; and good cause appearing therefor:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in newspapers of general circulation in Beauregard and Calcasieu Parishes, La., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 22nd day of August, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated August 22, 1974, it has been determined that the proposed abandonment of the line of Southern Pacific Transportation Company extending approximately 42.344 miles from the south bank of the Calcasieu River at Lake Charles, Calcasieu Parish to the end of the line within the city limits of De Ridder, Beauregard Parish, Louisiana, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed action are considered insignificant because (1) the area is predominantly rural and agriculturally oriented, (2) traffic over the subject line has been at a consistently low level, (3) alternate rail service and adequate highway transportation is available in the area, and (4) there is a lack of specific developmental planning in the area which would require rail service by Southern Pacific Transportation Company over the subject line, although there are plans for further industrial development near De Ridder, La.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before September 19, 1974.

[FR Doc.74–20366 Filed 9–3–74;8:45 am]

[Notice 10]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Inter-City Transport & Motor Co.: MC–75830 Sub-11	No. MC–75830 Sub-12	Nov. 6, 1973
McBride Transportation, Inc.: MC–80428 Sub-76	No. MC–80428 Sub-77	Nov. 15, 1973
Klipsch Hauling Co.:		
No. MC–82063 Sub-40	No. MC–82063 Sub-42	Nov. 20, 1973
No. MC–82063 Sub-41	do	Do.
West Nebraska Express, Inc.: No. MC–85465 Sub-48	No. MC–85465 Sub-53	Nov. 28, 1973
Mutual Transportation, Inc.: No. MC–92068 Sub-6	No. MC–92068 Sub-7	Nov. 16, 1973
Anderson Trucking Service, Inc.:		
No. MC–95876 Sub-112	No. MC–95876 Sub-117	Nov. 19, 1973
No. MC–95876 Sub-115	do	Do.
No. MC–136601 Sub-2	No. MC–136601 Sub-3	June 3, 1974

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–20368 Filed 9–3–74;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

LASER PRODUCTS

Proposed Performance Standard

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1010 and 1040]

LASER PRODUCTS

Proposed Performance Standard

In the FEDERAL REGISTER of December 10, 1973 (38 FR 34084), the Commissioner of Food and Drugs proposed to amend Chapter I of Title 21 of the Code of Federal Regulations by adding to Subchapter J a new Part 1040, prescribing a performance standard for laser products in new §§ 1040.10 and 1040.11 (21 CFR 1040.10 and 1040.11). Sixty days were provided for public comment. Comments were received from two trade associations representing manufacturers of laser products; two industrial associations and one physics education association representing users of laser products; two voluntary safety standards organizations; a university medical research laboratory; an independent research institute; the Department of Labor; the Department of the Army; four State radiation control agencies; and numerous individual laser product manufacturers and users.

In response to these comments and to provide further clarification, the Commissioner has determined that a number of changes are necessary in the proposed performance standard which are sufficiently substantive to warrant republication as a proposed rule to provide an opportunity for public comment on these changes. In order to show how the proposed changes relate to the unchanged portions of the previous proposal, the entire text of the new proposal is published in this second notice of proposed rule making.

The comments received regarding the December 10, 1973, proposal and the Commissioner's analysis and proposed action are summarized as follows:

1. In reference to proposed § 1040.10 (b), several comments stated that clarification of the interconnected definitions of "laser," "laser energy source," and "laser product" is needed. Comments on the definition of "laser" stated that it failed to include both lasers emitting in the shorter ultraviolet wavelengths and lasers which do not require a separate laser energy source. Comments on the definition of "laser product" stated that the proposed rule did not make clear whether lasers sold to other manufacturers as replacement components were subject to the standard, nor did it clarify how "portions of the architectural structure" of an installation could be considered as part of a laser product.

The Commissioner concludes that the proposed definition of "laser" includes all lasers emitting at wavelengths which present a significant risk of human exposure and for which adequate measurement instrumentation is available. The definition of "laser" has been revised to clarify the relationship between a laser and a laser energy source.

The Commissioner also concludes that revision of the proposed definition of "laser product" is necessary to make clear that lasers sold to other manufacturers as original or replacement components would not be separately subject to the standard unless supplied directly to a product user. A laser product consisting of an assemblage of components installed by a person engaged in the business of such assembly still would be subject to the standard, with the assembler having the option of using portions of the installation's architectural structure to meet such requirements as that for a protective housing. However, the Commissioner concludes that the definition of "laser product" should be revised to eliminate the specific reference to architectural structures in order to avoid possible confusion.

The definition of "laser product" is further revised to make it more concise and to clarify that a product which is intended to incorporate a laser or laser system is subject to the standard even if it does not incorporate such laser or laser system at the time of manufacture or sale. The Commissioner believes that the definition must include such products in order to assure the effective implementation of the provisions of the standard, and to protect the public health and safety.

2. Several comments suggested adding to § 1040.10(b) definitions of certain terms whose meaning in the text was not clear or whose definition and usage would clarify general concepts in the standard. Other comments suggested deleting the definitions of terms which did not serve to convey an important specific meaning.

Accordingly, the Commissioner concludes that explicit definitions of the terms "operaton," "maintenance," "service," and "sampling interval" should be added and that the definitions of "pulse interval" and "maximum emission duration" should be deleted along with deleting all references to maximum emission duration, thus providing the clarification suggested by the comments.

3. The classification provisions of § 1040.10(c) establish laser product classification upon a graded risk to public health and safety from accessible laser radiation. Comments were received expressing satisfaction with the consistency of the classifications with those promulgated by the American National Standards Institute (ANSI). This consistency is a result of substantial cooperation and exchange of concepts between the ANSI Z–136 Committee on the Safe Use of Lasers and the Food and Drug Administration during the development of the ANSI Standard for the Safe Use of Lasers. Other comments were received that indicated a desire for inclusion of the method and results of the risk analysis conducted by the ANSI Z–136 Committee as the biological basis for the graded risk system presented in the first proposed rule.

The Commissioner concludes that in arriving at the upper limit for any given class, the minimal values for injury production reported in the scientific and technical literature were considered by the Food and Drug Administration in the belief that such values provide a more suitable representation of probabilities of damage. Although ANSI used a different method of analysis in deriving exposure limits, the ANSI exposure limits are consistent with the accessible emission limits for products prescribed in the FDA proposed standard.

4. Several of the comments objected to the use of data obtained from experiments with animals instead of human experimental data. One of the comments considered the use of such data invalid because of the lack of results which indicate that levels that produce minimal lesions in monkeys will produce injuries in humans. Another comment stated that the anesthetized and dilated monkey eye is not valid as a surrogate human eye.

The Commissioner believes that, in the absence of data which directly relate animal data to possible human effects, it is appropriate in the interest of public health to utilize the probabilities of damage obtained from animal research in estimating the risks to man. In the immobilized, anesthetized state there is motion of the eye of the monkey of a magnitude equivalent to the motion of the human eye when fixated upon an object. Dilation of the monkey pupil does correspond to the expected worst case in humans. The monkey eye thus appears to be a valid surrogate for the human eye. From a public health and safety viewpoint, the Commissioner reiterates that the data obtained from experiments performed on monkeys must be utilized in estimating human risks.

5. Several comments addressed the need for a biological basis that is supported by instances of human injury. According to the comments, no restrictions should be imposed on laser products in the absence of such support. The comments referred to situations in which human exposure occurred, but no injury was reported.

The Commissioner believes that the cited lack of damage in humans does not constitute documentation that damage could not have occurred, as concluded by the comments, but only that evidence of acute damage was not observed. Consideration of animal data presently available indicates that there are significant risks of injury to justify the classification scheme in the proposed performance standard for laser products. A significant potential for human injury is a sufficient basis for action to protect the public health and safety.

6. One comment stated that a new Class V for enclosed laser products should be added to the proposed standard to correspond to the Class V in the American National Standards Institute

(ANSI) Z–136.1–1973 Standard for the Safe Use of Lasers.

The Commissioner believes that an enclosed product is "enclosed" only to the extent that human access to laser radiation is prevented. A high-power laser in an enclosure could allow access to levels consistent with Class I, II or III as required by the function of the product. Thus, a separate Class V for "enclosed" products is unnecessary.

7. One comment stated that the term "spatially resolved" used in § 1040.10(c)(1) of the original proposed rule to distinguish between separate beams of laser radiation has a specialized meaning in the field of optics and that the term as used in the proposed standard should be clarified.

Because the specialized meaning which the comment attributed to the term "spatially resolved" is not consistent with the intended meaning in the original proposed rule, the Commissioner has decided to delete the original § 1040.10(c)(1) from the revised proposal and to distinguish operationally between those beams of laser radiation which can be treated separately in determining their hazard by means of the revised definition of "laser radiation" in § 1040.10(b) and the measurement provisions in § 1040.10(e)(3).

8. Several comments stated that Table I in § 1040.10(d) needs to be reorganized and clarified. Several additional comments indicated confusion over the meaning of the term "emission duration" in the text of the proposed standard and the use of the variable (t) in Table I. Throughout many of the comments, there was a common question concerning the mechanism for evaluating emissions from laser products which emit repetitively pulsed radiations.

The Commissioner accepts these comments. Table I has been divided into Tables I–A, I–B and I–C. They are more easily understood in this format. The revised format has allowed deletion of inapplicable and redundant portions. To remove an ambiguity between peak and average values, the accessible emission limits expressed in terms of radiant power, irradiance and source radiance have been expressed as the equivalent time-dependent functions of radiant energy, radiant exposure and integrated radiance. "Emission duration" has been redefined as a general term used to describe the accessible emission from a laser product. The emission duration of radiation is divided, as indicated in Tables I–A, I–B, and I–C, into several emission duration intervals. Each emission duration interval can be subdivided into a number of sampling intervals represented by the variable (t). A "sampling interval" is defined as the magnitude of the time during which the level of accessible laser or collateral radiation is determined by a measurement process. The determination of the level of accessible radiation need not necessarily be made over the entire sampling interval, if the measurement and an appropriate extrapolation procedure would yield an equivalent result.

The question concerning repetitively pulsed radiation has been clarified by redefining "emission duration" and distinguishing it from "sampling interval" and by the reorganization of units in Tables I–A, I–B, and I–C. Furthermore, the Class III accessible emission limits and emission duration intervals in Table I for laser radiation in the ultraviolet wavelengths have been revised in the new Table I–C to eliminate an unintended discontinuity in the emission limits for a sampling interval at the boundary between the originally proposed emission duration intervals.

9. Two comments requested deletion of the accessible emission limits for collateral radiation specified in Table III, Part A. These comments were predicated upon the belief that inclusion of such limits in the standard may be construed by some to imply that certain conventional light sources are unsuitable in general lighting applications.

The Commissioner intends that the purpose of setting limits for collateral radiation is to reduce unnecessary hazardous radiations arising from the operation of laser products. The Commissioner therefore concludes that Table III, Part A (referred to in this proposal as Table III, item 1), appropriately applies to laser products and should remain in the proposed standard.

10. Many comments concerning measurement requirements in § 1040.10(e)(2) were received. Several of these objected to requiring that the accessible emission level be the sum of the measured quantity of radiation and the cumulative measurement error, while some also objected to including the maximum expected increase in the measured quantity of radiation at any time after manufacture. One comment suggested use of the manufacturer's mean measured value as the accessible emission level for Class II laser products rather than the value for each laser product. Another comment suggested that measurement instruments should be required to be manufactured and certified in conformity with standards of the National Bureau of Standards (NBS) or other Federal agencies or with national consensus standards.

The Commissioner agrees that it may be confusing to express the accessible emission level as the sum of the measured emission, the cumulative measurement error and the maximum expected increase in the measured quantity of radiation at any time after manufacture. However, since the manufacturer must assure that each product which he certifies does not exceed the accessible emission limits applicable to that product at any time after manufacture, his tests and testing program for certification must take into account the measurement uncertainty as well as increases in emission and degradation of the product with age. Failure to do so could result in some products emitting above the limits upon which certification was based or otherwise failing to comply with the standard. The proposed standard has been revised to include these considerations and to clarify the intent of the Food and Drug Administration. The suggestion concerning use of the mean value of emissions for Class II laser products is rejected since the emission limits are intended to assure that no product exceeds them regardless of whether the mean emission of all such products is within those limits.

While the Commissioner agrees that it would be desirable for measurement instruments to be manufactured and certified to meet an appropriate NBS, other Federal, or national concensus standard, no adequate certification mechanism exists at this time. However, the comment has prompted a review of the need for specification of maximum allowable measurement error. The Commissioner concludes that a maximum measurement uncertainty of ± 20 percent for measurement systems may not always be obtainable and, in certain cases, may not be necessary to assure full compliance with the standard. Therefore, in order to provide a greater degree of flexibility in making measurements for compliance, the requirement for a maximum measurement uncertainty of ± 20 percent is deleted from the proposed standard, and appropriate guidelines will be issued by FDA to assist manufacturers in making compliance measurements.

11. In reference to the original § 1040.10(e)(1) concerning measurement conditions, one comment suggested that only controls and adjustments specified in user manuals should be required to be maximized during testing.

Since a laser product could be improperly adjusted by both the user and service personnel, the Commissioner concludes that the product must comply with the standard even when service controls are improperly adjusted. However, to clarify the original intent, the proposal has been revised to require maximizing the accessible emission levels by adjustment of maintenance controls as well as operation and service controls, whenever measurements are made to determine compliance.

12. For purposes of standardizing terminology, one comment requested that measurement of certain beam parameters, such as beam diameter, convergence and divergence, be included in the regulation.

While the Commissioner realizes that these parameters are of academic and engineering interest, he concludes that standardization of these terms is not necessary to protect the public health and safety.

13. Another comment suggested that all radiation measurements be made at a single fixed distance from the laser product which would then be defined as the point of closest human access.

The Commissioner believes that such an approach is not feasible for the wide variety of laser products to be regulated by the standard. However, to clarify further the method of determining human access, the Commissioner has revised the definition of "human access" to specify test objects more appropriate for determining the potential for access to radiation from the wide variety of laser products.

14. Two comments were directed toward the measurement provision in § 1040.10(e)(3)(i) requiring use of an 80-millimeter aperture stop to measure radiant power or energy. One comment requested guidance for preferred procedures of collecting radiation within the 80-millimeter diameter field. The other comment argued that the use of an 80-millimeter aperture stop in the measurement should be required only for those laser products intended to be used in conjunction with optical viewing aids.

The Commissioner concludes that it is more appropriate to supply detailed measurement guidelines after publication of the final rule. The Commissioner also concludes that a manufacturer does not know, and cannot be expected to know, the actual conditions under which a product is used. It is thus reasonable to assume that viewing of the beam with optical aids will occasionally occur either accidentally or intentionally. Thus, the requirement of an 80-millimeter aperture stop pursuant to § 1040.10(e)(3)(i) is both warranted and necessary in the interest of protecting the public health and safety.

15. One comment stated that the requirement for a protective housing in § 1040.10(f)(1) should apply only to laser systems rather than to all laser products because a laser by itself cannot radiate without a laser energy source and, therefore, does not need a protective housing to prevent unnecessary human access to radiation.

Because many lasers are designed to be operated simply by connection to a compatible laser energy source without further incorporation into a product housing, the Commissioner concludes that each laser and laser system which is not sold to another manufacturer as a product component should itself meet the requirement for a protective housing, which in many instances could be satisfied by the external surfaces of existing laser products.

16. Several comments contended that the safety interlock requirements in § 1040.10(f)(2) of the proposed standard are unduly burdensome and that greater flexibility should be provided by permitting alternate types of interlock systems such as the dual interlock system required by the performance standard for microwave ovens in § 1030.10(c)(2) (21 CFR 1030.10(c)(2)), but without interlock concealment and monitoring.

The Commissioner concludes that the proposed safety interlock requirements, while conceptually different from those in the microwave oven standard, would provide sufficient flexibility by requiring only one monitored safety interlock for each removable portion of the protective housing. Each such interlock can consist of either a simple interlock with an independent monitor or a single fail-safe mechanism combining both the interlock and monitor. Furthermore, such interlocks do not have to be electrical but can be mechanical. The safety interlock requirement also has been revised to prevent, upon housing displacement, access to those levels of radiation to which access must be prevented by the protective housing during operation.

17. Several comments stated that the requirements for remote control connectors, key-actuated master controls, emission indicators, and beam attenuators in § 1040.10(f)(3), (4), (5), and (6) should be imposed only on Class IV laser systems, or, at most, include in addition only those Class III laser products which emit invisible radiation or exceed a visible emission of 5 milliwatts.

The Commissioner concludes that a remote control connector and a key-actuated master control are needed on all Class III and IV laser systems to permit remote control of an acute radiation hazard and to prevent unauthorized operation, particularly in the more open areas, such as construction sites, in which products emitting visible radiation up to 5 milliwatts are used. The Commissioner also concludes that an emission indicator and beam attenuator are needed on all Class II, III, and IV laser systems to alert the user to the hazardous radiation before accidental exposure and to permit reliable reduction of the radiation hazard during routine alignment and adjustment procedures when it is not feasible to stop the generation of radiation. In particular, a visible beam would not adequately meet the requirements for an emission indicator because it would not always be visible through protective eyewear and would not warn of the hazard prior to possible exposure. The requirement that the remote control connector be only a two-terminal connector has been revised to permit the use of any electrical connector. The requirement for a beam attenuator also has been revised for clarification and flexibility. The requirement in § 1040.10(f)(6) for only a mechanical means of attenuation has been deleted, thus allowing alternative means of attenuation.

18. Some comments stated that the requirements pertaining to viewing optics should be revised to allow transmission of laser radiation at levels equal to the ambient light intensity and should not apply during servicing of the laser product.

The Commissioner concludes that unknown ambient light levels in the user environment cannot be considered in prescribing product performance requirements and that viewing optics should not, under any circumstances, transmit levels of radiation which present a hazard from chronic viewing, whether during operation, maintenance, or servicing.

19. There were several general comments on the labeling requirements in § 1040.10(g), including statements that label proportions and minimum label and lettering sizes should be specified, that the laser hazard symbol should be required on all labels, and that manufacturers could not position all labels on laser products to "preclude" human access to hazardous radiation during reading of such labels.

The Commissioner concludes that it is not feasible to specify label proportions and minimum dimensions which would be appropriate for all of the great variety of laser products subject to the standard and, accordingly, has revised the label specifications pertaining to the minimum size product to which required labels must be affixed by deleting the fixed area specification of 25 square centimeters and providing for a product-by-product determination of feasibility. It is also concluded that the use of the laser hazard symbol on all labels could cause confusion with the primary hazard warning which the warning logotypes are intended to convey. However, to permit additional flexibility, the warning logotype requirements of § 1040.10(g) have been revised to permit separation of the certification statement required by § 1010.2 (21 CFR 1010.2) from the warning logotype; and the label positioning requirement has been revised to require that labels be positioned to make access to radiation unnecessary during reading and that they be visible during operation, maintenance, and service.

20. Several comments stated that the specialized warning, "LASER RADIATION—DO NOT STARE INTO BEAM OR VIEW WITH OPTICAL INSTRUMENTS", in § 1040.10(g)(3)(i) of the original proposal, could be misconstrued as warning against methods of viewing which would not be hazardous, such as off-axis viewing. Another comment stated that an aperture warning label should be required only for those apertures through which laser or collateral radiation in excess of the emission limits of Class I and Table III is emitted.

The Commissioner agrees that off-axis viewing would not be hazardous and concludes that the cited warning should be revised to warn only against viewing a beam directly with optical instruments, and that the aperture label requirement should be revised to warn against the emission of both laser and collateral radiation which is in excess of the emission limits of Class I or Table III.

21. One comment stated that protective housing labels should not be required for defeatably interlocked portions of the protective housing since an indicator is required by § 1040.10(f)(2)-(ii) to show when the interlock is defeated and access to radiation is permitted. The comment further stated that

such labels, if required, should warn only of a hazard upon interlock defeat and that manufacturers should be permitted to place all protective housing warning labels inside the protective housing unless radiation would exit from the product upon removal of such housing. It was also suggested that a further distinction be made on the required protective housing labels between levels of accessible visible laser radiation above 5 milliwatts and 2.5 milliwatts per square centimeter and levels below these values, and that the collateral radiation warnings be clarified to indicate that a hazard exists only when the housing is opened.

The Commissioner concludes that warning labels are needed on defeatably interlocked portions of the protective housing because the required defeat indicator merely alerts the user that the interlock is defeated but does not warn of the nature or degree of the radiation hazard. The Commissioner agrees that all protective housing labels should clearly indicate that a hazard exists when the housing is opened with any associated interlock defeated, but believes that protective housing warning labels should always be visible before removal of the housing. Additionally, as stated in the comments, since radiation might not be emitted from an opening created by removal of the housing but human access to radiation would still be possible, the Commissioner concludes that the protective housing labels should also be visible after removal of the protective housing. The Commissioner also agrees that the specific warnings should be revised to make the suggested additional distinction between accessible levels of visible laser radiation.

22. Several comments stated that manufacturers should not be required, as proposed in § 1040.10(h), to provide service instructions at cost to anyone without "legitimate need" because it was contended that FDA does not have authority to regulate the price charged for such instructions and that such a requirement might compel the release of proprietary information.

The Commissioner concludes that FDA has the authority to assure that radiation safety information is readily available and that this availability is not frustrated by a prohibitive cost. The Commissioner also concludes that radiation safety information relating to a product can and should be provided without necessitating the release of proprietary information. The radiation safety information that is required to be distributed to users has also been clarified by deleting the requirement that the method of measuring maximum output be specified and by adding the requirement that the maximum value shall include the measurement uncertainties and expected increases in the measured quantities at any time after manufacture.

23. A general comment on § 1040.11 concerning special use-group requirements suggested that any laser system used in an environment controlled by or subject to the authority of other Federal or State agencies which have established safe use programs for laser products should be exempted from the special use-group (specific purpose laser products) requirements.

The Commissioner believes that use of such products in a controlled environment does not negate the need for performance standards. The intent of the specific purpose laser product requirements, which incorporate unique product safety features, is to complement rather than supplant other safety requirements controlling the use of the laser product.

24. With respect to § 1040.11(a)(1) concerning medical laser products, one letter noted that the measurement accuracy requirement should not be more restrictive than that established for other laser products, and further stressed the need for reliability or repeatability of output rather than accuracy.

The Commissioner concludes that the intent of the measurement requirement is to insure accurate knowledge of the radiant power or energy which is intended for irradiation of patients. Without such knowledge, day-to-day reproducibility in patient irradiations would not be possible. However, based upon evaluations conducted by the Food and Drug Administration, the Commissioner agrees that the requirement for a ±10 percent measurement accuracy could present technological difficulty and is overly restrictive. The Commissioner concludes that a measurement accuracy of ±20 percent is sufficient to protect the public health and assess adequately the radiation levels intentionally applied to humans.

25. One comment questioned the necessity and practicality of a preset emission level for medical laser products. The comment noted that such a system could not compensate for unpredictable factors such as dust on optical components, mirror degradation, etc., and that extra adjustments would have to be made to regain the preset value after such perturbations have occurred.

The Commissioner concludes that the usefulness of a preset level could be offset by difficulties encountered in operation such as the perturbations mentioned. In addition, and more importantly, many new types of medical laser products are now being developed for which this requirement may not be appropriate. Therefore, the originally proposed § 1040.11(a)(2) has been deleted. The FDA will continue to explore the need for additional special requirements on medical laser products. Present needs which were identified and addressed in the revised proposal include the addition of products intended for surgical procedures to the definition of medical laser products and the requirement of an aperture label for laser and collateral radiation on medical laser products.

26. Concerning other special use-group requirements in § 1040.11(b) and (c), one comment suggested that maximum emission limits might be more effectively included in "use controls" or in "user standards" now being developed by various State and Federal agencies working with the assistance of the FDA.

The FDA is in active communication with other Federal agencies in an effort to ascertain the nature and extent of regulatory programs which are or will be implemented by those agencies. When a laser product is clearly intended only for uses controlled by another Federal or State agency, and when protection of the public health and safety is assured, FDA will reconsider the need for special performance requirements on the product. The Commissioner believes that any such user standards must provide equivalent protection for the health and safety of the public.

27. In reference to the maximum emission limits imposed on surveying, leveling, and alignment laser products by § 1040.11(b), several comments, to which extensive documentation and testimonials were attached, strongly stressed that an irradiance limit of 2.5 milliwatts per square centimeter is too low to allow sufficient power density for adequate performance of these laser products under conditions of high ambient illumination.

The Commissioner does not intend to preclude useful applications of laser products, but, instead, acknowledges that the use of potentially hazardous products is necessary to perform certain functions. The Commissioner agrees that adequate performance of surveying, leveling, and alignment laser products in high ambient light environments could be inhibited by the irradiance limit of 2.5 milliwatts per square centimeter. Above this level, however, there does exist a risk of acute injury to the eye should exposure occur. While the use of such products with known risks may be necessary, the use of hazardous radiation levels in excess of the ranges appropriate for the intended function cannot, under any rationale, be supported or condoned.

The Commissioner believes that, within the constraints of placing a limit on the total useful power, the other beam parameters for these special purposes are and will continue to be determined by the requirements for a particular application. The constraint of total useful power, together with lifetime variations in product output and quality control acceptance limits in the manufacturing process, define the upper limit of necessary hazardous radiation from such products. The data submitted on surveying, leveling, and alignment laser products indicate a need under high ambient illumination for 2 or 3 milliwatts of radiated power, but are not entirely clear concerning the utility of various levels of irradiance (power density). Many comments support the need for an emergent beam diameter of 8 to 10 millimeters, which would exceed the proposed irradiance limit with the cited optimum radiant

power because of the relatively small beam diameter. Furthermore, FDA is aware that many of these products are not presently equipped to provide even this large a beam diameter nor, from the data submitted, would any useful purpose be served by requiring all products to have expanded beams.

For all of the reasons listed above, the irradiance limitation, but not the power limitation for surveying, leveling, and alignment laser products has been deleted from § 1040.11(b). In so doing, the FDA recognizes the necessity for useful but not excessive beam powers. However, any Class III laser product which exceeds an irradiance of 2.5×10^{-2} watts per square centimeter must be clearly labeled as dangerous pursuant to § 1040.10(g)(2).

28. Additional comments on § 1040.11 (b) suggested either increasing the accessible power limit for Class II laser products from 1.0×10^{-3} watts to 2.5×10^{-3} watts, or deleting the irradiance limit for surveying products entirely. It was also suggested that laser products for distance measurement also should be made subject to the requirements of § 1040.11(b).

The increase in Class II accessible emission limits is not supported by the available biological data. An increase in the limit is therefore not acceptable to the FDA. As noted above, the irradiance limit has been deleted. Imposition of the requirements of § 1040.11(b) on distance measurement laser products is not appropriate since substantially higher powers and different beam configurations are required for ranging purposes. The FDA will continue to explore the need for imposing special requirements on such products beyond the general requirements of the proposed standard.

29. An additional comment on the same provisions expressed the opinion that, a limitation on power or irradiance will only encourage a potential user to violate the law by purchasing a more powerful laser and adapting it for surveying, leveling, or alignment purposes.

The Commissioner believes that the revised requirements permit the manufacture of specific purpose laser products capable of performing any surveying, leveling or alignment function, and that it should not be necessary for a user to adapt a laser product not intended for such purpose. Furthermore, the use of any type of laser product in construction work is subject to radiation safety regulations promulgated by the Occupational Safety and Health Administration in 29 CFR 1926.54, as well as to some State regulations.

30. Section 1040.11(c) was commented upon at length by an organization representing physics teachers as well as by manufacturers of demonstration laser products. A question was raised concerning the meaning of the term "demonstration laser product" and what circumstances justify special requirements for these products. The human blink reflex, it was stated, would largely eliminate the acute risk of exposure to lasers emitting visible radiation up to 5 milliwatts. It was further stated that, with the risk eliminated by this reaction mechanism, such risk need not be included in the graded risk concept of classification.

The Commissioner concludes that the definition of "demonstration laser product" is sufficiently clear. The intent of the language is to cover only those products manufactured, designed, intended, or promoted for purposes of demonstration, entertainment, advertising display, or artistic composition. It does not include laser products intended for research or for other non-demonstration purposes, provided the product is not also intended to be a "demonstration laser product." The intent of the manufacturer can be determined by a variety of manifestations and is not limited to the content of the manufacturer's advertisements. Furthermore, the proposed performance standard in no way prohibits the purchase and use of any laser product for any purpose.

Concerning the justification for the proposed special requirements for demonstration laser products, the Commissioner concludes that there are sufficient animal data to indicate a definite hazard at the radiation levels in question. In addition, a field study conducted by FDA revealed that lasers are being used in demonstrations in ways which could cause unintended exposure of students. The Commissioner recognizes the educational value of demonstration laser products and does not intend to prohibit their continued use in a classroom environment. However, it has been concluded that a definite hazard to both students and instructors can exist in the classroom situation and appropriate safety features must be incorporated in the product. The Commissioner does not agree that the blink reflex constitutes a reliable safety factor since the literature shows that a blink did not occur in a majority of human subjects tested for response to a light stimulus. Even under those circumstances where a blink can be elicited, an individual can override the reflex so that its potential utility would be negated.

31. Three letters suggested that a new § 1040.11(d) be established to encompass visible output helium neon lasers which are contained in products designed for nonchronic viewing. It was suggested that such a product should be Class I if its radiation emission did not exceed a radiant power of 39 microwatts or a radiance of 2×10^{-3} watts per square centimeter per steradian because viewing for more than 100 seconds is unlikely.

The Commissioner has concluded that the manufacturer cannot know the specific purposes for which a laser product will be employed by each user. Thus, the manufacturer cannot know that a laser not intended for chronic viewing would not be so viewed. It is, therefore, necessary to provide a warning on any product not suitable for chronic viewing that it should not be so viewed. Such a warning against the chronic exposure hazard from low-powered visible lasers is required for Class II laser products.

In addition to the changes discussed above, a number of editorial changes have been made in the proposed §§ 1040.10 and 1040.11 for internal consistency and clarity. Changes are also proposed in the general provisions of Part 1010 on performance standards to extend their applicability to the New Part 1040. As presently worded, Part 1010 does not refer to the new Part 1040.

Pertinent background data and information supporting the Commissioner's conclusions with respect to this proposal are available for public review in the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179; 42 U.S.C. 263f) and under authority delegated (21 CFR 2.120), the Commissioner proposes to amend Chapter I of Title 21 of the Code of Federal Regulations as follows:

PART 1010—PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS: GENERAL

1. By revising § 1010.1 to read as follows:

§ 1010.1 Scope.

The standards listed in this subchapter are prescribed pursuant to section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f) and are applicable to electronic products as specified herein, to control electronic product radiation from such products. Standards so prescribed are subject to amendment or revocation and additional standards may be prescribed as are determined necessary for the protection of the public health and safety.

2. By revising paragraphs (a) and (c) of § 1010.2 to read as follows:

§ 1010.2 Certification.

(a) Every manufacturer of an electronic product for which an applicable standard is in effect under this subchapter shall furnish to the dealer or distributor, at the time of delivery of such product, the certification that such product conforms to all applicable standards under this subchapter.

* * * * *

(c) Such certification shall be based upon a test, in accordance with the standard, of the individual article to which it is attached or upon a testing program which is in accordance with good manufacturing practices. The Secretary may disapprove such a testing program on the grounds that it does not assure the adequacy of safeguards against hazardous electronic product ra-

diation or that it does not assure that electronic products comply with the standards prescribed under this subchapter.

* * * * *

3. By revising introductory portion of paragraph (a) and paragraph (c) of § 1010.3 to read as follows:

§ 1010.3 Identification.

(a) Every manufacturer of an electronic product to which a standard under this subchapter is applicable shall set forth the information specified in paragraphs (a)(1) and (2) of this section. This information shall be provided in the form of a tag or label permanently affixed or inscribed on such product so as to be legible and readily accessible to view when the product is fully assembled for use or in such other manner as may be prescribed in the applicable standard.

* * * * *

(c) Every manufacturer of an electronic product to which is applicable a standard under this subchapter shall provide the Secretary with a list identifying each brand name which is applied to the product together with the full name and address of the individual or company for whom each product so branded is manufactured.

4. By revising § 1010.13 to read as follows:

§ 1010.13 Special test procedures.

The Secretary may, on the basis of a written application by a manufacturer, authorize test programs other than those set forth in the standards under this subchapter for an electronic product if he determines that such products are not susceptible to satisfactory testing by the procedures set forth in the standard and that the alternative test procedures assure compliance with the standard.

5. By revising § 1010.20 to read as follows:

§ 1010.20 Electronic products intended for export.

The performance standards prescribed in this subchapter shall not apply to any electronic product which is intended solely for export if:

(a) Such product and the outside of any shipping container used in the export of such product are labeled or tagged to show that such product is intended for export, and

(b) Such product meets all the applicable requirements of the country to which such product is intended for export.

6. By adding a new Part 1040 to read as follows:

PART 1040—PERFORMANCE STANDARDS FOR LIGHT EMITTING PRODUCTS

Sec.
1040.10 Laser products.
1040.11 Specific purpose laser products.

AUTHORITY: Sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f).

§ 1040.10 Laser products.

(a) *Applicability.* The provisions of this section and § 1040.11 are applicable as specified herein to all laser products manufactured or assembled on or after (one year after the date the final order is published in the FEDERAL REGISTER).

(b) *Definitions.* As used in this section and § 1040.11, the following definitions apply:

(1) "Accessible emission level" means the magnitude of emission from a laser product of laser or collateral radiation of a wavelength and emission duration to which human access is possible as measured pursuant to paragraph (e) of this section.

(2) "Accessible emission limit" means the maximum accessible emission level permitted within a particular class as set forth in paragraphs (c), (d), and (e) of this section.

(3) "Aperture" means any opening in the protective housing or other enclosure of a laser product through which laser or collateral radiation is emitted, thereby allowing human access to such radiation.

(4) "Aperture stop" means an opening serving to limit the size and to define the shape of the area over which radiation is measured.

(5) "Class I laser product" means any laser product which does not permit human access to laser radiation in excess of the accessible emission limits of Class I for any emission duration.

(6) "Class II laser product" means any laser product which:

(i) Permits human access to laser radiation in excess of the accessible emission limits of Class I but not in excess of the accessible emission limits of Class II in the wavelength range of greater than 400 nanometers (nm) but less than or equal to 700 nm for emission durations greater than 0.25 second; and,

(ii) Does not permit human access to laser radiation in excess of the accessible emission limits of Class I for any other combination of emission duration and wavelength range.

(7) "Class III laser product" means any laser product which permits human access to laser radiation in excess of the accessible emission limits of Class I and Class II as applicable, but which does not permit human access to laser radiation in excess of the accessible emission limits of Class III for any emission duration.

(8) "Class IV laser product" means any laser product which permits human access to laser radiation in excess of the accessible emission limits of Class III.

(9) "Collateral radiation" means any electronic product radiation, except laser radiation, emitted by a laser product as a result of or necessary for the operation of a laser incorporated into that product.

(10) "Demonstration laser product" means any laser product manufactured, designed, intended, or promoted for purposes of demonstration, entertainment, advertising display or artistic composition. The term "demonstration laser product" does not apply to laser products which are designed and intended exclusively for other applications though they may be used for demonstration of those applications.

(11) "Emission duration" means the temporal duration of a pulse, of a series of pulses, or of continuous operation, expressed in seconds, during which human access to laser or collateral radiation could be permitted as a result of operation, maintenance or servicing of a laser product.

(12) "Human access" means access at a particular point to laser or collateral radiation by any part of the human body, by a straight object having a useful length of 100 centimeters, or by any other object having a useful length of 10 centimeters, when laser or collateral radiation is incident at that point.

(13) "Integrated radiance" means radiant energy per unit area of a radiating surface per unit solid angle of emission, expressed in joules per square centimeter per steradian ($J\ cm^{-2}\ sr^{-1}$).

(14) "Irradiance" means the radiant power incident on an element of a surface divided by the area of that element, expressed in watts per square centimer centimeter ($W\ cm^{-2}$).

(15) "Laser" means any device which can be made to produce or amplify electromagnetic radiation in the wavelength range of greater than 250 nm but less than or equal to 13,000 nm primarily by the process of controlled stimulated emission.

(16) "Laser energy source" means any device intended for use in conjunction with a laser to supply energy for the operation of the laser. General energy sources such as electrical supply mains or batteries shall not be considered to constitute laser energy sources.

(17) "Laser product" means any product or assemblage of components which constitutes, incorporates or is intended to incorporate a laser or laser system, and which is not sold to another manufacturer for use as a component (or replacement for such component) of an electronic product.

(18) "Laser radiation" means all electromagnetic radiation emitted by a laser product within the spectral range specified in paragraph (b)(15) of this section which is produced as a result of controlled stimulated emission, or which is detectable with radiation so produced within the appropriate aperture stop specified in paragraph (e) of this section.

(19) "Laser system" means a laser in combination with an appropriate laser energy source with or without additional incorporated components.

(20) "Maintenance" means performance of those adjustments or procedures specified in user information provided by the manufacturer with the laser product which are to be performed by the user for the purpose of assuring the intended performance of the product. It does not include operation or service as defined in paragraph (b) (23) and (34) of this section.

(21) "Maximum output" means the maximum radiant power and, where applicable, the maximum radiant energy per pulse of the total accessible laser radiation emitted in all directions by a laser product over the full range of operational capability at any time after manufacture.

(22) "Medical laser product" means any laser product manufactured, designed, intended or promoted for purposes of in vivo diagnostic, surgical, or therapeutic laser or collateral irradiation of any part of the human body.

(23) "Operation" means the performance of the laser product over the full range of its intended functions. It does not include maintenance or service as defined in paragraph (b)(20) and (34) of this section.

(24) "Protective housing" means those portions of a laser product which are designed to prevent human access to laser or collateral radiation in excess of the prescribed accessible emission limits under conditions specified in this section and in § 1040.11.

(25) "Pulse duration" means the time increment measured between the half-peak-power points at the leading and trailing edges of a pulse.

(26) "Radiance" means radiant power per unit area of a radiating surface per unit solid angle of emission, expressed in watts per square centimeter per steradian ($W\ cm^{-2}\ sr^{-1}$).

(27) "Radiant energy" means energy emitted, transferred or received in the form of radiation, expressed in joules (J).

(28) "Radiant exposure" means the radiant energy incident on an element of a surface divided by the area of that element, expressed in joules per square centimeter ($J\ cm^{-2}$).

(29) "Radiant power" means power emitted, transferred or received in the form of radiation, expressed in watts (W).

(30) "Remote control connector" means an electrical connector which permits the connection of external controls placed apart from other components of the laser product to prevent human access to all laser and collateral radiation in excess of the limits specified in this section and in § 1040.11.

(31) "Safety interlock" means a device associated with the protective housing of a laser product to prevent human access to excessive radiation in accordance with paragraph (f)(2) of this section.

(32) "Sampling interval" means the magnitude of the time interval during which the level of accessible laser or collateral radiation is determined by a measurement process. The sampling interval is represented by the symbol (t), expressed in seconds.

(33) "Scanned laser radiation" means laser radiation having a time-varying direction, origin or pattern of propagation with respect to a stationary frame of reference.

(34) "Service" means the performance of those procedures or adjustments described in the manufacturer's service instructions which may affect any aspect of the product's performance for which §§ 1040.10 and 1040.11 have applicable requirements. It does not include maintenance or operation as defined in paragraph (b)(20) and (23) of this section.

(35) "Surveying, leveling, or alignment laser product" means a laser product manufactured, designed, intended or promoted for one or more of the following uses:

(i) Determining and delineating the form, extent, or position of a point, body, or area by taking angular measurement.

(ii) Positioning or adjusting parts in proper relation to one another.

(iii) Defining a plane, level, elevation, or straight line.

(36) "Warning logotype" means a logotype as illustrated in either Figure 1 or Figure 2 of paragraph (g) of this section.

(37) "Wavelength" means the propagation wavelength in air of electromagnetic radiation.

(c) *Classification of laser products*—(1) *All laser products.* Each laser product shall be classified in accordance with definitions set forth in paragraph (b)(5) through (8) of this section on the basis of that combination of emission level(s), emission duration(s), and wavelength(s) of accessible laser radiation emitted over the full range of operational capability which results, at any time after manufacture, in the highest class specified in Tables I–A, I–B, and I–C of paragraph (d) of this section pursuant to paragraphs (d) and (e) of this section. For purposes of classification, Class II is higher than Class I, Class III is higher than Class II, and Class IV is higher than Class III.

(2) *Removable laser systems.* Any laser system which is incorporated into a laser product and is capable without modification of producing laser radiation when removed from the laser product, shall be considered a laser product and shall be separately subject to the applicable requirements for laser products of its class. It shall be classified on the basis of accessible emission of laser radiation when so removed.

(d) *Accessible emission limits.* Accessible emission limits for laser radiation in each class are specified in Tables I–A, I–B and I–C of this paragraph in terms of the factors, k_1 and k_2, for different ranges of wavelength and emission duration. These factors are given in Table II–A of this paragraph, with selected numerical values in Table II–B of this paragraph, for various subranges of wavelength and emission duration. The accessible emission limits in Tables I–A, I–B and I–C of this paragraph are also expressed in terms of the sampling interval (t) for some emission duration intervals; and the correction factors in Table II–A of this paragraph are expressed in terms of the specific wavelength (λ) and sampling interval (t) for some subranges of wavelength and subintervals of emission duration. Accessible emission limits for collateral radiation are specified in Table III of this paragraph.

Notes applicable to Tables I–A, I–B and I–C:

(1) The quantities presented in the Tables are radiant energy expressed in joules (J); radiant exposure expressed in joules per square centimeter ($J\ cm^{-2}$); and integrated radiance expressed in joules per square centimeter per steradian ($J\ cm^{-2}\ sr^{-1}$).

(2) The factors k_1 and k_2 are wavelength dependent correction factors determined from Table II–A.

(3) The variable t in the expressions of emission limits is the magnitude of the sampling interval in units of seconds.

(4) An accessible emission limit containing the units of joules, when divided by the sampling interval (t), is equivalent to an accessible emission limit containing the units of watts.

TABLE I–A

CLASS I ACCESSIBLE EMISSION LIMITS FOR LASER RADIATION

Wavelength (nanometers)	Emission duration interval (seconds)	Class I – Accessible emission limits
>250 but ≤400	$\leq 3.0 \times 10^{4}$	$2.4 \times 10^{-5} k_1 k_2$ J*
	$> 3.0 \times 10^{4}$	$8.0 \times 10^{-10} k_1 k_2 t$ J
>400 but ≤1400	$> 1.0 \times 10^{-9}$ to 2.0×10^{-5}	$2.0 \times 10^{-7} k_1 k_2$ J
	$> 2.0 \times 10^{-5}$ to 1.0×10^{1}	$7.0 \times 10^{-4} k_1 k_2 t^{3/4}$ J
	$> 1.0 \times 10^{1}$ to 1.0×10^{4}	$3.9 \times 10^{-3} k_1 k_2$ J
	$> 1.0 \times 10^{4}$	$3.9 \times 10^{-7} k_1 k_2 t$ J
	OR**	
	$> 1.0 \times 10^{-9}$ to 1.0×10^{1}	$10 k_1 k_2 t^{1/3}$ J cm^{-2} sr^{-1}
	$> 1.0 \times 10^{1}$ to 1.0×10^{4}	$20 k_1 k_2$ J cm^{-2} sr^{-1}
	$> 1.0 \times 10^{4}$	$2.0 \times 10^{-3} k_1 k_2 t$ J cm^{-2} sr^{-1}
>1400 but ≤13000	$> 1.0 \times 10^{-9}$ to 1.0×10^{-7}	$7.9 \times 10^{-5} k_1 k_2$ J
	$> 1.0 \times 10^{-7}$ to 1.0×10^{1}	$4.4 \times 10^{-3} k_1 k_2 t^{1/4}$ J
	$> 1.0 \times 10^{1}$	$7.9 \times 10^{-4} k_1 k_2 t$ J

* Class I accessible emission limits for the wavelength range of greater than 250 nm but less than or equal to 400 nm shall not exceed the Class I accessible emission limits for the wavelength range of greater than 1400 nm but less than or equal to 13000 nm with a k_1 and k_2 of 1.0 for comparable sampling intervals.

**Instructions for the Class I dual limits are set forth in paragraph (d)(4) of this section.

TABLE I–B

CLASS II ACCESSIBLE EMISSION LIMITS FOR LASER RADIATION

Wavelength (nanometers)	Emission duration interval (seconds)	Class II – Accessible emission limits
>400 but ≤ 700	$>2.5 \times 10^{-1}$	$1.0 \times 10^{-3} k_1 k_2 t$ J

TABLE I–C

CLASS III ACCESSIBLE EMISSION LIMITS FOR LASER RADIATION

Wavelength (nanometers)	Emission duration interval (seconds)	Class III – Accessible emission limits
>250 but ≤ 400	$\leq 2.5 \times 10^{-1}$	$3.8 \times 10^{-4} k_1 k_2$ J
	$>2.5 \times 10^{-1}$	$1.5 \times 10^{-3} k_1 k_2 t$ J
>400 but ≤ 1400	$>1.0 \times 10^{-9}$ to 2.5×10^{-1}	$10 k_1 k_2 t^{1/3}$ J cm^{-2} to a maximum value of 10 J cm^{-2}
	$>2.5 \times 10^{-1}$	$5.0 \times 10^{-1} t$ J
>1400 but ≤ 13000	$>1.0 \times 10^{-9}$ to 1.0×10^{1}	10 J cm^{-2}
	$>1.0 \times 10^{1}$	$5.0 \times 10^{-1} t$ J

TABLE II–A

VALUES OF WAVELENGTH DEPENDENT CORRECTION FACTORS k_1 AND k_2

Wavelength band (nanometers)	k_1	k_2		
250 to 302.4	1.0	1.0		
> 302.4 to 315	$10^{\left[\frac{\lambda - 302.4}{5}\right]}$	1.0		
> 315 to 400	330.0	1.0		
> 400 to 700	1.0	1.0		
> 700 to 800	$10^{\left[\frac{\lambda - 700}{515}\right]}$	if: $t \leq \frac{10100}{\lambda - 699}$ then: $k_2 = 1.0$	if: $\frac{10100}{\lambda - 699} < t \leq 10^4$ then: $k_2 = \frac{t(\lambda - 699)}{10100}$	if: $t > 10^4$ then: $k_2 = \frac{\lambda - 699}{1.01}$
> 800 to 1060	$10^{\left[\frac{\lambda - 700}{515}\right]}$	if: $t \leq 100$ then: $k_2 = 1.0$	if: $100 < t \leq 10^4$ then: $k_2 = \frac{t}{100}$	if: $t > 10^4$ then: $k_2 = 100$
> 1060 to 1400	5.0			
> 1400 to 1535	1.0	1.0		
> 1535 to 1545	$t \leq 10^{-7}$ $k_1 = 100.0$	1.0		
	$t > 10^{-7}$ $k_1 = 1.0$			
> 1545 to 13000	1.0	1.0		

Note: The variables in the expressions are the magnitudes of the sampling interval (t), in units of seconds, and the wavelength (λ), in units of nanometers.

TABLE II–B

SELECTED NUMERICAL SOLUTIONS FOR k_1 AND k_2

Wavelength (nanometers)	k_1	k_2				
		$t \leq 100$	$t = 300$	$t = 1000$	$t = 3000$	$t \geq 10{,}000$
250	1.0	1.0				
300	1.0					
302	1.0					
303	1.32					
304	2.09					
305	3.31					
306	5.25					
307	8.32					
308	13.2					
309	20.9					
310	33.1					
311	52.5					
312	83.2					
313	132.0					
314	209.0					
315	330.0					
400	330.0					
401	1.0					
500	1.0					
600	1.0					
700	1.0					
710	1.05	1	1	1.1	3.3	11.0
720	1.09	1	1	2.1	6.3	21.0
730	1.14	1	1	3.1	9.3	31.0
740	1.20	1	1.2	4.1	12.0	41.0
750	1.25	1	1.5	5.0	15.0	50.0
760	1.31	1	1.8	6.0	18.0	60.0
770	1.37	1	2.1	7.0	21.0	70.0
780	1.43	1	2.4	8.0	24.0	80.0
790	1.50	1	2.7	9.0	27.0	90.0
800	1.56	1	3.0	10.0	30.0	100.0
850	1.95	1	3.0	10.0	30.0	100.0
900	2.44	1	3.0	10.0	30.0	100.0
950	3.05	1	3.0	10.0	30.0	100.0
1000	3.82	1	3.0	10.0	30.0	100.0
1050	4.78	1	3.0	10.0	30.0	100.0
1060	5.00	1	3.0	10.0	30.0	100.0
1100	5.00	1	3.0	10.0	30.0	100.0
1400	5.00	1	3.0	10.0	30.0	100.0
1500	1.0	1.0				
1540	100.0*					
1600	1.0					
13000	1.0					

* The factor $k_1 = 100.0$ when $t \leq 10^{-7}$, and $k_1 = 1.0$ when $t > 10^{-7}$

Note: The variable (t) is the magnitude of the sampling interval in units of seconds.

TABLE III

ACCESSIBLE EMISSION LIMITS FOR COLLATERAL RADIATION FROM LASER PRODUCTS

1. *Accessible emission limits* for collateral radiation having wavelengths greater than 250 nm but less than or equal to 13,000 nm are identical to the accessible emission limits of Class I laser radiation as determined from Tables I–A and II–A set forth in this paragraph for the appropriate wavelength(s) and emission duration interval.

2. *Accessible emission limit* for collateral radiation within the x-ray range of wavelengths is 0.5 milliroentgen in an hour, averaged over a cross-section parallel to the external surface of the product, having an area of 10 square centimeters with no dimension greater than 5 centimeters.

(1) *Beam of a single wavelength.* Laser or collateral radiation of a single wavelength exceeds the accessible emission limits of a class if its accessible emission level is greater than the accessible emission limit of that class within any of the emission duration intervals specified in Tables I–A, I–B and I–C of this paragraph.

(2) *Beam of multiple wavelengths in same range.* Laser or collateral radiation, having two or more wavelengths within any one of the wavelength ranges specified in Tables I–A, I–B and I–C of this paragraph, exceeds the accessible emission limits of a class if the sum of the ratios of the accessible emission level to the corresponding accessible emission limit at each such wavelength is greater than unity for that combination of emission duration and wavelength distribution which results in the maximum sum.

(3) *Beam with multiple wavelengths in different ranges.* Laser or collateral radiation having wavelengths within two or more of the wavelength ranges specified in Tables I–A, I–B and I–C of this paragraph exceeds the accessible emission limits of a class if it exceeds the applicable limits within any one of those wavelength ranges. This determination is made for each wavelength range in accordance with paragraph (d)(1) or (2) of this section.

(4) *Class I dual limits.* Laser or collateral radiation in the wavelength range of greater than 400 nm but less than or equal to 1,400 nm exceeds the accessible emission limits of Class I if it exceeds both:

(i) The Class I accessible emission limits for radiant energy within any corresponding emission duration interval specified in Table I–A of this paragraph; and,

(ii) The Class I accessible emission limits for integrated radiance within any corresponding emission duration interval specified in Table I–A of this paragraph.

(e) *Tests for determination of compliance*—(1) *Tests for certification.* Tests on which certification pursuant to § 1010.2 of this chapter is based shall account for all measurement errors and uncertainties. Because compliance is required for the useful life of a product, such tests shall also account for increases in emission and degradation in radiation safety with age.

(2) *Test conditions.* Tests for compliance with each of the applicable requirements of this section and § 1040.11 shall be made:

(i) Under those operational conditions and procedures which maximize the accessible emission levels including start-up, stabilized operation, and shut-down of the laser product; and,

(ii) With all controls and adjustments listed in the operation, maintenance and service instructions adjusted for the maximum accessible emission level of radiation which is not expected to be detrimental to the functional integrity of the product; and,

(iii) At points in space to which human access is possible in the product configuration during operation, maintenance or service which is necessary to determine compliance with each requirement, e.g., if operation may include removal of portions of the protective housing and defeat of safety interlocks, measurements shall be made at points accessible in that product configuration; and,

(iv) With the measuring instrument detector so positioned and so oriented with respect to the laser product as to result in the maximum detection of radiation by the instrument; and,

(v) For a laser product other than a laser system, with the laser coupled to that type of laser energy source which is specified as compatible by the laser product manufacturer and which produces the maximum emission level of accessible radiation from that product.

(3) *Measurement parameters.* Accessible emission levels of laser and collateral radiation shall be based upon the following measurements as appropriate, or their equivalent:

(i) The radiant power (W) or radiant energy (J) detectable within a circular aperture stop having a diameter of 80 millimeters (except for scanned laser radiation).

(ii) The irradiance ($W\ cm^{-2}$) or radiant exposure ($J\ cm^{-2}$) averaged over a circular aperture stop having a diameter of 7 millimeters.

(iii) The radiance ($W\ cm^{-2}\ sr^{-1}$) or integrated radiance ($J\ cm^{-2}\ sr^{-1}$) which is equivalent to the radiant power (W) or radiant energy (J) detectable through a circular aperture stop having a diameter of 7 millimeters and within an effective solid angle of acceptance of 10^{-5} sr, divided by that solid angle (sr) and by the area of the aperture stop (cm^2).

(4) *Measurement parameters for scanned laser radiation.* Accessible emission levels of scanned laser radiation shall be based upon the measurement of radiation detectable within a stationary circular aperture stop having a 7-millimeter diameter. The resulting temporal variation of detected radiation shall be considered as a pulse or series of pulses.

(f) *Operational requirements*—(1) *Protective housing.* Each laser product, regardless of its class, shall have a protective housing which, when in place, prevents human access during operation to:

(i) Laser radiation in excess of the accessible emission limits of Class I wherever and whenever human access to laser radiation exceeding the limits of Class I is not necessary for the performance of the intended function(s) of the product; and,

(ii) Laser radiation in excess of the accessible emission limits of Class II wherever and whenever human access to laser radiation exceeding the limits of Class II is not necessary for the performance of the intended function(s) of the product; and,

(iii) Laser radiation in excess of the accessible emission limits of Class III wherever and whenever human access to laser radiation exceeding the limits of Class III is not necessary for the performance of the intended function(s) of the product; and,

(iv) Collateral radiation in excess of the accessible emission limits specified in Table III in paragraph (d) of this section wherever and whenever human access to collateral radiation in excess of those limits is not necessary for the performance of the intended function(s) of the product.

(2) *Safety interlocks.* (i) Each laser product, regardless of its class, shall be provided with a safety interlock for each portion of the protective housing which is designed to be removed or displaced during operation or maintenance, if removal or displacement of such portion of the protective housing could permit human access to laser or collateral radiation in excess of the accessible emission limits applicable under paragraph (f)(1) of this section. Each required safety interlock, unless defeated, shall:

(*a*) Prevent such human access to laser and collateral radiation upon removal or displacement of such portion of the protective housing; and,

(*b*) Preclude removal or displacement of such portion of the protective housing upon failure to prevent human access to laser and collateral radiation as required in paragraph (f)(2)(i)(*a*) of this section.

(ii) Laser products which incorporate required safety interlocks designed to allow safety interlock defeat shall incorporate a means of visual or aural indication of interlock defeat. During interlock defeat, such indication shall be visible or audible whenever the laser product is energized, with and without the associated portion of the protective housing removed or displaced.

(iii) Replacement of a removed or displaced portion of the protective housing shall not be possible while required safety interlocks are defeated.

(3) *Remote control connector.* Each laser system classified as a Class III or IV laser product shall incorporate a

readily accessible remote control connector having an electrical potential difference on the remote control connector no greater than 130 root-mean-square volts. When the terminals of the connector are not electrically joined, human access to all laser and collateral radiation from the laser product in excess of the accessible emission limits of Class I and Table III of paragraph (d) of this section shall be prevented.

(4) *Key control.* Each laser system classified as a Class III or IV laser product shall incorporate a key-actuated master control. The key shall be removable and the laser shall not be operable when the key is removed.

(5) *Laser radiation emission indicator.* Each laser system classified as a Class II, III, or IV laser product shall provide a visible or audible indication immediately before and during the emission of accessible laser radiation in excess of the limits of Class I. Any visual indicator shall be clearly visible through protective eyewear designed specifically for the wavelength(s) of the emitted laser radiation. If the laser and laser energy source are housed separately and can be operated at a separation distance of greater than 2 meters, both laser and laser energy source shall incorporate visual or aural indicators as described. The visual indicators shall be positioned so that viewing does not require human access to laser or collateral radiation in excess of the accessible emission limits of Class I and Table III.

(6) *Beam attenuator.* Each laser system classified as a Class II, III, or IV laser product shall be provided with one or more permanently attached means, other than laser energy source switch(es), electrical supply main connectors or the key-actuated master control, capable of preventing human access to all laser and collateral radiation in excess of the accessible emission limits of Class I and Table III.

(7) *Location of controls.* Each Class II, III, or IV laser product shall have operational and adjustment controls located so that human access to laser and collateral radiation in excess of the accessible emission limits of Class I and Table III of paragraph (d) of this section is unnecessary for operation or adjustment of controls.

(8) *Viewing optics.* All viewing optics, viewports, and display screens incorporated into a laser product, regardless of its class, shall attenuate at all times the accessible levels of transmitted laser and collateral radiation to less than the accessible emission limits of Class I and Table III of paragraph (d) of this section. For any shutter or variable attenuator incorporated into such viewing optics, viewpoints, or display screens, a means shall be provided:

(i) To prevent human access to laser and collateral radiation in excess of the accessible emission limits of Class I and Table III of paragraph (d) of this section whenever the shutter is opened or the attenuator varied; and,

(ii) To preclude, upon faliure of such means as required in paragraph (f)(8)(i) of this section, opening the shutter or varying the attenuator when human access is possible to transmitted laser or collateral radiation in excess of the accessible emission limits of Class I and Table III of paragraph (d) of this section.

(9) *Scanning safeguard.* Laser products which emit accessible scanned laser radiation shall not, as a result of scan failure or other failure causing a change in either scan velocity or amplitude, permit human access to laser radiation in excess of the accessible emission limit(s) which are applicable to the scanned laser radiation when the product is functioning as intended.

(g) *Labeling requirements.* In addition to the requirements of §§ 1010.2 and 1010.3 of this chapter, each laser product shall be subject to the applicable labeling requirements of this paragraph.

(1) *Class II designation and warning.* Each Class II laser product shall have affixed a label bearing the warning logotype A (Figure 1 in this paragraph) and including the following wording:

(Position 1 on the logotype)
"LASER RADIATION—DO NOT STARE INTO BEAM"; and,
(Position 3 on the logotype)
"CLASS II LASER PRODUCT".

WARNING LOGOTYPE A

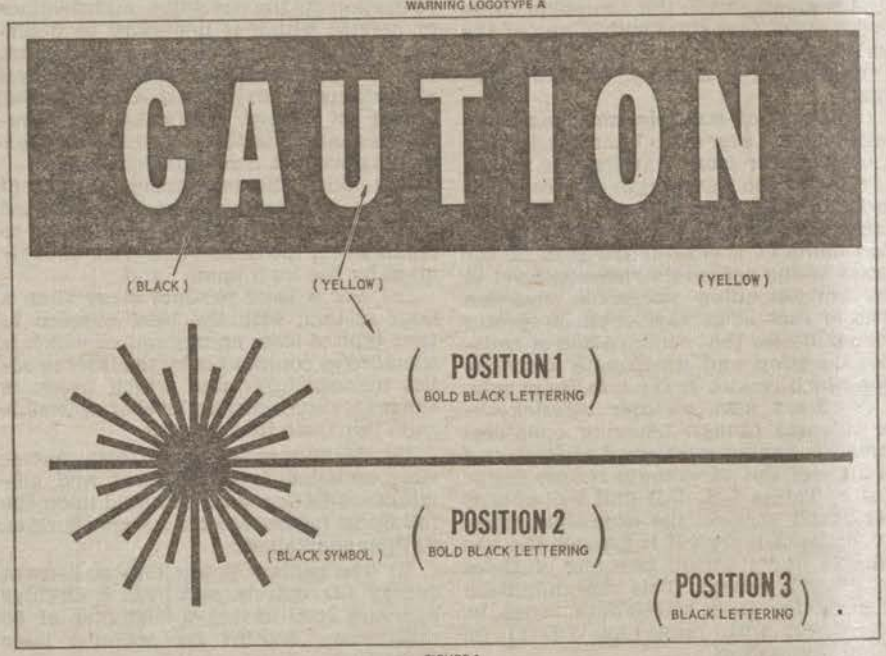

FIGURE 1

(2) *Class III designation and warning.* (i) Each laser product classified in Class III solely because of the emission of accessible laser radiation for emission durations greater than 3.8×10^{-4} second and in the wavelength range of greater than 400 nm but less than or equal to 700 nm, with an irradiance of less than or equal to 2.5×10^{-3} W cm^{-2} and with a peak radiant power of less than or equal to 5.0×10^{-3} W shall have affixed a label bearing the warning logotype A (Figure 1 of paragraph (g)(1) of this section) and including the following wording:

(Position 1 on the logotype)
"LASER RADIATION—DO NOT STARE INTO THE BEAM OR VIEW DIRECTLY WITH OPTICAL INSTRUMENTS"; and,
(Position 3 on the logotype)
"CLASS III LASER PRODUCT".

(ii) Each Class III laser product other than those described in paragraph (g)(2)(i) of this section shall have affixed a label bearing the warning logotype B (Figure 2 in this paragraph) and including the following wording:

(Position 1 on the logotype)
"LASER RADIATION—AVOID EXPOSURE TO BEAM"; and,
(Position 3 on the logotype)
"CLASS III LASER PRODUCT".

WARNING LOGOTYPE B

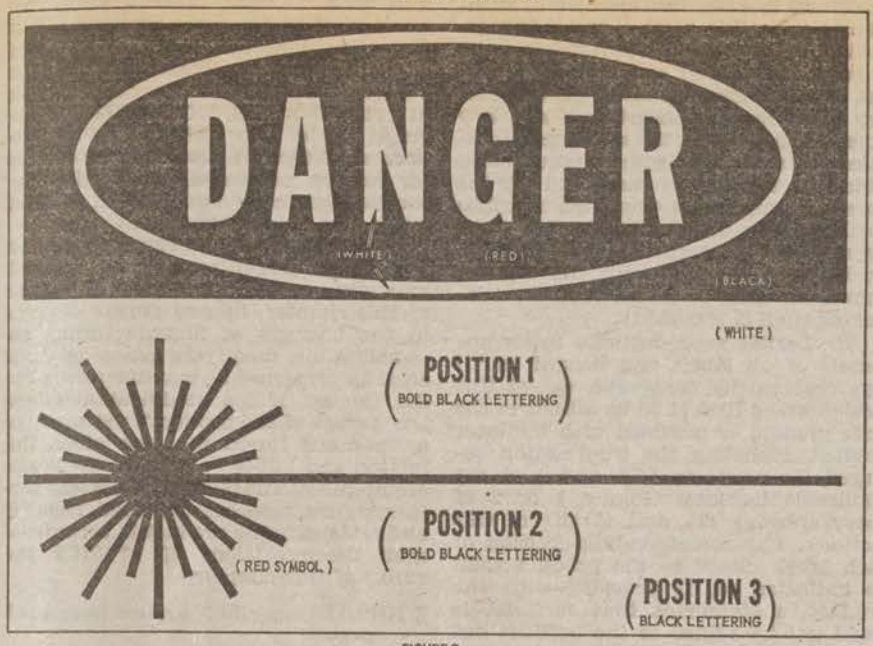

FIGURE 2

(3) *Class IV designation and warning.* Each Class IV laser product shall have affixed a label bearing the warning logotype B (Figure 2 of paragraph (g) (2) (ii) of this section), and including the following wording:

(Position 1 on the logotype)
"LASER RADIATION—AVOID EYE OR SKIN EXPOSURE TO DIRECT OR SCATTERED RADIATION"; and,
(Position 3 on the logotype)
"CLASS IV LASER PRODUCT".

(4) *Aperture label.* Each laser product, except medical laser products, shall have affixed, in close proximity to each aperture through which is emitted accessible laser or collateral radiation in excess of the accessible emission limits of Class I and Table III of paragraph (d) of this section, a label(s) bearing the following wording: "AVOID EXPOSURE—Radiation is emitted from this aperture."

(5) *Radiation output information.* Each Class II, III, and IV laser product shall state in appropriate units, at position 2 on the required warning logotype, the maximum output of laser radiation, the pulse duration when appropriate, and the laser medium or emitted wavelength(s).

(6) *Labels for noninterlocked protective housings.* For each laser product, labels shall be provided for each portion of the protective housing having no safety interlock, which is designed to be displaced or removed during operation, maintenance or servicing, and which thereby could permit human access to laser or collateral radiation in excess of the limits of Class I and Table III in paragraph (d) of this section. Such labels shall be visible on the protective housing prior to displacement or removal of the protective housing and visible on the product in close proximity to the opening created by removal or displacement of the protective housing, and shall include the wording:

(i) "CAUTION—Laser radiation when open. DO NOT STARE INTO BEAM." for accessible laser radiation:

(*a*) In excess of the accessible emission limits of Class I for emission durations greater than 0.25 second and in the wavelength range greater than 400 nm but less than or equal to 700 nm; and,

(*b*) Not in excess of the accessible emission limits of Class II; and,

(*c*) Not in excess of the accessible emission limits of Class I for any other combination of wavelength(s) and emission duration(s).

(ii) "CAUTION—Laser radiation when open. DO NOT STARE INTO BEAM OR VIEW DIRECTLY WITH OPTICAL INSTRUMENTS." for accessible laser radiation:

(*a*) In excess of the accessible emission limits of Class II; and,

(*b*) In excess of neither an irradiance of 2.5×10^{-3} W cm^{-2} nor a peak power of 5.0×10^{-3} W for emission durations greater than 3.8×10^{-4} second for wavelengths greater than 400 nm but less than or equal to 700 nm; and,

(*c*) Not in excess of the accessible emission limits of Class I for any other combination of wavelength(s) and emission duration(s).

(iii) "DANGER—Laser radiation when open. AVOID DIRECT EXPOSURE TO BEAM." for accessible laser radiation:

(*a*) Not in excess of the accessible emission limits of Class III for all wavelengths; and either,

(*b*) In excess of either an irradiance of 2.5×10^{-3} W cm^{-2} or a peak power of 5.0×10^{-3} W for emission durations greater than 3.8×10^{-4} second for wavelengths greater than 400 nm but less than or equal to 700 nm; or,

(*c*) In excess of the accessible emission limit of Class I for any other wavelength.

(iv) "DANGER—Laser radiation when open. AVOID EYE OR SKIN EXPOSURE TO DIRECT OR SCATTERED RADIATION." for accessible laser radiation in excess of the accessible emission limits of Class III for all wavelengths.

(v) "CAUTION—Hazardous electromagnetic radiation when open." for collateral radiation in excess of the accessible emission limits in Table III, item 1 of paragraph (d) of this section.

(vi) "CAUTION—Hazardous x-ray radiation when open." for collateral radiation in excess of the accessible emission limits in Table III, item 2 of paragraph (d) of this section.

(7) *Labels for defeatably interlocked protective housings.* For each laser product, labels shall be provided for each defeatably interlocked protective housing which is designed to be displaced or removed during operation, maintenance or servicing, and which thereby could permit human access to laser or collateral radiation in excess of the limits of Class I or Table III in paragraph (d) of this section. Such labels shall be visible on the protective housing prior to displacement or removal of the protective housing and visible on the product in close proximity to the opening created by the removal or displacement of the protective housing, and shall include the wording:

(i) "CAUTION—Laser radiation when open and interlock defeated. DO NOT STARE INTO BEAM." for accessible laser radiation:

(*a*) In excess of the accessible emission limits of Class I for emission durations greater than 0.25 second and in the wavelength range greater than 400 nm but less than or equal to 700 nm; and,

(*b*) Not in excess of the accessible emission limits of Class II; and,

(*c*) Not in excess of the accessible emission limits of Class I for any other combination of wavelength(s) and emission duration(s).

(ii) "CAUTION — Laser radiation when open and interlock defeated. DO NOT STARE INTO BEAM OR VIEW DIRECTLY WITH OPTICAL INSTRUMENTS." for accessible laser radiation:

(*a*) In excess of the accessible emission limits of Class II; and,

(*b*) In excess of neither an irradiance of 2.5×10^{-3} W cm^{-2} nor a peak power of 5.0×10^{-3} W for emission durations greater than 3.8×10^{-4} second for wavelengths greater than 400 nm but less than or equal to 700 nm; and,

(*c*) Not in excess of the accessible emission limits of Class I for any other combination of wavelength(s) and emission duration(s).

(iii) "DANGER—Laser radiation when open and interlock defeated. AVOID DIRECT EXPOSURE TO BEAM." for accessible laser radiation:

(*a*) Not in excess of the accessible emission limits of Class III for all wavelengths; and either,

(*b*) In excess of either an irradiance of 2.5×10^{-3} W cm^{-2} or a peak power of 5.0×10^{-3} W for emission durations

greater than 3.8×10^{-4} second for wavelengths greater than 400 nm but less than or equal to 700 nm; or,

(c) In excess of the accessible emission limit of Class I for any other wavelength.

(iv) "DANGER—Laser radiation when open and interlock defeated. AVOID EYE OR SKIN EXPOSURE TO DIRECT OR SCATTERED RADIATION." for accessible laser radiation in excess of the accessible emission limits of Class III for all wavelengths.

(v) "CAUTION—Hazardous electromagnetic radiation when open and interlock defeated." for collateral radiation in excess of the accessible emission limits in Table III, item 1 of paragraph (d) of this section.

(vi) "CAUTION — Hazardous x-ray radiation when open and interlock defeated." for collateral radiation in excess of the accessible emission limits in Table III, item 2 of paragraph (d) of this section.

(8) *Warning for invisible radiation.* On the labels specified in this paragraph and § 1040.11, if the wavelength(s) of the laser or collateral radiation referred to is:

(i) Less than or equal to 400 nm or greater than 700 nm, the word "invisible" shall appropriately precede the word "radiation"; or,

(ii) In the range specified in paragraph (g) (8) (i) of this section and also within the range of greater than 400 nm but less than or equal to 700 nm, the words "visible and invisible" shall appropriately precede the word "radiation".

(9) *Positioning of labels.* All labels affixed to a laser product shall be positioned so as to make unnecessary, during reading, human access to laser and collateral radiation in excess of the accessible emission limits of Class I and Table III of paragraph (d) of this section.

(10) *Label specifications.* Labels required by this paragraph and § 1040.11 shall be permanently affixed to the laser product, legible, and clearly visible during operation, maintenance or service as appropriate. If the size, configuration, or design of the laser product would preclude compliance with the requirements for any required label, the Director, Bureau of Radiological Health, may approve alternate means of providing such label(s).

(h) *Informational requirements*—(1) *User information.* Manufacturers of laser products shall provide as an integral part of any user instruction or operation manual which is regularly supplied with the product, or, if not so supplied, shall cause to be provided with each laser product:

(i) Adequate instructions for proper assembly and safe use including clear warnings concerning precautions to avoid possible exposure to laser and collateral radiation in excess of the accessible emission limits in Tables I–A, I–B, I–C and III of paragraph (d) of this section, and a schedule of maintenance necessary to keep the product in compliance with this section and § 1040.11.

(ii) A statement in appropriate units of pulse duration(s) and maximum output, with the magnitudes of the cumulative measurement uncertainty and any expected increase in the measured quantities at any time after manufacture added to the values measured at the time of manufacture (duration of pulses resulting from unintentional mode-locking need not be specified; however, those conditions associated with the product known to result in unintentional mode-locking shall be specified).

(iii) Legible reproductions (color optional) of all labels and hazard warnings required by paragraph (g) of this section and § 1040.11 to be affixed to the laser product or provided with the laser product, including the information required for positions 1, 2, and 3 of the applicable logotype (Figure 1 or 2 of paragraph (g) (1) and (2) (ii) of this section). The corresponding position of each label affixed to the product shall be indicated or, if provided with the product, a statement that such labels could not be affixed to the product but were supplied with the product and a statement of the form and manner in which they were supplied shall be provided.

(iv) A listing of controls, adjustments and procedures for operation and maintenance, including the warning "Caution—use of controls or adjustments or performance of procedures other than those specified herein may result in hazardous radiation exposure."

(v) In the case of laser products other than laser systems, a statement of the compatibility requirements for a laser energy source that will assure compliance of the laser product with this section and § 1040.11.

(2) *Purchasing and servicing information.* Manufacturers of laser products shall provide or cause to be provided:

(i) In all catalogs, specification sheets and descriptive brochures pertaining to each laser product, a legible reproduction (color optional) of the warning logotype required to be affixed to that product, including the information required for positions 1, 2, and 3 of the applicable logotype (Figure 1 or 2 under paragraph (g) (1) and (2) (ii) of this section).

(ii) To servicing dealers and distributors, and to others upon request at a cost not to exceed the cost of preparation and distribution, adequate instructions for service adjustments and service procedures for each laser product model including clear warnings and precautions to be taken to avoid possible exposure to radiation and a schedule of maintenance necessary to keep the product in compliance with this section and § 1040.11; and, in all such service instructions a listing of those controls and procedures which could be utilized by persons other than the manufacturer or his agents to increase accessible emission levels of radiation, and a clear description of the location of displaceable portions of the protective housing which could allow access to laser or collateral radiation in excess of the accessible emission limits in Tables I–A, I–B, I–C and III of paragraph (d) of this section. The instructions shall include protective procedures for service personnel, and legible reproductions (color optional) of required labels and hazard warnings.

(i) *Modification of a certified product.* The modification of a laser product, previously certified pursuant to § 1010.2 of this chapter, by any person engaged in the business of manufacturing, assembling or modifying laser products shall be construed as manufacturing under the act if the modification affects any aspect of the product's performance or intended function(s) for which this section and § 1040.11 have an applicable requirement. The manufacturer who performs such modification shall recertify and reidentify the product in accordance with the provisions of §§ 1010.2 and 1010.3 of this chapter.

§ 1040.11 Specific purpose laser products.

(a) *Medical laser products.* Each medical laser product shall comply with all of the applicable requirements of § 1040.10 for laser products of its class. In addition, the manufacturer shall:

(1) On Class III or IV laser products, incorporate in each medical laser product a means for the measurement of the level of that laser radiation intended for irradiation of the human body with an error in measurement of no more than ±20 percent when calibrated in accordance with paragraph (a) (2) of this section. Indication of the measurement shall be in International System Units.

(2) Supply with each medical laser product instructions specifying a procedure and schedule for calibration of the measurement system required by paragraph (a) (1) of this section.

(3) Affix to each medical laser product, in close proximity to each aperture through which is emitted accessible laser or collateral radiation in excess of the accessible emission limits of Class I and Table III of § 1040.10(d), a label bearing the wording: "Radiation is emitted from this aperture."

(b) *Surveying, leveling, and alignment laser products.* Each surveying, leveling, or alignment laser product shall comply with all of the applicable requirements of § 1040.10 for a Class I, Class II, or Class III laser product and, in addition:

(1) Shall not permit human access to laser radiation in the wavelength range of greater than 400 nm but less than or equal to 700 nm with a peak radiant power that exceeds 5×10^{-3} W for any sampling interval greater than 3.8×10^{-4} second; and,

(2) Shall not permit human access to laser radiation in excess of the accessible emission limits of Class I for any other combination of emission duration and wavelength range.

(c) *Demonstration laser products.* Each demonstration laser product shall comply with all of the applicable requirements of § 1040.10 for a Class I or Class II laser product and shall not permit human access to laser radiation in excess of the accessible emission limits of Class I and Class II as applicable.

Interested persons may, on or before October 4, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 19, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

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